

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 13, 2023

8:15 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 1 of 7**

Kim Taylor,

Defendant.

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TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:      RON TIMMONS, ESQ.  
Assistant United States Attorney  
Ho-Chunk Centre - Suite 670  
600 Fourth Street  
Sioux City, IA 51101

RICHARD B. EVANS, ESQ.  
LAUREN CASTALDI, ESQ.  
Trial Attorneys  
10th Floor  
1301 New York Avenue NW  
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For the Defendant:    F. MONTGOMERY BROWN, ESQ.  
F.M. Brown Law Firm  
Suite 108  
1001 Office Park Road  
West Des Moines, IA 50265

Also present:            Matthew Murphy

Reported by:            Shelly Semmler, RDR, CRR  
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1           (Proceedings convened outside the presence of the  
2 jury venire.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004,  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MR. TIMMONS: Morning, Your Honor. Ron Timmons  
8 on behalf of the United States. Seated with me at  
9 counsel table is Attorneys Lauren Castaldi and Rich Evans  
10 from the DOJ's Public Integrity Section.

11          THE COURT: All right. Good morning to all of  
12 you.

13          MR. EVANS: Morning, Your Honor.

14          MR. BROWN: Morning, Your Honor. F. Montgomery  
15 Brown for the defendant.

16          THE COURT: All right. Good morning to both of  
17 you. And for the record, Ms. Taylor is present.

18          We are here for a final pretrial conference in  
19 advance of jury selection which is scheduled to start  
20 around 9:00 this morning. I have a few items on my list,  
21 and then I'll certainly open things up for any discussion  
22 or questions that others may have.

23          We've had some e-mails recently about the trial  
24 schedule and the length of trial, and I just want to  
25 confirm all of that on the record. I understand the

1 current plan would be to go all of this week and now two  
2 days next week which is Thanksgiving week -- so that  
3 would be Monday and Tuesday of next week -- and then come  
4 back and plan on another full week starting the Monday  
5 after Thanksgiving. That would give us a total of 12  
6 trial days. Do the parties believe we can accomplish  
7 this trial in that period of time? And I'll start with  
8 Mr. Timmons or whoever wants to speak for the United  
9 States.

10 MR. TIMMONS: Yes, Your Honor. I believe we  
11 can accomplish the trial in that time, and I guess we'll  
12 keep a pulse on it, but as things progress, we're also  
13 optimistic that it could be shorter.

14 THE COURT: All right. And, Mr. Brown, any  
15 concerns or thoughts about that trial schedule?

16 MR. BROWN: No, sir.

17 THE COURT: Okay. Thank you. That's what  
18 we'll plan on. And part of the reason I wanted to talk  
19 about that is I'll have to tell the jury what we plan on,  
20 of course, for a schedule and find out about any hardship  
21 situation, so that's what I'll tell them the plan is.

22 I do plan on doing the 8:30-to-2:30 schedule every  
23 day after today which means just a couple of short breaks  
24 and then stopping by around 2:30 every day. Part of the  
25 reason for that is I often have to schedule other

1 hearings late in the afternoon. But I do know there are  
2 some times at least currently where I don't have hearings  
3 scheduled late in the day. So as we proceed, if the  
4 parties get concerned that we're falling behind, we can  
5 talk about possibly going an extra hour or so on some  
6 days down the road. But today we'll have a more normal  
7 trial schedule, plan on going until about 5:00 with a  
8 lunch break at whatever time turns out to be convenient.

9 Starting tomorrow we'll be on the 8:30-to-2:30  
10 schedule unless, as we proceed, we -- and this is  
11 something we'd talk about in advance, of course, but we  
12 decide to go a bit longer on some days as necessary.

13 I did want to mention juror qualifications. I  
14 received the government's report about juror criminal  
15 histories. There was one juror, Number 169, who seems to  
16 be potentially disqualified. I don't know if that juror  
17 is actually here today or not. But typically what I do  
18 if I have any concerns is I'd ask that that juror be  
19 brought in first before the other jurors so we can ask  
20 them questions to see if that juror truly is qualified or  
21 disqualified. Any concern about that, Mr. Timmons?

22 MR. TIMMONS: No concern about that. I do have  
23 a couple more identified jurors that I'd like to bring to  
24 the Court's attention when you see fit.

25 THE COURT: Sure. First with regard to Juror

1 169, Mr. Brown, any concerns about if he is here bringing  
2 him in and asking him some questions ahead of time?

3 MR. BROWN: Not at the moment, Your Honor.

4 THE COURT: Okay. And then, Mr. Timmons, other  
5 jurors you might be concerned about?

6 MR. TIMMONS: Yes. There are two in terms of  
7 criminal history. Number 13 I highlighted in the  
8 criminal history memo is a Jennifer Whithaus. I'm just  
9 not sure what kind of conviction she has, Your Honor.  
10 We're not sure, so I'd like to talk to her about that.

11 And then in reading the juror questionnaires, Number  
12 22 -- this didn't come back in the criminal history  
13 memo -- Lacey Reynolds stated that she was federally  
14 indicted for selling drugs and having firearms.

15 THE COURT: Okay. Let's plan on having those  
16 jurors brought in. I think we can just bring them in as  
17 a group, the three of those.

18 Mr. Brown, are there any others you might have any  
19 concerns about?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Okay. We'll -- when we start jury  
22 selection, we'll start with just those three and ask them  
23 the questions.

24 Under Governor Reynolds' restoration of rights  
25 executive order which was several years ago now -- I

1 think it's order number 7 if I remember right -- for the  
2 most part anyone who has a disqualifying felony  
3 conviction but has served their sentence including any  
4 term of supervision and is no longer under any form of  
5 court supervision would be restored. That's my  
6 recollection and my understanding of the restoration memo  
7 and what we've typically applied. Any concern about  
8 applying that rule here, Mr. Timmons?

9 MR. TIMMONS: No, Your Honor.

10 THE COURT: Mr. Brown?

11 MR. BROWN: No, Your Honor.

12 THE COURT: Okay. I will assume then that if  
13 any of these individuals do have disqualifying  
14 convictions but have served their sentences and are no  
15 longer under any form of court supervision that they  
16 would be restored then and would be allowed to serve on  
17 the jury. But we'll just have to wait and see what we  
18 find out from each of them.

19 Anything else at this point about juror  
20 qualification issues? Mr. Timmons?

21 MR. TIMMONS: Just to flag for the Court, I  
22 also noticed Number 4, Juror Number 4, is Kayla  
23 Thongviseth. Quite a few statements about inability to  
24 understand English. Like to talk to her at some point as  
25 well.

1           THE COURT: Sure. And I don't have -- I think  
2 the clerk's office typically waits on the seating chart  
3 until they see who actually arrives here. So certainly  
4 if she ends up in our top 30 up front here, she'd be  
5 someone I'd want to talk to pretty quickly to see if  
6 she's able to understand the proceedings. But -- and if  
7 I forget, please flag that for me. If she ends up being  
8 seated in the top 30 up front here at any point during  
9 selection, we would want to raise that with her.

10           Anyone else at this point, Mr. Timmons, that you  
11 have concerns about?

12           MR. TIMMONS: No, Your Honor.

13           THE COURT: Mr. Brown?

14           MR. BROWN: No, Your Honor. I have a seating  
15 chart, so my reading of it is that Ms. Thongviseth is  
16 Number 7.

17           THE COURT: Okay. I have the one that went out  
18 last week, but I know they always do a different one  
19 after they see who checks in here today. So we'll -- if  
20 she is here, we'll take that up pretty quickly. Thank  
21 you.

22           Moving on to the Court's jury instructions, I filed  
23 the final set, at least for today's purposes, I believe  
24 last Thursday, November 9. They're on the docket at  
25 number 60-1. Before we talk about any specific concerns

1 or objections, I just want to make it clear that I do try  
2 to limit the initial set of instructions to instructions  
3 that I know are going to apply to the case. There's  
4 always the possibility that certain instructions such as  
5 some of the ones the defense has requested might also be  
6 given later in the case. But often I have to hear the  
7 evidence to determine whether or not to give those  
8 instructions.

9 So I want to make it clear I'm not making a final  
10 decision about any of the instructions I've decided not  
11 to give at this point, and I will rely on the parties to  
12 raise down the road as we get closer to the end of the  
13 trial any issues about adding instructions such as some  
14 of the ones the defense has submitted.

15 But at this point -- and I know I ruled on the  
16 objections that were in writing already. But any other  
17 record at this point about the Court's initial set of  
18 instructions? Mr. Timmons?

19 MR. TIMMONS: Nothing to add, Your Honor.

20 THE COURT: Mr. Brown?

21 MR. BROWN: Your Honor, I'd just like to reurge  
22 that the Court reconsider including the specified  
23 implicit bias language that we proposed and the  
24 government submitted as a joint proposed instruction.  
25 But I made my record with my objections filed at document

1 number 59 on the Court's proposed instructions and  
2 incorporate those fully by reference.

3 THE COURT: Sure. And on the issue of  
4 unconscious bias, I think I tried to explain my reasoning  
5 which is we already cover that in instruction 14. And I  
6 don't know why we would cover it twice. But is there a  
7 good reason for that?

8 MR. BROWN: Well, the proposed language that I  
9 proposed is additional language fleshing out that  
10 implicit bias issue even further. And I made it clear in  
11 my objections and my citations of authority that implicit  
12 bias against Asian Americans at least from some sources  
13 has been recognized as pretty high in the state of Iowa,  
14 and race and ethnicity are integral parts of this case  
15 for the reasons I set forth in my objection in very quick  
16 summary. And I think the additional language addresses  
17 those concerns, Your Honor.

18 THE COURT: Okay. Mr. Timmons, any additional  
19 thoughts from the government about adding the extra  
20 language about unconscious or implicit bias?

21 MR. TIMMONS: Your Honor, I think the Court has  
22 it right. Instruction number 14 covers it. My  
23 recollection is that he had language about unconscious  
24 bias, but regardless, I think it's covered in instruction  
25 14.

1           THE COURT: At this point I'm not going to add  
2 additional language. It's certainly a topic that I will  
3 address in jury selection. The parties are free to  
4 address it as well and try to flush out anyone who may  
5 have any biases that might apply to this case one way or  
6 the other.

7           But I do find the concept is covered adequately in  
8 the Court's instruction number 14, and there's no need  
9 for additional language. So I will -- just to make a  
10 clear record on that, I am, again, overruling the defense  
11 request on that.

12           Any other record about jury instructions at this  
13 point then, Mr. Timmons?

14           MR. TIMMONS: No, Your Honor.

15           THE COURT: Mr. Brown?

16           MR. BROWN: No, Your Honor.

17           THE COURT: Okay. Thank you. When I start  
18 jury selection this morning, what I typically do, just to  
19 give the jurors or potential jurors some idea of what the  
20 case is about, I typically read what turns out to be the  
21 second paragraph of instruction number 1 which starts, In  
22 an indictment, a grand jury has charged the defendant  
23 with three types of offenses. And it concludes with, The  
24 defendant has pled not guilty and is absolutely presumed  
25 not guilty, just to give the jury a quick idea or the

1 potential jurors a quick idea of what the case is about.

2 Any objection to me reading that paragraph to the  
3 potential jurors? Mr. Timmons?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: Mr. Brown?

6 MR. BROWN: No, sir.

7 THE COURT: All right. I will go ahead and do  
8 that pretty early during the jury selection process.

9 On the topic of jury selection, I did do an order a  
10 few weeks back about the serial strike method that I've  
11 been using, I think most of the judges in our court have  
12 been using. I don't know if the parties have had a  
13 chance to study that or if they have any questions. But  
14 any thoughts or concerns about using the serial strike  
15 method? Mr. Timmons?

16 MR. TIMMONS: No concerns, Your Honor.

17 THE COURT: Mr. Brown?

18 MR. BROWN: No, Your Honor. Never done it  
19 before that way, but I read the order multiple times. I  
20 think I understand how it's going to proceed.

21 THE COURT: Sure. And I'm happy to answer  
22 questions as we go.

23 One thing I might do based on some feedback -- and I  
24 didn't put this in the order, but I know there's been  
25 some concern about when I excuse all of the jurors and

1 then the parties have time to sit at the table and confer  
2 amongst themselves or amongst their clients about who  
3 might be someone to strike and who might not be someone  
4 to strike, it's sometimes hard to visualize if the jurors  
5 aren't here.

6         What I'm thinking about doing -- and I've never done  
7 this before, but I've been getting some feedback about  
8 it -- is once we're completely done, everybody has passed  
9 for cause, we have our 30 jurors in the box, spend about  
10 10 minutes of just silence where I stay in the courtroom,  
11 the jurors all stay here, everyone can kind of start that  
12 process of going through and trying to decide who to  
13 strike and who not to strike. And then I would go ahead  
14 and excuse the jurors, and I would leave, and we would  
15 take about another 10 minutes or 15 minutes, whatever it  
16 takes, for everyone to come back.

17         But that would just add about a 10-minute period  
18 where the jurors are actually still here. We're all just  
19 sitting quietly. It's always a little awkward when we do  
20 it, however we do the strike method. But at least then  
21 as you start the process of going through your list,  
22 you'd still have the jurors in the room.

23         Any concerns about trying it that way, Mr. Timmons?

24                 MR. TIMMONS: No. I think it's worth  
25 experimenting with. I think the awkwardness factor might

1 warrant shortening it a little bit, but it's a good idea.

2 THE COURT: Yeah. I'm just kind of thinking  
3 roughly 10 minutes, and if we see them all counting  
4 ceiling tiles or something, maybe it's time to let them  
5 go.

6 But, Mr. Brown, any thoughts about doing it that  
7 way?

8 MR. BROWN: That's fine, Your Honor. Thank  
9 you.

10 THE COURT: Okay. We'll try that and see how  
11 it goes, and if it works well, I can report to the other  
12 judges, and maybe we'll all change it going forward. But  
13 I will try to remember to have a roughly ten-minute time  
14 period for everyone to just be silent and have the jurors  
15 here in the room while you start making decisions.

16 Under the serial strike method, the last 2 jurors  
17 who are not struck -- because we are going to carry 2  
18 alternates during this trial, the last 2 as we go down  
19 the rows -- so it will be Number 13 and Number 14 -- will  
20 be the alternates then.

21 So if we get to the end of the trial, if we excuse 2  
22 jurors, it'd be Number -- the 13th and the 14th selected.  
23 If we're down a juror and we only need to excuse one,  
24 then the first option would be Number 14 if 14 is still  
25 available, otherwise 13 if we lost 14 at some point along

1 the way.

2 Any objections or concerns about that method for  
3 selecting the alternates? Mr. Timmons?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: Mr. Brown?

6 MR. BROWN: No, Your Honor.

7 THE COURT: All right. That's what we'll plan  
8 on doing. And hopefully we end up with all 14 at the  
9 end. That's always a nice problem to have. So we'll see  
10 how things go.

11 I have been through the exhibits. Both parties have  
12 submitted their exhibit lists and binders of exhibits,  
13 and I know, as is usually the case, there have been some  
14 last-minute substitutions or changes. And just for the  
15 record, from the government's exhibit list, either the  
16 exhibits or at least the descriptions with regard to  
17 Exhibit 1, Number 210, 218, 267, and 272 I believe have  
18 been changed, either the exhibit itself or the  
19 description on the list and in the Court's JERS system.  
20 Does that sound accurate, Mr. Timmons?

21 MR. TIMMONS: Yes, Your Honor.

22 THE COURT: All right. Thank you. And then  
23 starting with the government's list -- and I know the  
24 list that I was just provided this morning has some  
25 additional information about stipulated exhibits. I

1 tried to make a list of the ones that are stipulated.  
2 But this is probably obvious.

3 But just to make sure by stipulated then, is it the  
4 defense position that those exhibits can be preadmitted  
5 before opening statements? Mr. Brown, is that correct?

6 MR. BROWN: Yes, Your Honor.

7 THE COURT: All right. And is that what you  
8 would want to do, Mr. Timmons, is have all of those  
9 preadmitted?

10 MR. TIMMONS: Yes, Your Honor.

11 \* \* \* \*

12 (Government Exhibits 1-57, 59, 60, 62-64, 67,  
13 68, 78-81, 83, 87, 90, 91, 100, 102, 103, 108, 109, 118,  
14 120-122, 127, 128, 200-202, 228, 250, 256, 257, 259, 278,  
15 279, 283, 299-301, and 309 were offered.)

16 \* \* \* \*

17 THE COURT: And I'm going to go through the  
18 list that I was just given this morning just so we have a  
19 good record about which exhibits those are.

20 Starting with Exhibit 1 through 57 including a few  
21 of those have some subparts or subexhibits -- it looks  
22 like all of those are stipulated into evidence -- 59 and  
23 60, 62, 63, 64, 67 and 68, 78 through 81, 83, 87, 90 and  
24 91, 103, 108 and 109, 118, 120, 121, 122, 127 and 128,  
25 200, 201, and 202, 228, 250, 256, 257, 259, 278, 279,

1 283, 299, 300, 301, and 309.

2 Does that sound like an accurate current list of  
3 exhibits that are stipulated into evidence? Mr. Timmons,  
4 did I read that right?

5 MR. TIMMONS: You read that right, but it is my  
6 understanding that Mr. Brown has further stipulated to  
7 Exhibit 100 and 102.

8 THE COURT: Is that correct, Mr. Brown?

9 MR. BROWN: Yes.

10 THE COURT: Okay. So I won't read the whole  
11 list again. But I will add 100 and 102 then are also  
12 stipulated. All of those exhibits that I just read  
13 including the two that were just added are hereby  
14 received into evidence for purposes of this trial and  
15 need not be offered again in front of the jury. They may  
16 be discussed or displayed then at any time that's  
17 appropriate during the trial.

18 \* \* \* \*

19 (Government Exhibits 1-57, 59, 60, 62-64, 67,  
20 68, 78-81, 83, 87, 90, 91, 100, 102, 103, 108, 109, 118,  
21 120-122, 127, 128, 200-202, 228, 250, 256, 257, 259, 278,  
22 279, 283, 299-301, and 309 were admitted.)

23 \* \* \* \*

24 THE COURT: With regard to the other exhibits  
25 on the government's list that are not stipulated then, is

1 it simply a situation where the objection will be made if  
2 and when the exhibit is offered? Is that correct,  
3 Mr. Brown?

4 MR. BROWN: Yes, Your Honor.

5 THE COURT: All right. Any record on that at  
6 this point, Mr. Timmons?

7 MR. TIMMONS: No, Your Honor.

8 THE COURT: Okay. All of the other exhibits on  
9 the government's list then are currently not in evidence  
10 and will need to be offered and subject then to any  
11 objections that might be asserted by the defense.

12 With regard to the defense exhibit list, none of  
13 them on the -- at least the list that I have which is I  
14 think from last week, there are no objections noted, but  
15 I'm never sure what that means.

16 Mr. Timmons, what's the government's position with  
17 regard to the defense exhibits?

18 MR. TIMMONS: Your Honor, regarding the  
19 defendant's exhibits, we have a number of objections, and  
20 I apologize for the late notice. This is the first time  
21 this has occurred to me, but we don't have any indication  
22 how these exhibits are coming in and what Mr. Brown's  
23 witnesses are planning to say at trial.

24 A solution that I thought of in the wee hours of the  
25 morning this morning was that perhaps if Mr. Brown could

1 comply with the stipulated discovery order, paragraph 11,  
2 where he's required to provide us with notice of what the  
3 witnesses are going to say and perhaps how those  
4 witnesses are going to get his exhibits in, we could work  
5 that out. But otherwise we have a number of objections  
6 to pretty much all of his exhibits.

7 THE COURT: Sure. And that -- I understand  
8 completely, and maybe I should ask it in the reverse way.  
9 Are there any of the defense exhibits that the government  
10 is not objecting to and would agree that they can be  
11 preadmitted this morning?

12 MR. TIMMONS: Not at this time, but we're  
13 clearly willing to work that out.

14 THE COURT: Sure. And I think we'll just leave  
15 it that way then. I don't know when we're going to get  
16 to the defense case. But certainly if the parties work  
17 things out and there are some defense exhibits that  
18 become stipulated, I know the parties will let me know  
19 that. When we get to the defense case, if the government  
20 believes there are grounds to exclude witnesses or  
21 exhibits based on any failures to comply with the  
22 discovery order or the trial management order or  
23 otherwise, we can take those up at that time.

24 But at this point none of the defense exhibits will  
25 be received at the beginning of trial, and we'll just

1 take those up as we go and as we get either into  
2 cross-examination or into the defense case during trial.

3 Any other record at this time on the defense  
4 exhibits or the defense witness list? Mr. Timmons?

5 MR. TIMMONS: No, Your Honor. I do have  
6 something on the government's exhibits when you're ready.

7 THE COURT: Okay. Sure. Let's go ahead and  
8 conclude with the defense. Mr. Brown, any record at this  
9 time then about the defense exhibits or the defense  
10 exhibit list or any of the concerns Mr. Timmons has  
11 expressed?

12 MR. BROWN: Your Honor, I -- my anticipated  
13 plan is to attempt to lay foundation for most, if not  
14 all, those exhibits through the government's witnesses.  
15 I don't know how that changes Mr. Timmons' position, but  
16 I'll try to make my offer of proof outside the record as  
17 necessary or -- and whatever foundation I think. If the  
18 Court admits the exhibit, then they'll be displayed. If  
19 the Court does not, we can address that at the right  
20 time. But that's my intention.

21 THE COURT: Sure. We'll just play that one by  
22 ear then and see how it goes.

23 Mr. Timmons, with regard to government exhibits?

24 MR. TIMMONS: Yes, Your Honor. Couple of  
25 things. 58 and 61 are going to be withdrawn. And then

1 in our review of the government's exhibits, the best way  
2 to put it is that barring the category of -- and I can  
3 specify which ones these are in order whenever you're  
4 ready. Except for the documents that are described as,  
5 quote, unquote, voting documents or the unstipulated-to  
6 driver's license, we think the rest of those should come  
7 in under -- in light of the Court's ruling on the motion  
8 in limine.

9 THE COURT: All right. I was having trouble  
10 finding my current list. But the ones that are being  
11 withdrawn are 58 and -- is that right?

12 MR. TIMMONS: Correct.

13 THE COURT: And which one?

14 MR. TIMMONS: 61.

15 THE COURT: 61. And then you have others that  
16 you believe come in now because of the order in limine?

17 MR. TIMMONS: Say that again?

18 THE COURT: You have other exhibits on your  
19 list that you think should be received now based on the  
20 Court's order in limine?

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

22 THE COURT: All right. Do you want to go ahead  
23 and list those?

24 MR. TIMMONS: Yes, Your Honor.

25 THE COURT: Sure.

1           MR. TIMMONS: 101, 104, 105, 106, 107, 110, 111  
2 all the way through to 117, 119, 123 through 126, 203 to  
3 213, 214 to 227, 229 to 234, 235 to 249, 251 through 255,  
4 258, 260 down to 276, 277, 280 through 282, 284, 302 down  
5 to 308, 310. And that's it.

6           THE COURT: And at this point I'm not going to  
7 make a final ruling, but I -- and I certainly want to  
8 give Mr. Brown the opportunity to absorb that as well.  
9 But, Mr. Brown, any initial reaction to the government's  
10 position that the exhibits Mr. Timmons just listed become  
11 admissible based on the Court's ruling on the motions in  
12 limine?

13           MR. BROWN: Well, the defendant does not  
14 waive -- we do not waive the previous objection made to  
15 those exhibits for the reasons stated in our resistance  
16 to the omnibus motion and our motion in limine. I want  
17 to make sure I make a proper record on Rule 403 and  
18 404(b) on each one of these exhibits.

19           And I think subject to -- even though the Court has  
20 ruled that this evidence as it is may be admissible under  
21 404(b), I don't believe the Court's made a declarative  
22 ruling that each and every one of these exhibits is  
23 necessarily so. At some point in time even under 403  
24 absent relevant -- with relevance under 404(b) they  
25 become excessive, overburdensome to the jury, and

1 confusing. And so I want to make sure I continue to make  
2 proper record about that, Your Honor.

3 THE COURT: Understood. And I'm not making a  
4 decision at this point then. I'm going to go back at  
5 some point and review the exhibits either when we have  
6 our lunch break today or this evening, and ultimately  
7 each time the government decides to offer one of those,  
8 the defense can make a decision as to whether to object  
9 unless I make a more blanket ruling beforehand.

10 But at this point I have the list that Mr. Timmons  
11 provided. I will continue to look at the exhibits. But  
12 I am reserving ruling at this point as to the  
13 admissibility of those exhibits, and that's something  
14 that we'll continue to deal with then as we proceed with  
15 the trial.

16 Anything else about the government's exhibits,  
17 Mr. Timmons?

18 MR. TIMMONS: No, Your Honor.

19 THE COURT: Mr. Brown, anything about either  
20 the government exhibits or the defense exhibits at this  
21 point?

22 MR. BROWN: No, Your Honor.

23 THE COURT: Okay. Thank you. With regard to  
24 jury selection, again, once I finish my part -- and I  
25 suspect that's going to take a little longer due to the

1 length of the trial and some other issues that I'll be  
2 taking up with the jurors. But once I finish my part of  
3 voir dire, typically I would give the parties 45 minutes  
4 each then to do any follow-up or additional questioning.

5 Any request at this time for more time?

6 Mr. Timmons?

7 MR. TIMMONS: No, Your Honor.

8 THE COURT: Mr. Brown?

9 MR. BROWN: No, Your Honor. I just did have a  
10 question about this morning's schedule if we can get to  
11 that at some point in time.

12 THE COURT: No. Sure. Go ahead.

13 MR. BROWN: I'm sorry. We are running late  
14 today. I still got two boxes in the back of my truck.  
15 And I gotta retrieve those before we start really playing  
16 here, so is there going to be some break after the jury  
17 is picked before the Court brings us back for opening  
18 statements?

19 THE COURT: Yeah. There's going to be a few  
20 breaks, and maybe whichever one works best. Typically  
21 once I finish the pretrial conference which I think we're  
22 winding down on my list at least, it takes a while to get  
23 all the jurors in here. They fill up 30 here and then  
24 the back, of course. That usually takes 10 or 15  
25 minutes.

1 I'm sure we're going to have a lunch break at some  
2 time probably during jury selection depending on how  
3 quickly it goes. Certainly after jury selection, if we  
4 somehow manage to get done this morning, I would have a  
5 lunch break before we come back for opening statements.

6 So I think you're going to have opportunities.  
7 Probably midmorning even I'll take a break, a 10- or  
8 15-minute break just for everyone's benefit.

9 So there will be times for you. I'm guessing the  
10 lunch break might be the most convenient for you to get  
11 out and get whatever you need. But there will be times  
12 today before we get into opening statements where you can  
13 finish gathering all of your items and getting them in  
14 here. Does that seem like it would work?

15 MR. BROWN: Yes, sir.

16 THE COURT: Okay. Great. We typically ask  
17 that opening statements be limited to about 30 minutes,  
18 closing arguments, 60 minutes. Does anybody at this  
19 point think they're going to be asking for more time?  
20 Mr. Timmons?

21 MR. TIMMONS: No, Your Honor.

22 THE COURT: Mr. Brown?

23 MR. BROWN: Yes, Your Honor. I anticipate  
24 closing arguments, given the volume of the exhibits and  
25 the way this number of counts and the 404(b) and the

1 grouping and how it's been grouped, I'm intending to  
2 request additional time for -- in closing remarks.

3 THE COURT: Sure. And let's just keep that  
4 open for now. We'll see how things play out, and we'll  
5 talk about that as we get closer to closing arguments. I  
6 certainly understand due to the number of counts and  
7 length of trial that it might be a legitimate case for  
8 additional time for closing.

9 What about the 30 minutes for opening statements?

10 MR. BROWN: I'm coming in right around that,  
11 Your Honor.

12 THE COURT: Okay. And I don't have a buzzer  
13 that goes off. Typically if someone's running a little  
14 long and it doesn't seem like they're planning to end any  
15 time soon, I'll give them a gentle reminder. But we'll  
16 plan on around 30 minutes for openings and then leave  
17 open the possibility of additional time for closing.

18 I know the government is supplying interpreters for  
19 some of the witnesses. Mr. Timmons, do you have the  
20 names of the interpreters handy?

21 MR. TIMMONS: I do, Your Honor.

22 THE COURT: Are they actually here right now?

23 MR. TIMMONS: Myhanh Che is here, yes, Your  
24 Honor.

25 THE COURT: Okay. And, ma'am, as long as

1 you're here, can you come up to the podium for a moment?

2 I just have to ask you a few questions. Good morning.

3 MS. CHE: Good morning, Your Honor.

4 THE COURT: And, ma'am, would you tell us your  
5 full name, and spell your last name for us.

6 MS. CHE: Myhanh Che, last name C-h-e.

7 THE COURT: Okay. And, ma'am, you will be  
8 providing -- is it Vietnamese language interpretation  
9 services?

10 MS. CHE: That's correct, Your Honor.

11 THE COURT: And are you a certified federal  
12 Vietnamese interpreter?

13 MS. CHE: I'm a skilled language federal  
14 interpreter.

15 THE COURT: Okay. So -- and I'm sorry. Are  
16 you certified then?

17 MS. CHE: No, I am not.

18 THE COURT: Okay. And that's -- because of  
19 that -- and that's perfectly fine, but I do have to just  
20 ask a few questions and then give the lawyers the chance  
21 to ask some questions as well. Ma'am, what are your  
22 training or credentials to serve as a courtroom  
23 interpreter?

24 MS. CHE: Yes, Your Honor. I been trained as  
25 an interpreter since 2008. I am on the roster for the

1 courts in the state of Iowa and Nebraska, skilled  
2 language interpreter for U.S. Supreme Courts, and I  
3 been -- I was born and raised in Vietnam, went to high  
4 school there, finished my high school here, obtained my  
5 bachelor degree at the University of Nebraska at Omaha,  
6 and I been actively involved in continuing education in  
7 the profession of judicial interpreter.

8 THE COURT: Okay. Great. And, ma'am, are you  
9 familiar with the standards for performance and  
10 professional responsibility for contract court  
11 interpreters in federal court?

12 MS. CHE: Yes, I am.

13 THE COURT: Okay. And do you understand that  
14 you are a neutral party to facilitate communication and  
15 that you're not allowed to offer advice or inject your  
16 opinions?

17 MS. CHE: I do understand.

18 THE COURT: Okay. Does either side have any  
19 questions at this point about the interpreter's  
20 qualifications? Mr. Timmons?

21 MR. TIMMONS: No, Your Honor.

22 THE COURT: Mr. Brown?

23 MR. BROWN: Just a few questions, Your Honor.

24 THE COURT: Sure.

25 MR. BROWN: It won't take very long.

1           Ma'am, do you claim that you are proficient in  
2 English-to-Vietnamese simultaneous translation?

3           MS. CHE: Yes.

4           MR. BROWN: And similarly, do you claim that  
5 you're proficient in simultaneous Vietnamese-to-English  
6 translation, in other words, the reverse?

7           MS. CHE: Yes.

8           MR. BROWN: And are you familiar with the  
9 various dialects of the Vietnamese language, northern,  
10 central, and southern dialects, and the differences  
11 thereof?

12          MS. CHE: Yes, I am aware.

13          MR. BROWN: No further questions, Your Honor.  
14 Thank you.

15          THE COURT: All right. Any objection from  
16 either party then for -- as far as the Court finding the  
17 interpreter to be qualified? Mr. Timmons?

18          MR. TIMMONS: No, Your Honor.

19          THE COURT: Mr. Brown?

20          MR. BROWN: No, Your Honor.

21          THE COURT: Okay. Thank you, ma'am. You  
22 are -- I find you are qualified, and you may provide  
23 interpretation services during this trial.

24          Mr. Timmons, are there other interpreters, or  
25 will -- just the one?

1 MR. TIMMONS: Just the one in court, Your  
2 Honor.

3 THE COURT: Okay. Great. If it turns out  
4 anyone else is going to be providing courtroom  
5 interpretation services, we'll go through the same  
6 process with them outside the presence of the jury.

7 Is there any record either party would like to make  
8 about plea offers or plea negotiations? Mr. Timmons?

9 MR. TIMMONS: Your Honor, I would note for the  
10 record that we made a plea offer in this case. It was  
11 dated May 15 of 2023. That offer was rejected by the  
12 defendant while she was represented by prior counsel. We  
13 made an inquiry with present counsel about that plea  
14 offer. He mentioned that he would confirm it with his  
15 client, and it did not -- it was also presumably  
16 rejected.

17 THE COURT: Okay. Thank you.

18 Mr. Brown, anything to add about plea negotiations  
19 or plea discussions?

20 MR. BROWN: No, Your Honor. The defendant  
21 wants a jury trial.

22 THE COURT: Okay. Thank you. Just a few final  
23 thoughts about how I typically proceed with trials. I  
24 typically allow questioning through recross, and then I  
25 assume that would be the end of the questioning. So if

1 there's any need for questioning beyond recross, make  
2 sure to let me know that, but otherwise I'll tell the  
3 witness that they may step down.

4 I guess I don't know at this point if there's any  
5 chance that any witnesses might be recalled, so until I  
6 know that, I would assume that even though a witness's  
7 current testimony might be over, they're not completely  
8 released or excused such that they'd be allowed to stay  
9 in the courtroom. I'm open to suggestion on that or  
10 certainly if -- what we could do is say that I would  
11 assume a witness is done completely unless one of the  
12 parties tells me that they would make some comment about  
13 the fact that the witness might be recalled.

14 Any thoughts on what we should do about that,  
15 Mr. Timmons?

16 MR. TIMMONS: No. I think that would be  
17 prudent, Your Honor.

18 THE COURT: Mr. Brown, any thoughts about how  
19 to handle that?

20 MR. BROWN: That's fine, Your Honor. We've  
21 listed Auditor Patrick Gill and Case Agent Mr. Murphy,  
22 Special Agent Murphy, as defense witnesses. So I intend  
23 to likely recall both of them.

24 THE COURT: With regard to any other witness  
25 then, once the testimony is complete the first time

1 they're called, I'm going to assume that that witness is  
2 excused or released. But if either party has a concern  
3 that they might want to recall the witness such that the  
4 witness should not be permitted to stay in the courtroom  
5 or leave town or whatever the situation might be, just  
6 make a note of that. Just say the witness might be  
7 subject to recall. Then I'll advise the witness  
8 accordingly. But otherwise I'm going to assume that once  
9 a witness has testified once and that testimony is  
10 complete that the witness is not going to be recalled.

11 As far as standing or sitting when addressing the  
12 Court, I'm perfectly fine with the attorneys remaining  
13 seated as long as you're close to a microphone.  
14 Obviously when addressing the jury in voir dire or  
15 arguments or opening statements, standing again. And we  
16 have lapel microphones if you like to wander or just  
17 stand at the podium or wherever. But mostly the message  
18 is be close to a microphone at all times so we can all  
19 hear you.

20 You don't need to ask permission to approach a  
21 witness. I don't think we're going to have any issues  
22 about attempts to intimidate a witness. If it becomes an  
23 issue, I'll say something, but otherwise as you need to  
24 approach witnesses, feel free to do so without asking  
25 permission.

1 I think I've covered everything I had on my list.  
2 Are there other questions or issues to take up at this  
3 time?

4 Mr. Timmons, do you know of any?

5 MR. TIMMONS: One thing I wanted to add about  
6 the witnesses. Agent Matt Murphy is our case agent, and  
7 he will be present throughout the trial. One issue I  
8 wanted to flag for the Court is the 801(d)(2)(E) issue in  
9 our trial brief. I don't know if the Court wanted to  
10 address that now or at the time of -- as we draw near the  
11 relevant witnesses' testimony.

12 THE COURT: Sure. Yeah. Let's go ahead and  
13 talk about it now. I understand that there is a  
14 likelihood that the government is going to rely on  
15 801(d)(2)(E) for some alleged co-conspirator statements.  
16 And when that occurs, what I do, I follow the procedures  
17 in United States versus Bell.

18 So if the defense has a hearsay objection to someone  
19 testifying about a particular out-of-court statement and  
20 the government believes that 801(d)(2)(E) applies, the  
21 government will just need to say Bell or 801(d)(2)(E).  
22 I'll then tell the jury that the statement is being  
23 conditionally admitted but that it's subject at the end  
24 of the government's case to a final ruling.

25 And if the government meets its burden of

1 establishing that there was a conspiracy, the statement  
2 was made in furtherance of the conspiracy, then I would  
3 tell the jury that the statement is fully admitted. If  
4 not, then we would have to talk about what the  
5 appropriate remedy is depending on circumstances, whether  
6 me simply telling the jury that the statement's not  
7 admitted or whether there might be grounds for a mistrial  
8 or other remedies. We'd have to take that up at the  
9 time.

10 But I will maintain a list of any of the objections  
11 that the government responds to with 801(d)(2)(E) or  
12 reference to United States versus Bell so at the end of  
13 the government's case we can take up those statements and  
14 make a final decision about admissibility.

15 Anything else on that point at this time?

16 Mr. Timmons?

17 MR. TIMMONS: Not at this time, Your Honor.

18 THE COURT: Mr. Brown?

19 MR. BROWN: So would "objection, Bell" be  
20 sufficient to preserve hearsay and any confrontation  
21 clause objection that that might encompass, Your Honor?

22 THE COURT: I think the defense objection would  
23 have to be hearsay and confrontation clause. And then  
24 the government's response to the objection would be Bell,  
25 801(d)(2)(E), whatever the government wants to say. But

1 I think just to make sure you're preserving all of your  
2 arguments, I'd make reference to it either being hearsay  
3 or confrontation clause, whatever the case might be.

4 And then as long as the government responds by  
5 stating that it's relying on 801(d)(2)(E), I presumably  
6 would conditionally admit the statement again subject to  
7 a final resolution at the end of the government's case.

8 Any other questions on that, Mr. Brown?

9 MR. BROWN: No, sir.

10 THE COURT: Okay. Thank you.

11 Mr. Timmons, other thoughts or questions from the  
12 government?

13 MR. TIMMONS: No, Your Honor.

14 THE COURT: Mr. Brown, any questions or issues  
15 from the defense at this time?

16 MR. BROWN: No. The Court has been more than  
17 gracious with its orders and the local rules, and I think  
18 I understand how the case is going to proceed. And we'll  
19 get through this jury selection in the manner the Court's  
20 prescribed.

21 THE COURT: Great. I do want to ask, as I talk  
22 to the juror about things like implicit bias and any  
23 other biases, it's my understanding from reading the  
24 materials that Ms. Taylor was born in Vietnam and is a  
25 naturalized United States citizen. Does the defense have

1 any objection to me telling the jury that?

2 MR. BROWN: Of course not, Your Honor.

3 THE COURT: Okay. I just wanted to make sure I  
4 had that right and that that was not some concern because  
5 I do want to explore that with the jury.

6 And just so no one is surprised, I'm also going to  
7 talk to the jury about the fact that this case involves  
8 the Republican party or candidates for Republican office.  
9 I know in these times we live in, that might be enough  
10 for some people to already know what the verdict's going  
11 to be, either one way or the other.

12 So I do want to talk to the jurors about that, that  
13 they're going to hear about Republican primary elections  
14 or Republican-elected official. Hopefully that doesn't  
15 cause anyone to already know how they're going to vote at  
16 the end of the trial one way or the other. But I do want  
17 to talk to the jurors about that.

18 So the Vietnamese community angle and the fact that  
19 the Republican party is going to be discussed or at least  
20 Republican elections are going to be discussed are things  
21 that I'll talk to the jurors about. Certainly the  
22 lawyers are free to follow up on those topics as well.

23 Anything else at this time then? Mr. Timmons?

24 MR. TIMMONS: No, Your Honor.

25 THE COURT: Mr. Brown?

1 MR. BROWN: No, Your Honor.

2 THE COURT: All right. We will take a break.  
3 It's 9:00 right now, and like I said earlier, it usually  
4 takes some time to get the jurors assembled. We do have  
5 the three that I want to bring in first, and I think I'll  
6 just have them seated in the jury box before we bring in  
7 the rest of the jurors, and I need to find my list again  
8 to make sure I know who we're going to be talking to.  
9 But I'll work with the clerk's office. I think they  
10 probably were already listening in. We'll make sure we  
11 get those three brought in first. And we will be in  
12 recess. Thanks, everyone.

13 (Recess at 9:01 a.m.)

14 THE COURT: Please be seated. We are in  
15 session outside the presence of any prospective jurors at  
16 this time. It's my understanding that we do have a few  
17 of the prospective jurors we talked about earlier who are  
18 ready to come in for some questions about their  
19 qualifications to serve. I believe it's Mr. Granados,  
20 and then there's Juror Whithaus and Juror Reynolds as  
21 well. Are those jurors ready to come in?

22 MS. HALBUR: We also have Brandy Helmhold also.

23 THE COURT: Okay. Thank you.

24 (Prospective Jurors Granados, Whithaus, Reynolds,  
25 and Helmhold entered the courtroom.)

1           THE COURT: Good morning. If each of you would  
2 have a seat in the front row here. I'm sure nobody wants  
3 to be told that they're being brought in apart from all  
4 of the other potential jurors. But we do have some  
5 questions for each of you.

6           One of the things we have to determine today is who  
7 is qualified, who's not qualified to serve on a jury.  
8 And we do have a few questions that have come up either  
9 from your questionnaires or from some other information.

10          And so I'm going to start with Mr. -- Mr. Granados?

11           PROSPECTIVE JUROR GRANADOS: Yes, sir.

12           THE COURT: And do we have a microphone handy?  
13 This is a big room, and it's hard to hear. So thank you.  
14 Good morning, sir.

15           PROSPECTIVE JUROR GRANADOS: Morning, sir.

16           THE COURT: And for some of you, the questions  
17 have to do with your -- any criminal history.

18          Sir, have you ever been convicted of a felony  
19 offense?

20           PROSPECTIVE JUROR GRANADOS: Yes, sir.

21           THE COURT: Are you currently serving any kind  
22 of supervision or have any court requirements regarding  
23 that offense?

24           PROSPECTIVE JUROR GRANADOS: I have to report  
25 quarterly to the sheriff's office.

1 THE COURT: What year was your conviction, sir?

2 PROSPECTIVE JUROR GRANADOS: 2014.

3 THE COURT: And you report to the sheriff's  
4 office quarterly. Do you have any kind of probation  
5 officer or any kind of rules like that?

6 PROSPECTIVE JUROR GRANADOS: No, sir.

7 THE COURT: Okay. Any follow-up questions from  
8 the attorneys? Mr. Timmons?

9 MR. TIMMONS: Do you have any subsequent  
10 convictions, sir?

11 PROSPECTIVE JUROR GRANADOS: What does that  
12 mean, sir?

13 MR. TIMMONS: I'm sorry. After the conviction  
14 you're talking about.

15 PROSPECTIVE JUROR GRANADOS: Oh. Yes, sir. In  
16 2018.

17 MR. TIMMONS: And what -- was that a felony or  
18 a misdemeanor?

19 PROSPECTIVE JUROR GRANADOS: Felony as well.

20 MR. TIMMONS: Are you completed with that  
21 sentence?

22 PROSPECTIVE JUROR GRANADOS: Yes, sir.  
23 Everything's completed.

24 MR. TIMMONS: Nothing further, Your Honor.

25 THE COURT: Mr. Brown?

1 MR. BROWN: Yes, Your Honor.

2 I apologize, Mr. Granados. Are you on -- because of  
3 your 2014 matter, are you on any kind of special  
4 supervision?

5 PROSPECTIVE JUROR GRANADOS: I have to  
6 register.

7 MR. BROWN: Okay. Other than the registry  
8 requirement, are you under any other special term of  
9 supervision as a result of that --

10 PROSPECTIVE JUROR GRANADOS: No, sir.

11 MR. BROWN: -- 2014 matter?

12 PROSPECTIVE JUROR GRANADOS: No, sir.

13 MR. BROWN: Okay. Thank you.

14 Nothing further, Your Honor.

15 THE COURT: Okay. And what we're going to do  
16 is we'll just move on to the next juror. But thank you,  
17 Mr. Granados, for answering, and we'll just be a few  
18 minutes here.

19 We have -- is it Ms. Whithaus? Did I say that  
20 correctly?

21 PROSPECTIVE JUROR WHITHAUS: Here you go.  
22 Right here. Sorry. Hello.

23 THE COURT: Hi. Good morning.

24 PROSPECTIVE JUROR WHITHAUS: Good morning.

25 THE COURT: What's your last name, ma'am?

1 PROSPECTIVE JUROR WHITHAUS: Whithaus.

2 THE COURT: Okay. That's what I thought. I  
3 wanted to make sure I was saying it correctly. Ma'am, do  
4 you have any prior felony convictions?

5 PROSPECTIVE JUROR WHITHAUS: I do.

6 THE COURT: Have you completely served your  
7 sentence and any term of supervision for those?

8 PROSPECTIVE JUROR WHITHAUS: Yes.

9 THE COURT: And you don't have a parole or  
10 probation officer?

11 PROSPECTIVE JUROR WHITHAUS: No.

12 THE COURT: What year was your felony  
13 conviction or --

14 PROSPECTIVE JUROR WHITHAUS: I think my last  
15 one was 2017.

16 THE COURT: And again, you've completely served  
17 any sentence and any term of supervision then; is that  
18 correct?

19 PROSPECTIVE JUROR WHITHAUS: Yes.

20 THE COURT: Okay. Any follow-up from the  
21 attorneys? Mr. Timmons?

22 MR. TIMMONS: No, Your Honor.

23 THE COURT: Mr. Brown?

24 MR. BROWN: No thank you.

25 THE COURT: Okay. Thank you, ma'am.

1 I believe we have Ms. Reynolds. Good morning,  
2 ma'am.

3 PROSPECTIVE JUROR REYNOLDS: Good morning, sir.

4 THE COURT: Ma'am, do you have any prior felony  
5 convictions?

6 PROSPECTIVE JUROR REYNOLDS: Convictions, no.  
7 I've been charged, I believe, or I don't know the correct  
8 wording, but it's not on a record, but I've been arrested  
9 for a felony.

10 THE COURT: No actual conviction then?

11 PROSPECTIVE JUROR REYNOLDS: Correct.

12 THE COURT: Is anything pending right now, or  
13 are you done with all of that?

14 PROSPECTIVE JUROR REYNOLDS: Done with all  
15 that.

16 THE COURT: Okay. Thank you.

17 Any follow-up, Mr. Timmons?

18 MR. TIMMONS: No, Your Honor.

19 THE COURT: Mr. Brown?

20 MR. BROWN: No thank you.

21 THE COURT: Okay. Thank you.

22 And then I believe we have -- is it Miss Helmhold,  
23 Helmhold?

24 PROSPECTIVE JUROR HELMHOLD: Helmhold.

25 THE COURT: Helmhold?

1 PROSPECTIVE JUROR HELMHOLD: I'm sorry.

2 THE COURT: And, ma'am, your questions are  
3 going to be a little different. From your questionnaire  
4 and from some other information we received, we  
5 understand that you might have some hearing difficulties;  
6 is that correct?

7 PROSPECTIVE JUROR HELMHOLD: I am actually  
8 hearing impaired, and I didn't even hear what you just  
9 said.

10 THE COURT: Okay. And we do have headphones  
11 available, and I know you can't probably even hear me.  
12 But do you believe with headphones you might be able to  
13 hear what happens here in the courtroom?

14 PROSPECTIVE JUROR HELMHOLD: Probably not.  
15 It's more I have to read what's being spoken.

16 THE COURT: Okay. Any questions, Mr. Timmons?

17 MR. TIMMONS: No, Your Honor.

18 THE COURT: Mr. Brown?

19 MR. BROWN: No thank you, Your Honor.

20 THE COURT: Okay. Any other questions then for  
21 any of these potential jurors, Mr. Timmons?

22 MR. TIMMONS: No, Your Honor.

23 THE COURT: Mr. Brown?

24 MR. BROWN: No, sir.

25 THE COURT: Okay. I'm going to have each of

1 you -- you can go ahead and step back out, and I'll talk  
2 with the attorneys for a bit. But thank you.

3 (Prospective Jurors Granados, Whithaus, Reynolds,  
4 and Helmhold exited the courtroom.)

5 THE COURT: For the record, the four potential  
6 jurors we just spoke with have left the courtroom.

7 I guess I'll start with Miss Helmhold who has the  
8 hearing issues. I think she has a pretty good reason to  
9 be excused. Any thoughts on that, Mr. Timmons?

10 MR. TIMMONS: I would agree, Your Honor.

11 THE COURT: Mr. Brown?

12 MR. BROWN: Your Honor, there is ways to make  
13 accommodations. But it's not necessary in this matter.  
14 I don't -- I'd ask that the Court permit her excusal at  
15 this time.

16 THE COURT: Okay. And I did -- I'm not even  
17 sure if she understood what I was asking about headphones  
18 because we have had jurors with some hearing difficulty  
19 who we can accommodate with headphones. She didn't seem  
20 to think that was even an option. So I am going to  
21 excuse Miss Helmhold because of her situation with  
22 hearing difficulties.

23 Miss Whithaus and Ms. Reynolds both seem either to  
24 have no prior convictions, or their convictions are such  
25 that they've been fully served. They're no longer on

1 supervision, and they would be restored under the  
2 governor's restoration of rights orders.

3 Any objection to maintaining those two witnesses as  
4 part of our jury pool? Mr. Timmons?

5 MR. TIMMONS: No, Your Honor.

6 THE COURT: And I said witnesses. Those two  
7 potential jurors. Maintaining those as potential jurors  
8 in this case? And then Mr. Brown?

9 MR. BROWN: No, Your Honor.

10 THE COURT: Okay. Those two will remain.

11 I think the most interesting one is Mr. Granados.  
12 He clearly is required to register as a sex offender  
13 based on the conviction that was noted in the  
14 government's criminal history report. He indicates he's  
15 not under any form of supervision which I know Mr. Brown  
16 asked kind of the follow-up about special supervision  
17 which often happens at least in the state system, but he  
18 indicated he's not under any supervision. His  
19 registration requirement continues to apply, so he has to  
20 update quarterly with the sheriff's office. I've never  
21 had that situation come up.

22 What are the parties' thoughts about whether  
23 Mr. Granados is qualified or not? Mr. Timmons?

24 MR. TIMMONS: Your Honor, I would argue he's  
25 ineligible because he's still required to do something

1 that's court ordered as part of his sentence.

2 THE COURT: All right. Mr. Brown, any thoughts  
3 on Mr. Granados?

4 MR. BROWN: I tend to agree, but I didn't want  
5 to embarrass him, but I tend to think he received at  
6 least a 10-year or up to life period of what they call  
7 special term of release and in Chapter 900, et al., in  
8 the Iowa Code. Maybe he fell into one of the limited  
9 exceptions, but I think the sex offender registry  
10 requirement of at least ten years is a criminal justice  
11 sentence that he is continuing to serve, Your Honor.

12 THE COURT: Okay. And I agree as well with the  
13 parties. Like I said, I've not had the situation where  
14 it's someone who continues to have to require (sic) but  
15 indicates they're not under any supervision, but I do  
16 think the fact that Mr. Granados continues to have to  
17 register under his sentence for the prior conviction does  
18 disqualify him. So I will have him excused, and we'll  
19 have to readjust, I think, our seating chart a bit  
20 because he was in the top 30 I know. And that may take a  
21 few moments.

22 Before we take another hopefully short break, there  
23 was also discussion earlier about Ms. Thongviseth,  
24 T-h-o-n-g-v-i-s-e-t-h. I did read her questionnaire  
25 again during the short break we had. Several times she

1 mentions that she's not fluent or doesn't understand  
2 English. Would the parties like to have her brought in  
3 as well, or what are the parties' thoughts about her?  
4 She is currently in the top 30 on the seating chart.  
5 Mr. Timmons?

6 MR. TIMMONS: If it's necessary, I'd like to  
7 bring her in.

8 THE COURT: Sure. Mr. Brown, any thoughts on  
9 that?

10 MR. BROWN: No objection.

11 THE COURT: Okay. Let's -- I don't think we  
12 had asked for her to be brought in, so it might take a  
13 few minutes. Let's go ahead and take about a five-minute  
14 break, and we'll talk with her and then hopefully move on  
15 to the rest of the panel after that. We'll be in recess.

16 MR. BROWN: Your Honor, at some point in time  
17 after we pick the jury, I have a few additional questions  
18 for the interpreter that came up. But we don't have to  
19 do that until we -- later on.

20 THE COURT: Okay. Sure. Thank you.

21 (Recess at 9:31 a.m.)

22 (The jury venire entered the courtroom.)

23 THE COURT: Good morning, everyone. Before you  
24 have a seat, I do have to administer an oath to everyone  
25 who's been called here as a potential juror. So would

1 all of you please raise your right hands.

2 (The jury venire was sworn.)

3 THE COURT: Okay. Thank you. Please be  
4 seated, everyone. Good morning. My name is Leonard  
5 Strand. I'm a United States District Court judge based  
6 here in Sioux City. I am a Sioux City native, was born  
7 and raised here, went to West High School a very long  
8 time ago, and then went off to Iowa City for college and  
9 law school. I practiced law in Cedar Rapids for a long  
10 time and then back in 2012 had the opportunity to come  
11 back here to my hometown to be a federal judge, and it  
12 was a great decision. And I just wanted to give you that  
13 by way of a brief introduction because we'll be asking  
14 all of you some questions today as well.

15 I know you're all wondering why are -- why am I  
16 here, what is all of this about, how is this going to  
17 impact my day and perhaps beyond my day, so what I'll  
18 tell you to start with -- and you'll get more information  
19 as we proceed today -- is we are here to select a jury  
20 for a case that I'll tell you more about in a few  
21 moments.

22 The process today, it can take anywhere from several  
23 hours to all day. It just -- every case is different.  
24 But I would at least expect that we'll be here until  
25 roughly 1:00. If we're still with jury selection and

1 still proceeding with jury selection by about 1:00, I  
2 would stop and take a lunch break. Certainly if you are  
3 selected to be on this jury, you would plan on being here  
4 then until about 5:00 today when we would break for the  
5 day. But after I ask all of you a series of questions,  
6 the attorneys will have an opportunity to ask additional  
7 questions as well.

8         When we are asking questions, we're talking to the  
9 30 people who are up front here, but I would ask everyone  
10 in the back to pay close attention because there are  
11 instances in which we might have to excuse someone who's  
12 up in the front. We would randomly call one of you then  
13 to come join the group of 30 up here. And one of the  
14 first things we would ask is if you have listened to the  
15 questions and if you would have raised your hand or  
16 answered yes to any of the questions, then we would try  
17 to catch up and talk about that. So even if you're not  
18 in the front right now, please pay close attention as we  
19 proceed today just in case you are called up here.

20         This process is called voir dire. It's a French  
21 term that means to speak the truth. And the idea is all  
22 of you are now under oath and are required to answer  
23 truthfully to various questions we might ask about your  
24 qualifications to be jurors. No one wants to embarrass  
25 or cause anyone any shame or bad feelings. The entire

1 point of all of this is to find jurors who can be fair  
2 and impartial. And so we'll be asking things about prior  
3 knowledge of the case or thoughts or attitudes or  
4 opinions you might have that might make it hard for you  
5 to be impartial in this case. But that is the sole  
6 purpose.

7 As the judge in this case, my most important job is  
8 to make sure that both sides get a fair trial. Part of  
9 that includes making sure we have jurors who will be  
10 open-minded, fair and impartial, listen to all of the  
11 evidence, and decide the case based only on the evidence  
12 and the jury instructions that the Court will give if  
13 you're selected as a juror. So that is truly the entire  
14 purpose of all of this.

15 It might seem -- sometimes you might wonder what's  
16 the point of this question or that question. Truly all  
17 we're trying to do is to make sure we end up with jurors  
18 in this case who are fair and impartial.

19 I want to talk a bit about the other parties  
20 involved and the other people in the courtroom. I'll  
21 have the lawyers a little later introduce themselves and  
22 the people at their tables and tell you a little more  
23 about some names you might hear during the trial. But  
24 generally at the two tables here are the attorneys for  
25 the case.

1           So at the table to my right closest to the potential  
2 jurors are the attorneys for the United States of America  
3 and then over to the left Mr. Brown and his client,  
4 Ms. Taylor. Miss Taylor is the defendant in this case,  
5 and I'm going to read a short statement to you about the  
6 case just so you have an idea about what the case is  
7 about.

8           In an indictment a grand jury has charged Kim Taylor  
9 with three types of false registration and false voting  
10 offenses, false information in registering or voting,  
11 Counts 1 through 26; false registration, Counts 27  
12 through 29; and fraudulent voting, Counts 30 through 52.

13           An indictment is simply an accusation. It is not  
14 evidence of anything. The defendant has pled not guilty  
15 to the offenses charged against her, and she is presumed  
16 absolutely not guilty of the offenses unless and until  
17 the prosecution proves her guilt beyond a reasonable  
18 doubt.

19           So that's the type of case that we are here to talk  
20 about and to pick a jury for.

21           I do -- I talked about the lawyers and the parties.

22           A few other participants here, the box directly in  
23 front of all of you, that's where witnesses will testify,  
24 and there's a large screen above that box that various  
25 documents and exhibits might be displayed as witnesses

1 testify.

2 In front of me, our court reporter, Shelly,  
3 literally has to take down every word said in the  
4 courtroom here. So among other things, we always ask  
5 that people not talk over each other and speak at a good,  
6 reasonably -- reasonable pace. But she has a very  
7 difficult job.

8 Over to my left, we have courtroom deputies who help  
9 keep track of things that happen. They will be helping  
10 out during jury selection, and during trial they keep  
11 track of exhibits and do other things to help make sure  
12 we have a good record of what goes on here in the  
13 courtroom.

14 You may -- you've already seen court security  
15 officers. They are always present. Sometimes we also  
16 have deputy United States marshals who might be present  
17 as well. And they are here just to help things run  
18 smoothly and keep everyone safe. So you'll see them from  
19 time to time.

20 And then as jurors, if you are selected to be jurors  
21 in this case, your job will be to find the truth. You'll  
22 have to listen to the evidence. The evidence might be  
23 contradictory sometimes or might be different ways to  
24 consider or view the evidence. As jurors, you will make  
25 the decisions regarding what the facts are and what has

1 been proved or has not been proved. And that will be  
2 entirely up to you as jurors if you are selected for the  
3 jury.

4 And then my job as judge, I already mentioned the  
5 most important job is to make sure everyone gets a fair  
6 trial. I also have to decide legal issues. And so we'll  
7 talk a little bit more about jury instructions as we  
8 proceed this morning. But I have to make rulings about  
9 evidence issues. I have to prepare jury instructions  
10 that tell the jury what the law is that applies to the  
11 case. And generally I am kind of the master of  
12 ceremonies as far as deciding what happens next, when we  
13 take breaks, things of that nature.

14 I do want to talk about the schedule for this trial  
15 so you will have an idea of what the commitment's going  
16 to be. We expect this case to take 12 days in court.  
17 That would be 5 days this week, so Monday through Friday.  
18 Next week is Thanksgiving week. We plan on having court  
19 on Monday and Tuesday of next week but then not having  
20 court the rest of the week because everyone will be  
21 observing the Thanksgiving holiday. So it will be 5 days  
22 this week, 2 days next week. And then we would come back  
23 the week after Thanksgiving which I believe is November  
24 27 and possibly go all 5 days that week. There's a  
25 chance it could be shorter. We just don't know. It's

1 hard to predict these things. But our current thought is  
2 all of this week, two days next week, and then all of the  
3 following week.

4 That sounds like a long time. I can assure you we  
5 have trials that are longer than that. We've had trials  
6 that go on for months. There are certainly trials that  
7 are shorter than that as well. But I do want you to know  
8 that if you are selected for this case, it would not be  
9 the longest trial that anyone has had to sit on a jury  
10 for. We literally have had trials that go on for  
11 multiple months. So we do hope to get this trial  
12 concluded in 12 days.

13 Now that I've told you a bit about the schedule and  
14 how long we plan this trial to take, I want to talk about  
15 the concept of hardship. Generally being on a jury is  
16 inconvenient. We all know that. No one expected or  
17 wanted to be here today, frankly. And you didn't really  
18 have a choice. You all have your own day-to-day lives.  
19 We know that coming here even today just for jury  
20 selection and especially if you're selected for this  
21 trial, it's a major time commitment. It disrupts your  
22 life, your work, your family. We understand all of that.

23 It is -- an important obligation of being a citizen  
24 is to serve on juries. They often say that voting,  
25 paying taxes, and serving on juries are the three most

1 important commitments to make as a citizen of the United  
2 States. Voting is somewhat optional; paying taxes, not  
3 so much. Good luck with that if you decide not to pay  
4 taxes. And jury service for the most part is -- ranks  
5 right up there with paying taxes as far as something that  
6 we just have to expect from our citizens. So it is  
7 something that even though we know it's inconvenient, we  
8 have to ask people to do.

9       The concept of a jury trial is so important that  
10 it's mentioned twice in the Constitution. It's a concept  
11 that goes back over a thousand years now, the idea being  
12 when there is a dispute and disagreement, we have a group  
13 of citizens who come in, and they're totally  
14 disinterested, know nothing about the case at the  
15 beginning. They hear the evidence and resolve the  
16 dispute. And that's what we're going to be asking the  
17 jury to do in this case.

18       So what I'm trying to say is this is an important  
19 commitment and not something that I can excuse anyone  
20 from lightly.

21       At the same time, we do understand -- especially  
22 given the Thanksgiving holiday next week, the length of  
23 this trial, we do understand that some people might have  
24 circumstances that are so compelling and would be such a  
25 hardship if we forced you to serve on this jury that I

1 would have to consider excusing that. And we've had  
2 situations involving medical issues where someone has a  
3 very important surgery scheduled or prepaid vacation that  
4 simply can't be changed.

5 So what I'm going to do with our group of 30 up  
6 front here is in just a moment I'm going to ask you to  
7 raise your hand if you believe that serving on this jury  
8 would be such a significant hardship that I should  
9 consider excusing you. What I'll do is I'll have  
10 everyone who raises their hand -- if anybody does raise  
11 their hand, I'll have them explain their situation. Once  
12 I hear all of the circumstances, I'll make a decision  
13 about whether anyone should be excused.

14 So at this point, if you're up front here in the top  
15 30 and you believe that serving on this jury would be a  
16 significant hardship, would you please raise your right  
17 hand, and I'll take notes then as far as who raised their  
18 hand. But please go ahead.

19 All right. That's one of the great things about  
20 being a judge in Iowa. There are parts of the country  
21 where every one of you would have your hands up right now  
22 for some reason, and luckily we have a great experience  
23 of people who understand the importance of jury duty.  
24 And I truly appreciate that none of you raised your hand.  
25 So we will move on. You do understand now what the

1 commitment would be if you are selected.

2 I also want to talk a bit about the day-to-day  
3 schedule because it's a little different the way we do  
4 things in our court. Today I told you you'll be here  
5 until about 5:00 if you're selected. For the rest of the  
6 trial, for the most part unless I tell you otherwise, our  
7 schedule's going to be 8:30 to 2:30 with just a couple of  
8 short breaks. And I've found over the years that jurors  
9 like that. It gets them out of the courthouse for the  
10 day earlier. It allows me to schedule hearings in other  
11 cases late in the day. It allows the lawyers to get a  
12 head start on getting things ready for the next day. It  
13 tends to make things move faster, and it's more organized  
14 that way.

15 The important thing to know about that schedule is  
16 there won't be a lunch break. There will be a couple of  
17 short 15- to 20-minute breaks between 8:30 and 2:30.  
18 That means you gotta bring whatever nutrition you need,  
19 whether it's snacks or breakfast bars, because there  
20 won't be time after today to leave the courthouse and get  
21 food. But we will then be able to get you out at 2:30  
22 during the rest of the trial.

23 If that changes for any reason, I would let you know  
24 that the day before. There are times that -- for witness  
25 scheduling reasons or the Court's own schedule, there's

1 at least a possibility that that schedule might change.  
2 I would make sure you know that the day before. And if  
3 you don't hear otherwise from me, you would just plan on  
4 being here from 8:30 to 2:30 every day.

5 Another issue I want to talk to all of you about is  
6 whether there are any conditions, whether it's a health  
7 condition. We've had people with back issues who need to  
8 stand up from time to time. We have people with hearing  
9 difficulty that we can accommodate with headphones. But  
10 if anybody has any kind of situation, health, whether  
11 it's mental health, physical health, that you think it  
12 would be extremely difficult for you to be on the jury,  
13 please raise your hand, and we can talk about that.

14 Okay. Nobody has raised their hands. Thank you. I  
15 appreciate that.

16 I next want to talk about publicity and any advance  
17 knowledge any of you might have about this case, and  
18 again, I'll be talking to the 30 people up front here to  
19 start with.

20 This case has generated some publicity. It's been  
21 in the news media. I'm sure it's been on social media  
22 and various other forms of media, whether TV, radio,  
23 newspaper. And it will continue to do so I'm sure during  
24 the trial, and we'll talk a little more about that later.  
25 That's not uncommon. We have many cases that are covered

1 in the media, and jurors sometimes come in and believe  
2 they've heard something about the case through news media  
3 reports or social media.

4 So I'm going to ask as a first question to kind of  
5 narrow this down a bit, please raise your hand if you  
6 think you've heard anything about this case before you  
7 got to court today. I see -- and please keep your hands  
8 up high. I want the lawyers to be able to see whose  
9 hands are up also. So it looks like one, two, three,  
10 four, five --

11 MR. BROWN: Got it, Your Honor. Thank you.

12 THE COURT: I'm sorry?

13 MR. BROWN: I got them, Your Honor.

14 THE COURT: Oh, okay. Thank you. I hear a  
15 voice over here sometimes, and I can't tell who's  
16 actually talking. So I have a speaker over here. So I  
17 thought someone over to my right was speaking. Okay.  
18 Thank you, Mr. Brown.

19 So my next question then, for those of you who  
20 raised your hand and believe you have heard something  
21 about this case before you got here today, do any of you  
22 have any concerns that what you've heard has already  
23 affected your opinion such that you don't think you could  
24 be fair and reasonable and decide this case based only on  
25 the evidence you hear in the courtroom? So if any of you

1 have any concerns that you've heard things about the case  
2 that you already think you know what the outcome should  
3 be, please raise your hand. Got one. Are you  
4 Miss Schwartz?

5 PROSPECTIVE JUROR SCHWARTZ: I am.

6 THE COURT: Can we get a microphone? One thing  
7 we learn very quickly in this courtroom is without a  
8 microphone it's kind of useless because it's a big room.  
9 So, ma'am, would you tell me, first of all -- I don't  
10 want to know the content necessarily of what you've  
11 heard, but generally how have you heard anything about  
12 this case? Has it been through TV, newspaper? What do  
13 you -- what are your sources that you've heard about this  
14 case?

15 PROSPECTIVE JUROR SCHWARTZ: Three sources:  
16 TV, newspaper, and I'm a retired Sioux City School  
17 District teacher.

18 THE COURT: And you have some concerns then I  
19 take it that based on what you've heard so far it might  
20 make it difficult for you to be fair to the parties in  
21 this case? Is that correct?

22 PROSPECTIVE JUROR SCHWARTZ: I do.

23 THE COURT: If I gave an instruction -- and I  
24 will give an instruction -- saying that you have to  
25 decide the case based only on the evidence that you hear

1 and see in the courtroom and not based on anything you  
2 might have heard outside the courtroom, do you think you  
3 could follow that?

4 PROSPECTIVE JUROR SCHWARTZ: I would try.

5 THE COURT: Sure. And actually before I ask  
6 another question, I'm going to see if the attorneys have  
7 any questions.

8 Mr. Timmons, any follow-up with Miss Schwartz?

9 MR. TIMMONS: Yes. Miss Schwartz, you  
10 mentioned your third source being the fact that you're a  
11 retired Sioux City School District . . .

12 PROSPECTIVE JUROR SCHWARTZ: That's correct.

13 MR. TIMMONS: Is that because you're concerned  
14 that you know somebody that may be involved in the case?

15 PROSPECTIVE JUROR SCHWARTZ: That's correct.

16 MR. TIMMONS: No further questions, Your Honor.

17 THE COURT: Mr. Brown, any follow-up?

18 MR. BROWN: Yes, Your Honor. Ms. Schwartz, my  
19 name's Mr. Brown. Just to be a little bit more specific,  
20 because you worked at the school system, is it fair to  
21 say you're familiar with somebody that's related to the  
22 defendant, Kim Taylor?

23 PROSPECTIVE JUROR SCHWARTZ: Yes.

24 MR. BROWN: No further questions, Your Honor.

25 THE COURT: And, ma'am, again, I always have to

1 ask what we kind of call the magic question. But so you  
2 know someone that you think might be related to  
3 Ms. Taylor. You've heard some things about the case.  
4 With that background, can you assure us that you'd be  
5 fair and impartial and decide the case based only on the  
6 evidence that's presented, or do you have real concerns  
7 that you're not going to be able to do that?

8 PROSPECTIVE JUROR SCHWARTZ: I have concerns  
9 that it would be very difficult for me to do that. I  
10 mean, I'll certainly try but . . .

11 THE COURT: Sure.

12 Any thoughts from the parties on excusing  
13 Miss Schwartz? Mr. Timmons?

14 MR. TIMMONS: I believe she said she'll try to  
15 be fair and impartial, and we have to take her at her  
16 word on that.

17 THE COURT: Mr. Brown?

18 MR. BROWN: Your Honor, I believe Miss Schwartz  
19 has spoken the truth, and I think she's too close  
20 primarily because of the work-related matter. I ask that  
21 she be excused, Your Honor.

22 THE COURT: All right. I am going to excuse  
23 you, Miss Schwartz. I think you'd be a terrific juror  
24 for a lot of cases, but there are some cases where  
25 everyone based on their knowledge and other issues might

1 not be the right juror. And I appreciate your honesty  
2 with us. That's exactly what we're asking for today.  
3 But, ma'am, I am going to go ahead and excuse you. Thank  
4 you.

5 And we'll go ahead and call up another juror from  
6 the back.

7 THE CLERK: Jeffrey L. Nelson.

8 THE COURT: Thank you, ma'am.

9 Mr. Nelson, you can go ahead and have a seat up  
10 there in the back.

11 And can we pass a microphone to Mr. Nelson? Great.  
12 Thank you.

13 Good morning, sir.

14 PROSPECTIVE JUROR JEFFREY NELSON: Good  
15 morning.

16 THE COURT: So I'm just going to backtrack a  
17 little bit. And first of all, I'll ask you the hardship  
18 question. Sir, do you believe that serving on this jury  
19 would be a severe hardship?

20 PROSPECTIVE JUROR JEFFREY NELSON: No.

21 THE COURT: And then did you come to court  
22 today with any information or advanced knowledge through  
23 the news media or otherwise about this case?

24 PROSPECTIVE JUROR JEFFREY NELSON: Not that I  
25 can recall.

1           THE COURT: Okay. Great. Thank you. And then  
2 I'm going to go back now to the whole group. And we  
3 talked with Ms. Schwartz, but does anyone else who  
4 believed they knew something or heard something about  
5 this case before today, do any of you believe that that  
6 would make it very difficult for you to be fair and  
7 impartial?

8           All right. No one else has raised their hands.  
9 Thank you.

10          On a somewhat related note, the next thing I'm going  
11 to do is have the attorneys introduce themselves, the  
12 people at the table with them, and also tell you the  
13 names of potential witnesses and other names that you  
14 might hear during the case because I'm then going to want  
15 to explore with the group up front here whether any of  
16 you know any of the folks who might either be witnesses  
17 or attorneys or otherwise might be involved in this case.  
18 And I'll start with the United States. And Mr. Timmons  
19 is one of the assistant United States attorneys who will  
20 be representing the United States in this trial.

21          And, Mr. Timmons, if you'll introduce yourself and  
22 others and then tell us who the potential witnesses might  
23 be.

24          MR. TIMMONS: Yes, Your Honor. Can everybody  
25 hear me okay? My name's Ron Timmons. As Judge Strand

1 was saying, I work for the U.S. Attorney's Office here in  
2 the Northern District of Iowa. We prosecute federal  
3 crimes basically in the northern half of the district --  
4 northern half of the state. We've got two offices, one  
5 here in Sioux City and another on the other side of the  
6 state in Cedar Rapids. In Sioux City there's seven or  
7 eight attorneys prosecuting crimes. I'm one of them.

8 I'm joined today by Lauren Castaldi -- she's with  
9 the DOJ's Public Integrity Section -- as well as Richard  
10 Evans also with the DOJ's Public Integrity Section.

11 Seated behind them is Megan Lawrey -- she's in our  
12 office here in Sioux City -- and Stephanie Creel who's in  
13 the DOJ's Public Integrity Section. These ladies will be  
14 keeping everything organized and running smoothly  
15 including technology.

16 In terms of witnesses, in this case I'll just read  
17 the list best I can. There are a number of Vietnamese  
18 names, so I'll do my best to pronounce them.

19 Miss Karen Craig; Mr. Rocky De Witt, state senator;  
20 Miss My Do; Miss Tam-Lanh Doan; Mr. Thien Tam Doan;  
21 Mr. Patrick Gill, Woodbury County auditor; Mr. Nguyen  
22 Huynh; Mr. Nhieu Huynh; Mr. Hang Lam; Mr. Andy Luu;  
23 Mr. Anthony Luu; Mr. Hoang Luu, Hoang Luu; Special Agent  
24 Matthew Murphy with the FBI who, by the way, is  
25 standing -- or sitting right over there. He's with our

1 Omaha field office.

2 Miss Anh Nguyen, Mr. Hai Nguyen; Miss Huong Nguyen;  
3 Mr. Nhan Nguyen; Mr. Phong Nguyen; Miss Yen Nguyen;  
4 Mr. Minh Nhat Pham; Mr. Minh Tan Do Pham; Mr. Chad  
5 Sheehan, Woodbury County sheriff; Miss Erica Tuttle;  
6 Mr. Justin Wright, a former Woodbury County supervisor.

7 Last thing I would point out is seated at the table  
8 over here is Miss Myhanh Che. She will be providing  
9 interpreter services for us. Thank you.

10 THE COURT: Thank you, Mr. Timmons.

11 And I'm going to stop at this point and ask the  
12 jurors up front here, the 30 in the front, do any of you  
13 believe you know any of the individuals Mr. Timmons has  
14 mentioned and talked about so far, whether witnesses or  
15 otherwise? And please raise your hand nice and high, and  
16 I'll get to everyone. And I see -- I always have to  
17 figure out my chart here. Is it Mr. Grimm? Let's get a  
18 microphone. I'm sorry.

19 PROSPECTIVE JUROR GRIMM: Would it be possible  
20 to see those names? I'm just hearing them pronounced.  
21 There's a couple that I feel like I might be familiar  
22 with, but I'd like to see the name if I could.

23 MR. TIMMONS: Could you -- how about you ask me  
24 to spell it?

25 PROSPECTIVE JUROR GRIMM: Sure, yeah. Yeah.

1 The gentleman that I know goes by a nickname, so I --  
2 yeah, I wish we could check some of these names and know  
3 if we know some of these people but . . .

4 MR. TIMMONS: I don't have any objection to  
5 showing him my list, Your Honor.

6 THE COURT: Mr. Brown, any concern about that?

7 MR. BROWN: That's fine.

8 THE COURT: Yeah. Go ahead, Mr. Timmons.

9 Mr. Grimm, did that help?

10 PROSPECTIVE JUROR GRIMM: Yeah, yep. I don't  
11 believe I know anyone on that list so . . .

12 THE COURT: Okay. Great. But thank you for  
13 raising your hand and alerting us to that.

14 We have two people in the front row. Is it  
15 Ms. Goulette?

16 PROSPECTIVE JUROR GOULETTE: Uh-huh.

17 THE COURT: Let's get a microphone. Thank you.  
18 And, ma'am, who do you think you might know?

19 PROSPECTIVE JUROR GOULETTE: Rocky De Witt.

20 THE COURT: And how do you know Mr. De Witt?

21 PROSPECTIVE JUROR GOULETTE: I used to take  
22 care of his mother in the nursing home.

23 THE COURT: How long ago was that?

24 PROSPECTIVE JUROR GOULETTE: About a year ago.

25 THE COURT: Is there anything about the fact

1 that you, I'm sure, talked with Mr. De Witt and took care  
2 of his mother at the nursing home -- would that make it  
3 hard for you to judge him as a witness? Any -- in the  
4 same way that you would judge any other witness?

5 PROSPECTIVE JUROR GOULETTE: No. I only met  
6 him a couple times.

7 THE COURT: Nothing else about that situation  
8 that might make it difficult for you to be fair and  
9 impartial?

10 PROSPECTIVE JUROR GOULETTE: No.

11 THE COURT: Okay. Thank you.

12 Any follow-up, Mr. Timmons?

13 MR. TIMMONS: No, Your Honor.

14 THE COURT: Mr. Brown?

15 MR. BROWN: No, Your Honor.

16 THE COURT: Okay. Thank you, ma'am, for  
17 letting us know.

18 And then is it Mr. McKeever?

19 PROSPECTIVE JUROR MCKEEVER: Yes, sir.

20 THE COURT: And who do you believe you know,  
21 sir?

22 PROSPECTIVE JUROR MCKEEVER: I know Senator  
23 De Witt -- he's related to me -- and Mr. Gill who's a  
24 family friend from my childhood.

25 THE COURT: Starting with Mr. De Witt, what is

1 the relationship?

2 PROSPECTIVE JUROR MCKEEVER: That is my wife's  
3 first cousin.

4 THE COURT: And then Mr. Gill is a family  
5 friend you said?

6 PROSPECTIVE JUROR MCKEEVER: Yes, sir.

7 THE COURT: With regard to Mr. De Witt and  
8 Mr. Gill, would your prior knowledge of them or  
9 relationship with them make it difficult for you to judge  
10 them as witnesses in the same way that you would judge  
11 people you didn't know?

12 PROSPECTIVE JUROR MCKEEVER: I don't believe  
13 so, Your Honor.

14 THE COURT: And is there anything about those  
15 prior relationships with Mr. De Witt and Mr. Gill that  
16 might make it hard for you to be fair and impartial to  
17 both sides in this case?

18 PROSPECTIVE JUROR MCKEEVER: I don't believe  
19 so, Your Honor.

20 THE COURT: Okay. Any follow-up, Mr. Timmons?

21 MR. TIMMONS: No, Your Honor.

22 THE COURT: Mr. Brown?

23 MR. BROWN: Yes, please, Your Honor.

24 THE COURT: Sure.

25 MR. BROWN: Mr. McKeever, if, in fact,

1 Mr. De Witt is called as a witness, it's possible that,  
2 you know, he's going to be asked a lot of questions about  
3 certain matters relating to his relationship with the  
4 defendant's husband, Jeremy Taylor. Do you know who  
5 Jeremy Taylor is?

6 PROSPECTIVE JUROR MCKEEVER: I do not.

7 MR. BROWN: And to speak even more frankly,  
8 there may be some assessment by the jurors that the  
9 defense is claiming in some respect Mr. De Witt isn't  
10 being credible. So if that was the case hypothetically,  
11 do you still think that you could be a fair and impartial  
12 arbiter of Mr. De Witt as a witness if he was called by  
13 the federal government in this matter?

14 PROSPECTIVE JUROR MCKEEVER: I feel that would  
15 put me in a very difficult position.

16 MR. BROWN: Yeah. And then -- and same with  
17 Mr. Gill, even though you're not related to him.  
18 Hypothetically if Mr. Gill was an important -- or a  
19 witness that had some bearing on this matter and his  
20 credibility was challenged, where does that leave you in  
21 your -- in your ability to be a fair and impartial juror  
22 in this matter?

23 PROSPECTIVE JUROR MCKEEVER: Less so than with  
24 Mr. De Witt because obviously I'm related there. But  
25 I've known Mr. Gill since I was probably three, four

1 years old. So I think that might make that difficult as  
2 well.

3 MR. BROWN: Did you contribute to Mr. Gill's  
4 campaigns?

5 PROSPECTIVE JUROR MCKEEVER: No, sir.

6 MR. BROWN: So one more time. If you were  
7 selected to be in a jury in this matter, do you think  
8 even though your wife's first cousin is a potential  
9 government witness and Mr. Gill's been a family friend of  
10 yours since, you know, you were little, you could judge  
11 their credibility as best you could like any other  
12 witness?

13 PROSPECTIVE JUROR MCKEEVER: I believe I could.

14 MR. BROWN: Okay. And afford -- afford  
15 Miss Taylor the presumption of innocence the Court has  
16 already told you about?

17 PROSPECTIVE JUROR MCKEEVER: Yes, sir.

18 MR. BROWN: All right. No further questions,  
19 Your Honor. Thank you.

20 THE COURT: Okay. Thank you, Mr. Brown.

21 And, Mr. McKeever, thank you for your answers.

22 Was there anyone else? I thought there might have  
23 been one other that I missed earlier. Can we pass the  
24 microphone back? And is it Mr. Bebee?

25 PROSPECTIVE JUROR BEBEE: Yes, sir.

1 THE COURT: And who do you think you know, sir?

2 PROSPECTIVE JUROR BEBEE: Rocky De Witt,  
3 Mr. Gill, and I don't know who the other one was. But  
4 I'm on the city council in Hornick, so I work -- have had  
5 all those individuals in our office before, not really  
6 personal level, though, so just professional working for  
7 Hornick.

8 THE COURT: And you mentioned Mr. De Witt,  
9 Mr. Gill, and then I'm trying to see. Would it have been  
10 Sheriff Sheehan?

11 PROSPECTIVE JUROR BEBEE: Sheehan, yes, the  
12 sheriff.

13 THE COURT: Okay. And so you've worked with  
14 each of those individuals at least as part of your role  
15 on the city council?

16 PROSPECTIVE JUROR BEBEE: Yes, sir.

17 THE COURT: Is there anything about your  
18 experience with any of those individuals that would make  
19 it hard for you to be able to judge them the same way you  
20 would any other witness?

21 PROSPECTIVE JUROR BEBEE: No, sir.

22 THE COURT: Is there anything about your  
23 relationship with any of those potential witnesses that  
24 would make it hard for you to be fair and impartial as a  
25 juror in this case?

1 PROSPECTIVE JUROR BEBEE: No, sir.

2 THE COURT: Okay. Any follow-up, Mr. Timmons?

3 MR. TIMMONS: No, Your Honor.

4 THE COURT: Mr. Brown?

5 MR. BROWN: Very quickly, Your Honor, if I may.

6 THE COURT: Sure.

7 MR. BROWN: Mr. Bebee, do you know Jeremy  
8 Taylor?

9 PROSPECTIVE JUROR BEBEE: I've heard the name  
10 but do not know him, never met him.

11 MR. BROWN: Does the city council interact much  
12 with the Woodbury County Board of Supervisors?

13 PROSPECTIVE JUROR BEBEE: Yeah. That would be  
14 more of our mayor, though.

15 MR. BROWN: Okay. Not you so much?

16 PROSPECTIVE JUROR BEBEE: Not so much us, no.

17 MR. BROWN: And you heard the questions I asked  
18 earlier about Mr. De Witt and Mr. Gill. Anything that  
19 you know about them leads you to believe you couldn't be  
20 a fair and impartial juror in this matter?

21 PROSPECTIVE JUROR BEBEE: No. I should be  
22 fine.

23 MR. BROWN: Thank you very much.

24 No further questions, Your Honor.

25 THE COURT: Okay. Any other hands? Just one

1 last check. Yep. And we have one in the back. Is it  
2 Ms. Kaye?

3 PROSPECTIVE JUROR KAYE: Yes.

4 THE COURT: And we'll get a microphone to you.  
5 Ma'am, who do you think you know?

6 PROSPECTIVE JUROR KAYE: Well, first I just  
7 have a question of, like, when you ask if we know or do  
8 we just re -- at what point -- I know if we just  
9 recognize the name, that is nothing. But Patrick Gill I  
10 have very little -- I've met him a couple of times. My  
11 father worked with his father, and he brought him out to  
12 90th and 95th birthday parties, and I've talked to him on  
13 those occasions.

14 THE COURT: Sure. No. I would rather have too  
15 much information than not enough.

16 PROSPECTIVE JUROR KAYE: Right. That's what  
17 I -- you know, how insignificant is it to bring it up? I  
18 don't want to waste everybody's time.

19 THE COURT: No, I'm glad you raised your hand.  
20 And, ma'am, do you think those experiences with Mr. Gill  
21 would make it hard for you to be able to judge him as a  
22 witness any differently than any other witness?

23 PROSPECTIVE JUROR KAYE: No.

24 THE COURT: And would that experience you've  
25 had with Mr. Gill make it hard for you to be fair and

1 impartial in this case?

2 PROSPECTIVE JUROR KAYE: No.

3 THE COURT: Okay. Any follow-up, Mr. Timmons?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: Mr. Brown?

6 MR. BROWN: No thank you.

7 THE COURT: Okay. Ma'am, thank you for letting  
8 us know that.

9 Anyone else then with the names that have been read  
10 so far that you think you might have any knowledge or  
11 information about those people?

12 Okay. And then I'm going to ask Mr. Timmons. I  
13 don't think -- and if I missed it, I apologize. But did  
14 you read off the other lawyers in your Sioux City office?

15 MR. TIMMONS: I did not list off all of the  
16 lawyers, no, Your Honor.

17 THE COURT: Let's go ahead and do that just to  
18 be safe. I've found sometimes that some people know the  
19 other local attorneys here so . . .

20 MR. TIMMONS: Okay. Off the top of my head,  
21 the U.S. attorney for the Northern District of Iowa is  
22 Tim Duax. He's in our office. Kevin Fletcher lives in  
23 Sergeant Bluff. I also live in Sergeant Bluff. Forde  
24 Fairchild, he lives in Sioux City, originally from -- I  
25 believe Terril. And let's see. Jack Lammers also in

1 Sioux City; Patrick Greenwood, originally from Cherokee,  
2 now in the Dunes; Shawn Wehde, originally from Waterloo.  
3 These people have been here for, most of them, decades.  
4 And Kraig Hamit originally comes here from Colorado, got  
5 here a couple years ago. I believe that covers  
6 everybody.

7 THE COURT: I think you got them all. I was  
8 going to have to tell them if you forgot any of them.

9 Do any of you think you recognize the names of any  
10 of the other attorneys? I see one. And, ma'am, are you  
11 Miss Camenzend?

12 PROSPECTIVE JUROR CAMENZEND: I am.

13 THE COURT: Did I say that right?

14 PROSPECTIVE JUROR CAMENZEND: You did.

15 THE COURT: Wow. That's a miracle. Okay.  
16 Ma'am, who do you think you know?

17 PROSPECTIVE JUROR CAMENZEND: I know Tim and  
18 Mary Duax. Mary worked part-time at my store, Book  
19 People, for nearly two years.

20 THE COURT: And how long ago did that end?

21 PROSPECTIVE JUROR CAMENZEND: About six years  
22 ago.

23 THE COURT: Is there anything about that prior  
24 relationship with Mrs. Duax that might make it hard for  
25 you to be fair and impartial in this case?

1 PROSPECTIVE JUROR CAMENZEND: No.

2 THE COURT: Okay. Any follow-up, Mr. Timmons?

3 MR. TIMMONS: No, Your Honor.

4 THE COURT: Mr. Brown?

5 MR. BROWN: No thank you.

6 THE COURT: Okay. Thank you, ma'am, for  
7 letting us know that.

8 Anyone else think you might know any of the  
9 attorneys Mr. Timmons just mentioned? Okay. Great.  
10 Thank you.

11 I'm going to have Mr. Brown now do the same thing.  
12 Many of the potential witnesses have already been  
13 identified by Mr. Timmons. But Mr. Brown can introduce  
14 himself, his client, any additional witnesses or other  
15 names that the jurors might hear about who haven't  
16 already been mentioned.

17 Mr. Brown, you may proceed.

18 MR. BROWN: Good morning. My name is  
19 Montgomery Brown. I grew up in Storm Lake, went to old  
20 BVU, went to Drake and -- Drake Law School and primarily  
21 have worked in central Iowa both as a prosecutor and  
22 criminal defense for a long time. So I'm glad to be back  
23 here.

24 I don't have any partners at the moment. I have an  
25 associate by the name of Alex Gilmore. His mom's the

1 Dallas County attorney in Adel, but I haven't sent him  
2 over here much.

3 And this is my client, Kim Phuong Taylor. Her  
4 husband is Jeremy Taylor, a candidate at time for House  
5 of Representatives seat and presently on the Woodbury  
6 County Board of Supervisors. Does anybody know me?  
7 Okay. Good.

8 THE COURT: We had one hand.

9 MR. BROWN: One hand?

10 PROSPECTIVE JUROR CAMENZEND: I know of you.

11 MR. BROWN: I think you know my secretary,  
12 office manager Rose Nutt.

13 PROSPECTIVE JUROR CAMENZEND: I do. We have  
14 been friends for over 20 years, and in the past I have  
15 done some travel arrangements for your office.

16 MR. BROWN: And primarily that was when I had a  
17 partner, Mr. Scott. But you have done work for our  
18 office in the past and possibly could in the future.

19 PROSPECTIVE JUROR CAMENZEND: Possibly.

20 THE COURT: Ma'am, is there anything about that  
21 business relationship or your knowledge of Mr. Brown and  
22 his office that might make it hard for you to be fair and  
23 impartial as a juror?

24 PROSPECTIVE JUROR CAMENZEND: I don't believe  
25 so.

1 THE COURT: Okay. Mr. Timmons, any follow-up?

2 MR. TIMMONS: No, Your Honor.

3 THE COURT: Okay. Mr. Brown, you may continue.

4 MR. BROWN: Thank you. I'll speed it up here.  
5 Possible defense witnesses other than witnesses called by  
6 the government could be a Dr. Marita Turner, a  
7 chiropractor in this area; a Lynn Stolze from Dakota City  
8 area; Marilyn Johnson; Joanne Nguyen Keane; and a Rosalie  
9 Nguyen; some other names you might hear including Melissa  
10 Thomas. And then obviously Jeremy Taylor is a name  
11 that's going to come up in this matter. Does anybody  
12 know any -- think they know any of those people? All  
13 right.

14 PROSPECTIVE JUROR CAMENZEND: I have done  
15 travel arrangements for Joanne Keane and her husband  
16 Kevin.

17 MR. BROWN: And she's Vietnamese American?

18 PROSPECTIVE JUROR CAMENZEND: Yes, she is.

19 MR. BROWN: Okay. Anything about doing those  
20 travel arrangements for Miss Keane or her husband that  
21 you think would prevent you from being a fair and  
22 impartial juror in this matter?

23 PROSPECTIVE JUROR CAMENZEND: No.

24 MR. BROWN: If the government came to you and  
25 said we want you to make travel arrangements for the FBI,

1 same thing; right? You'd be good with that; right?

2 PROSPECTIVE JUROR CAMENZEND: I am.

3 MR. BROWN: Okay. Thank you.

4 Anybody else know any -- have heard or are familiar  
5 with any of those other names that I mentioned? I mean,  
6 obviously in the community you may have heard of Jeremy  
7 Taylor but specifically those witnesses?

8 All right. Thank you, Your Honor.

9 THE COURT: Thank you, Mr. Brown.

10 And, Mr. Timmons, did you have any follow-up with  
11 Miss Camenzend about the last situation discussed, the  
12 travel arrangements?

13 MR. TIMMONS: No, I don't, Your Honor.

14 THE COURT: Okay. Thank you.

15 All right. You've now heard a bit about the case  
16 and about names of people who might be involved, and  
17 we've talked about all of that. As I've been saying  
18 several times today, our whole goal here is to find  
19 jurors who can be fair and impartial. There are other  
20 factors that might cause someone to have doubts about  
21 whether they could be fair or impartial. All of us have  
22 biases and prejudices based on things that have happened  
23 in our lives or other factors. They could be based on  
24 race, gender, national origin. Some people have had  
25 difficult experiences with the federal government and

1 just don't feel like they could be fair to the federal  
2 government in a trial. It could be feelings either  
3 positive or negative toward law enforcement. There are  
4 all kinds of things that all of us experience in our  
5 lives that can cause us to see things or feel things in a  
6 certain way.

7 I'm going to start by highlighting two factors that  
8 you've already heard a little bit about today. But then  
9 I'll broaden it after that as well. But I want to talk  
10 specifically about a couple of issues.

11 You've already heard that Ms. Taylor, the defendant,  
12 is of Vietnamese descent. She was born in Vietnam. She  
13 is a United States citizen. This case -- and you've  
14 heard from some of the witness lists and witness names,  
15 there are going to be individuals of Vietnamese descent  
16 who are also witnesses in this case. We're going to have  
17 an interpreter at times who will be helping with a  
18 Vietnamese language interpretation.

19 Does the fact that this case involves a defendant of  
20 Vietnamese descent, that there might be witnesses of  
21 Vietnamese descent, there might be witnesses who don't  
22 speak English in their belief at least well enough that  
23 they can't testify without having a Vietnamese  
24 interpreter, is any of that, the whole what I'll call the  
25 Vietnamese community angle, is any of that going to cause

1 anybody any difficulty or make it hard for you to be fair  
2 and impartial to either side in this case? If so, please  
3 raise your hand, and we can talk about that.

4       Okay. The other specific issue I wanted to talk  
5 about is you've heard a bit about Ms. Taylor's husband,  
6 Jeremy. He is a Republican member of the county Board of  
7 Supervisors. He previously ran for Congress as a member  
8 of the Republican party.

9       We live in a very politicized age, and I know there  
10 are people out there in the world who would probably say  
11 that's all I need to know. The defendant is connected  
12 with the Republican party. That could either mean I'm  
13 automatically going to vote guilty or I'm automatically  
14 going to vote not guilty or I'm going to have a very  
15 strong feeling one way or the other simply because of the  
16 political party affiliation that's involved in this case.

17       And there have been high-profile trials around the  
18 country, as we all know, that involve members of one  
19 political party or the other, and it can be very  
20 difficult sometimes for jurors or potential jurors who  
21 have strong political beliefs to conceive of the fact  
22 that they might be able to vote in favor or against  
23 someone who happens to be of a certain political party.

24       So I do want to explore that. If you feel like  
25 knowing now that the defense is connected with the

1 Republican party, if you think that's all you need to  
2 know and you already know what your verdict's going to be  
3 when you go back to the jury room, I can't have you on  
4 this jury. And that's just a fact of life. I'm not  
5 being judgmental. But there are people who literally  
6 would find that to be incredibly important either one way  
7 or the other depending on their own political beliefs.

8 If any of you have any concerns about that and the  
9 fact that you're going to hear about people who are  
10 affiliated with the Republican party, let's talk about  
11 that. Please go ahead and raise your hand.

12 Got one right now. And, sir, are you -- is it  
13 Mr. Wynia? Did I say that right? Well, that's always a  
14 nice surprise. And we're going to pass a microphone.  
15 Sir, tell us what your thoughts are on that.

16 PROSPECTIVE JUROR WYNIA: I have -- I voted for  
17 the defendant because I believe in his policies.

18 THE COURT: The defendant's husband,  
19 Mr. Taylor?

20 PROSPECTIVE JUROR WYNIA: Yeah.

21 THE COURT: And having voted for Mr. Taylor,  
22 would that make it hard for you to listen to the evidence  
23 in this case and decide fairly and impartially based only  
24 on the evidence you hear in this case? Would that make  
25 it difficult for you?

1 PROSPECTIVE JUROR WYNIA: Potentially.

2 THE COURT: And do you think -- if I instruct  
3 you, which I will, that you have to decide this case  
4 based only on the evidence presented at the trial and the  
5 law that the Court will give you in the jury  
6 instructions, do you think you can set that aside and  
7 actually fulfill that obligation to decide the case based  
8 only on the evidence, or is that something you just don't  
9 think you could do?

10 PROSPECTIVE JUROR WYNIA: It would be hard to  
11 just -- in regards to the repercussions it could have on  
12 him.

13 THE COURT: Mr. Timmons, any follow-up?

14 MR. TIMMONS: Yes, Your Honor.

15 I appreciate your honesty and disclosure. You  
16 seemed to hesitate there before you even said it would be  
17 hard. You know who Jeremy Taylor is. You like him  
18 enough to vote for him. Is it fair to say that you're a  
19 little too connected to judge this objectively?

20 PROSPECTIVE JUROR WYNIA: Yes.

21 MR. TIMMONS: Nothing further, Your Honor.

22 THE COURT: Mr. Brown?

23 MR. BROWN: No questions, Your Honor. Thank  
24 you.

25 THE COURT: Okay. Sir, I am going to excuse

1 you at this time. I appreciate your honesty with us.  
2 That's exactly what we're asking people to do here, but I  
3 will go ahead and excuse you for this trial. Thank you.

4 We'll go ahead and call up someone from the back.

5 THE CLERK: James L. Meggers.

6 THE COURT: Good morning, sir. Go ahead and  
7 have a seat. And we'll -- I think the microphone is  
8 right next to you there. I do have to ask you a few  
9 questions to get you caught up with us. Sir, first of  
10 all, do you believe that if you were selected to be on  
11 this jury that would be a severe hardship?

12 PROSPECTIVE JUROR MEGGERS: No.

13 THE COURT: Do you believe you know any of the  
14 individual names and people we've talked about so far?

15 PROSPECTIVE JUROR MEGGERS: No, I do not.

16 THE COURT: And then we've talked about some  
17 potential bias situations including the connection with  
18 the Vietnamese community here in Sioux City, the fact  
19 that the defendant and her husband are affiliated with  
20 the Republican party. Do you have any concerns based on  
21 what you've heard here today so far that you might not be  
22 able to be fair and impartial in this case?

23 PROSPECTIVE JUROR MEGGERS: No.

24 THE COURT: Okay. Any follow-up with  
25 Mr. Meggers at this time? Mr. Timmons?

1 MR. TIMMONS: No, Your Honor.

2 THE COURT: Mr. Brown?

3 MR. BROWN: No thank you.

4 THE COURT: Okay. Thank you. Thank you, sir.

5 And we will continue then. And just to be a hundred  
6 percent safe again, I'm going to ask one more time.  
7 Based on what we've talked about so far, does anybody  
8 believe that you have any preexisting thoughts,  
9 prejudices, biases that might make it hard for you to be  
10 fair to both parties in this case? And please raise your  
11 hand.

12 Okay. Nobody's hands are up. Thank you.

13 I want to move on a bit and talk about some more  
14 legal and procedural concepts that are important for  
15 everyone to understand as potential jurors in this case.  
16 When I read the statement about what this case is about,  
17 I talked about the indictment, and people sometimes say  
18 what's an indictment and how does that come about?

19 An indictment is a formal charging document. It's  
20 simply an accusation. It's not evidence of anything. An  
21 indictment is returned by a grand jury which is  
22 completely separate and different from a trial jury. A  
23 grand jury is a body of citizens that we select every 18  
24 months. They serve an 18-month term. It's a group of 23  
25 people who meet usually several times a month here at the

1 courthouse.

2           They meet in a different room than this courtroom.  
3 I never see the grand jury. They meet completely  
4 separate of me. They -- when they do meet, the people in  
5 the room are typically an assistant United States  
6 attorney like Mr. Timmons, any witnesses that the  
7 government might call, and then a court reporter to take  
8 down everything that happens in the grand jury room.  
9 There's no defense attorney. There's no defendant. All  
10 of this happens before anyone is actually charged with a  
11 crime.

12           And the whole point of the grand jury is to review  
13 the evidence the government produces and decide whether  
14 probable cause, basically a good reason, exists to move  
15 forward with charging someone with a crime. It takes 12  
16 of the 23 grand jurors, simply a majority, to vote to  
17 return an indictment.

18           And the reason I'm telling you all of this is  
19 because the fact that an indictment has been returned in  
20 this case and that Ms. Taylor has been charged with  
21 crimes is not something you can consider when it comes to  
22 deciding whether she's guilty or not guilty in this case.  
23 It's simply a first step in any criminal case in federal  
24 court is that an indictment has to be returned by a grand  
25 jury that charges someone with crimes.

1           And then what I call the real process begins where  
2 they are allowed to appear in court, have an attorney  
3 present, and ultimately come to a jury trial like the one  
4 we're going to have in this case.

5           At a jury trial, the government has to prove its  
6 case beyond a reasonable doubt, and I'll tell you a  
7 little more in a few minutes about what that means. It's  
8 a much higher burden of proof than what a grand jury  
9 considers in deciding whether to charge someone with a  
10 crime.

11           A trial jury in federal court has to be unanimous.  
12 So all of the jurors have to vote either guilty or not  
13 guilty for the case to be over.

14           So between the much higher burden of proof and the  
15 fact that the verdict in a trial has to be unanimous, the  
16 trial jury situation is much different than the grand  
17 jury situation. And again, the reason that is important  
18 is it's easy to look at the defense table and see a  
19 defendant, whether it's Ms. Taylor or anyone else, and  
20 say, well, they must have done something wrong or they  
21 wouldn't be here or the government wouldn't be spending  
22 all of this money to try a case if the defendant wasn't  
23 guilty.

24           And we need to talk about that because coming into a  
25 trial as a juror, that can't be your attitude. You have

1 to understand that in order to be found guilty in federal  
2 court of a crime, the government has to prove all of the  
3 elements. All of the facts that the government has to  
4 prove have to be proved beyond a reasonable doubt.

5 And I often talk about the fact that we've all heard  
6 of people who were wrongfully convicted and later through  
7 DNA evidence or other evidence that comes out it turns  
8 out that they actually weren't guilty but they went  
9 through an entire trial and were found guilty and only  
10 later were determined to be not guilty. We hear about  
11 people who go to trial and the jury votes not guilty and  
12 finds that the government didn't prove guilt beyond a  
13 reasonable doubt. Those things happen.

14 And it's important for you to know that and to  
15 acknowledge that if you're going to be on the jury in  
16 this case because I can't have people starting this trial  
17 thinking she must be guilty or she wouldn't be here.

18 So having given that kind of speech -- and I  
19 apologize it went on a little long, frankly, but do any  
20 of you have any concerns about that, that you disagree,  
21 that you think that if you are on the jury in this case  
22 you're going to assume Miss Taylor's guilty because  
23 otherwise she wouldn't be here? Any questions or  
24 concerns about anything I just said and about holding the  
25 government to its burden of proof? Anybody have any

1 thoughts on that?

2           Okay. We have one. And, sir, are you  
3 Mr. McCormick?

4           PROSPECTIVE JUROR MCCORMICK: Yes, I am.

5           THE COURT: Sure. What are your thoughts?

6           PROSPECTIVE JUROR MCCORMICK: I just don't  
7 think I'd be fair and unbiased.

8           THE COURT: And any particular reason?

9           PROSPECTIVE JUROR MCCORMICK: No.

10          THE COURT: And without telling me exactly what  
11 your thoughts are, would you be biased in favor of the  
12 government or in favor of the defense?

13          PROSPECTIVE JUROR MCCORMICK: Government.

14          THE COURT: And even if you were selected as a  
15 juror and took an oath as a juror and were instructed by  
16 the Court that you have to set aside your thoughts and  
17 biases and treat everyone fairly, you don't think you  
18 could do that?

19          PROSPECTIVE JUROR MCCORMICK: No, Your Honor.

20          THE COURT: Any follow-up? Mr. Timmons?

21          MR. TIMMONS: Mr. McCormick, you realize that  
22 the judge is going to give you instructions.

23          PROSPECTIVE JUROR MCCORMICK: Yes.

24          MR. TIMMONS: And in those instructions, he'll  
25 tell you how to apply the law to the facts as presented.

1 PROSPECTIVE JUROR MCCORMICK: Yes.

2 MR. TIMMONS: In spite of that, you still don't  
3 think you could be -- you could find a way to follow the  
4 judge's instructions and be fair and impartial?

5 PROSPECTIVE JUROR MCCORMICK: I could try.

6 MR. TIMMONS: Nothing further, Your Honor.

7 THE COURT: Mr. Brown?

8 MR. BROWN: Your Honor, I have no specific  
9 questions.

10 THE COURT: Okay. Mr. McCormick, I appreciate  
11 your honesty with us. I am going to excuse you at this  
12 time. Thank you, sir.

13 We'll call another juror from the back.

14 THE CLERK: Becky J. Edington.

15 THE COURT: Good morning, ma'am. If you'll go  
16 ahead and have a seat in the empty chair there, we'll --  
17 looks like there's already a microphone in front. Ma'am,  
18 if you'll grab the microphone. I'm just going to go  
19 through some of the same kind of questions with you.

20 First of all, do you believe that if you were  
21 selected to serve on this jury that it would be a severe  
22 hardship for you?

23 PROSPECTIVE JUROR EDINGTON: It might be.

24 THE COURT: And tell me what your situation is.

25 PROSPECTIVE JUROR EDINGTON: I have a trip

1 already paid for to go to Colorado the 24th of November  
2 through December 4 to watch my grandkids.

3 THE COURT: That's already been booked and paid  
4 for?

5 PROSPECTIVE JUROR EDINGTON: Unfortunately.

6 THE COURT: Okay. I am going to excuse you.  
7 That is a good reason, ma'am. Thank you.

8 All right. Go ahead.

9 THE CLERK: Joseph W. Tekippe.

10 THE COURT: Good morning, sir. If you'll come  
11 up to the same chair. And the microphone is right there  
12 in front of you, and I'll ask you the same questions,  
13 sir. Would serving on this jury be a severe hardship?

14 PROSPECTIVE JUROR TEKIPPE: No, sir.

15 THE COURT: Do you know any of the individuals  
16 who have been talked about here so far?

17 PROSPECTIVE JUROR TEKIPPE: No, sir.

18 THE COURT: Do you believe you knew anything  
19 about this case before you got here today?

20 PROSPECTIVE JUROR TEKIPPE: I did not.

21 THE COURT: Okay. Do you have any concerns  
22 that you might have any thoughts or prejudices or biases  
23 that might affect your ability to be fair and impartial  
24 in this case?

25 PROSPECTIVE JUROR TEKIPPE: No, sir.

1           THE COURT: Okay. Thank you. We'll go ahead  
2 and move forward.

3           I had talked about the indictment process and the  
4 difference between a grand jury and a trial jury, the  
5 different burdens of proof. And again, the point of that  
6 was to see if anyone was concerned and felt like they  
7 would just have trouble treating Ms. Taylor as someone  
8 who's innocent until proven guilty simply because she's  
9 been charged in this case. Anybody who hasn't raised  
10 their hand in answering that question or anyone else,  
11 does anybody feel that way, that you're just going to  
12 have trouble getting over the fact that she's been  
13 charged with crimes in this case?

14           Okay. Thank you.

15           I talked about the standard of beyond a reasonable  
16 doubt, and I want to give you a little more idea about  
17 what that means. It's the highest burden of proof in our  
18 court system. It is a protection for all of us as  
19 citizens to avoid being wrongfully charged and convicted  
20 of crimes. What it means is the United States does have  
21 the burden of establishing that a defendant is guilty as  
22 charged with regard to any criminal offenses that are  
23 charged.

24           The jury instructions will talk about what beyond a  
25 reasonable doubt means in a little more detail, but one

1 of the ways of considering the beyond a reasonable doubt  
2 standard is the proof has to be so convincing that you  
3 would be willing to rely and act on it without hesitation  
4 in the most important of your own affairs. So it doesn't  
5 mean proof beyond all possible doubt, but it does mean  
6 proof beyond a reasonable doubt. And again, it's a very  
7 high standard.

8 And what that means is if you are on the jury and  
9 you are deliberating and you think, yeah, she's probably  
10 guilty or seems like there's some smoke there, you can't  
11 vote guilty unless you find the government met its burden  
12 of proof beyond a reasonable doubt.

13 And that can be hard for some people because if you  
14 sort of suspect that maybe something happened but you're  
15 not sure, it can be hard for some people to check the not  
16 guilty box. But again, as your -- your oath as jurors  
17 would require that unless the government proves its case  
18 with regard to each crime beyond a reasonable doubt, you  
19 would have to find the defendant not guilty of that  
20 crime.

21 Does anyone have any concerns about that, you just  
22 don't think you could do it, that you wouldn't be able to  
23 vote not guilty in a situation that you kind of think  
24 maybe something happened there but the government didn't  
25 quite prove it? Anybody think you'd have trouble

1 applying that standard of proof?

2       Okay. Good. Nobody has raised their hands.

3       We've talked about jury instructions. If you are  
4 selected for the jury, I will read a set of jury  
5 instructions and hand out a written set to all of you.  
6 There will likely be more instructions that I give as the  
7 case goes on, and then at the end of the case there would  
8 be some more instructions.

9       The point of the jury instructions is it is the law  
10 of the case. I work with the attorneys on the phrasing  
11 and exactly what they say. Ultimately it's my job to get  
12 them right. And they do tell you then as jurors the law,  
13 the specific factors and facts that the government has to  
14 prove on each charge.

15       And some people don't agree with the law. We've had  
16 cases involving firearms, for example, or marijuana where  
17 people just don't agree with the law. But if you're on  
18 the jury in this case, you'll take an oath that you have  
19 to follow the law and apply the facts as you find them as  
20 jurors to that law whether you agree with the law or not.

21       So you may find that in a particular case the crime  
22 doesn't seem right or fair, but if you're going to be on  
23 the jury, you have to take an oath that includes  
24 following the law whether you disagree with it or agree  
25 with it. Does anybody think knowing what you know so far

1 that you might have trouble doing that in this case?

2 All right. Nobody has raised their hands. Thank  
3 you.

4 One question I like to ask, I don't always follow  
5 up, but I just like to have a show of hands. Have any of  
6 you served on a jury before? And if so, please raise  
7 your hand. Five, six. So of those of you who have  
8 served on a jury, some people have good experiences as  
9 jurors. Some have bad experiences. Do any of you think  
10 that your prior jury service, whatever might have  
11 happened, might impact your ability to be fair and  
12 impartial in this case? And if so, raise your hand so we  
13 can talk about that.

14 All right. Nobody has their hands up. Thank you.

15 I'm almost done with my questions, and when I'm  
16 done, we're going to take a break, and then I'll turn it  
17 over to the attorneys.

18 I touched on this a little earlier, but one of the  
19 most important things about being a juror is avoiding any  
20 outside influence, outside information, avoiding talking  
21 about the case while you're on the jury. I'm especially  
22 concerned in this case because it's not only going to be  
23 about 12 trial days but it's going to spread over the  
24 Thanksgiving holiday. Many folks will be getting  
25 together with families, maybe seeing people you don't see

1 much during the year.

2       It's a natural thing to want to talk about, oh, I'm  
3 on a jury, this is what the case is about, and maybe get  
4 feedback from people, what do you think, here's what I  
5 know so far. You can't do that. And that's going to be  
6 hard for some people I think in any situation let alone  
7 when we're going to take a little break for the  
8 Thanksgiving holiday.

9       So among other things, if you're on the jury, part  
10 of your juror oath is going to be you don't talk about  
11 the case with anyone, you don't listen to any news  
12 accounts, you don't look anything up on the internet, you  
13 don't look at social media about the case. If anybody  
14 tries to talk to you about the case, you have to stop  
15 them immediately and say, I can't talk about it, don't  
16 tell me anything, because we need to know that all of the  
17 information you get about the case comes right here in  
18 the courtroom and that everybody has the same  
19 information. We can't have a situation where some of the  
20 jurors think they know some things because they talked to  
21 their cousin over Thanksgiving. Other jurors might know  
22 other things because of something they saw on social  
23 media. We have to make sure that all of the information  
24 the jurors get comes here in the courtroom so everybody  
25 has the same information.

1           And again, I know social media, people like to post  
2 what they had for lunch. They like to post pictures of  
3 things. And again, being around family at Thanksgiving,  
4 it would be awfully tempting to talk about the case, find  
5 out what Cousin Eddie thinks about the case, things like  
6 that. You just can't do that.

7           So the reason I'm giving this speech, again, is if  
8 any of you have any concerns that that's just going to be  
9 too much to ask, you can't go through this trial without  
10 talking about it, without hearing what others think about  
11 it, please raise your hand so we can talk about that.  
12 And I can promise you once the trial's over, you're free  
13 to do whatever you want. You can write about it. You  
14 can look up things on the internet about the people  
15 involved. You can comment about what your thoughts on  
16 the judge were. You can do whatever you want once the  
17 trial's over. But you can't do that during the trial.

18           So again, if anybody has any concerns, please let me  
19 know that. Great. I appreciate that.

20           My last question is a little bit repetitive, but  
21 again, we've covered a lot of ground here this morning.  
22 And I just want to make sure if any of you are sitting  
23 here thinking, I just shouldn't be on this jury -- maybe  
24 it's for some reason I haven't asked about yet or just  
25 something you think you know or just there's something

1 about yourself, you just don't think you could be fair  
2 and impartial in this case -- this is the chance. I'd be  
3 happy to talk to you about that. Please raise your hand.

4 Okay. Oh, we have one in the back. Ma'am, is it --  
5 oh, I'm not going to get this right. Do we have a  
6 microphone? There's one right there. Is it  
7 Vanderhuizen?

8 PROSPECTIVE JUROR VANVELDHUIZEN:  
9 Vanveldhuizen.

10 THE COURT: Wow. Wasn't even close. Go ahead.

11 PROSPECTIVE JUROR VANVELDHUIZEN: I'm a  
12 teacher. And subs are really short at my school  
13 district. So being gone for 12 days might -- it's not a  
14 hardship for me but might be a hardship for my district.

15 THE COURT: And I appreciate that. I'm not  
16 going to excuse you for that reason. It's kind of like I  
17 said earlier. We have to be pretty tough on excuses.  
18 And I don't think I mentioned this, but one of the  
19 constitutional rights as far as a jury trial is it has to  
20 be a fair cross-section of the community. So we  
21 sometimes have self-employed folks or people in various  
22 professions who believe it's going to be difficult not  
23 for them so much but for others. And I appreciate that.  
24 My daughter's a kindergarten teacher. She would have the  
25 same situation. But I can't excuse you for that. But I

1 appreciate you letting us know that.

2 Anybody else? Sir? Mr. Bebee?

3 PROSPECTIVE JUROR BEBEE: Yes. I know you put  
4 the 12-day span on it. I have a trip prepaid for the 2nd  
5 through the 10th of December. I don't know if that -- if  
6 these ever go over what you say.

7 THE COURT: So I don't want to make any  
8 absolute promises. But in talking with the lawyers this  
9 morning, we are pretty confident we'll be done by  
10 December 1 which is the Friday of the end of that week,  
11 and there was even a comment that perhaps even shorter  
12 than that. And I start another trial the next Monday, so  
13 I'm going to do everything I can to keep things moving.  
14 So like I said, I don't want to make an absolute promise,  
15 but we're all pretty confident we would be done before  
16 December 2.

17 PROSPECTIVE JUROR BEBEE: Yes, sir.

18 THE COURT: Okay. Thank you. Anyone else?

19 Okay. We're going to take a short break. We've  
20 been going for a while now. We'll take about a 15-minute  
21 break, and then the lawyers will have the opportunity to  
22 ask additional questions. I have 11:05. So we will come  
23 back at 11:20. Thanks, everyone.

24 (Recess at 11:05 a.m.)

25 THE COURT: Please be seated. The next step in

1 the process will be to give the attorneys an opportunity  
2 to ask additional questions. And I'll start with the  
3 United States.

4 Mr. Timmons?

5 MR. TIMMONS: Thank you, Your Honor. May it  
6 please the Court, counsel.

7 Good morning, everybody. I'd like to start by  
8 reminding everyone, although my attention is going to be  
9 focused over here, if you're like me, you're kind of glad  
10 you're back there and not up here. But those of you back  
11 there are not off the hook just yet. Still at any point  
12 you could get swapped out for somebody; okay?

13 I'd imagine for most of you this is a pretty unique  
14 moment. We've got a really neatly decorated courtroom.  
15 It's got a wow factor that I started taking for granted a  
16 few years ago I'm sure because I've been here a little  
17 too often. But a special place. It might remind you of  
18 TV. You guys have all seen courtroom and cop dramas, I'm  
19 sure.

20 But I want to start with lowering your expectations.  
21 If you've watched CSI or FBI, Magnum PI, all those  
22 shows -- you guys have all seen that stuff; right? --  
23 there's going to be a difference between what you see on  
24 TV. Some of it's going to be similar. But reality is  
25 going to be a little bit different; okay?

1           On TV it's like an episode. They work one case,  
2 start to finish, nothing else to distract them. The  
3 attorneys are on a single case. The investigators wrap  
4 everything up in short order, and everybody knows what  
5 happened.

6           They've got all the resources in the world at their  
7 fingertips. Sometimes they've got a real cool, jazzy  
8 computer screen where they can talk about somebody and  
9 throw up their picture and all that stuff, and they prove  
10 their cases generally to absolute certainty. Everybody's  
11 also usually fairly attractive and talking in scripted  
12 language; right?

13           Here things are going to be a little bit different.  
14 Law enforcement and the attorneys, we've all got a lot of  
15 cases going on. We've done a lot of things since this  
16 case was investigated, limited resources. Can't do  
17 everything imaginable. Gotta manage our time  
18 accordingly. Speaking for myself, I'm not exactly  
19 goodlooking enough to be on TV.

20           And our burden is beyond a reasonable doubt. We're  
21 going to have real witnesses here for you. Some of them  
22 are going to be nervous at times. I'm going to talk to  
23 you a little bit. I might ask some of you some direct  
24 questions. I'll definitely be asking questions to the  
25 group.

1 I need you to be candid in your responses. Judge  
2 Strand did a really good job of explaining that if you  
3 had strong leanings any one direction or another, you  
4 need to be candid about that. Seems like you all have.

5 The typical example I give for that to illustrate  
6 the point is in a drug case -- we prosecute drug cases in  
7 here sometimes. Some people really think that marijuana,  
8 for example, should be legal, or some people think that  
9 it shouldn't. You know, some people are really strongly  
10 on one side of that divide one way or the other.

11 Wouldn't make you -- wouldn't necessarily matter in  
12 this case, but if it were a drug case, that could be a  
13 problem. You could see how that could be an issue;  
14 right?

15 So starting out with an easy question. Everybody  
16 think they can be candid in their responses you will  
17 provide? If so, please raise your hand.

18 Okay. This case is about voting. I'm sure you are  
19 all aware there's a couple different types of elections.  
20 There's a general election. Primary election is where  
21 the parties are kind of duking it out, who's going to get  
22 the candidacy. Primary election -- or I'm sorry. The  
23 general election is where the winners of those primaries  
24 are going at it. They're fighting against each other.

25 There's also a couple ways to vote. Most people

1 know about voting in person. They've done that before.  
2 Lot of people don't know you can vote by mail. Even if  
3 you're serving overseas in the military, you can find a  
4 way to vote here in Iowa. That's called an absentee  
5 ballot. And absentee ballots have been in the news as of  
6 late, last few years at least.

7 Do any of you guys have really strong feelings about  
8 absentee ballots and the process in general? Anybody at  
9 all? No? Okay.

10 Talk a little bit about being a witness in general.  
11 If you're like me, speaking in front of a large group  
12 isn't exactly your idea of a good time; right? Everybody  
13 understand that if they're sitting in that witness box  
14 things can get a little out of sorts; right? It's just  
15 not the same as sitting there having a cup of coffee with  
16 a friend. Can we all agree on that? The pressures are  
17 different. Everybody's eyes are on you.

18 I'll ask one direct question. I'll start with  
19 Mr. Kutz, is it? Did I pronounce that right?

20 PROSPECTIVE JUROR KUTZ: Yes.

21 MR. TIMMONS: Could you grab the mike there?  
22 We call some witnesses. If they're acting nervous, what  
23 are you going to make of that?

24 PROSPECTIVE JUROR KUTZ: What do you mean by  
25 that? Like if they're . . .

1 MR. TIMMONS: What is your response to that?  
2 Are you automatically going to discount what they say?

3 PROSPECTIVE JUROR KUTZ: Possibly.

4 MR. TIMMONS: Possibly? Why is that?

5 PROSPECTIVE JUROR KUTZ: It could be an  
6 emotional trigger to something.

7 MR. TIMMONS: Yeah? Okay. Do you think it  
8 would be easy for a witness to come in here and, for  
9 example, confess to a federal crime?

10 PROSPECTIVE JUROR KUTZ: Not really.

11 MR. TIMMONS: No. You do see the difference,  
12 though, between testifying here in court and that same  
13 individual sitting down to have a cup of coffee with a  
14 friend; right?

15 PROSPECTIVE JUROR KUTZ: Yeah.

16 MR. TIMMONS: Can you imagine they would be  
17 speaking a little bit differently?

18 PROSPECTIVE JUROR KUTZ: Yes.

19 MR. TIMMONS: Perhaps providing the same  
20 information but, you know, hands shaking or other tics of  
21 that sort?

22 PROSPECTIVE JUROR KUTZ: Yeah.

23 MR. TIMMONS: This case is about voting. As  
24 citizens of the United States, we often consider voting a  
25 fundamental right. Little known fact, it's not

1 guaranteed in the U.S. Constitution, but under the Iowa  
2 Constitution we have the right to vote. Basically under  
3 Iowa's Constitution, all adult residents of the state  
4 have a right to vote. So some consider it a cornerstone  
5 of democracy.

6 Show of hands. Who here among us is a registered  
7 voter? Okay. Those of you that are registered voters,  
8 who -- who votes in presidential elections? Okay. Hands  
9 down.

10 Who would consider themselves to be a regular voter?  
11 How about local elections? All right. Who voted last  
12 week?

13 Anyone here ever vote by mail? Okay.

14 I'd imagine some of you are members of a political  
15 party. I don't want to ask which one; okay? Regardless  
16 of that, each of you that identify with a political  
17 party, if you do, can you judge the facts fair and  
18 impartially in spite of your own political affiliation?  
19 If so, raise your hand.

20 Now, there are laws protecting the right to vote.  
21 Notably they're laws that help ensure that one person  
22 only votes once and that they're casting their own vote,  
23 not a vote of another. Does everybody understand that?  
24 Does that make sense to you?

25 You'll go over those laws specifically. You'll get

1 the elements of a violation of those types of laws. I'm  
2 not going to ask you what your thoughts or feelings are  
3 about those laws. But I need to know positively that if  
4 you sit on this jury you can enforce those laws  
5 regardless of your own feelings. Does anybody here have  
6 a problem with doing that? Anybody think to themselves,  
7 uh, I don't know, I'm not sure there should be a law  
8 about that?

9 No hands. It sounds like we're all in agreement on  
10 that. Okay.

11 I'm going to talk to you about circumstantial  
12 evidence a little bit. I should probably -- probably  
13 pick on somebody a little bit here. Let me see.  
14 Miss Petersen, do I have that right?

15 PROSPECTIVE JUROR PETERSEN: Uh-huh.

16 MR. TIMMONS: Are you one of the ones that  
17 watch lawyer or cop shows?

18 PROSPECTIVE JUROR PETERSEN: Once in a while.  
19 Not very often.

20 MR. TIMMONS: Once in a while? Sorry. Could  
21 you pick up a mike?

22 PROSPECTIVE JUROR PETERSEN: Once in a while.

23 MR. TIMMONS: Once in a while. Not a huge fan,  
24 but you've seen them?

25 PROSPECTIVE JUROR PETERSEN: Yes.

1           MR. TIMMONS:  Have you ever heard anybody  
2 say -- you ever heard anybody use the phrase that's  
3 purely circumstantial?

4           PROSPECTIVE JUROR PETERSEN:  Yes.

5           MR. TIMMONS:  Okay.  In relation to evidence?

6           PROSPECTIVE JUROR PETERSEN:  Yes.

7           MR. TIMMONS:  Is that a yes?

8           PROSPECTIVE JUROR PETERSEN:  Yes.

9           MR. TIMMONS:  Would it surprise you to learn  
10 that the law makes no distinction between circumstantial  
11 and direct evidence?  Surprised or no?  You don't have to  
12 answer.

13           Circumstantial evidence is a fact which you could  
14 find by way of another fact.  Is that making sense to  
15 you?

16           PROSPECTIVE JUROR PETERSEN:  Yes, yes.

17           MR. TIMMONS:  If you hear circumstantial  
18 evidence that is sufficient to overcome any reasonable  
19 doubts you have, do you think you could convict someone?

20           PROSPECTIVE JUROR PETERSEN:  No.

21           MR. TIMMONS:  You don't think so?

22           PROSPECTIVE JUROR PETERSEN:  I don't -- I don't  
23 think so.

24           MR. TIMMONS:  Okay.  Show of hands.  Who here  
25 understands that circumstantial evidence can be used to

1 convict someone?

2 Allow me to discuss an example of circumstantial  
3 evidence. And I'll get you off the hook. I gotta pick  
4 somebody else, though. I'll go with Miss Gerholdt.  
5 Would you take the mike, please? I'd like you to imagine  
6 we're out walking in a field on a winter day, fresh  
7 blanket of snow on the ground. You come across boot  
8 prints in the snow. You with me so far?

9 PROSPECTIVE JUROR GERHOLDT: Yep.

10 MR. TIMMONS: The boot prints lead to a fence  
11 post about this high off the ground. On top of the fence  
12 post sits a turtle. How did it get there?

13 PROSPECTIVE JUROR GERHOLDT: You would think  
14 the boots, it was a person and they walked it over and  
15 put it on there.

16 MR. TIMMONS: Did you see it?

17 PROSPECTIVE JUROR GERHOLDT: No.

18 MR. TIMMONS: Was it captured on video camera?

19 PROSPECTIVE JUROR GERHOLDT: Not as described,  
20 no.

21 MR. TIMMONS: Did anybody confess to it?

22 PROSPECTIVE JUROR GERHOLDT: No.

23 MR. TIMMONS: But you were still able to use  
24 your observations of particular facts to make the  
25 conclusion.

1 PROSPECTIVE JUROR GERHOLDT: Yes.

2 MR. TIMMONS: You comfortable with that?

3 PROSPECTIVE JUROR GERHOLDT: Yes.

4 MR. TIMMONS: Okay. Another way to say it is  
5 you use your common sense, you look at circumstances, and  
6 you made certain inferences.

7 Everybody here comfortable with that? If so, raise  
8 your hand.

9 You're off the hook now.

10 Would you do me a favor and pass the phone (sic) to  
11 Mr. Becker, is it? Going to talk a little bit about  
12 sufficiency of the evidence and reasonable doubt. So the  
13 judge has done a good job of explaining the presumption  
14 of innocence that exists for the defendant and the  
15 government's burden. These things are truly crucial to  
16 our system. And they're so important that I need to make  
17 sure that no one is confused.

18 The government doesn't have to prove this case  
19 within a mathematical certainty. And we don't have to  
20 prove the case beyond all doubt. Show of hands. Does  
21 everybody understand that? It's not all doubt. Beyond a  
22 reasonable doubt.

23 Okay. Now, Mr. Becker, I'm going to use you to  
24 illustrate an example of sufficiency of the evidence;  
25 okay? Prove to me who you are. Somebody wants to verify

1 that you showed up today for jury duty. How you going to  
2 do it?

3 PROSPECTIVE JUROR BECKER: Well, I would show  
4 the facts of me pull -- or showing up today.

5 MR. TIMMONS: Say that again.

6 PROSPECTIVE JUROR BECKER: I would tell the  
7 facts of me showing up today.

8 MR. TIMMONS: Okay. You'd tell somebody about  
9 it? I'm asking you not to prove that you showed up but  
10 to prove who you are.

11 PROSPECTIVE JUROR BECKER: Oh.

12 MR. TIMMONS: So how you going to prove to me  
13 that you are Jeremiah J. Becker of Sioux City?

14 PROSPECTIVE JUROR BECKER: Show you my ID.

15 MR. TIMMONS: ID?

16 PROSPECTIVE JUROR BECKER: Or birth certificate  
17 or . . .

18 MR. TIMMONS: Okay. Yeah. ID is good. If  
19 somebody needed more, birth certificate might help.  
20 Anything else you can think of? How about witnesses?

21 PROSPECTIVE JUROR BECKER: Oh, I guess, yeah,  
22 witnesses.

23 MR. TIMMONS: Got any witnesses that can verify  
24 who you are?

25 PROSPECTIVE JUROR BECKER: Yeah, my parents.

1 MR. TIMMONS: Parents? Okay. How about DNA?  
2 Fingerprints?

3 PROSPECTIVE JUROR BECKER: Yeah, DNA.

4 MR. TIMMONS: Things like that? At some point  
5 would you agree it's no longer reasonable to doubt the  
6 evidence stating that you're Jeremiah Becker?

7 PROSPECTIVE JUROR BECKER: I don't think so.

8 MR. TIMMONS: Like how much do we need to keep  
9 going after all that? At some point you have to draw a  
10 line. Is that fair to say?

11 PROSPECTIVE JUROR BECKER: Yeah.

12 MR. TIMMONS: Does anybody think in this  
13 situation that we're talking about with Mr. Becker that  
14 in order to prove that he is who he says he is beyond a  
15 reasonable doubt that we need video footage of his birth  
16 and video footage from the time he was born until the  
17 moment he walked in here so that we can guarantee that he  
18 is who he is? Anybody think that?

19 No hands. Okay. Is anybody going to hold me to  
20 that standard? Okay.

21 Judge Strand also did a good job of thanking you for  
22 coming in. That's lastly what I'm going to do. It is a  
23 sacrifice. We recognize that you may not, you know, have  
24 decided you truly wanted to be here, but we want to thank  
25 you for showing up, responding, and being here today.

1 Thank you very much.

2 THE COURT: Thank you, Mr. Timmons.

3 Mr. Brown, questions for the potential jurors?

4 MR. BROWN: Yes, Your Honor. Thank you.

5 I apologize for these glasses. First went the hair  
6 and the hips and the legs, then went the eyes. So I need  
7 them. I'd like to reverse all that if I could, but  
8 that's not the way it works.

9 As I said, Monty Brown, Storm Lake, criminal defense  
10 lawyer in central Iowa, 35-plus years. I'm not going to  
11 waste any more of your time.

12 I understand -- I could spend a whole lifetime with  
13 each one of you and really not figure out what you were  
14 going to do, so I'm not going to attempt to. But I'm  
15 going to try to ask each one of you one or two questions  
16 just to get a sense of how we can sort this out.

17 Everyone doing okay? All right. Good.

18 You got the mike? Becker, you're up. So did your  
19 parents ever tell you to do something you didn't want to  
20 do?

21 PROSPECTIVE JUROR BECKER: Yeah.

22 MR. BROWN: Did they ever try to remind you  
23 that there were certain things that you had to do to be a  
24 responsible person?

25 PROSPECTIVE JUROR BECKER: Yeah.

1 MR. BROWN: Did you always follow their lead?

2 PROSPECTIVE JUROR BECKER: Most of the times,  
3 yeah.

4 MR. BROWN: All right. Good. You have  
5 brothers and sisters?

6 PROSPECTIVE JUROR BECKER: Two sisters, yeah.

7 MR. BROWN: Are they older or younger than you?

8 PROSPECTIVE JUROR BECKER: I didn't --

9 MR. BROWN: Your sister, older or younger?

10 PROSPECTIVE JUROR BECKER: Older.

11 MR. BROWN: And what do you do in Sioux City?

12 PROSPECTIVE JUROR BECKER: I weld. I'm a  
13 welder.

14 MR. BROWN: Did you have to go for training and  
15 school to become a certified welder?

16 PROSPECTIVE JUROR BECKER: Yes, at the place of  
17 employment. They gave me lessons.

18 MR. BROWN: Could you hand the mike over to  
19 Mr. McKeever, please?

20 Mr. McKeever, do I read this right? You work for  
21 the Iowa Department of Human Services?

22 PROSPECTIVE JUROR MCKEEVER: Yes, sir.

23 MR. BROWN: And you are a child abuse  
24 investigator for the state of Iowa?

25 PROSPECTIVE JUROR MCKEEVER: Yes, sir.

1 MR. BROWN: All right. So in that context from  
2 time to time are you called upon to have to evaluate the  
3 credibility of certain people?

4 PROSPECTIVE JUROR MCKEEVER: Yes.

5 MR. BROWN: How do you go about doing that?

6 PROSPECTIVE JUROR MCKEEVER: You ask a lot of  
7 questions, and you investigate. You utilize witnesses,  
8 testimony, whatever evidence you've gathered, and you  
9 move forward from there.

10 MR. BROWN: Do you attempt to evaluate whether  
11 a particular important witness has some motive to say a  
12 certain thing or a bias to say a certain thing?

13 PROSPECTIVE JUROR MCKEEVER: Yes, that's part  
14 of the interview process.

15 MR. BROWN: Would you think that power is a  
16 strong motivator for someone to possibly say certain  
17 things about another person?

18 PROSPECTIVE JUROR MCKEEVER: It can be, yes.

19 MR. BROWN: What about money?

20 PROSPECTIVE JUROR MCKEEVER: Yes.

21 MR. BROWN: You ever heard the phrase don't  
22 mess with somebody else's money?

23 PROSPECTIVE JUROR MCKEEVER: Yes.

24 MR. BROWN: Any reason why you wouldn't be a  
25 good juror in this case?

1 PROSPECTIVE JUROR MCKEEVER: I can't think of  
2 any.

3 MR. BROWN: Would you mind passing the mike  
4 over to Ms. Goulette, please? Did I pronounce that  
5 correctly?

6 PROSPECTIVE JUROR GOULETTE: Goulette.

7 MR. BROWN: Goulette? You're not the French  
8 Goulette? All right. And you're a certified nursing  
9 assistant; is that correct?

10 PROSPECTIVE JUROR GOULETTE: Correct.

11 MR. BROWN: All right. Never been on a jury  
12 before?

13 PROSPECTIVE JUROR GOULETTE: No.

14 MR. BROWN: Voted before?

15 PROSPECTIVE JUROR GOULETTE: When I first  
16 turned 18.

17 MR. BROWN: Okay. Did you vote in person or by  
18 absentee?

19 PROSPECTIVE JUROR GOULETTE: It was in person.

20 MR. BROWN: Have you ever -- listen to me  
21 carefully. Have you ever encouraged someone else to  
22 vote?

23 PROSPECTIVE JUROR GOULETTE: No.

24 MR. BROWN: Okay. In other words, have you  
25 ever had a discussion with somebody where you said, hey,

1 you going to go to vote and you need to vote for X?

2 PROSPECTIVE JUROR GOULETTE: No.

3 MR. BROWN: Okay. Any reason why you wouldn't  
4 be a good juror in this matter?

5 PROSPECTIVE JUROR GOULETTE: I can't think of  
6 anything.

7 MR. BROWN: I can't either. Would you pass it  
8 over to Ms. Gross? Thank you.

9 Ms. Gross, you live in Holstein; is that right?

10 PROSPECTIVE JUROR GROSS: Yeah.

11 MR. BROWN: Is that over on Highway 20 over  
12 there someplace?

13 PROSPECTIVE JUROR GROSS: Yeah.

14 MR. BROWN: Okay. Lived there a long time;  
15 right?

16 PROSPECTIVE JUROR GROSS: Yes.

17 MR. BROWN: And you're in retail?

18 PROSPECTIVE JUROR GROSS: Yes.

19 MR. BROWN: Any reason why you don't think  
20 you'd be a good juror in this case?

21 PROSPECTIVE JUROR GROSS: No.

22 MR. BROWN: Have you from time to time voted?

23 PROSPECTIVE JUROR GROSS: Yes.

24 MR. BROWN: You ever encourage anybody else to  
25 vote?

1 PROSPECTIVE JUROR GROSS: Yes.

2 MR. BROWN: Did you ever have teenage or  
3 college-age children?

4 PROSPECTIVE JUROR GROSS: Yes.

5 MR. BROWN: Did you ever do things for those  
6 miscreants -- did you do anything for them because they  
7 wouldn't do it themselves?

8 PROSPECTIVE JUROR GROSS: All the time.

9 MR. BROWN: Did you have to remind your  
10 teenagers and college-age kids to get things done that  
11 they needed to get done to be responsible people?

12 PROSPECTIVE JUROR GROSS: Yes.

13 MR. BROWN: Do you like to read books?

14 PROSPECTIVE JUROR GROSS: I do.

15 MR. BROWN: Okay. Do you think -- other than  
16 limited circumstances, do you think the government ought  
17 to be in the business of telling us what we can read?

18 PROSPECTIVE JUROR GROSS: Do I think they  
19 should tell us what to read?

20 MR. BROWN: Yeah. Should the government be in  
21 the business of telling us what we can or cannot read?

22 PROSPECTIVE JUROR GROSS: I would say no.

23 MR. BROWN: Okay. I'm not asking you what  
24 books should be in the public school system. I'm not  
25 asking you that part of it; okay? But generally you

1 understand that your right to read is a First Amendment  
2 right? Does that make sense?

3 PROSPECTIVE JUROR GROSS: Yes.

4 MR. BROWN: Okay. And as counsel for the  
5 government acknowledged, the right to vote is essentially  
6 part of that fundamental First Amendment right as well;  
7 right? Does that make sense?

8 PROSPECTIVE JUROR GROSS: Yes.

9 MR. BROWN: And it's been said -- I want to see  
10 if anybody disagrees with this -- that, you know, the  
11 discussion of public issues and debate on the  
12 qualifications of our candidates is integral to the  
13 operation of our government and our Constitution. Does  
14 anybody disagree with that? Would you disagree with  
15 that? All right.

16 Could you pass over to Mr. Meggers?

17 Mr. Meggers, I'm going to ask you a little bit  
18 different kind of problem here. You know what an  
19 aircraft carrier is; right?

20 PROSPECTIVE JUROR MEGGERS: Yes.

21 MR. BROWN: All right. And you know that  
22 there's little tiny airports out in -- scattered about  
23 Iowa; right?

24 PROSPECTIVE JUROR MEGGERS: Yes.

25 MR. BROWN: What do you think is more

1 dangerous? One of these little tiny scattered airports  
2 or an aircraft carrier out in the -- you know, the Gulf  
3 of Tonkin or whatever?

4 PROSPECTIVE JUROR MEGGERS: Probably a small  
5 airport.

6 MR. BROWN: Okay. And why would you say that?

7 PROSPECTIVE JUROR MEGGERS: Safety issues.

8 MR. BROWN: Because the people in the  
9 airport -- or on the aircraft carrier, you would expect  
10 that they would be trained to reduce the risk; right?

11 PROSPECTIVE JUROR MEGGERS: Correct.

12 MR. BROWN: So under the scenario I posed to  
13 you -- I guess I was expecting a different answer. But  
14 I'll go with it. The less training you have, the more  
15 risk there is of a mistake. Is that basically what  
16 you're saying?

17 PROSPECTIVE JUROR MEGGERS: Pardon me?

18 MR. BROWN: The less training you may have, the  
19 more risk there is of a mistake.

20 PROSPECTIVE JUROR MEGGERS: Yes.

21 MR. BROWN: Any reason you don't think you'd be  
22 a good juror in this matter?

23 PROSPECTIVE JUROR MEGGERS: No.

24 MR. BROWN: Did you vote in the 2020 election?

25 PROSPECTIVE JUROR MEGGERS: Yes.

1 MR. BROWN: Have you ever voted by absentee  
2 ballot before?

3 PROSPECTIVE JUROR MEGGERS: No.

4 MR. BROWN: Do you understand that there are  
5 citizens in Iowa that want to vote but they can't read  
6 the ballots?

7 PROSPECTIVE JUROR MEGGERS: Yes.

8 MR. BROWN: What do you think ought to be done  
9 about that?

10 PROSPECTIVE JUROR MEGGERS: Probably should  
11 provide interpreters.

12 MR. BROWN: So do you think they ought to be  
13 able to call upon somebody to help them fill out the  
14 forms or vote at the ballot box if they want?

15 PROSPECTIVE JUROR MEGGERS: As long as it's not  
16 slanted towards the person helping them, their candidate.

17 MR. BROWN: Okay. All right. Thank you very  
18 much. Could you pass it over to Mr. -- is it Mr. Kutz?

19 You already got one, don't you? Do you remember the  
20 COVID pandemic in 2020?

21 PROSPECTIVE JUROR KUTZ: Yes.

22 MR. BROWN: Cause you problems?

23 PROSPECTIVE JUROR KUTZ: Not really, no.

24 MR. BROWN: All right. Did you think -- do you  
25 think it made society more complex to deal with at the

1 time?

2 PROSPECTIVE JUROR KUTZ: Yes.

3 MR. BROWN: Do you think it made elections more  
4 difficult to hold during a pandemic?

5 PROSPECTIVE JUROR KUTZ: Yes.

6 MR. BROWN: Any reason why you don't think  
7 you'd be a good juror in this case?

8 PROSPECTIVE JUROR KUTZ: No.

9 MR. BROWN: Could you pass your mike over to  
10 Mr. Stover?

11 Mr. Stover, you work in accounting and business  
12 analytics or something like that? Is that right?

13 PROSPECTIVE JUROR STOVER: Yes, correct.

14 MR. BROWN: How long have you done that?

15 PROSPECTIVE JUROR STOVER: Eight years.

16 MR. BROWN: Are you a CPA?

17 PROSPECTIVE JUROR STOVER: No, sir.

18 MR. BROWN: But you have specialized training  
19 in accounting?

20 PROSPECTIVE JUROR STOVER: Correct.

21 MR. BROWN: Have you ever made a mistake at  
22 work?

23 PROSPECTIVE JUROR STOVER: Yes.

24 MR. BROWN: Have you ever made a mistake that  
25 at the time that you were making it you thought you were

1 doing it right?

2 PROSPECTIVE JUROR STOVER: Yes.

3 MR. BROWN: And then it was pointed out after  
4 the fact in hindsight that, you know, it shouldn't have  
5 been done that way? Is that . . .

6 PROSPECTIVE JUROR STOVER: Correct.

7 MR. BROWN: Who in this whole -- of this first  
8 30 haven't made a mistake that somebody hasn't pointed  
9 out later on and said, you know, how'd you mess that up?  
10 Anybody?

11 Thank you, Mr. Stover. You can pass it over to --  
12 is it Boger?

13 PROSPECTIVE JUROR BOGER: Yes.

14 MR. BROWN: Do you have any brothers and  
15 sisters?

16 PROSPECTIVE JUROR BOGER: I do. Three older  
17 brothers.

18 MR. BROWN: What's their names?

19 PROSPECTIVE JUROR BOGER: Todd, Tim, and Tony.

20 MR. BROWN: Any of them went to Buena Vista in  
21 1979 and '78?

22 PROSPECTIVE JUROR BOGER: No.

23 MR. BROWN: All right. I understand that you  
24 do a little photography work; is that right?

25 PROSPECTIVE JUROR BOGER: Yeah, on the side.

1 MR. BROWN: What kind of photography?

2 PROSPECTIVE JUROR BOGER: Just, like, family  
3 portraits and stuff.

4 MR. BROWN: Okay. All right. When I say get  
5 out the vote activities, do you have kind of your own  
6 personal sense of what that means?

7 PROSPECTIVE JUROR BOGER: I have no idea.

8 MR. BROWN: Okay. Are you generally aware that  
9 there's people that knock on doors, hand out flyers,  
10 stick those things in your mailbox and in your door?

11 PROSPECTIVE JUROR BOGER: Yes.

12 MR. BROWN: All right. There's people that  
13 call from time to time if they can get your number;  
14 right?

15 PROSPECTIVE JUROR BOGER: Yes.

16 MR. BROWN: And they text.

17 PROSPECTIVE JUROR BOGER: Yes.

18 MR. BROWN: There's, you know, organizations --  
19 we could list a thousand of them, everyone from the NRA  
20 to abortion groups -- who spend money to put ads on to  
21 try to get people out to vote. You're aware of that.

22 PROSPECTIVE JUROR BOGER: Yes.

23 MR. BROWN: All right. You think that somehow  
24 should be illegal?

25 PROSPECTIVE JUROR BOGER: No.

1           MR. BROWN: Any reason why you don't think  
2 you'd be a good juror in this matter?

3           PROSPECTIVE JUROR BOGER: No.

4           MR. BROWN: Could you pass that over to  
5 Mr. Peters, please?

6           Mr. Peters, what do you do in Hartley, Iowa?

7           PROSPECTIVE JUROR PETERS: What was that?

8           MR. BROWN: What do you do in Hartley, Iowa?

9           PROSPECTIVE JUROR PETERS: I manage the feed  
10 mill for CFE.

11          MR. BROWN: Have you ever made any mistakes in  
12 the management of your feed mill?

13          PROSPECTIVE JUROR PETERS: Just a few.

14          MR. BROWN: Yeah. And did people point out  
15 those mistakes?

16          PROSPECTIVE JUROR PETERS: Yeah.

17          MR. BROWN: Did you do them on purpose?

18          PROSPECTIVE JUROR PETERS: No.

19          MR. BROWN: Did you do them with some kind of  
20 intent to violate the rules and regulations you had to  
21 abide by as part of your job?

22          PROSPECTIVE JUROR PETERS: No.

23          MR. BROWN: They're just mistakes; right?

24          PROSPECTIVE JUROR PETERS: (Prospective juror  
25 indicated.)

1 MR. BROWN: When was the last time you voted?

2 PROSPECTIVE JUROR PETERS: Probably the last  
3 presidential election.

4 MR. BROWN: In 2020?

5 PROSPECTIVE JUROR PETERS: Yeah.

6 MR. BROWN: Did you do it in person or by  
7 absentee ballot?

8 PROSPECTIVE JUROR PETERS: In person.

9 MR. BROWN: Thank you. Can you pass the  
10 microphone to Ms. Ochoa, please.

11 Ms. Ochoa, you live in LeMars?

12 PROSPECTIVE JUROR OCHOA: Yes.

13 MR. BROWN: For a long time?

14 PROSPECTIVE JUROR OCHOA: Just a little over 20  
15 years.

16 MR. BROWN: And you're -- I think you have some  
17 property that you're a landlord of; is that right?

18 PROSPECTIVE JUROR OCHOA: Yes.

19 MR. BROWN: And you from time to time use  
20 Facebook; is that right?

21 PROSPECTIVE JUROR OCHOA: Yeah.

22 MR. BROWN: Did you ever get targeted political  
23 ads on Facebook that were targeted to your page or  
24 anything like that?

25 PROSPECTIVE JUROR OCHOA: No.

1 MR. BROWN: No? When was the last time that  
2 you voted? Do you remember?

3 PROSPECTIVE JUROR OCHOA: The last presidential  
4 elections.

5 MR. BROWN: In person or by absentee?

6 PROSPECTIVE JUROR OCHOA: In person.

7 MR. BROWN: Okay. Any reason why you wouldn't  
8 be a good juror in this matter?

9 PROSPECTIVE JUROR OCHOA: No.

10 MR. BROWN: All right. Could you pass that  
11 over to Ms. Walker, please.

12 Good morning, Ms. Walker.

13 PROSPECTIVE JUROR WALKER: Morning.

14 MR. BROWN: Let me ask you a bit about this --  
15 this concept of criminal intent. You watch Dateline;  
16 right?

17 PROSPECTIVE JUROR WALKER: Yes.

18 MR. BROWN: You put that on your questionnaire.  
19 And you watch the news; right?

20 PROSPECTIVE JUROR WALKER: Right.

21 MR. BROWN: You're a data analyst; right?

22 PROSPECTIVE JUROR WALKER: Right.

23 MR. BROWN: And, you know, on the crime shows,  
24 sometimes they talk about criminal intent. So you have a  
25 sense of what that is; right?

1 PROSPECTIVE JUROR WALKER: Yeah.

2 MR. BROWN: So you're traveling down the  
3 Interstate 29. I guess you're going north on, what is  
4 it, 75 to -- north and you put the cruise on five miles  
5 over; right? You know you're speeding; right?

6 PROSPECTIVE JUROR WALKER: Right.

7 MR. BROWN: That makes sense; right? Or worse.  
8 If you, you know, pull a gun out, you shoot at somebody  
9 six times, you probably tried to kill them; right? Does  
10 that make sense?

11 PROSPECTIVE JUROR WALKER: Yes.

12 MR. BROWN: All right. Could you also conceive  
13 of a circumstance, though, when you thought you were  
14 acting in good faith to help people do something that was  
15 important like vote?

16 PROSPECTIVE JUROR WALKER: Yes.

17 MR. BROWN: And while acting in good faith, you  
18 made some -- you made some mistakes. Could you conceive  
19 of some scenario like that?

20 PROSPECTIVE JUROR WALKER: Yes.

21 MR. BROWN: So I'm not going to argue the case  
22 here, but under that limited scenario, if a person is  
23 making a mistake and they're doing so in good faith,  
24 would you think that they are trying to knowingly and  
25 willfully violate the law? Or what would you say about

1 that?

2 PROSPECTIVE JUROR WALKER: If it was only done  
3 a couple times, but, you know, if it was done  
4 repetitively, I would think it wasn't a mistake anymore.

5 MR. BROWN: Well, let me ask you this. What if  
6 the same kind of -- seemingly the same kind of mistake --  
7 and I'm not sure that it always is that case, but  
8 seemingly the mistake is made again and again, I guess  
9 that could mean possibly two things; right? It could  
10 mean you really, really wanted to violate the law a whole  
11 bunch of times or you didn't because you kept doing it;  
12 right?

13 PROSPECTIVE JUROR WALKER: Right.

14 MR. BROWN: I mean, does that make sense?

15 PROSPECTIVE JUROR WALKER: Yeah.

16 MR. BROWN: Any reason why you wouldn't be a  
17 good juror in this matter?

18 PROSPECTIVE JUROR WALKER: No.

19 MR. BROWN: All right. Could you pass it over  
20 to Ms. -- is it Neddermeyer?

21 PROSPECTIVE JUROR NEDDERMEYER: Yes.

22 MR. BROWN: Thank you. You lived in the  
23 Charter Oak area for a long time?

24 PROSPECTIVE JUROR NEDDERMEYER: Yes.

25 MR. BROWN: Any reason why you don't think

1 you'd be a good juror in this matter?

2 PROSPECTIVE JUROR NEDDERMEYER: No.

3 MR. BROWN: Did you ever have teenage or  
4 college-age children?

5 PROSPECTIVE JUROR NEDDERMEYER: Oh, yeah.

6 MR. BROWN: Did you ever have to do things for  
7 them or remind them to do things when they should have  
8 been doing it themselves?

9 PROSPECTIVE JUROR NEDDERMEYER: Yes.

10 MR. BROWN: Did you ever fill out any papers  
11 for them or anything like that?

12 PROSPECTIVE JUROR NEDDERMEYER: No.

13 MR. BROWN: Did your husband have to remind  
14 your kids to get things done that were expected of them?

15 PROSPECTIVE JUROR NEDDERMEYER: No.

16 MR. BROWN: Okay. Were you the boss of the  
17 family?

18 PROSPECTIVE JUROR NEDDERMEYER: I'm not the  
19 boss, but he isn't real good at it either.

20 MR. BROWN: Any reason why you don't think  
21 you'd be a good juror in this matter?

22 PROSPECTIVE JUROR NEDDERMEYER: No.

23 MR. BROWN: Could you pass over to  
24 Ms. Whithaus, please?

25 Ms. Whithaus, same kind of question. You got young

1 teenage kids or anything?

2 PROSPECTIVE JUROR WHITHAUS: I do.

3 MR. BROWN: You ever have to tell them to do  
4 stuff?

5 PROSPECTIVE JUROR WHITHAUS: Yes.

6 MR. BROWN: Voted in the last election?

7 PROSPECTIVE JUROR WHITHAUS: No.

8 MR. BROWN: You ever made a mistake that in  
9 hindsight maybe if you'd have done things differently  
10 could have been avoided? Does that make sense?

11 PROSPECTIVE JUROR WHITHAUS: Yes.

12 MR. BROWN: That's just part of life, isn't it?

13 PROSPECTIVE JUROR WHITHAUS: It is.

14 MR. BROWN: We all make mistakes. Any reason  
15 why you wouldn't be a good juror in this matter?

16 PROSPECTIVE JUROR WHITHAUS: No.

17 MR. BROWN: Would you pass it over to Ms. -- is  
18 it Ms. Blackman?

19 PROSPECTIVE JUROR BLACKMAN: Yes.

20 MR. BROWN: Thank you. Ms. Blackman, I'm going  
21 to ask you a little bit different kind of -- different  
22 kind of thing here. You ever bought a house?

23 PROSPECTIVE JUROR BLACKMAN: Yes.

24 MR. BROWN: Okay. Bought a car?

25 PROSPECTIVE JUROR BLACKMAN: Yes.

1 MR. BROWN: If you were trying to decide  
2 whether to buy a house and you and your significant other  
3 came to the conclusion that the house you really wanted  
4 to buy was too expensive -- follow me so far?

5 PROSPECTIVE JUROR BLACKMAN: Yes.

6 MR. BROWN: Okay. Would you say that that  
7 might be an example of something where you've paused or  
8 hesitated in some important matter? Does that make  
9 sense?

10 PROSPECTIVE JUROR BLACKMAN: Yes.

11 MR. BROWN: Have you ever heard the phrase like  
12 you're going to get a second opinion from a doctor or  
13 something like that?

14 PROSPECTIVE JUROR BLACKMAN: Yes.

15 MR. BROWN: Why do you think people might do  
16 that?

17 PROSPECTIVE JUROR BLACKMAN: Because nobody is  
18 perfect, and it's good to get somebody else's opinion on  
19 what's going on.

20 MR. BROWN: They have to make an important  
21 decision, and they want to have all the information they  
22 can; right?

23 PROSPECTIVE JUROR BLACKMAN: Right.

24 MR. BROWN: So they're not just going to -- not  
25 just content to hear what one doctor has to say even

1 though they're a qualified medical professional. You  
2 know, they want more time; right? That makes sense;  
3 right?

4 PROSPECTIVE JUROR BLACKMAN: Yes.

5 MR. BROWN: Are you the kind of person that  
6 likes to seek out all information that you can about some  
7 kind of problem if you have to try to solve it?

8 PROSPECTIVE JUROR BLACKMAN: Yes, as much as  
9 possible.

10 MR. BROWN: Thank you. All right. Could you  
11 pass that microphone back to Ms. Neiman?

12 PROSPECTIVE JUROR NEIMAN: It's Neiman.

13 MR. BROWN: Neiman?

14 PROSPECTIVE JUROR NEIMAN: It's Neiman.

15 MR. BROWN: Neiman? Related to Don Neiman, a  
16 lawyer in Des Moines?

17 PROSPECTIVE JUROR NEIMAN: No relation.

18 MR. BROWN: Okay. So I want to circle with you  
19 on that issue that I was talking to Ms. Blackman about,  
20 this kind of -- this circumstance where you might  
21 hesitate to act in something that was important in your  
22 life. Has that ever happened to you?

23 PROSPECTIVE JUROR NEIMAN: Yeah.

24 MR. BROWN: You ever been accused of making a  
25 mistake in your life?

1 PROSPECTIVE JUROR NEIMAN: Accused of making a  
2 mistake?

3 MR. BROWN: Yeah, not by criminal authorities  
4 or police.

5 PROSPECTIVE JUROR NEIMAN: Yeah.

6 MR. BROWN: At work or somebody says you really  
7 messed that up, you know? That's happened; right?

8 PROSPECTIVE JUROR NEIMAN: It happens. I work  
9 in the medical field, so it happens.

10 MR. BROWN: Would you agree that the more  
11 complex the problem may be, the more likelihood there  
12 could be for some mistakes, especially if somebody's not  
13 properly trained?

14 PROSPECTIVE JUROR NEIMAN: Yeah.

15 MR. BROWN: Any reason why you wouldn't be a  
16 good juror in this matter?

17 PROSPECTIVE JUROR NEIMAN: No.

18 MR. BROWN: Mr. Bebee -- could you pass the  
19 mike to Mr. Bebee?

20 Mr. Bebee, you live in Hornick; is that right?

21 PROSPECTIVE JUROR BEBEE: Yes, sir.

22 MR. BROWN: Bad flood in 2019?

23 PROSPECTIVE JUROR BEBEE: Yes, sir.

24 MR. BROWN: Get your property?

25 PROSPECTIVE JUROR BEBEE: Yes, sir.

1 MR. BROWN: Are you a member of the National  
2 Guard?

3 PROSPECTIVE JUROR BEBEE: Yes, sir.

4 MR. BROWN: Have you met a Jeremy Taylor in the  
5 National Guard?

6 PROSPECTIVE JUROR BEBEE: Know of him, yes.

7 MR. BROWN: Okay. That's good enough for me.  
8 Thank you. Would you pass it over to -- it's  
9 Mr. Tekippe?

10 PROSPECTIVE JUROR TEKIPPE: Tekippe.

11 MR. BROWN: Tekippe. My apologies. I should  
12 know that. We didn't get along with Orange City very  
13 well when I grew up. BV and Northwestern had a big  
14 rivalry. That was just the way it was.

15 You live in Sergeant Bluff; is that right?

16 PROSPECTIVE JUROR TEKIPPE: I live in Holstein.

17 MR. BROWN: Holstein, okay. And you're a  
18 teacher?

19 PROSPECTIVE JUROR TEKIPPE: I was a substitute  
20 teacher. I don't do that anymore.

21 MR. BROWN: What do you do now?

22 PROSPECTIVE JUROR TEKIPPE: Nothing right now.

23 MR. BROWN: Did you vote in 2020?

24 PROSPECTIVE JUROR TEKIPPE: I did.

25 MR. BROWN: Did the COVID-19 pandemic cause you

1 problems, make your life more difficult?

2 PROSPECTIVE JUROR TEKIPPE: It was an issue.

3 MR. BROWN: Did it -- do you think it made  
4 things more difficult for state and local governments to  
5 try to get people to vote and stay safe at the same time?

6 PROSPECTIVE JUROR TEKIPPE: I think it made  
7 problems for everybody.

8 MR. BROWN: Thank you, sir. Could you pass  
9 over to Ms. Gerholdt?

10 Ms. Gerholdt, where is Blencoe?

11 PROSPECTIVE JUROR GERHOLDT: It's, like, right  
12 by Onawa, about ten minutes.

13 MR. BROWN: That way someplace down the river?

14 PROSPECTIVE JUROR GERHOLDT: Sure. Wherever we  
15 are.

16 MR. BROWN: Do you have brothers and sisters?

17 PROSPECTIVE JUROR GERHOLDT: Yep.

18 MR. BROWN: Did your parents ever have to  
19 remind them to get things done they needed to get done?

20 PROSPECTIVE JUROR GERHOLDT: Oh, yeah.

21 MR. BROWN: What about you? Same with you?

22 PROSPECTIVE JUROR GERHOLDT: All the time.

23 MR. BROWN: Did you vote in 2020?

24 PROSPECTIVE JUROR GERHOLDT: Yep.

25 MR. BROWN: Any reason why you wouldn't be a

1 good juror in this matter?

2 PROSPECTIVE JUROR GERHOLDT: Nope.

3 MR. BROWN: Would you pass it over to  
4 Mr. Grimm, please.

5 How am I doing on time, Your Honor?

6 THE COURT: You have about 20 minutes yet.

7 MR. BROWN: Okay. We'll make it happen.

8 Mr. Grimm, you're a pastor in Primghar, Iowa?

9 PROSPECTIVE JUROR GRIMM: Yes.

10 MR. BROWN: Do you have any Vietnamese  
11 Americans in your congregation?

12 PROSPECTIVE JUROR GRIMM: Previously this  
13 church did but not during my time there.

14 MR. BROWN: Do you know what get out the vote  
15 activities mean?

16 PROSPECTIVE JUROR GRIMM: I've maybe heard of  
17 it but not very familiar.

18 MR. BROWN: Would it be fair to say you're  
19 generally aware that there are people who knock on doors,  
20 hang out leaflets, do things like that; right?

21 PROSPECTIVE JUROR GRIMM: Yeah.

22 MR. BROWN: And there's, you know, political  
23 action committees, other entities that provide money for  
24 other issues related to voting dissemination? You know  
25 about that.

1 PROSPECTIVE JUROR GRIMM: Yes.

2 MR. BROWN: Do you think it ought to be illegal  
3 for somebody to walk outside your church on Sunday and  
4 tell somebody they sat next to, hey, you need to vote for  
5 So and So; he or she is right on policy A, B, and C? You  
6 think that ought to be illegal?

7 PROSPECTIVE JUROR GRIMM: No, as long as it's  
8 outside of the church property.

9 MR. BROWN: Outside of the church.

10 PROSPECTIVE JUROR GRIMM: Right.

11 MR. BROWN: Think the government has any  
12 business about trying to interfere with who us private  
13 citizens recommend to our friends, family, or neighbors  
14 about who they ought to vote for?

15 PROSPECTIVE JUROR GRIMM: No.

16 MR. BROWN: Do you think trying to encourage  
17 somebody to vote is like tricking them in some way?

18 PROSPECTIVE JUROR GRIMM: I don't.

19 MR. BROWN: You've spent some time in a foreign  
20 country, have you not?

21 PROSPECTIVE JUROR GRIMM: Yeah.

22 MR. BROWN: And you've been around people who  
23 have made serious mistakes in their life, have you not?

24 PROSPECTIVE JUROR GRIMM: Yes.

25 MR. BROWN: They're in prison.

1 PROSPECTIVE JUROR GRIMM: Right.

2 MR. BROWN: You minister to them.

3 PROSPECTIVE JUROR GRIMM: Uh-huh.

4 MR. BROWN: Any reason why you don't think  
5 you'd be a good juror in this matter?

6 PROSPECTIVE JUROR GRIMM: I don't believe so.

7 MR. BROWN: Could you pass over to  
8 Miss Saville? Is it Saville?

9 PROSPECTIVE JUROR SAVILLE: Uh-huh, yes.

10 MR. BROWN: And you lived in Sioux City 18  
11 years; is that correct?

12 PROSPECTIVE JUROR SAVILLE: I've lived here all  
13 my life.

14 MR. BROWN: All your life. You're about --  
15 yeah. You're an accountant and have some experience --

16 PROSPECTIVE JUROR SAVILLE: Sioux Sales  
17 Company.

18 MR. BROWN: Experience in software too?

19 PROSPECTIVE JUROR SAVILLE: I did computer tech  
20 support for 18 years.

21 MR. BROWN: Did you do any of that tech work  
22 support for the government?

23 PROSPECTIVE JUROR SAVILLE: No.

24 MR. BROWN: Do you tend to believe law  
25 enforcement over ordinary citizens when it comes to who

1 did what type of scenarios?

2 PROSPECTIVE JUROR SAVILLE: Yes.

3 MR. BROWN: Do you think that FBI has more  
4 credibility than local law enforcement?

5 PROSPECTIVE JUROR SAVILLE: Not necessarily.

6 MR. BROWN: Do you from time to time listen to  
7 radio stations that talk about politics and stuff like  
8 that?

9 PROSPECTIVE JUROR SAVILLE: I do.

10 MR. BROWN: Do you think that we should have a  
11 right to try to get other citizens to go out and vote?

12 PROSPECTIVE JUROR SAVILLE: Yes.

13 MR. BROWN: Do you think we ought to make it  
14 easier or harder to vote generally?

15 PROSPECTIVE JUROR SAVILLE: Easier.

16 MR. BROWN: If, if, at the time of this 2020  
17 election the ballot materials or absentee ballot requests  
18 or other voting documentation could not be obtained in  
19 any county in Iowa in any other foreign language but  
20 English, how do you feel about that?

21 PROSPECTIVE JUROR SAVILLE: It's not fair to  
22 people who don't speak our language.

23 MR. BROWN: But they still -- seems like they  
24 still should have a right to vote.

25 PROSPECTIVE JUROR SAVILLE: Yes. It's not fair

1 to them if it's not in their language, not available.

2 MR. BROWN: So would it make sense that they  
3 might ask somebody that they know who is more fluent in  
4 English to help them fill out the stuff and -- right?

5 PROSPECTIVE JUROR SAVILLE: Yes, that makes  
6 sense.

7 MR. BROWN: Okay. Now, you know, the helper  
8 can't forge somebody else's signature; right?

9 PROSPECTIVE JUROR SAVILLE: I would hope not.

10 MR. BROWN: Right. But they could probably  
11 help them fill out the stuff.

12 PROSPECTIVE JUROR SAVILLE: Yeah.

13 MR. BROWN: And what about -- what about  
14 actually driving somebody to the ballot location? Do you  
15 think that ought to be somehow prohibited in some way?

16 PROSPECTIVE JUROR SAVILLE: No. Not everybody  
17 drives.

18 MR. BROWN: Any reason why you don't think  
19 you'd be a good juror on this matter?

20 PROSPECTIVE JUROR SAVILLE: I can't think of  
21 any reason.

22 MR. BROWN: Thank you. Could you pass it over  
23 to Miss Johnson? What do you think about what  
24 Miss Saville said about what I was just talking to you  
25 about?

1 PROSPECTIVE JUROR JOHNSON: Which part exactly?

2 MR. BROWN: The part about people that can't  
3 read -- they don't read -- they're not, you know, fluent  
4 in English so it makes it difficult for them to vote  
5 without the voting materials being in their own language.  
6 How do you feel about that?

7 PROSPECTIVE JUROR JOHNSON: I think there are a  
8 lot of things that don't have enough language inclusivity  
9 in it. So I think that it should be offered in any  
10 language.

11 MR. BROWN: Any reason why you don't think  
12 you'd be a good juror in this matter?

13 PROSPECTIVE JUROR JOHNSON: Nope.

14 MR. BROWN: Your husband works for the U.S.  
15 Postal Service?

16 PROSPECTIVE JUROR JOHNSON: He used to. He no  
17 longer does.

18 MR. BROWN: Okay. All right. Do you remember  
19 the -- 2020, the COVID pandemic?

20 PROSPECTIVE JUROR JOHNSON: Yes.

21 MR. BROWN: Was that a problem in your life  
22 too?

23 PROSPECTIVE JUROR JOHNSON: Yes.

24 MR. BROWN: Do you know people who got, like,  
25 mortgage forbearance? Do you know anybody who did that?

1 PROSPECTIVE JUROR JOHNSON: Personally, no.

2 MR. BROWN: Asking just a general question to  
3 everybody just for hands raised. Of the 30 people, does  
4 anybody know anybody that got a mortgage forbearance for  
5 a period of time during the COVID pandemic? I did.  
6 Never heard of that, where you could get an extension on  
7 time to pay your mortgage? But nobody knows anybody that  
8 did it?

9 All right. Back to Ms. Johnson. I failed on that  
10 one, didn't I? I thought a lot of people would know  
11 about that.

12 Ms. Johnson, any reason why you don't think you  
13 could be a fair and impartial juror in this matter?

14 PROSPECTIVE JUROR JOHNSON: No.

15 MR. BROWN: Think you're a person that has  
16 empathy for everybody?

17 PROSPECTIVE JUROR JOHNSON: I -- I would say  
18 so, yes.

19 MR. BROWN: Could you pass over to  
20 Ms. Camenzend? Did I pronounce that --

21 PROSPECTIVE JUROR CAMENZEND: Camenzend.

22 MR. BROWN: Camenzend? What kind of books did  
23 you sell at your store?

24 PROSPECTIVE JUROR CAMENZEND: We sell all  
25 books.

1 MR. BROWN: Like autobiographies, political  
2 books, everything?

3 PROSPECTIVE JUROR CAMENZEND: Everything.

4 MR. BROWN: Crime, fiction.

5 PROSPECTIVE JUROR CAMENZEND: We don't  
6 discriminate based on what you would like to read.

7 MR. BROWN: Good. All right. So as an owner  
8 or operator of a book store, you know that you're  
9 basically on the front lines of the First Amendment.  
10 Would you agree with that?

11 PROSPECTIVE JUROR CAMENZEND: We are.

12 MR. BROWN: Do you think it ought to be easier  
13 or harder to vote in America?

14 PROSPECTIVE JUROR CAMENZEND: Easier.

15 MR. BROWN: Now, if someone is to be  
16 punished -- well, I'll start over again. If someone is  
17 to be convicted of a crime where the government has to  
18 prove that they knew that their purpose was somehow  
19 unlawful and they intended some illegal end or outcome to  
20 happen, what would you want to -- what would you want to  
21 know about that person accused as to their state of mind?  
22 What would you want to know?

23 PROSPECTIVE JUROR CAMENZEND: I'd want to know  
24 as much as possible, particularly about their background,  
25 their home life, their participation in the community.

1 MR. BROWN: What they were -- what their  
2 motivations were for getting involved in the whole mess  
3 in the first place, and you'd want to know as much as you  
4 could; right?

5 PROSPECTIVE JUROR CAMENZEND: Yes, you would  
6 want to know as much as possible.

7 MR. BROWN: And you'd want to do that because  
8 it only makes sense because we can't really see what's  
9 going on in somebody's head. We kind of have to try to  
10 figure out after the fact; right?

11 PROSPECTIVE JUROR CAMENZEND: You do.

12 MR. BROWN: In trying to figure out whether  
13 somebody made a mistake or crossed into a gray area or  
14 didn't in good faith, you know, that's different than  
15 trying to figure out whether they, you know, had some  
16 specific intent in their mind to violate the law; right?

17 PROSPECTIVE JUROR CAMENZEND: It is difficult  
18 to demonstrate specific intent.

19 MR. BROWN: Any reason why you wouldn't be a  
20 good juror in this matter?

21 PROSPECTIVE JUROR CAMENZEND: No.

22 MR. BROWN: Fair to both the government and to  
23 Ms. Taylor?

24 PROSPECTIVE JUROR CAMENZEND: Yes.

25 MR. BROWN: Thank you. Could you pass right

1 back behind you to Teresa Westfield?

2 PROSPECTIVE JUROR KAYE: Yes.

3 MR. BROWN: That right?

4 PROSPECTIVE JUROR KAYE: Westfield. My --  
5 that's where I live.

6 MR. BROWN: Oh, you live at Westfield.

7 PROSPECTIVE JUROR KAYE: Yes.

8 MR. BROWN: What's your last name?

9 PROSPECTIVE JUROR KAYE: Kaye.

10 MR. BROWN: My apologies. Where's Westfield?

11 PROSPECTIVE JUROR KAYE: North of Sioux City  
12 along the South Dakota border.

13 MR. BROWN: Okay. What do you know about get  
14 out the vote activities? You ever heard about that?

15 PROSPECTIVE JUROR KAYE: Yes.

16 MR. BROWN: You ever done it?

17 PROSPECTIVE JUROR KAYE: No.

18 MR. BROWN: Have you ever had people come to  
19 your door?

20 PROSPECTIVE JUROR KAYE: Probably, yeah. Not  
21 in a while. I live in the boonies now, but -- and I know  
22 people who do it.

23 MR. BROWN: It was more common before they  
24 could get your cell phone number, wasn't it, and text  
25 you? It seemed like it.

1 PROSPECTIVE JUROR KAYE: Right.

2 MR. BROWN: But from time to time they still  
3 stick flyers in the door. Does that happen to you?

4 PROSPECTIVE JUROR KAYE: Excuse me?

5 MR. BROWN: From time to time they still stick  
6 flyers in the door?

7 PROSPECTIVE JUROR KAYE: Well, I don't. I live  
8 out in the country, so I don't usually get that. But  
9 yes, I understand they do that.

10 MR. BROWN: Do you agree that some of us from  
11 time to time make mistakes and -- when we're trying to  
12 act in good faith?

13 PROSPECTIVE JUROR KAYE: Everybody makes  
14 mistakes.

15 MR. BROWN: What's the one thing different  
16 about Kim Taylor than everybody else sitting right here  
17 in front of me? What's the one thing different? It's  
18 okay. You can say it. She's not white, is she?

19 PROSPECTIVE JUROR KAYE: Okay. I just had to  
20 look here. I'm not sure everyone here is either so . . .

21 MR. BROWN: Well, all right. She's -- on its  
22 face she seems different.

23 PROSPECTIVE JUROR KAYE: She's Vietnamese,  
24 okay.

25 MR. BROWN: If, you know, you were the

1 different one, you know, the red jelly bean in the green  
2 canister and the green canister's going to decide about  
3 you, the red one, how would that make you feel?

4 PROSPECTIVE JUROR KAYE: Isolated I suppose  
5 and . . .

6 MR. BROWN: You'd be worried about it; right?

7 PROSPECTIVE JUROR KAYE: Sure.

8 MR. BROWN: Now, as the judge spoke a little  
9 bit about this concept of implicit or unconscious bias, I  
10 wanted to ask you something about that. When someone  
11 says we have an unconscious bias, what does that mean to  
12 you?

13 PROSPECTIVE JUROR KAYE: I kind of think I  
14 could explain it like my dad's generation, older people I  
15 think more than people now, that I think people's  
16 environments, if they aren't around certain people or  
17 whatever, they -- you know, they don't know, and so they  
18 lean toward their childhoods of how things were and . . .

19 MR. BROWN: Stereotypes.

20 PROSPECTIVE JUROR KAYE: Sure, and -- yeah.

21 MR. BROWN: Right, right. And, I mean, we all  
22 heard stereotypes of others when we were growing up;  
23 right?

24 PROSPECTIVE JUROR KAYE: Sure.

25 MR. BROWN: That was Iowa.

1 PROSPECTIVE JUROR KAYE: Uh-huh. There used to  
2 be Polish jokes.

3 MR. BROWN: Right, right. And when I grew up  
4 in Minnesota earlier, the Swedes made fun of the  
5 Norwegians.

6 PROSPECTIVE JUROR KAYE: Sure. Everybody makes  
7 fun of everybody else.

8 MR. BROWN: Always picking on somebody; right?

9 PROSPECTIVE JUROR KAYE: Uh-huh.

10 MR. BROWN: And you were living here when the  
11 Vietnam War ended in 1975 at least for America; right?  
12 You were living here.

13 PROSPECTIVE JUROR KAYE: Yes.

14 MR. BROWN: And you remember that Vietnamese  
15 fled their native country and came to the United States  
16 and Governor Ray helped them come to Iowa; right?

17 PROSPECTIVE JUROR KAYE: Yes.

18 MR. BROWN: And they had a name, did they not?

19 PROSPECTIVE JUROR KAYE: They had a name?

20 MR. BROWN: Yeah. They called them boat  
21 people, didn't they?

22 PROSPECTIVE JUROR KAYE: Right.

23 MR. BROWN: And not everybody was happy about  
24 that, were they?

25 PROSPECTIVE JUROR KAYE: No.

1 MR. BROWN: Especially the people in the  
2 packing plants who when the packing plants closed because  
3 of the unions or closed because of the disputes with the  
4 unions that Asian Americans who came here supposedly  
5 replaced the union workers; right?

6 PROSPECTIVE JUROR KAYE: Yes. I heard that.

7 MR. BROWN: Now, I'm not saying all that's  
8 true, but people have heard that; right? And you heard  
9 that growing up; right?

10 PROSPECTIVE JUROR KAYE: Yes.

11 MR. BROWN: So if you were selected on the jury  
12 in this matter, would you pledge to the Court and to the  
13 government and to Miss Taylor to decide this case solely  
14 based on the facts and the merits, not her race in any  
15 way whatsoever?

16 PROSPECTIVE JUROR KAYE: Yes.

17 MR. BROWN: Pass to Mr. Nelson, please.

18 THE COURT: Mr. Brown, you have about five  
19 minutes.

20 MR. BROWN: All right. Thank you, Your Honor.

21 Mr. Nelson, any reason why you wouldn't be a good  
22 juror in this matter?

23 PROSPECTIVE JUROR JEFFREY NELSON: I'm not  
24 sure, sir, because I have a mental illness that makes it  
25 very hard for me to process things.

1 MR. BROWN: You having some difficulties --

2 PROSPECTIVE JUROR JEFFREY NELSON: I am.

3 MR. BROWN: -- following things?

4 PROSPECTIVE JUROR JEFFREY NELSON: I am.

5 MR. BROWN: All right. Would you like to be

6 excused?

7 PROSPECTIVE JUROR JEFFREY NELSON: I think I

8 would, sir.

9 MR. BROWN: I'll exercise a strike, Your Honor,

10 not -- at the right time. We'll take care of Mr. Nelson.

11 THE COURT: Okay. Thank you.

12 MR. BROWN: Okay. That's fine. I want to move

13 on.

14 THE COURT: Sure.

15 MR. BROWN: Go ahead and pass over to Mr. -- is

16 it Woock?

17 PROSPECTIVE JUROR WOOCK: Woock.

18 MR. BROWN: My apologies. You're a high school

19 social studies teacher; is that correct?

20 PROSPECTIVE JUROR WOOCK: Yep.

21 MR. BROWN: So do you teach things about post

22 World War II, conflict in Vietnam, the Vietnam War? Is

23 that part of the curriculum?

24 PROSPECTIVE JUROR WOOCK: Yeah, I have a class

25 directly about the Vietnam War.

1 MR. BROWN: So do you find that interesting,  
2 the whole, you know, how it all unfolded after '75, when  
3 America left in about '73 to '75 and how it all unfolded?

4 PROSPECTIVE JUROR WOOCK: Yes, yes.

5 MR. BROWN: Any reason why you wouldn't be a  
6 good juror in this matter?

7 PROSPECTIVE JUROR WOOCK: No.

8 MR. BROWN: You said you like to read in your  
9 questionnaire?

10 PROSPECTIVE JUROR WOOCK: Yeah, I love to read.

11 MR. BROWN: Could you pass over to Mr. Nelson,  
12 please? Mr. Nelson, I understand you were -- you still  
13 in the Army?

14 PROSPECTIVE JUROR DOUGLAS NELSON: No. I been  
15 out for a long time.

16 MR. BROWN: Tank driver?

17 PROSPECTIVE JUROR DOUGLAS NELSON: Pardon?

18 MR. BROWN: Tank driver?

19 PROSPECTIVE JUROR DOUGLAS NELSON: Correct.

20 MR. BROWN: In Germany?

21 PROSPECTIVE JUROR DOUGLAS NELSON: Correct.

22 MR. BROWN: Any reason why you wouldn't be a  
23 good juror in this matter?

24 PROSPECTIVE JUROR DOUGLAS NELSON: Not that I  
25 can think of. I like the Asian culture. I been exposed

1 to it quite a bit. So I have no -- nothing against them,  
2 not whatsoever.

3 MR. BROWN: I appreciate that. That's all  
4 we're asking here. Would you pass over to --

5 Is it Ms. Reinders?

6 PROSPECTIVE JUROR SPEAKE: Speake.

7 MR. BROWN: Oh, yes. Look at this left-handed  
8 mess here. Let me ask you this. Was COVID -- 2020 COVID  
9 pan -- did that cause some complications in your life?

10 PROSPECTIVE JUROR SPEAKE: The worst part was  
11 wearing a mask at work, but I work in a grocery store.  
12 So I -- you know, it was just work as usual.

13 MR. BROWN: Do you remember -- do you remember  
14 that at least in some public places the government was  
15 encouraging people, you know, not to go out and about?

16 PROSPECTIVE JUROR SPEAKE: Yeah.

17 MR. BROWN: Do you remember the government  
18 encouraging people to vote by absentee ballot?

19 PROSPECTIVE JUROR SPEAKE: I think so, yeah.

20 MR. BROWN: Any reason why you wouldn't be a  
21 good juror?

22 PROSPECTIVE JUROR SPEAKE: No.

23 MR. BROWN: Could you pass over to  
24 Ms. Vanveldhuizen, please? Did I say that right?

25 PROSPECTIVE JUROR VANVELDHUIZEN:

1 Vanveldhuizen.

2 MR. BROWN: I got the phonetics all wrong.  
3 Where's Doon, Iowa?

4 PROSPECTIVE JUROR VANVELDHUIZEN: Way in the  
5 northwest corner.

6 MR. BROWN: Do you know who your famous citizen  
7 is?

8 PROSPECTIVE JUROR VANVELDHUIZEN: No.

9 MR. BROWN: Do you know who Leonardo DiCapricio  
10 is, the actor? Leonardo -- what's his name?

11 VOICE: DiCaprio?

12 MR. BROWN: DiCaprio, yeah. Do you know  
13 Leonardo DiCaprio?

14 PROSPECTIVE JUROR VANVELDHUIZEN: Yeah.

15 MR. BROWN: Did you see that movie where he got  
16 mauled by the bear and crawled a thousand miles?

17 PROSPECTIVE JUROR VANVELDHUIZEN: No.

18 MR. BROWN: Well, the guy that wrote that book,  
19 Frederick Manfred, is from your town, Doon, Iowa. Wrote  
20 Lord Grizzly. Any reason why you wouldn't be a good  
21 juror?

22 PROSPECTIVE JUROR VANVELDHUIZEN: No.

23 MR. BROWN: I just -- if you didn't know that,  
24 I thought you should know that because you live there,  
25 and Lord Grizzly's a good book, and that's a good story.

1 Hugh Glass.

2 Anything about Ms. Taylor's Asian descent that would  
3 make you unfit to be a juror in this matter?

4 PROSPECTIVE JUROR VANVELDHUIZEN: No.

5 MR. BROWN: Thank you very much. Could you  
6 pass over to Ms. Reynolds, please?

7 Ms. Reynolds, what about you? Anything about her  
8 Asian descent or origin, her origin story, you know,  
9 whatever the immigration story is post the fall of  
10 Saigon? You gonna hold that against her in any way?

11 PROSPECTIVE JUROR REYNOLDS: No.

12 MR. BROWN: Any reason why you couldn't be a  
13 good juror in this matter?

14 PROSPECTIVE JUROR REYNOLDS: Not that I can  
15 think of.

16 MR. BROWN: Ever made a mistake in your life  
17 you wish you could take back?

18 PROSPECTIVE JUROR REYNOLDS: Quite a few.

19 MR. BROWN: That's life; right? C'est la vie;  
20 right? What do you do for a living right now?

21 PROSPECTIVE JUROR REYNOLDS: I'm a cleaning  
22 lady.

23 MR. BROWN: Would you pass over to our last and  
24 final juror, Number 8, Melanie Petersen?

25 Ms. Petersen, live in Correctionville?

1 PROSPECTIVE JUROR PETERSEN: Yes.

2 MR. BROWN: How long have you lived there?

3 PROSPECTIVE JUROR PETERSEN: About 20 years.

4 MR. BROWN: So you remember the fall of Saigon,  
5 and you remember all that; right?

6 PROSPECTIVE JUROR PETERSEN: Yes.

7 MR. BROWN: Do you remember the picture of the  
8 helicopter and people trying to get on it? You remember  
9 watching that on Walter Cronkite and the news; right?

10 PROSPECTIVE JUROR PETERSEN: Yes.

11 MR. BROWN: And you know about Governor Ray was  
12 a strong advocate for getting Vietnamese immigrants into  
13 Iowa, and you remember that; right?

14 PROSPECTIVE JUROR PETERSEN: Yes.

15 MR. BROWN: And not everybody was in favor of  
16 it; right?

17 PROSPECTIVE JUROR PETERSEN: Yes.

18 MR. BROWN: That was part of the story of  
19 growing up in Iowa was that part of the -- our special  
20 part of our story, wasn't it?

21 PROSPECTIVE JUROR PETERSEN: Yes, it was.

22 MR. BROWN: Any reason why you couldn't judge  
23 Miss Taylor fairly based upon whatever origin story she  
24 has and immigration story or anything like that?

25 PROSPECTIVE JUROR PETERSEN: No.

1           MR. BROWN: All right. Pass for cause, Your  
2 Honor. Thank you very much.

3           THE COURT: All right. Thank you.

4           And, Mr. Timmons, does the United States pass for  
5 cause?

6           MR. TIMMONS: Yes, Your Honor.

7           THE COURT: Okay. Folks, here's where we are  
8 with the process. I'll try to describe what's going to  
9 happen next.

10           We're going to have about somewhere between 5 and 10  
11 minutes of what I'm going to call sort of just a silent  
12 awkward sitting here while the attorneys go through their  
13 notes, and I want them to have the chance to look back at  
14 each of you as they try to make some decisions about who  
15 they think should and perhaps should not be on the jury.

16           After we do that, I'm going to take a break, roughly  
17 15- to 20-minute break, where we'll make final decisions  
18 then and the lawyers -- the bottom line is all 30 of you  
19 have been qualified as eligible and people who could be  
20 on the jury and do a perfectly fine job. But we do have  
21 to narrow it down now to the number that's actually going  
22 to serve on the jury.

23           So again, for 5 or 10 minutes we're all just going  
24 to sit here. We'll take a break. The lawyers will make  
25 their final decisions. We'll bring everyone back and

1 announce who actually is going to be on the jury. And  
2 then we'll take a lunch break for those of you who are  
3 selected for the jury. We'll take roughly an hour for  
4 lunch.

5 I can't let anyone go yet. I know those of you in  
6 the back have been patient with us today. Until we  
7 actually have a jury picked, I can't excuse anyone. So  
8 bear with us for a little longer. But again, probably  
9 for about five minutes or so, I'm going to let the  
10 lawyers go through their notes and have all of you here  
11 so they can kind of remember their notes by looking at  
12 faces. Then we'll take a break so they can finish their  
13 process of deciding on who should or should not perhaps  
14 be on the jury. Eventually we'll come back in then, and  
15 we'll announce who's going to be on the jury.

16 So if you'll just be patient with us for a bit, I'll  
17 probably give another five minutes or so, and then we'll  
18 take a break at that point.

19 All right. At this point I'm going to have all of  
20 you who are here as possible jurors, both those in the  
21 front and those in the back, I'm going to ask all of you  
22 to step out of the courtroom. I'm going to guess 15 to  
23 20 minutes. It could be a little longer than that. But  
24 we do have to finalize this process now. We will let you  
25 know when it's time to come back. But at this point all

1 of the potential jurors are excused.

2 (The jury venire exited the courtroom.)

3 THE COURT: Please be seated. For the record,  
4 all of the prospective jurors have stepped out of the  
5 courtroom. I'm going to take a short break as well. How  
6 much time would the attorneys like in order to finish  
7 finalizing their decisions about peremptory strikes?  
8 Mr. Timmons?

9 MR. TIMMONS: I think about 10 minutes would do  
10 it, Your Honor.

11 THE COURT: And Mr. Brown?

12 MR. BROWN: Ready when you are, Your Honor.

13 THE COURT: All right. Let's take about a  
14 10-minute break. We'll come back at five minutes to one.  
15 And then we'll go through the strike process again before  
16 bringing all of the prospective jurors back. So we'll be  
17 in recess for 10 minutes.

18 MR. BROWN: Thank you.

19 (Recess at 12:44 p.m.)

20 THE COURT: Please be seated. We are back in  
21 session outside of the presence of the prospective  
22 jurors. And are the parties prepared now to exercise  
23 their peremptory strikes? Mr. Timmons?

24 MR. TIMMONS: Yes, Your Honor.

25 THE COURT: Mr. Brown?

1 MR. BROWN: Yes, Your Honor.

2 THE COURT: All right. And what I'll do then,  
3 as noted in the serial strike order that I filed, I'll  
4 start with chair 1 in the top left, and I'll try to  
5 remember to alternate having the government go first with  
6 the odd-numbered juror chairs and the defense go first  
7 with regard to the even-numbered chairs.

8 Number 1 is Miss Kaye. Mr. Timmons, would the  
9 government like to exercise a strike?

10 MR. TIMMONS: Yes, Your Honor.

11 THE COURT: All right. Miss Kaye is stricken.  
12 That is the government's first strike.

13 Seat 2, Mr. Nelson, Mr. Brown, would the defense  
14 like to exercise a strike?

15 MR. BROWN: Yes, Your Honor.

16 THE COURT: Mr. Nelson is stricken, and that is  
17 the first defense strike.

18 Seat 3, Mr. Woock, W-o-o-c-k, Mr. Timmons, would the  
19 government like to exercise a strike?

20 MR. TIMMONS: No. We'll pass.

21 THE COURT: Mr. Brown?

22 MR. BROWN: No.

23 THE COURT: Mr. Woock is the first selected  
24 juror.

25 Number 4, Mr. Nelson, Mr. Brown, would the defense

1 like to exercise a strike?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Mr. Timmons?

4 MR. TIMMONS: Pass.

5 THE COURT: Mr. Nelson is the second juror.

6 Number 5, Miss Speake, Mr. Timmons, would the  
7 government like to strike Miss Speake?

8 MR. TIMMONS: Yes, Your Honor.

9 THE COURT: She is stricken. That is  
10 government strike number 2.

11 Seat 6, the juror whose name we all butchered,  
12 Vanveldhuizen, I believe from Doon, Mr. Brown, would the  
13 defense like to strike Miss Vanveldhuizen?

14 MR. BROWN: No, Your Honor.

15 THE COURT: Mr. Timmons?

16 MR. TIMMONS: Yes, Your Honor.

17 THE COURT: All right. That is government  
18 strike number 3.

19 Seat 7, Ms. Reynolds, Mr. Timmons, would the  
20 government like to exercise a strike?

21 MR. TIMMONS: Yes, Your Honor.

22 THE COURT: Miss Reynolds is stricken. That is  
23 government strike number 4.

24 Seat 8, Ms. Petersen, Mr. Brown, would the defense  
25 like to strike Miss Petersen?

1 MR. BROWN: No, Your Honor.

2 THE COURT: Mr. Timmons?

3 MR. TIMMONS: No, Your Honor.

4 THE COURT: Miss Petersen is seated as a juror.  
5 She is the third selected juror.

6 Number 9, back to the far left, row 2 from the back,  
7 Miss Camenzend, Mr. Timmons, would the government like to  
8 strike Ms. Camenzend?

9 MR. TIMMONS: No, Your Honor.

10 THE COURT: Mr. Brown?

11 MR. BROWN: No, Your Honor.

12 THE COURT: Miss Camenzend is selected. She is  
13 the fourth selected juror.

14 Number 10, Ms. Johnson, Mr. Brown, would the defense  
15 like to strike her?

16 MR. BROWN: No, Your Honor.

17 THE COURT: Mr. Timmons?

18 MR. TIMMONS: No, Your Honor.

19 THE COURT: Ms. Johnson is selected. She is  
20 the fifth selected juror.

21 Number 11, Miss Saville or Saville, Mr. Timmons?

22 MR. TIMMONS: Strike, Your Honor.

23 THE COURT: All right. That is, I believe, the  
24 government's fifth strike.

25 Number 12, Mr. Grimm, Mr. Brown, would you like to

1 strike Mr. Grimm?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Mr. Timmons?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: Mr. Grimm will be on the jury. He  
6 is the sixth selected juror.

7 Number 13, Ms. Gerholdt, Mr. Timmons, would you like  
8 to strike her?

9 MR. TIMMONS: No, Your Honor.

10 THE COURT: Mr. Brown?

11 MR. BROWN: No, Your Honor.

12 THE COURT: Ms. Gerholdt is selected as the  
13 seventh juror.

14 Number 14, Mr. Tekippe -- I think we've all had  
15 trouble with that one including me -- but, Mr. Brown,  
16 would the gover -- would the defense like to strike  
17 Mr. Tekippe?

18 MR. BROWN: Yes, Your Honor.

19 THE COURT: He is stricken. That is, I  
20 believe, defense strike number 2.

21 Number 15, Mr. Bebee, Mr. Timmons, would you like to  
22 strike Mr. Bebee?

23 MR. TIMMONS: No, Your Honor.

24 THE COURT: Mr. Brown?

25 MR. BROWN: Yes.

1 THE COURT: Mr. Bebee is stricken. That is  
2 defense strike number 3.

3 Number 16, Ms. Neiman, Mr. Brown, would you like to  
4 strike Ms. Neiman?

5 MR. BROWN: No, Your Honor.

6 THE COURT: Mr. Timmons?

7 MR. TIMMONS: No, Your Honor.

8 THE COURT: Ms. Neiman will be on the jury.  
9 She is the eighth selected juror.

10 Moving to number 17, again, far left, row 3 from the  
11 back, Mr. Stover, Mr. Timmons, would the government like  
12 to strike Mr. Stover?

13 MR. TIMMONS: No, Your Honor.

14 THE COURT: Mr. Brown?

15 MR. BROWN: Yes, Your Honor.

16 THE COURT: Mr. Stover is stricken. That is  
17 defense strike number 4.

18 Seat 18, Miss Boger, Mr. Brown, would the defense  
19 like to strike Ms. Boger?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Mr. Timmons?

22 MR. TIMMONS: No, Your Honor.

23 THE COURT: Miss Boger is selected. She is the  
24 ninth juror.

25 Number 19, Mr. Peters, Mr. Timmons, would the

1 government like to strike Mr. Peters?

2 MR. TIMMONS: No, Your Honor.

3 THE COURT: Mr. Brown?

4 MR. BROWN: No, Your Honor.

5 THE COURT: Mr. Peters is selected. He's Juror  
6 Number 10.

7 Seat 20, Miss Ochoa, Mr. Brown, would the defense  
8 like to strike Ms. Ochoa?

9 MR. BROWN: Just one second, Your Honor.

10 THE COURT: Sure.

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: All right. She is stricken. That  
13 is defense strike number 5.

14 Seat 21, Ms. Walker, Mr. Timmons, would you like to  
15 strike Ms. Walker?

16 MR. TIMMONS: No, Your Honor.

17 THE COURT: Mr. Brown?

18 MR. BROWN: Yes, Your Honor.

19 THE COURT: That is defense strike number 6.  
20 She is stricken.

21 Seat 22, Ms. Neddermeyer, Mr. Brown, would you like  
22 to strike Ms. Neddermeyer?

23 MR. BROWN: Yes, Your Honor.

24 THE COURT: That is defense strike number 7.  
25 She is stricken.

1           Seat 23, Miss Whithaus, Mr. Timmons, would you like  
2 to strike Ms. Whithaus?

3           MR. TIMMONS: Yes, Your Honor.

4           THE COURT: All right. And I believe that is  
5 the government's last strike. Is that what you have  
6 also, Mr. Timmons?

7           MR. TIMMONS: It is, Your Honor.

8           THE COURT: Okay. Miss Whithaus is stricken.  
9 That is the final government strike.

10          Seat 24, Ms. Blackman, Mr. Brown, would you like to  
11 strike Ms. Blackman?

12          MR. BROWN: No, Your Honor.

13          THE COURT: Miss Blackman is, therefore,  
14 seated. She is Juror Number 11.

15          Then front row, far left, Mr. Kutz or Kutz,  
16 Mr. Brown, would you like to strike him?

17          MR. BROWN: No, Your Honor.

18          THE COURT: He will be seated as well as the  
19 12th juror.

20          Seat 26, Mr. Meggers, Mr. Brown, would you like to  
21 strike him?

22          MR. BROWN: Yes, Your Honor.

23          THE COURT: He is stricken. That is defense  
24 strike number 8.

25          Seat 27, Ms. Gross, Mr. Brown, would you like to

1 strike Ms. Gross?

2 MR. BROWN: Yes, Your Honor.

3 THE COURT: That is defense strike number 9.  
4 She is stricken.

5 28, Miss Goulette, Mr. Brown, would you like to  
6 strike her?

7 MR. BROWN: No, Your Honor.

8 THE COURT: Miss Goulette is seated as the 13th  
9 juror.

10 Am I correct, is the next juror Mr. McKeever?

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: Okay. For some reason I was  
13 thinking Mr. McKeever got replaced, but I think I'm  
14 thinking of another juror. I just wanted to make sure I  
15 didn't have my notes inaccurate.

16 Mr. Brown, with regards to Mr. McKeever, would you  
17 like to strike him?

18 MR. BROWN: Yes, sir.

19 THE COURT: That is defense strike number 10.  
20 That means Mr. Becker, Number 30 on the chart, becomes  
21 the 14th juror then.

22 And again, I'm going to go through quickly just to  
23 make sure we both have the same list of the 14 people who  
24 are on the jury.

25 Starting at the top, Mr. Woock, Mr. Nelson,

1 Ms. Petersen; next row, Ms. Camenzend, Ms. Johnson,  
2 Mr. Grimm, Ms. Gerholdt, Ms. Neiman; next row, Ms. Boger,  
3 Mr. Peters, Ms. Blackman; and then the front row,  
4 Mr. Kutz, Ms. Goulette, and Mr. Becker. Does that sound  
5 like the list of our 14 jurors, Mr. Timmons?

6 MR. TIMMONS: Yes, Your Honor.

7 THE COURT: Mr. Brown?

8 MR. BROWN: Yes, sir.

9 THE COURT: Okay. We will make that  
10 announcement then when the jurors come back.

11 Just for the record, Number 13 is Miss Goulette.  
12 Number 14 is Mr. Becker. Those would be our two  
13 alternates if we get to the end of the trial and still  
14 have 14. If we only have 13, then the higher numbered  
15 which in this case would be Mr. Becker if he's still with  
16 us would be the alternate. Do the parties agree that  
17 that's the correct list of alternates then? Mr. Timmons?

18 MR. TIMMONS: Yes, Your Honor.

19 THE COURT: Mr. Brown?

20 MR. BROWN: Yes, Your Honor.

21 THE COURT: Okay. Great. Let's go ahead and  
22 bring in all of the potential jurors for the announcement  
23 of who has been selected. And then we'll go ahead and  
24 take a lunch break after that.

25 (The jury venire entered the courtroom.)

1           THE COURT: Please be seated, everyone.  
2 Welcome back. Thank you all for your patience with us  
3 today. This is a process that sometimes drags on I know,  
4 but I appreciate all of you sticking with us.

5           In just a moment I'm going to have our courtroom  
6 deputy read the names of the individuals who have been  
7 selected to be on the jury. For those of you up front,  
8 if you're not selected, please don't feel bad about it.  
9 It literally is a numbers game at this point. All of you  
10 would have been perfectly fine jurors. But we do have to  
11 narrow it down to the number that we actually need for  
12 trial.

13           And at this point I'll ask Audrey to go ahead and  
14 read the names. If you hear your name, it does mean you  
15 are on the jury. And please stand up just so we can take  
16 a count and make sure that we did this correctly.

17           But, Audrey, go ahead.

18           THE CLERK: Lucas Woock, Douglas Nelson,  
19 Melanie Petersen, Christine Camenzend, Kayla Johnson,  
20 Cory Grimm, Abigail Gerholdt, Dena Neiman, Theresa Boger,  
21 Nathan Peters, Becky Blackman, Andrew Kutz, Melinda  
22 Goulette, and Jeremiah Becker.

23           THE COURT: All right. I always like to count  
24 to make sure we did this right. I think we have.

25           Mr. Timmons, does this appear to be the jury the

1 parties have selected?

2 MR. TIMMONS: Yes, Your Honor.

3 THE COURT: And Mr. Brown?

4 MR. BROWN: Yes, Your Honor.

5 THE COURT: Okay. Those of you who are  
6 currently standing are going to be jurors in this case.  
7 You can all have a seat for just a moment now that we've  
8 sorted that out.

9 I do just have a few more things to say before I let  
10 everyone go.

11 Those of you in the back, you probably feel like  
12 you've wasted your time today. I am sorry about that. I  
13 have had trials where as we select jurors we keep calling  
14 people up to the front and for various reasons they can't  
15 serve. I have run out of jurors in the past which is a  
16 terrible feeling that I hope I never go through again.

17 With this length of a trial and having it go over  
18 Thanksgiving, we didn't know exactly how many people we  
19 should call in. Clearly we aimed a little on the high  
20 side. But all of you have been very patient with us. I  
21 hope you did learn something today and that it wasn't a  
22 complete and total waste of your time.

23 But in any event, all of you in the back are  
24 excused, and you are free to go. And again, thank you so  
25 much for your time.

1           And those of you up front who were not selected,  
2 same thing. We greatly appreciate that you were here.  
3 We couldn't do this process without you. But you are now  
4 all free to go as well. And again, thank you for your  
5 time.

6           And those of you who have been selected, please just  
7 stay put for a moment.

8           Please be seated, everyone. For the 14 of you who  
9 are remaining up front, congratulations. You have been  
10 selected to serve on the jury. I know it's not the news  
11 everybody wants to get, but I do talk to jurors after  
12 trials, and I almost always hear that people were glad  
13 they were selected and it turned out to be an interesting  
14 experience. So I hope that turns out to be the case.

15           I'm going to step out in just a moment, and Meghan  
16 is going to work with all of you to put a seating chart  
17 together. She'll get you all seated in the back two rows  
18 there, and we'll move these other chairs out of the way.

19           We are going to take a bit of a lunch break, which  
20 I've been promising for a while now. And again, I  
21 apologize that this went a little long. I'll take a  
22 little over an hour. We'll plan on coming back at 2:20  
23 so we'll still have some time today to get some things  
24 accomplished after we come back from lunch.

25           But with that, I'm going to step out. I'll turn it

1 over to Meghan, and she'll work with all of you to get  
2 seated, and then we'll excuse you for lunch, and we'll  
3 come back at 2:20. We'll be in recess. Thanks,  
4 everyone.

5 (The jury venire exited the courtroom.)

6 (Lunch recess at 1:15 p.m.)

7 THE COURT: Please be seated just for a moment.  
8 I think the jury is about ready. But, Mr. Brown, you had  
9 mentioned earlier that you might have a few more  
10 questions for our interpreter. And I'm just trying to  
11 get a sense of when it might be a good time to do that.

12 Mr. Timmons, do you believe the interpreter might  
13 come into play today with any of the witnesses?

14 MR. TIMMONS: It's quite possible, Your Honor.

15 THE COURT: Let's do this. Obviously I have to  
16 read the instructions unfortunately which takes forever.  
17 Then we have opening statements, roughly 30 minutes each.  
18 At some point in there we'll take a break. So instead of  
19 doing it now -- I know the jurors are all lined up and  
20 ready -- let's plan on either at the beginning or the end  
21 of our next break this afternoon going through that  
22 process. Does that work for you, Mr. Brown?

23 MR. BROWN: Certainly.

24 THE COURT: All right. Let's -- we'll plan on  
25 that then.

1           Anything else to take up before the jurors come in?  
2 Mr. Timmons?

3           MR. TIMMONS: No, Your Honor.

4           THE COURT: Mr. Brown?

5           MR. BROWN: No, sir.

6           THE COURT: Okay. Please bring in the jury.

7           (The jury entered the courtroom.)

8           THE COURT: Welcome back, everyone. I do have  
9 to ask everybody to stand up for just a moment. Believe  
10 it or not, I have to give you another oath now that  
11 you've all been selected as trial jurors. Would you  
12 please each raise your right hand.

13          (The jury was sworn.)

14          THE COURT: Okay. Thank you. Please have a  
15 seat, everyone. Welcome back, members of the jury. I do  
16 want to tell you kind of how I think the rest of the day  
17 is going to go here.

18          In a couple of minutes you'll see that the -- right  
19 now you'll see that the packets of jury instructions and  
20 notepads are on each of your chairs. And in a couple of  
21 minutes I will read the jury instructions to you. It's  
22 nobody's favorite part of a trial. I've never had  
23 anybody tell me after a trial that they wish I would have  
24 had more instructions to read out loud to them. But it  
25 is an important part of the case because the instructions

1 do tell you what the law of the case is. And I am  
2 required to read them out loud. So we will get through  
3 that. That usually takes roughly a half hour.

4 We then will turn it over to the lawyers for their  
5 opening statements. And the lawyers have agreed that  
6 their opening statements will be roughly 30 minutes each.  
7 I don't hold them to that exactly, but that's just what  
8 we shoot for.

9 So we're looking at that point at about an hour and  
10 a half from now probably. That would get us pretty close  
11 to 4:00 if my math is right. And at some point we will  
12 take a short break. I don't like to go more than about  
13 an hour and 45 minutes to 2 hours at the most without a  
14 break. So at some point in this process we'll take a  
15 short break. And then we'll come back, and the  
16 government will start presenting evidence. And we'll go  
17 until roughly 5:00 or pretty close to 5:00 today then.

18 Before I read the instructions, just a couple of  
19 other things. We want you to be comfortable. So even  
20 though I will try to tell you all of the time when we  
21 come back from a break when I expect the next break to  
22 be, if anybody needs a break earlier than that -- we're  
23 all human, and that happens sometimes -- please let us  
24 know. I don't want anybody suffering. You're not going  
25 to focus on the evidence well if you're thinking, boy, I

1 really have to go to the restroom or I'm thirsty, I need  
2 something to drink.

3       So please don't be shy about telling us if you need  
4 a break. We can always take a short break that's  
5 unscheduled if necessary, but I'd much rather do that  
6 than to have anybody suffering. And, of course, you can  
7 bring water or soda or other approved beverages in the  
8 courtroom also to help with your comfort.

9       This is an old building. I love this courtroom, but  
10 I never know what the temperature's going to be. It  
11 seems to rotate between Crock-Pot and deep freeze and  
12 sometimes in the same day. So perhaps dress in layers  
13 for the rest of the trial so if you come in here -- and  
14 feels a little stuffy in here, frankly, right now to  
15 me -- but you can adjust as necessary. We could come  
16 back tomorrow, and it might be 55 degrees in here. So  
17 just a warning about that.

18       And then when I do start reading the instructions, I  
19 will excuse Shelly from taking down what I say because  
20 I'm literally going to be reading word for word.

21       And it's also important for you to know that the  
22 instructions that I read are not going to be the only  
23 instructions in this case. There are a few that I'll  
24 read at the end of the trial. And with every trial  
25 almost it seems there are additional instructions that we

1 add during the trial. The order that I give the  
2 instructions, whether I read them at the beginning or add  
3 some later during the trial, none of that's important.  
4 All of the instructions have the same importance. So  
5 don't read anything into that. Sometimes I just have to  
6 hear the evidence before I decide if there are additional  
7 instructions to be given.

8 But I will go ahead then. You see you have your  
9 packet of instructions. It has a table of contents on  
10 the front and the name of the case. I'm going to turn to  
11 page 3 and start reading instruction number 1.

12 (Court's instructions to the jury numbers 1 through  
13 14 read.)

14 THE COURT: For the record, I have read through  
15 page 29 of the Court's set of instructions. That got us  
16 through instruction number 14.

17 Fortunately now that you're all extremely tired of  
18 hearing my voice, I get to turn it over to the attorneys.  
19 The next step in the process is the opening statements of  
20 the attorneys. And as the instructions note, the opening  
21 statements are not evidence. They are simply the  
22 attorneys' opportunity to give you some more thoughts and  
23 information about what they think the evidence will or  
24 will not prove in this case and just to kind of give you  
25 some guidance and a roadmap as to how they think the

1 evidence is going to play out as we go through this  
2 trial.

3 As with almost everything that happens in the trial,  
4 the government goes first because it does have the burden  
5 of proof as we discussed earlier today. So I will check.  
6 And is the United States ready then to present an opening  
7 statement in this case?

8 MR. TIMMONS: We are, Your Honor. And it will  
9 be given by Miss Lauren Castaldi.

10 THE COURT: Okay. Miss Castaldi, you may  
11 proceed.

12 MS. CASTALDI: May it please the Court.

13 Good afternoon, everyone. American democracy  
14 endures only so long as the integrity of American  
15 elections is unquestioned. Stolen elections and voter  
16 fraud threaten the very foundation of the American system  
17 of government.

18 The defendant, Kim Taylor, jeopardized free and fair  
19 elections in Iowa when she devised a scheme to steal the  
20 votes of fellow citizens. This case is about how the  
21 defendant fraudulently registered voters, fraudulently  
22 requested absentee ballots, and ultimately cast false and  
23 fraudulent votes so that her husband could win elections.

24 The defendant is married to Jeremy Taylor who in  
25 2020 was running for Congress for Iowa's Fourth District

1 and later for a seat on the Woodbury County Board of  
2 Supervisors. The defendant had worked on her husband's  
3 campaigns for nearly a decade and was determined to make  
4 sure that he won.

5 The scheme was simple. Many members of the  
6 Vietnamese community in Woodbury County were not fluent  
7 in English. And some of them didn't know very much about  
8 how American elections worked. Under the guise of  
9 translating documents, the defendant went into the homes  
10 of the Vietnamese American community and told them they  
11 could complete voting documents on behalf of their family  
12 members, even family members that didn't live with them,  
13 even family members that spoke English and didn't need  
14 help with translation.

15 The defendant also told people they could forge  
16 signatures on voting documents including absentee  
17 ballots. She intentionally failed to translate from  
18 English to Vietnamese portions on those voting documents  
19 that said it's illegal to sign a voting document for  
20 another person. She did not tell them it's a crime to  
21 vote for someone else. In some instances the defendant  
22 did not even bother with the pretense of having her  
23 victims complete ballots and sign voter affidavits. She  
24 simply collected blank ballots from the families. And  
25 the evidence will show those ballots turned up cast at

1 the Woodbury County Auditor's Office.

2       What the defendant did was not a victimless crime.  
3 Real people's right to vote as American citizens was at  
4 risk. For example, you're going to meet Tam and Thien  
5 Doan, English-speaking Vietnamese Americans. They had  
6 studied at Iowa State and were excited to vote in the  
7 2020 presidential election. However, when they tried to  
8 vote, they learned that their ballots had already been  
9 cast. Both of them were shocked to learn that their  
10 votes had been stolen.

11       Fortunately for Tam and Thien, they learned that  
12 fraudulent ballots had been cast on their behalf before  
13 the election, and they were able to cast new ballots and  
14 make their own choices about who they wanted to vote for.  
15 And Woodbury County was able to recover those fraudulent  
16 ballots and remove them before they were counted. You'll  
17 see those ballots which were seized by law enforcement.

18       Tam and Thien had become the victims of voter fraud  
19 because the defendant paid several visits to their  
20 mother, Huong. Huong will testify that when their  
21 children's absentee ballots came in the mail, the  
22 defendant came to Huong's house and rifled through her  
23 mail until she could find those blank ballots. While Tam  
24 and Thien were not home, the defendant advised Huong that  
25 it was okay to complete and sign voting documents for her

1 children after Huong specifically asked the defendant if  
2 that was allowed.

3 The defendant filled out Tam and Thien's ballot, and  
4 the defendant, after she filled out those ballots,  
5 instructed Huong that she should sign the voter affidavit  
6 that came with those absentee ballots, falsely certifying  
7 that she was voting her own ballot, not the ballots of  
8 her children.

9 Now, Huong will testify that she wanted the  
10 defendant to fill out her children's ballots the same way  
11 she was voting her own ballot. She assumed her children  
12 would have the same views as their mother.

13 The defendant -- Huong told the defendant the only  
14 person she wanted to vote for was Donald Trump. That was  
15 the only person she knew who was running.

16 But those fraudulent ballots seized by law  
17 enforcement will show that the defendant voted for Donald  
18 Trump and for her husband, Jeremy Taylor, for Woodbury  
19 County Board of Supervisors.

20 The defendant not only leveraged her language skills  
21 for the 2020 presidential general election but also for  
22 the primary election when her husband was running for  
23 Congress. Many of the witnesses you're going to hear  
24 from will tell you they're not really sure what a primary  
25 election is.

1           So when the defendant came to their homes allegedly  
2 to translate documents, they will tell you they just  
3 wanted to vote for Donald Trump. Donald Trump wasn't on  
4 the ballot in the primary because he was selected by a  
5 caucus. So what was the defendant doing? But Jeremy  
6 Taylor, he was on the ballot for the primary. Jeremy  
7 Taylor had to win in the 2020 primary in order to compete  
8 in the general election for the seat in Congress.

9           Iowa primaries are closed which means you need to be  
10 a member of the party to vote in the primary. And for  
11 this reason fraudulent voter registration was a critical  
12 part of the defendant's scheme. She needed to maximize  
13 the number of registered Republicans so that they could  
14 vote for her husband. And she needed as many ballots as  
15 possible in the hands of voters that she could  
16 manipulate.

17           As a sophisticated political operative and the wife  
18 of an elected official, she assured Vietnamese-speaking  
19 voters they could sign voter registration forms and  
20 absentee ballot request forms for their English-speaking  
21 family members. She deliberately neglected to translate  
22 portions of that form that would have alerted her victims  
23 they were about to commit a crime.

24           You will hear the same story from witness after  
25 witness. They never would have forged their family

1 members' names if they had known it was illegal. But  
2 they trusted the defendant when she told them it was  
3 okay.

4 The defendant may try to characterize her conduct as  
5 helping people vote. But it was entirely  
6 self-interested. She wanted her husband to win elections  
7 by any means necessary.

8 The defendant is charged with 52 counts of voter  
9 fraud related to the false -- the submission of false  
10 voter registration forms, false absentee ballot requests,  
11 and fraudulent ballots cast for English-speaking voters,  
12 victims of voter fraud that did not need or ask for any  
13 assistance from the defendant.

14 By the conclusion of this trial, the evidence will  
15 prove that the defendant subverted free and fair  
16 elections in Iowa. We will ask that you return the only  
17 verdict that is consistent with the evidence beyond a  
18 reasonable doubt, that the defendant is guilty on all  
19 counts.

20 THE COURT: Okay. Thank you.

21 And, members of the jury, for the defense opening  
22 statement, the defense always has the option of giving it  
23 at the beginning of the trial or waiting until after the  
24 government rests its case.

25 Mr. Brown, would you like to give the opening

1 statement now?

2 MR. BROWN: I would, Your Honor. Thank you.

3 THE COURT: Okay. You may proceed.

4 MR. BROWN: May it please the Court, counsel,  
5 Miss Taylor, Jeremy.

6 Well, first I want to thank you for taking the time  
7 out of your busy lives to participate in this democracy  
8 event. I welcome our guests from Washington. I don't  
9 know much about Washington, but this much I do know: The  
10 truth speeds best plainly told.

11 Over 40 years ago, men from the government came to a  
12 family's home and took their father away in front of  
13 their children. So it goes. Flash forward. That little  
14 girl is now an adult, and men from the government came to  
15 her home and took her away in front of her children. Her  
16 dad got reeducation until death. She gets a trial. Her  
17 father didn't get due process, confrontation clause  
18 rights, or a jury trial.

19 You are here because this woman was given the gift  
20 of freedom, and she invokes it, and you are here because  
21 she says she didn't do it, that they got it wrong, they  
22 weren't there, they're making a mistake. So it goes as  
23 I'll explain.

24 There's no scheme to defraud anybody going on here.  
25 Kim Taylor hates Communists. Kim Taylor's a Republican,

1 conservative bent. She's been helping people vote  
2 apparently according to the government -- and we're not  
3 really going to dispute it -- for over a decade. Not all  
4 those people vote for Republicans. But the Vietnamese  
5 community largely, but not all, are conservative in their  
6 politics. Then-President Trump said the right things at  
7 an Indo-Pacific meeting about Vietnamese and joining the  
8 Indo-Pacific communities. He said the right things, and  
9 they picked up on that. Kim picked up on that. They  
10 knew about that.

11 Anti-Chinese -- we'll chat a little bit about  
12 that -- these people are going to acknowledge that, and  
13 Trump, anti-Chinese, you know, tariffs and all that. So  
14 there's a lot going on here.

15 Meanwhile, her husband, he works at the school  
16 system, in the National Guard, and up to a point was on  
17 the Board of Supervisors. Kim runs a hair salon,  
18 relatively fluent in English, and has helped people in  
19 the Vietnamese community over the years with a variety of  
20 things including, you know, bank forms, job applications,  
21 Social Security materials. And almost all of the folks  
22 that you're going to hear from except those children born  
23 in the U.S., they passed complicated citizenship tests,  
24 100 questions. Ten they pick out and spring on you; you  
25 gotta get them right.

1           And it's true. We are going to claim she's a helper  
2 because that's what she is. She helps. This is, as  
3 charged, a high standard willfulness and knowledge case.  
4 This isn't a speeding case, you went 70, and, therefore,  
5 you did it.

6           They have to prove that she knew she was doing  
7 things wrong, she did it anyway, and at least with  
8 respect to the second group of counts she did it with a  
9 purpose, to affect the election.

10           MS. CASTALDI: Objection, Your Honor. The  
11 Court's already instructed, and that misstates an  
12 instruction.

13           THE COURT: All right. That objection's  
14 overruled.

15           Members of the jury, ultimately the jury  
16 instructions that I just read to you will tell you what  
17 the government has to prove. And to the extent that any  
18 of the lawyers say something different, the jury  
19 instructions do control.

20           Mr. Brown, you may continue.

21           MR. BROWN: In any event, we deny there was any  
22 scheme to engage in knowing and willful violation of the  
23 law, she caused others to give false information, she  
24 gave others false advice or failed to interpret  
25 adequately or correctly.

1 Frankly, we're going to autopsy every one of these  
2 transactions down to as many details as we can because  
3 the details do matter. The who, what, where, how, and  
4 why matter. She denies there was any forgery, any fraud.  
5 And for the sins of helping, she gets indicted. So it  
6 goes.

7 Now, as we discussed in voir dire, advocacy on  
8 behalf of candidates is a fundamental right. The  
9 government's not going to dispute it. Get out the vote  
10 activities, absent fraud -- true -- are legal activities  
11 under the Voting Rights Act. Advocating for candidates  
12 or receiving absentee ballots, picking up those ballots  
13 and delivering them to the auditor's office at the time  
14 was legal. It's not anymore. Was then. And that  
15 advocacy, that help is core protected rights. And she  
16 didn't just do this just with Trump voters. Obama voters  
17 back in 2016 and a few Biden voters. And we don't  
18 dispute in 2020 she was advocating for then-President  
19 Trump. I don't dispute that. She had a right to do  
20 that.

21 And who exactly is she helping? Well, as I said,  
22 she's helping a Vietnamese community that she was  
23 familiar with many of them. They are family-centric in  
24 their own specialized cultural way, mutually supportive  
25 in their own way. Their family's a connecting link

1 between the past, present, and future generations in  
2 their own way. The children are supposed to be obedient  
3 and supportive of their parents. And parents culturally,  
4 as the parents are going to testify, they do things for  
5 their children, and they make decisions for their  
6 children. I'm not making it up. The witnesses are going  
7 to tell you that, the moms.

8         These Vietnamese Americans are smart. They survived  
9 the Chinese, the Japanese, the French. They made it  
10 here. They survived the Communists. And although  
11 language-insufficient, they're still eligible to vote  
12 anyway. And as we talked about in the voir dire, voting  
13 materials in Iowa were only in English. The reason, it's  
14 complicated, but that's what the state of the law was at  
15 the time. The drop boxes were in English. There weren't  
16 any Vietnamese clerks at the Democratic auditor's office.  
17 These people wanted to vote. They had to have help, and  
18 many of the adults had voted even as far back as 2008,  
19 not all.

20         So the suggestion to the extent it was made, the  
21 evidence is not going to show that this 2020 was some  
22 kind of aberrational event where Kim was out and about  
23 randomly during a COVID pandemic getting people to vote.  
24 That's not what happened at all.

25         And she did assist some of the people in filling out

1 absentee ballot request forms. It wasn't illegal then.  
2 And she did encourage people to vote in all three of  
3 these elections that are in question. And while she was  
4 doing all this, the auditor's office in the palace of  
5 intrigue three blocks away, they didn't like her.  
6 Supposedly too aggressive, whatever that means. She had  
7 bad blood with an auditor's employee who was in the  
8 middle of all this going back to 2008 when the woman  
9 stiffed her on a credit card deal at her business. So  
10 none of this is happening in a vacuum.

11 And there's even more complicated backstory to this  
12 pre-2020 cycle. The auditor, kind of one of the last,  
13 not the only, surviving Democrats in this reddening  
14 county, Patrick Gill, and Jeremy Taylor, they didn't get  
15 along. And whether Gill was right or wrong, Gill led the  
16 charge to remove Mr. Taylor as supervisor in early 2020  
17 challenging his residency. The Taylors had two houses.  
18 Gill chaired the hearing, judge, jury, and prosecutor  
19 basically.

20 So Jeremy resigns in 2020, and until he got elected  
21 in the fall of 2020 back to the supervisor's office, he's  
22 just a man working at the school doing his thing with the  
23 National Guard, not holding any political office. He can  
24 say whatever he wants.

25 And as March got into April into June and May, you

1 remember what was happening. COVID's rising, and the  
2 government is telling people to vote by absentee ballots.  
3 Iowa had record turnout.

4         Meanwhile, as I told -- I've admitted that she  
5 filled out some of the informational portions of these  
6 absentee ballot requests, Patrick Gill did the same  
7 thing; except he did it 50,000 times. He sends out  
8 50,000 of them already prepopulated. Their information's  
9 already written in there by his office.

10         Guess what? Well, he gets sued, Trump, et al.  
11 Secretary of State chastises him. Lots of confusion now.  
12 Evidence is going to show that she has to go back out and  
13 do more stuff. Even her own absentee ballot request was  
14 cancelled because his prepopulated got enjoined by the  
15 court.

16         Then when the special election goes down in the  
17 summer -- now, Jeremy's already lost by the summer of  
18 2020 the House of Representatives primary; okay? He's  
19 still just a guy at the school, National Guard, a nothing  
20 right now.

21         In the special, Gill gets a whole bunch of write --  
22 a whole bunch of write-in votes for auditor coming down  
23 in his name, Jeremy's, and others against Gill. You  
24 think Mr. Gill was amused by that?

25         Then in the fall Jeremy Taylor runs. He basically

1 wins in a landslide the election they're primarily  
2 complaining about. Around the same time then Gill  
3 reports what Tam and Thien Doan claim supposedly happened  
4 and what, you know, Mom did with their ballots or  
5 whatever.

6 Fingers start to get pointed at Kim. And Agent  
7 Murphy starts going door to door eventually and visiting  
8 multiple members of the Vietnamese community asking  
9 questions, showing them forms, showing Kim's picture.  
10 They understood what was going on. This is a serious man  
11 from the government. They knew. Many of the people know  
12 each other, talk among themselves. You can infer the  
13 news spread like wildfire. Eventually they got called  
14 into the grand jury in this building, scary situation you  
15 entitled to find. Fingers get pointed at Kim. Under the  
16 crooked timber of humanity, no straight line was ever  
17 made. Exactly.

18 The nature of the investigation itself you may infer  
19 communicated to the contacted voters that they needed to  
20 protect themselves, their children, their mom, dad, and  
21 grandparent. So yeah, Kim did it. Kim said it was okay.  
22 Kim tricked. And as I said, we're going to autopsy as  
23 best we can without wasting your time each one of these  
24 transactions.

25 And I'm not sure if the government's committed to

1 this. Wasn't really mentioned much in opening statement.  
2 But to the extent that they want to drag her husband in  
3 in this -- this -- Jeremy's part of this overreaching  
4 scheme conspiracy theory, well, you know, I think the  
5 evidence will show it's nonsense. It's political talk at  
6 best.

7       You swing for the prince, you better not miss  
8 because, as I said, over at the palace of intrigue two  
9 and a half blocks away to the north, he had enemies and  
10 adversaries, and when people get mad over money and  
11 power, you better believe it's personal the evidence is  
12 going to show. And like the Hatfields and McCoys, it  
13 doesn't matter who started it, and we suggest that  
14 Mr. Gill, Sheriff Sheehan, perhaps Rocky De Witt, and  
15 others, they've been infected with the virus of bias --  
16 of bias.

17       Every campaign targets niche voters and selected  
18 groups: Teachers' unions, 2A people, gays and lesbians,  
19 minority voters. Millions is spent on that doing that.  
20 Perfectly legal.

21       Ultimately in 2022 when the grand jury's  
22 investigating this and Mr. Gill and Mr. De Witt and  
23 Sheriff Sheehan are testifying against him -- against Kim  
24 but saying things about Jeremy, over there at the palace  
25 of intrigue there's a big fight going on over money.

1 Sheriff wants 30-some percent raise; Gill, what, nine;  
2 Mr. De Witt, some other number. Jeremy Taylor holds the  
3 line. He says no. He says no. We don't have to give  
4 you what the compensation board recommends. That's a  
5 whole, long complicated story.

6 Bottom line is that escalated, continued on. Big  
7 skunk match about money, about supplemental pay for their  
8 3 percent deputies. You'll find out what that is. They  
9 didn't like the compromises, and they didn't like the  
10 amount they got. And they've said things about Jeremy,  
11 supposedly have a lock on the Asian American voters.

12 Look, in the end, you already know by now that  
13 you've been given great power, and with great power for  
14 the next couple weeks comes great responsibility. And  
15 really I only ask you to use it wisely.

16 The Court has told you that she's presumed innocent,  
17 and that remains unless and until that's extinguished  
18 like the lights going out, not completely, beyond a  
19 reasonable doubt. And reasonable doubt can arise from  
20 the evidence, the lack of evidence, or some combination  
21 thereof. And I'm going to repeat that on multiple  
22 occasions, and I'll give you examples of it.

23 And if the fact finder hesitates in this glorious  
24 democracy which I join in counsel's assessment of the  
25 risk we are in, if words like voter fraud are bandied

1 about without evidence, but in this glorious democracy,  
2 if there is hesitation to believe that the evidence has  
3 been established beyond a reasonable doubt, there's  
4 ambiguity, there's gray area, that the jury's not sure  
5 unanimously that there's some thermocline there where  
6 we're not sure if we can breathe or not where as  
7 Confucius says, real knowledge is not knowing, then you  
8 must acquit, and she resists because she says she didn't  
9 do it.

10 And at the conclusion of this trial, I'm going to  
11 request that you reach a unanimous verdict on all the 52  
12 counts of not guilty. It's been my pleasure. Thank you.

13 THE COURT: Thank you, Mr. Brown.

14 We are going to go ahead and take a short break at  
15 this point. It's just past 3:30. I do have one issue to  
16 talk with the attorneys about that should only take a  
17 couple of minutes, but then I want to give everybody a  
18 decent break as well. So let's plan on coming back about  
19 5 minutes until 4. If it's going to be much longer than  
20 that, we'll send word down and let you know.

21 But this is your first recess or break during the  
22 trial now. Please leave your notes and the jury  
23 instructions on your chairs. And you'll go out through  
24 the door then and down the stairs to the jury room.  
25 We'll see you back here at about five minutes to four.

1 (The jury exited the courtroom.)

2 THE COURT: Please be seated. The jury has  
3 left the courtroom.

4 Mr. Brown, would this be a good time to ask the  
5 additional questions of our interpreter?

6 MR. BROWN: Yes, please.

7 THE COURT: Okay. Ma'am, would you go back up  
8 to the podium? And, Mr. Brown, you may proceed.

9 MR. BROWN: Could you restate your name,  
10 please.

11 MS. CHE: Myhanh Che.

12 MR. BROWN: Ms. Che, have you met the  
13 defendant, Kim Taylor, outside of this investigation?

14 MS. CHE: Yes.

15 THE COURT: How do you know her?

16 MS. CHE: Probably about five or six years ago,  
17 I believe Miss Taylor was a member of the Vietnamese  
18 Church Alliance, and I'm from the church in Omaha, and so  
19 once in a while I'll come to visit the church here in  
20 Sioux City, and that's where I met Miss Taylor.

21 MR. BROWN: Okay. So does your husband come up  
22 and do work as the pastor of that church?

23 MS. CHE: As a visiting pastor. They have  
24 their own pastor.

25 MR. BROWN: Did your husband baptize one or

1 more of her children?

2 MS. CHE: That I do not know.

3 MR. BROWN: Okay. Did you ever attend social  
4 events in the Vietnamese community in Sioux City where  
5 Kim Taylor was there?

6 MS. CHE: No, I have not.

7 MR. BROWN: Okay. Now, are you the same  
8 interpreter that the FBI used to interview all these  
9 witnesses?

10 MS. CHE: Yes.

11 MR. BROWN: And were you the same interpreter  
12 that was used when the Vietnamese-speaking witnesses  
13 testified at the grand jury?

14 MS. CHE: Yes.

15 MR. BROWN: Okay. And have you -- have you had  
16 personal conversations with the FBI agent about the case  
17 in addition to mere translating?

18 MS. CHE: No.

19 MR. BROWN: And have you been paid by the FBI  
20 or the Department of Justice for your translation  
21 services?

22 MS. CHE: I believe that was -- I was paid by  
23 the government, the U.S. Attorney Office.

24 MR. BROWN: Okay. Fair enough. I just want to  
25 know.

1 All right. Well, here's what I want to ask you. No  
2 matter who is paying you or what work you've performed in  
3 this case, do you swear to give a word-for-word  
4 simultaneous translation from English to Vietnamese and  
5 Vietnamese to English to the best of your ability?

6 MS. CHE: Yes, I do.

7 I do have one clarification. For witness testimony  
8 I would be interpreting in consecutive mode and not  
9 simultaneous due to the nature of the type of testimony.

10 MR. BROWN: With that clarification, I accept,  
11 Your Honor. We have no objection to this interpreter at  
12 this time.

13 THE COURT: Okay. Thank you. And, ma'am, I am  
14 just going to go ahead and put you under oath now as the  
15 interpreter for this trial.

16 (Interpreter sworn.)

17 THE COURT: Okay. Thank you. And you can go  
18 back. Thank you, ma'am. We appreciate your patience  
19 with us.

20 Any other record on any issue at this point before  
21 we take a break? Mr. Timmons?

22 MR. TIMMONS: No, Your Honor, nothing on the  
23 issue.

24 THE COURT: Or anything else?

25 MR. TIMMONS: I did want to alert the Court

1 that we will be calling Tam Doan followed by Thien Doan  
2 and then hopefully Huong Nguyen if there's sufficient  
3 time.

4 THE COURT: Okay. So you're going to be  
5 starting Tam Doan and Thien Doan, number 4 and 5 on the  
6 government's list?

7 MR. TIMMONS: Correct, Your Honor.

8 THE COURT: Okay. That's fine.

9 Mr. Brown, anything else to take up before we have a  
10 break?

11 MR. BROWN: No, Your Honor.

12 THE COURT: We will come back at five minutes  
13 to four to begin the government's presentation of  
14 evidence.

15 (Recess at 3:39 p.m.)

16 THE COURT: Are we ready for the jury? Is the  
17 government ready?

18 MR. TIMMONS: Yes, Your Honor.

19 THE COURT: And Mr. Brown?

20 MR. BROWN: Yes, Your Honor.

21 THE COURT: Okay. Please bring in the jury.

22 (The jury entered the courtroom.)

23 THE COURT: Please be seated. Welcome back,  
24 everyone. And we will plan on going then until pretty  
25 close to 5:00 today. I'll try to find a good stopping

1 point, and then we'll stop for the day at that time.

2 We are at the stage of the case where the United  
3 States will be presenting evidence. And typically that  
4 means calling witnesses and presenting exhibits. And  
5 then the defense, of course, through Mr. Brown will have  
6 the opportunity to cross-examine witnesses and perhaps  
7 present additional exhibits as well during that time.

8 I understand that we are going to have some  
9 witnesses this afternoon who will be using our  
10 Vietnamese-English interpreter. And just to give you a  
11 sense of what that means, our interpreter has been deemed  
12 to be qualified to interpret between Vietnamese and  
13 English. And it will not be simultaneous.

14 What that means is the interpreter will hear the  
15 question in English, will then interpret the question to  
16 the witness in Vietnamese. The witness will answer to  
17 the interpreter in Vietnamese. And then the interpreter  
18 will answer then and provide the witness's answer in  
19 English. And that answer in English will be the official  
20 answer then that goes into the transcript and is the  
21 official record of the case. The interpreter not only is  
22 qualified but has provided an oath to fairly and  
23 accurately interpret. So that's how that process will  
24 proceed.

25 And I will then ask the United States at this point,

1 are you ready to call your first witness?

2 MR. TIMMONS: Yes, we are, Your Honor. The  
3 government calls at this time Tam Doan who will not need  
4 an interpreter.

5 THE COURT: Will not. Okay. Thank you.

6 Good afternoon, ma'am. If you'll stop right kind of  
7 in the -- come up a little farther and then stop and  
8 please raise your right hand.

9 TAM-LANH DOAN, PLAINTIFF'S WITNESS, SWORN

10 THE COURT: Okay. Thank you. And the witness  
11 box is to your right there. And please have a seat. And  
12 please get close to the microphones, and you can adjust  
13 them if you need to. This is a very big room, and if  
14 someone's not near the microphone, we can't hear them.

15 Would you please tell us your full name, and spell  
16 your last name.

17 THE WITNESS: Yes. My name is Tam-Lanh Doan,  
18 last name D-o-a-n.

19 THE COURT: Okay. Thank you.

20 Mr. Timmons, you may proceed.

21 MR. TIMMONS: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. TIMMONS:

24 Q. Good afternoon -- good afternoon, Miss Doan.

25 A. Good afternoon.

1 Q. First thing I want to talk with you about is your  
2 English-speaking ability. Judging by your interaction so  
3 far with the Court, I take it you speak English?

4 A. Yes, I do.

5 Q. Consider yourself fluent?

6 A. I do.

7 Q. You can also read and write?

8 A. I can read and write, yes.

9 Q. In English?

10 A. Yeah.

11 Q. Where do you currently live?

12 A. I currently live in California, but my permanent  
13 address was here in Sioux City.

14 Q. Okay. How long have you lived in California?

15 A. Two months.

16 Q. So you're from Sioux City?

17 A. I'm from Sioux City, yeah.

18 Q. Where'd you go to high school?

19 A. I went to North High.

20 Q. Did you end up going to college after high school?

21 A. Yes, I went to school in Ames at Iowa State.

22 Q. You're currently between jobs?

23 A. Yes.

24 Q. Where were you born?

25 A. I was born in Vietnam.

1 Q. Are you a U.S. citizen?

2 A. I am.

3 Q. When did you come to this country?

4 A. I came here around 2002 when I was 4.

5 Q. What did that process look like for you to obtain  
6 citizenship?

7 A. I didn't have to do much. I watched my mom study  
8 and listened to all the questions, and I got the  
9 citizenship through my mom's testing.

10 Q. And when did that -- when did that finally happen,  
11 you get U.S. citizenship?

12 A. I was about 17, so that was about 7 years ago.

13 Q. Back in 2020, did you live in Sioux City?

14 A. Yes, I did.

15 Q. Where did you live?

16 A. I lived here in Sioux City.

17 Q. Yes.

18 A. Oh, sorry.

19 Q. The address?

20 A. 1113 Virginia Street.

21 Q. How long had you been living there at that point?

22 A. A handful of months. I lived here for about a year  
23 during that time.

24 Q. Was that because you were previously in college?

25 A. Yes.

1 Q. Okay. When did your family first move to that  
2 address?

3 A. Maybe like 2012.

4 Q. Who lived there with you?

5 A. It was me, my mom, and my two brothers.

6 Q. I'd like to pull up Government Exhibit 81. Do you  
7 recognize the person in that photograph?

8 A. Yes, I do.

9 Q. Who is it?

10 A. That's my mom.

11 Q. And pulling up Government Exhibit 80. Who is that?

12 A. That's my brother.

13 Q. Did he live with you at that house on Virginia  
14 Street as well?

15 A. Before college, yes.

16 Q. Before college. So in 2020 was he in college?

17 A. Yes.

18 Q. Did he receive mail at the address on Virginia  
19 Street, though?

20 A. Yes.

21 Q. Where was he at in college?

22 A. He was in Ames, Iowa State.

23 Q. Let's talk about your mom. Was she born in the  
24 U.S.?

25 A. She was not.

1 Q. Where was she born?

2 A. In Vietnam as well.

3 Q. How is her English-speaking capability?

4 A. She has some, but she's not fluent. She can answer  
5 simple questions, simple sentences. She can respond in  
6 simple sentences.

7 Q. How's her writing?

8 A. Her writing is not as good, but she can do the  
9 basics.

10 Q. In English?

11 A. Yeah.

12 Q. If she does write in English, is there anything  
13 noticeable about the way it's done?

14 A. I think it looks a lot like other Vietnamese  
15 people's handwriting. They usually have a little bit,  
16 like, neater and prettier handwriting than most Americans  
17 I think.

18 Q. Is it done in all lower case letters or capital  
19 letters?

20 A. It's on and off, but the way my mom writes is  
21 usually in all caps.

22 Q. Your mom, how is her English-reading ability?

23 A. It's not great. She can pick up basic words as  
24 well, like simple sentences, broken English.

25 Q. I take it her primary language is Vietnamese?

1 A. Yes.

2 Q. It's fair to say your mom needs help reading or  
3 completing paperwork if it's in English?

4 A. Yes.

5 Q. Especially if it's important paperwork?

6 A. Yeah. I usually help her with those.

7 Q. Is that typically what you did growing up?

8 A. Yes.

9 Q. Would she ever have strangers help her with  
10 important paperwork that's in English?

11 A. No, not typically.

12 Q. Why not?

13 A. I don't see why she would ask a random person to.  
14 Normally if someone's going to help her, it's a family  
15 friend, me, or someone that someone is like, hey, this  
16 person would be a good person to help you.

17 Q. Okay. I'm going to show you Government Exhibit 79.  
18 Who's that?

19 A. That's me.

20 Q. Is that your signature underneath there?

21 A. Yes, it is.

22 Q. Is this from -- what is this from?

23 A. Probably around 20 -- well, I guess the capture date  
24 says March 9, 2019.

25 Q. Okay. I did not say when. What is this from?

1 Where is the picture from?

2 A. Oh. It's from my driver's license.

3 Q. Same with the signature?

4 A. Yes.

5 Q. You ever sign your name in a different way?

6 A. No.

7 Q. I'd like to talk to you about voting. Are you a  
8 registered voter?

9 A. I am.

10 Q. Showing you Government Exhibit 118, this is an  
11 official voter registration form. I'd like to look at  
12 the address section in particular. Does that look like  
13 your handwriting?

14 A. Yes, it does.

15 Q. And was that ever your address?

16 A. Yes.

17 Q. And looking down at the bottom of the document,  
18 there's a signature area with a date. Is that your  
19 signature?

20 A. Yes, it is.

21 Q. And do you see the date there?

22 A. Yes.

23 Q. Looks like February of '20 sometime?

24 A. Yes.

25 Q. Would you have been at that address in Ames at that

1 point?

2 A. Yes, I would have.

3 Q. I'd like to look in the middle of the document at  
4 the area -- there's a box labeled Political Affiliation.  
5 See that there?

6 A. Yes.

7 Q. Is there a -- do you see the box that's checked  
8 there?

9 A. Yes.

10 Q. Says Democratic?

11 A. Uh-huh.

12 Q. Did you check that?

13 A. I did.

14 Q. I want to talk specifically to you about the 2020  
15 primary election. Any chance you completed a voter  
16 registration for the Republican primary in 2020?

17 A. No, I didn't.

18 Q. Looking at Government Exhibit 2, I'd like to  
19 highlight the address section there. Do you see the  
20 handwriting? Is that your handwriting?

21 A. No, that's not mine.

22 Q. Is that your address, though?

23 A. It is.

24 Q. And is that your name on the document as well?

25 A. Yes, it is.

1 Q. Looking down at the bottom, is that your signature?

2 A. No, it's not.

3 Q. And can you see what the date is on that document?

4 A. It says May 20, 2020.

5 Q. I'd like to look at the political affiliation box.

6 Would you have checked the box there for Republican?

7 A. No, I wouldn't have.

8 Q. Any idea who signed this document?

9 A. No, I'm not sure.

10 Q. Did you give anyone permission to sign for you?

11 A. I did not.

12 Q. I take it if you didn't register as a Republican you

13 would not have requested a ballot to vote in the 2020

14 Republican primary election?

15 A. No, I wouldn't have.

16 Q. I want to show you Government Exhibit 3. This is a

17 request for an absentee ballot. Is that your name on the

18 document?

19 A. Yes, it is.

20 Q. Focusing on the handwriting there in the address

21 section, is that your handwriting?

22 A. No, it's not.

23 Q. How about the signature? Is that your signature?

24 A. No.

25 Q. And is this document the same date as the previous

1 document we were looking at?

2 A. Yes, it is.

3 Q. What date is that?

4 A. May 20, 2020.

5 Q. So you didn't sign that document.

6 A. No.

7 Q. Did you give anyone permission to sign your name for  
8 you?

9 A. No, I did not.

10 Q. I take it if you did not request a ballot in the  
11 2020 Republican primary election, you did not actually  
12 vote in the 2020 Republican primary to your knowledge?

13 A. No.

14 Q. Any idea who was on the ballot for the 2020  
15 Republican primary?

16 A. I -- no.

17 Q. I'm going to show you Government Exhibit 5. This is  
18 a ballot affidavit. Do you see on the left side there in  
19 type a name and address if you could pull that up? Is  
20 that your name and address?

21 A. Yes.

22 Q. Now I'd like you to look at the signature. Is that  
23 your signature?

24 A. No, it's not.

25 Q. Any idea who signed it?

1 A. No, I'm not sure.

2 Q. Did you give anyone permission to do that?

3 A. No.

4 Q. Did you ultimately try to vote in the 2020 general  
5 election by mail?

6 A. I did try, yes, but I wasn't able to. I wasn't able  
7 to by mail.

8 Q. Can you explain what you mean by that?

9 A. Yeah. I had requested some absentee ballots for me  
10 and my family, and they arrived at my house, and by the  
11 time I got -- well, I was at work, and my mom asked me  
12 where they were. And then I came home and couldn't find  
13 them anymore, so I wasn't able to submit my vote through  
14 mail.

15 Q. What did you do after you found out about that?

16 A. After I didn't see them at my house, I asked my mom  
17 where they were, and she said she didn't know. So I  
18 called the city auditor, Pat Gill, and asked him if I  
19 could get a new ballot. He told me that my ballot had  
20 already been submitted, and I didn't know who it had been  
21 submitted for, and he wouldn't tell me. And since it was  
22 my vote, I should have known. But he had me and my  
23 brother come into his office to resubmit our votes.

24 Q. How did all this make you feel?

25 A. I was really upset.

1 MR. BROWN: Objection. Relevance.

2 THE COURT: That objection is sustained. The  
3 answer is stricken. You can ask another question.

4 Q. Let's take that process step by step.

5 A. Okay.

6 Q. I'm going to show you Government Exhibit 279. This  
7 is a state of Iowa official absentee ballot request form.  
8 Let's look at the address section. Is that your address?

9 A. Yes, it was.

10 Q. And is that your handwriting?

11 A. Looks like it, yes.

12 Q. Down at the bottom, is that your signature?

13 A. Yes.

14 Q. And what's the date on this document?

15 A. September 30, 2020.

16 Q. Did you complete this form?

17 A. Yes, I did.

18 Q. Did your brother ask you to request an absentee  
19 ballot for him in 2020?

20 A. Yes, he did.

21 Q. In the general election?

22 A. Yeah.

23 Q. Did you do that for him?

24 A. I did that for him, yes.

25 Q. And did you have it sent to his address in Sioux

1 City or in -- where did you -- where did you have it  
2 sent?

3 A. I wrote down his address in Ames.

4 Q. Did you eventually see absentee ballots arrive at  
5 your house in Sioux City on Virginia Street?

6 A. Yes, I did.

7 Q. How many?

8 A. I had three, not for myself. One for me, one for my  
9 mom, one for my brother.

10 Q. And you mentioned those ballots. Those are the ones  
11 you mentioned earlier that disappeared?

12 A. Yes.

13 Q. Where were they in your house?

14 A. They were sitting in my -- or on my living room  
15 table before I went to work.

16 Q. I'm going to show you Government Exhibit 9.1. This  
17 is a ballot affidavit. On the left, is that your name  
18 and address?

19 A. Yes.

20 Q. In the typed?

21 A. Yes.

22 Q. On the right, on the signature line, is that your  
23 signature?

24 A. No.

25 Q. Any idea who signed it?

1 A. No, I'm not sure.

2 Q. What's the date on this document?

3 A. This document is October 16, 2020.

4 Q. You mentioned contacting the county auditor. Did  
5 anyone at the county auditor's office show this document  
6 to you?

7 A. Yes, they did.

8 Q. Is that the same envelope that's depicted in  
9 Government Exhibit 9.2? I'll pull that up here. Do you  
10 see on the left there there's a ballot affidavit?

11 A. Yes.

12 Q. Does that also got your name on it?

13 A. Yes.

14 Q. And looks like your name is printed in the signature  
15 line, but that's -- is your name printed in the signature  
16 line?

17 A. Yes, it is.

18 Q. Is that your signature, though?

19 A. No.

20 Q. Okay. Do you know who showed you this ballot  
21 affidavit?

22 A. It was Pat Gill, the auditor.

23 Q. After seeing that, did you affirm that it was not  
24 yours in writing?

25 A. Yes.

1 Q. I'm going to show you Government Exhibit 59. Is  
2 that your name on the top there?

3 A. Yes, it is.

4 Q. And what's the date of that document?

5 A. That one is October 29, 2020.

6 Q. Is that your handwriting?

7 A. Yes.

8 Q. And looking at your signature, is that yours?

9 A. Yes.

10 Q. So you completed this form?

11 A. Yes, I did.

12 Q. And you -- did you ultimately complete an absentee  
13 ballot in person at Woodbury County?

14 A. Yes.

15 Q. I'm showing you Government Exhibit 301. Looking at  
16 the typed name and address on the left side, is that your  
17 name and address?

18 A. Yes.

19 Q. And there should be a file stamp above that with the  
20 date on it. Can you make that out?

21 A. Yeah. That one says October 29, 2020.

22 Q. Is that the same day you filled out the form saying  
23 that the other ballot was not yours?

24 A. Yes, it looks like that.

25 Q. And just for the record, the signature line, is that

1 your signature?

2 A. Yes, that's mine.

3 Q. Looking back at Government Exhibit 279, you said you  
4 requested an absentee ballot for the 2020 general  
5 election.

6 A. Yes.

7 Q. You've since learned that there was an absentee  
8 ballot cast in your name but not by you in the 2020  
9 general election as depicted in Government Exhibits 9.1  
10 and 9.2. Pulling up 9.2, I'd like to focus on the ballot  
11 that was cast in your name. On the right side of the  
12 photograph, you see that there?

13 A. Yes.

14 Q. I'd like to start with the federal offices column on  
15 the left side. Who's that a vote for?

16 A. That's a vote for Donald Trump.

17 Q. Would you have voted for that person?

18 A. I would not have.

19 Q. Looking at the state offices column in the middle of  
20 that ballot, who is that a vote for?

21 A. Ernest J. Gigaroa.

22 Q. Would you have voted for that person?

23 A. No.

24 Q. And lastly, looking at the county offices column on  
25 the right side, who was voted for in that column?

1 A. Keith W. Radig, Jeremy Taylor, Rocky De Witt, and  
2 Barbara Parker.

3 Q. Would you have voted for any of those people?

4 A. No. I didn't really know who any of them were.

5 Q. At that time did you know who Jeremy Taylor was?

6 A. I had an idea of him from campaigning. Like I  
7 didn't campaign, but I saw posters and ads in the mail.

8 Q. But no interest in voting for him?

9 A. No.

10 Q. At that time did you know who Kim Taylor was?

11 A. I did not know.

12 Q. Just to be clear, did you give anyone permission to  
13 vote for you in the 2020 election cycle?

14 A. No, I did not.

15 Q. Not even your mother?

16 A. No.

17 Q. Has this had any impact on you, this whole  
18 situation?

19 A. Yeah.

20 MR. BROWN: Objection. Relevance, Your Honor.

21 THE COURT: What is the relevance?

22 MR. TIMMONS: Your Honor, it's relevant  
23 because -- well, I don't want to speak for her.

24 THE COURT: Does it go to any of the elements  
25 of any of the counts? Doesn't sound like it, but I

1 wanted to give you a chance to tell me otherwise.

2 MR. TIMMONS: It's relevant to her status as a  
3 victim in this case.

4 THE COURT: All right. The objection is  
5 sustained at this point. This has nothing to do with the  
6 elements of the offense that the government's required to  
7 prove. So you can ask another question.

8 MR. TIMMONS: Very well. No further questions,  
9 Your Honor.

10 THE COURT: All right. Thank you.

11 Mr. Brown, cross-examination?

12 MR. BROWN: Yes, Your Honor. Thank you. May I  
13 have just a second to get organized here --

14 THE COURT: Sure.

15 MR. BROWN: -- with this machine?

16 CROSS-EXAMINATION

17 BY MR. BROWN:

18 Q. Is it Ms. Doan? Is that correct?

19 A. Yes, it is.

20 Q. And how old are you, Ms. Doan?

21 A. I am 25.

22 Q. And how long have you been living away from your --  
23 the family home on Virginia Street?

24 A. I've been away from it since I was 18 but have come  
25 back for short periods.

1 Q. And at some point in time you lived in Ames?

2 A. Yes.

3 Q. So let's break this down. So in early 2020, where  
4 were you living?

5 A. Early 2020? I would have been living in Ames  
6 finishing school.

7 Q. And then was your permanent address still  
8 nonetheless the Virginia Street address in Sioux City?

9 A. Yes, it was.

10 Q. Was that, for example, the address on your driver's  
11 license?

12 A. Yes.

13 Q. And then school ended some time what? In February  
14 or March during the COVID pandemic?

15 A. Probably would have been about May.

16 Q. Do you remember exactly? Was it April? Was it May?

17 A. I am pretty sure it was May.

18 Q. At Iowa State?

19 A. Yes.

20 Q. And then you moved back home to the Virginia Street  
21 address; is that right?

22 A. Yes.

23 Q. Okay. And who was living at the home at the time?

24 A. At the time it was me, my mom, and my little  
25 brother.

1 Q. The dad was not involved or he passed away? I can't  
2 remember.

3 A. Yes, Dad has passed away.

4 Q. And how old was your little brother at the time?

5 A. During 2020?

6 Q. Yes, ma'am.

7 A. He would have been about 16.

8 Q. Okay. And then your brother Thien, how old was he?

9 A. He would have been about 22 or 23.

10 Q. And he also was going to Iowa State?

11 A. Yes, he was.

12 Q. And so did he come back to the Virginia Street, or  
13 did he stay in Ames after school was cancelled at some  
14 point perhaps at Iowa State?

15 A. I remember him staying in Ames.

16 Q. So did you vacate your apartment completely in Ames?

17 A. Yes.

18 Q. And then moved back in with your mom.

19 A. Yes.

20 Q. And your little brother.

21 A. Yes.

22 Q. And would that have been in May of 2020 some time?

23 A. Yeah, it would have been.

24 Q. Now, you said that you're a U.S. citizen, so you  
25 were eligible to vote; right?

1 A. Yes.

2 Q. And your mom's a U.S. citizen too; right?

3 A. Yes.

4 Q. And did you have to pass the test?

5 A. I didn't. My mom did.

6 Q. So your mom had to go take a -- study for and take a  
7 citizenship test; is that right?

8 A. Yes.

9 Q. Tell me -- tell me a little bit more about your mom.  
10 She works at Tyson?

11 A. Yes, she works at Tyson.

12 Q. And do other Vietnamese American work out at Tyson?

13 A. Yeah. I would say --

14 MR. TIMMONS: Objection, Your Honor.  
15 Relevance.

16 THE COURT: It's overruled. The witness may  
17 answer.

18 A. I would say that there's a pretty large amount of  
19 Vietnamese population at Tyson.

20 Q. All right. So does your mom know a woman by the  
21 name of My Do?

22 A. I don't know. I don't know this woman.

23 Q. Do you know My?

24 A. She might go by a different Vietnamese name, so I  
25 could know her, but I don't know her by that name.

1 Q. All right. Do you know whether your mom ever was a  
2 patron at Kim Taylor's hair salon?

3 A. Not as far as I'm aware.

4 Q. Would you say that the family -- that your mom and  
5 you and your two brothers was a strong family?

6 A. I think it would depend on the sense that you're  
7 asking.

8 Q. Well, what -- how can I -- how can I make the  
9 question clearer to get the sense?

10 A. I guess strong in what sense? Like I think in terms  
11 of responsibility and taking care of each other, yes, but  
12 I think emotionally and more socially, no.

13 Q. Does your mom do things for all three of you  
14 children as you grew up?

15 A. Yes, she did.

16 Q. Including into adulthood?

17 A. Yes.

18 Q. Did she help fill out papers for you even into  
19 adulthood?

20 A. No. That was me.

21 Q. Excuse me?

22 A. I filled papers for myself and my mom growing up.

23 Q. What about your brother Thien? Did she fill out  
24 papers for your brother Thien?

25 A. No. Thien typically fills out his own papers as

1 well.

2 Q. And you said that your brother Thien had asked you  
3 to help him get an absentee ballot for him.

4 A. Yes.

5 Q. So tell me about that. What did you do at his  
6 request, your brother's, to get an absentee ballot  
7 request?

8 A. All of the papers to request an absentee ballot had  
9 been sent to my mom's house. And I was living there at  
10 the time. So my brother couldn't fill it out. He was in  
11 Ames. So he asked me to fill it out for him and submit  
12 it so I could get his ballot for him.

13 Q. All right. So let's break -- can we break this down  
14 a little bit? This is -- these absentee ballot requests  
15 you're talking about, are you talking about for -- in May  
16 or June of 2020 or in the fall of 2020?

17 A. I don't remember when I would have submitted it, but  
18 it would have been absentee ballots to submit for the  
19 fall of 2020.

20 Q. And that included a request to have them -- have the  
21 auditor send one in your brother's name as well?

22 A. Yes.

23 Q. And your mom's?

24 A. Yes.

25 Q. Did you get your mom's permission to do that?

1 A. Yes, my mom had me fill it out for her, and then she  
2 signed the paper.

3 Q. So your mom gave you -- when the absentee ballot  
4 requests came, you helped your mom fill out your mom's  
5 absentee ballot request?

6 A. Yes, the ballot request.

7 Q. And then you signed it or she signed it?

8 A. She should have signed it. I remember her signing  
9 it.

10 Q. Well, did she -- I know what she should have done.  
11 Did she sign it, or did you sign it?

12 A. She signed it.

13 Q. How do you know?

14 A. Because I remember not signing it.

15 Q. What?

16 A. Because I didn't sign it.

17 Q. Okay. So if -- you didn't sign it, and if it got  
18 submitted, she or somebody else signed it.

19 A. Yes.

20 Q. What about your brother's? Did you fill your  
21 brother's out too?

22 A. Yes.

23 Q. This absentee ballot request?

24 A. Yes, I did.

25 Q. Did you do that with his permission?

1 A. Yes.

2 Q. So your mom's -- she's an intelligent woman, is she  
3 not?

4 A. I would say she is, yes.

5 Q. She's had to support, raise three children basically  
6 on her own; right?

7 A. Yes.

8 Q. She escaped Vietnam at what age herself? Do you  
9 know?

10 A. Early 20s, mid 20s.

11 Q. And what year did she come to the United States?

12 A. Same as me. Around 2002.

13 MR. BROWN: Of course, Your Honor, I came here  
14 in advance to figure out how to do this, and, of course,  
15 I'm not doing it right here. Let me figure it out. My  
16 apologies to the jury.

17 Q. While I'm figuring that out here, let's do it this  
18 way. Would you think that your mother knew your driver's  
19 license number by memory?

20 A. No, she wouldn't.

21 Q. And where in the house would your driver's license  
22 number have been?

23 A. It wouldn't have been in the house, but it would  
24 probably be in my mom's phone somewhere.

25 Q. The actual driver's license number?

1 A. Yeah. She has a picture of my driver's license on  
2 her phone.

3 Q. Do you remember her taking that picture or . . .

4 A. No. I would have taken a picture of it and sent it  
5 to her for some documentation purpose.

6 Q. What about your brother?

7 A. My brother, she would probably have access to that  
8 on her phone as well.

9 Q. Do you know for certain?

10 A. I don't know for certain, but I'm pretty positive it  
11 would have been in there.

12 Q. Well, another explanation is that she could have  
13 called and asked you what your driver's license number  
14 was; right?

15 A. She could have.

16 Q. Or you could have been there, and she could have  
17 asked you what your driver's license number was; right?

18 A. I guess so. I'm not sure.

19 Q. Well, some time in May all the way through the fall  
20 of 2020, you were living in your mom's house; right?

21 A. Yes.

22 Q. And was she still working at Tyson then?

23 A. Yes, she was.

24 Q. Were you working?

25 A. Yes, I was.

1 Q. And who was taking care of your little brother?

2 A. He was old enough to be home alone.

3 Q. Was your mother taking COVID-19 precautions and  
4 limiting the foot traffic in and out about -- in and  
5 about of the house?

6 A. Yes, I would say so.

7 Q. Was your mother wearing a mask?

8 A. Not at home.

9 Q. Did you wear a mask at home?

10 A. No.

11 Q. Okay. So just to make it clear, May into the fall,  
12 your mother was the head of your household; right?

13 A. Yes.

14 Q. And as you said, from time to time, she did things  
15 for her children; right?

16 A. Yeah.

17 Q. That was part of the culture; right?

18 A. Yes.

19 Q. And you told the grand jury about that; right?

20 A. I think so. I don't know if we talked too much  
21 about that at the grand jury.

22 Q. But it's true, isn't it?

23 A. It's true, yeah.

24 Q. Okay. Part of the Vietnamese American culture, the  
25 parents do things for their children; right? I can't

1 really explain it because I'm not part of it, but isn't  
2 that true?

3 A. I think immigrants tend to give more to their kids  
4 in terms of support, yes.

5 Q. And the children are supposed to be obedient and  
6 supportive of their parents?

7 A. I think that's maybe what they expect in idealized  
8 way but not always how it goes.

9 Q. No. As the children make their own way into the  
10 world and you become perhaps more Americanized, the  
11 children start to see things differently than their  
12 parents. Is that your experience?

13 A. Yes.

14 Q. Okay. So in terms of -- I still haven't figured  
15 this out, but that's okay.

16 In terms of on the exhibits that the government has  
17 shown you, these ballot materials from May of 2020, June  
18 of 2020, September and October, do you have any personal  
19 knowledge as to how the number, your driver's license  
20 number, would have been acquired?

21 A. Yes. I think my mom would have had it on her phone  
22 and accessed them that way.

23 Q. Okay. Now -- but the government has shown you  
24 various exhibits with that driver's license number on it;  
25 right?

1 A. Yes.

2 Q. Is that your handwriting?

3 A. On some of them there's my handwriting, and some of  
4 them there's not.

5 Q. Which ones -- which ones is the driver's license  
6 number your handwriting, and which ones are not?

7 A. I'd have to see them again, but the ones that have  
8 my signature that I know for sure also matches my  
9 handwriting.

10 Q. Well, the ones that you identified as not having  
11 your signature, have you taken a look at the driver's  
12 license numbers themselves on those forms?

13 A. I haven't inspected them closely, no. I just  
14 assumed it was mine.

15 Q. All right. So you're familiar with your mom's  
16 handwriting I would expect; right?

17 A. I am generally.

18 Q. But?

19 A. There's a lot of situation -- like a lot of the  
20 Vietnamese community's handwriting looks like my mom's,  
21 so I wouldn't be able to tell it apart from another  
22 Vietnamese person's handwriting necessarily.

23 Q. And so you're not in a position to say today whether  
24 or not a particular number, for example, such as  
25 872AK0125 is written by your mom or somebody else, are

1 you?

2 A. Right. I couldn't say for certain if it was my mom  
3 or somebody else.

4 Q. Okay. Or even the date of birth of 07-6, 1998. Is  
5 that -- you don't know who wrote that.

6 A. I don't.

7 Q. Okay. Now, you don't claim that at any point in  
8 time in May of 2020 you were home when Kim Taylor came to  
9 the home, do you?

10 A. I never remember seeing Kim Taylor at my house.

11 Q. Well, what exactly are you trying to communicate to  
12 the jury? Are you saying that you just don't remember  
13 Kim Taylor coming to the house, or you would never  
14 remember such a thing if it happened?

15 A. I have never been at my house the same time as Kim  
16 Taylor. I think I would have remembered seeing her  
17 there.

18 Q. That's what I'm trying to get at.

19 A. Yeah.

20 Q. So at no time in May or June, September or October  
21 was there an occasion where Kim Taylor came to your house  
22 while you were there.

23 A. I was never present if Kim Taylor came to my house.

24 Q. Was there occasion, however, when your mother called  
25 you to get your driver's license number?

1 A. No, she wouldn't have had to. It was on her phone.

2 Q. So your recollection of the events is you knew  
3 nothing personally about any voting efforts on your  
4 behalf in May and June and specifically September of  
5 2020; is that your testimony?

6 A. Can you rephrase that? Sorry.

7 Q. Are you saying that you knew nothing about any  
8 absentee ballot request, voting registration materials,  
9 absentee ballot affidavits other than the ones that went  
10 missing in your house? Is that what your testimony is?

11 A. I'm not too sure how to answer that.

12 Q. Well, I'll rephrase the question. The government  
13 has shown you to identify whether certain voting-related  
14 materials in May of 2020, June, October, and September,  
15 which ones were submitted and signed by you; correct?

16 A. Yes. Some of them were by me, and some of them  
17 weren't.

18 Q. And some of them you actually filled out completely  
19 all by yourself; right?

20 A. Yes.

21 Q. And some of them somebody else filled out.

22 A. Yes.

23 Q. Or somebodies filled out; right?

24 A. Yes.

25 Q. All right. And just to make it clear, are you

1 saying to this jury that you had no idea whatsoever that  
2 any person had attempted to register you to vote in May  
3 of 2020?

4 A. Yes, I wasn't aware that anyone else would have  
5 registered for me.

6 Q. Or had made an absentee ballot request on your  
7 behalf on May 20, 2020?

8 A. Of May, no.

9 Q. Well, after May, did you have knowledge that any  
10 family member had made a -- any type of voter document  
11 request to the auditor on your behalf? Do you understand  
12 the question?

13 A. Yeah. I didn't have any idea that someone would  
14 have, but I started getting suspicions because all  
15 these -- like I kept getting so much mail about  
16 requesting absentee ballots. Like I didn't understand  
17 why there weren't just three for me, my mom, and my  
18 brother. We just kept getting a lot more. So I was  
19 suspicious of something.

20 Q. So the suspicions were raised because the household  
21 was receiving a whole bunch of mail representing or would  
22 advise you on ways to get absentee ballots?

23 A. It wasn't ways to advise me. It was just the  
24 absentee ballot form itself, like you're requesting an  
25 absentee ballot. I didn't just get enough for my family.

1 We kept getting, like, handfuls of them.

2 Q. What was the source of this handful of materials?

3 A. It just came in the mail.

4 Q. So it wasn't brought by Kim Taylor.

5 A. No.

6 Q. All right. So then at some point in time you told  
7 the jury that all three absentee ballots went missing  
8 supposedly?

9 A. Yes.

10 Q. Yours, your brother's, and your mom's?

11 A. Yes.

12 Q. All right. So tell me about how it was that your  
13 mom had requested an absentee ballot.

14 A. I had requested it for her, and then she signed it.

15 Q. Did your mom tell you to do that?

16 A. Yes, she did.

17 Q. And wasn't that request made in part because of the  
18 mail that was being received instructing you, you, the  
19 voter, to resend in absentee ballot requests?

20 A. I only submitted one for each family member  
21 regardless of how many of the requests we were getting.

22 Q. All right. Then just to be clear, you helped your  
23 mom fill out her absentee ballot request; right?

24 A. Yes.

25 Q. Did she -- did they subsequently send her a ballot?

1 A. Yes.

2 Q. Did you help her fill that out too?

3 A. No.

4 Q. Who helped her fill that out?

5 A. My assumption --

6 Q. If you know.

7 A. I don't know for sure. I assumed that Kim helped my  
8 mom fill that out. I didn't touch it.

9 Q. Okay. What about your brother's actual ballot that  
10 he received after the absentee ballot request went in?

11 A. All three of our ballots including my brother's  
12 disappeared at the same time.

13 Q. So tell me about -- tell me about this  
14 misunderstanding that you had with your mother about how  
15 the ballots went missing.

16 A. So I went to work one day, and I distinctly remember  
17 leaving the ballots on my living room table. I went to  
18 work, and my mom called me while I was at work to ask me  
19 where the ballots were. I told her, and then I came home  
20 from work, and they weren't on the living room table. I  
21 couldn't understand why they were gone, so I asked my  
22 mom. She said she didn't know. I dug through our  
23 garbage can. I, like, ran outside to the big bins to  
24 find them, and I couldn't find them anywhere.

25 Q. So did this cause some internal strife between you

1 and your mother about these missing absentee ballots?

2 A. Yes, the whole situation caused a lot of strife  
3 between me and my family.

4 Q. And you had already filled out the ballot; right?

5 A. I hadn't, no.

6 Q. And you don't know whether your brother had or your  
7 mother had; right?

8 A. Yes. Well, I knew my brother hadn't. He wasn't  
9 home yet.

10 Q. And your mother's you're not sure?

11 A. Yes.

12 Q. So then how was this misunderstanding or  
13 miscommunication in the family resolved?

14 A. In the family?

15 Q. In the family.

16 A. I don't think it was ever resolved necessarily. I  
17 think we just moved past it.

18 Q. And there was never a time where you and your mom  
19 had a sit-down to try to sort out exactly what, in fact,  
20 had happened?

21 A. I think the only time we sat down and tried to sort  
22 it out was before the grand jury for this trial.

23 Q. You and your mom did.

24 A. Yeah.

25 Q. Not you and the agent. You're talking about you and

1 your mom.

2 A. Yeah, me and my mom talked about it with the -- her  
3 attorney present. Before then I didn't have a lot of  
4 information.

5 Q. Well, your theory back in -- at the time they went  
6 missing was that your mom had sent them in already;  
7 right?

8 A. That was a suspicion that I had had, but I wasn't  
9 sure. I hoped that that wasn't the case.

10 Q. In fact, your mom told you she'd lost them; right?

11 A. She just said she didn't know where they were.

12 Q. So let's move on to a second subject matter. How  
13 many times have you been interviewed by the FBI?

14 A. I'd say two or three.

15 Q. And when did that start?

16 A. It started after I had originally made the phone  
17 call to Pat Gill. I don't remember -- I assume that was  
18 around October since that's when I submitted my ballot.

19 Q. And then did he come again then in 2021, he being  
20 the FBI agent?

21 A. I don't think I had seen him. Sorry. My dates are  
22 really fuzzy, so I'd have to think back on that.

23 Q. And then when did you testify in front of the grand  
24 jury?

25 A. That was, yeah, early 2021 I think. So I guess I

1 would have seen the FBI agent around then as well.

2 Q. April 28, 2021, would that be right, your date of  
3 grand jury testimony?

4 A. That sounds correct, yeah.

5 Q. All right. So up to that point in time, you've only  
6 met with the FBI agent one time?

7 A. Well, I had seen him more than one time, but to  
8 actually sit down and talk about the sequence of events,  
9 yeah, I think it was just once or twice.

10 Q. And then have you talked to him since the grand jury  
11 about your testimony?

12 A. Not specifically about the testimony, just planning  
13 when I would come and talk to everyone else.

14 Q. And then I assume you went through -- did you go  
15 through any witness preparation with any of the assistant  
16 U.S. attorneys handling the case?

17 A. Yes, I did.

18 Q. Okay. When did that happen?

19 A. That happened yesterday.

20 Q. You said your mom had to get an attorney? Is that  
21 what you said?

22 A. She didn't have to, but I wouldn't -- I didn't feel  
23 comfortable talking to anyone until I convinced my mom to  
24 get an attorney.

25 Q. So when was it then that you got your mom, due to

1 your uncomfortableness, an attorney?

2 A. When?

3 Q. Yeah.

4 A. Whenever the FBI agent originally showed up at my  
5 house, and I think that was probably around October.  
6 Sorry. I'm really not sure about the dates I first saw  
7 him.

8 Q. Was it before the fall of 2020 general election or  
9 after?

10 A. I think it was a little bit before.

11 Q. So it was shortly after you'd called Mr. Gill at the  
12 auditor's office and complained that somebody had already  
13 voted on your behalf and you wanted a new ballot.

14 A. Yes.

15 Q. Is that right?

16 A. It would have been after I made that call.

17 Q. And then the FBI wanted to come and talk to your  
18 mother?

19 A. My mom was always at work. She wasn't home.

20 Q. All right. So what was it that prompted you to go  
21 get a lawyer for your mother?

22 A. Well, my assumption was that she had submitted the  
23 ballots for me and my brothers. I didn't know the  
24 circumstances or why it had happened. But I was really  
25 worried that she would get in trouble for signing for me

1 and my brother. So I insisted that we find an attorney  
2 so she could avoid that.

3 Q. Well, isn't it true that your mother had confessed  
4 to doing that, sending your ballots in?

5 A. What was that? Sorry.

6 Q. Isn't it true your mom had confessed to you to  
7 sending your ballots in?

8 A. I think before my meeting with the attorneys and  
9 every -- prosecutors with my mom's attorney, I wasn't  
10 sure, no.

11 Q. Sorry. Your mom did or did not confess to you that  
12 she had submitted signed ballots, in effect signed voting  
13 documents on your behalf?

14 A. Yes, she did during that meeting. Sorry.

15 Q. What's that?

16 A. Yes, she said that to me during that meeting.

17 Q. That she had done it.

18 A. I don't --

19 Q. She being your mom.

20 A. I can't remember whether she said that she did it or  
21 she had someone else do it for her.

22 Q. Quite a difference between those two things.

23 A. Yes.

24 Q. I thought I made myself clear in my question, but  
25 I'll do it one more time. Then we'll be done here. Did

1 your mom not tell you that she had filled out the ballots  
2 and had submitted them on your and your brother's behalf?

3 A. I answered it without really realizing exactly what  
4 you were asking. I -- she never told me whether she or  
5 someone else submitted them.

6 MR. BROWN: I don't have any further questions,  
7 Your Honor. Thank you very much.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MR. TIMMONS:

11 Q. You were asked about your testimony before the grand  
12 jury.

13 A. Yes.

14 Q. Before you appeared in grand jury, did anybody from  
15 the FBI try to contact you?

16 A. Yes.

17 Q. Did you talk to them extensively before appearing in  
18 grand jury?

19 A. I talked to them a decent amount. It wasn't -- I  
20 don't think I gave them all the details, and we never  
21 dove too deep into the conversations. But we did talk a  
22 little bit about what had happened. I didn't have too  
23 much detail to give him at the beginning.

24 Q. At some point did you say, I don't want to talk to  
25 you anymore if I don't have to?

1 A. I think so, yes.

2 Q. On direct we went over a number of documents that  
3 were filled out. Some you had signed. Some you said you  
4 hadn't signed.

5 A. Yes.

6 Q. You mentioned that you completed a document at your  
7 brother's request. How many times have you done that?

8 A. Just the one time for my brother.

9 Q. And you mentioned on cross-examination that you  
10 completed a document for your -- at your mother's  
11 request. How many times did you do that?

12 A. Just for this specific general election.

13 Q. One form?

14 A. Yes, one form.

15 Q. Mr. Brown asked you about your digging through the  
16 trash to look for the ballots, and he asked you about the  
17 strife that it caused in your family. Why did this cause  
18 so much strife in your family?

19 A. Our political views, mine and my mom's, were very  
20 different at the time. I could see why she had her  
21 views, but I just didn't agree with them. And I remember  
22 during the time her telling me that we just shouldn't  
23 vote because we would cancel each other out. But I told  
24 her that didn't matter and we still should.

25 So when the ballots disappeared, I was really upset,

1 and the first thing I thought was maybe my mom had  
2 submitted them. So lots of anger there. But she said  
3 that she didn't know, so I hoped that she was telling the  
4 truth, and I just continued about as if maybe she didn't  
5 do it. But then as we kept talking to the FBI, to more  
6 attorneys, she kept giving more information. And so it  
7 was just a really long process of finding out what  
8 happened and also feeling like -- you know, just  
9 disappointed.

10 MR. TIMMONS: No further questions, Your Honor.

11 THE COURT: Recross?

12 MR. BROWN: No, Your Honor.

13 THE COURT: Okay. The witness is excused.

14 Thank you, ma'am. And you may go ahead and step down.  
15 Thank you.

16 THE WITNESS: Thank you.

17 THE COURT: And, folks, we are going to quit  
18 for the day. We're about five minutes to five, so  
19 there's no point starting another witness at this time.

20 Just a few things before all of you leave for the  
21 evening. First of all, remember tomorrow's schedule,  
22 8:30 to 2:30. So please be here in time to get started  
23 right at 8:30. Remember there won't be a lunch break, so  
24 bring any kind of nutrition, snacks, whatever it's going  
25 to take to get you through that six-hour stretch. We'll

1 have a couple of 15- to 20-minute breaks during the day.

2 This is your first time now since you've heard about  
3 this case and started hearing the evidence that you'll be  
4 going home or leaving the building since you've been  
5 sworn in as witnesses (sic). I'm not going to re-read  
6 that instruction number 14 all of the time. That was the  
7 long one that I call the rules and regulations  
8 instruction.

9 But I do try to remind folks at the end of every day  
10 don't do any research. Don't talk to anybody about the  
11 case. Make sure everything you learn about this case  
12 comes here in the courtroom. If there are news accounts,  
13 turn them off, don't listen to them, don't let anybody  
14 tell you about them because you can already tell it takes  
15 a lot of work and effort for the lawyers and the Court to  
16 get ready for a trial. We don't want to have to redo all  
17 of this because someone didn't follow the rules and  
18 started doing some research and doing things they  
19 shouldn't do. And I trust that that won't be an issue  
20 here, but I do like to remind everyone.

21 Please leave your notes and your jury instructions  
22 on your chairs. And they'll be here waiting for you in  
23 the morning.

24 And please have safe travels. And we'll see  
25 everybody tomorrow morning. Have a good night.

1 (The jury exited the courtroom.)

2 THE COURT: Please be seated. For the record,  
3 the jury has left the courtroom for the day. Parties and  
4 counsel are still present.

5 Any issues to take up at this time from the  
6 government?

7 MR. TIMMONS: I can't think of any, Your Honor.

8 THE COURT: Okay. Anything from the defense?

9 MR. BROWN: We're good, Your Honor.

10 THE COURT: All right. So here -- I won't say  
11 this every night probably, but my general plan is when we  
12 start at 8:30, I'll plan on coming into the courtroom  
13 about 8:25, just say hi to everyone, find out if there's  
14 any issues or logistical things to talk about.

15 If anybody -- as we get through the evening tonight  
16 or any night, if anybody thinks we should get together  
17 earlier than that, some issue comes up that we have to  
18 talk about, send an e-mail certainly to opposing counsel  
19 and to me directly, not just to one of my chambers staff.  
20 I keep some strange hours, and you can e-mail me probably  
21 at 10 or 11 or 12:00 at night and I'll see it. I don't  
22 ask my chambers staff to monitor e-mail that late at  
23 night.

24 So if anything comes up, you're free to copy in one  
25 of my chambers staff, my judicial assistant, or anyone

1 else. But make sure to add me directly as well. And I  
2 am pretty certain I'll see it, and I can make the  
3 arrangements to get together, make sure everyone is ready  
4 to go earlier than 8:25. But if I don't hear anything in  
5 the evening, I just plan on coming into the courtroom at  
6 about 8:25.

7 And then we'll get started with the government's  
8 next witness at that time and see how we do. And we will  
9 go till about 2:30 tomorrow and again see how much  
10 progress we're making.

11 Any questions at this point? Anything from the  
12 government?

13 MR. TIMMONS: No, Your Honor.

14 THE COURT: Anything from the defense?

15 MR. BROWN: Do you want us back here about 8:00  
16 tomorrow, Your Honor?

17 THE COURT: Yeah, 8, 8:10 range assuming  
18 there's nothing to talk about. If I think of something,  
19 I'll try to e-mail everyone so I don't ambush you all.  
20 But otherwise we'll start about 8:25. But you can be  
21 here 8 to 8:10 range to get set up. And, Mr. Brown,  
22 hopefully you can get the technology working.

23 MR. BROWN: Yeah, I'll figure it out.

24 THE COURT: Okay. Good. All right. Have a  
25 good night, everyone. We'll see you in the morning.

1 (The foregoing trial was  
2 adjourned at 4:59 p.m.)  
3

4

5

6 CERTIFICATE

7 I certify that the foregoing is a correct  
8 transcript from the record of proceedings in the  
9 above-entitled matter.

10 S/Shelly Semmler 12-2-23  
11 Shelly Semmler, RDR, CRR Date

12

13 **INDEX**

14 **WITNESS:**

**PAGE:**

15 TAM-LANH DOAN  
16 DIRECT EXAMINATION 198  
17 BY MR. TIMMONS  
18 CROSS-EXAMINATION 215  
19 BY MR. BROWN  
20 REDIRECT EXAMINATION 237  
21 BY MR. TIMMONS

22

\*\*\*\*\*

23 **EXHIBIT:**

**PAGE:**

24 1-57, 59, 60, 62-64, 67, 68, 78-81, 16  
25 83, 87, 90, 91, 100, 102, 103, 108,  
109, 118, 120-122, 127, 128, 200-202,  
228, 250, 256, 257, 259, 278, 279,  
283, 299-301, and 309

26

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27

28

29

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 14, 2023

8:28 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 2 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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Also present:           Matthew Murphy

Reported by:           Shelly Semmler, RDR, CRR  
320 Sixth Street  
Sioux City, IA 51101  
(712) 233-3846

1 (Proceedings reconvened outside the presence of the  
2 jury.)

3 THE COURT: Please be seated.

4 THE CLERK: This is Case Number 23-CR-4004,  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7 MR. TIMMONS: Morning, Your Honor. Ron Timmons  
8 on behalf of the United States. Seated with me at  
9 counsel table is Lauren Castaldi and Richard Evans.

10 THE COURT: Good morning.

11 MR. BROWN: F. Montgomery for the defense, Your  
12 Honor, Montgomery Brown.

13 THE COURT: Good morning to both of you.  
14 Ms. Taylor is present as well.

15 We are here for day 2 of our jury trial in this  
16 case. We are outside the presence of the jury. I just  
17 have a couple of quick rulings to announce. Then I'll  
18 see if the parties have anything else.

19 Yesterday Mr. Timmons listed off -- I think it was  
20 101 -- exhibits starting with Exhibit 101 and carrying  
21 through to Exhibit 310 that the government believes have  
22 become admissible based on the Court's ruling on motions  
23 in limine. Mr. Brown noted that in addition to 404(b) he  
24 may have 403 or other objections as well.

25 I am overruling the 404(b) objections. I've been

1 through all of those exhibits and, again, been through my  
2 prior ruling. I do find all of the exhibits that  
3 Mr. Timmons listed are admissible under Rule 404(b).  
4 That doesn't mean they're in evidence yet. There are  
5 other potential objections. They're going to have to be  
6 offered one at a time. And if I do find that they become  
7 cumulative or are wasting the Court's time or are  
8 confusing or otherwise are not admissible, we'll have to  
9 take that up when the defense makes objections. But the  
10 404(b) objection to those exhibits is overruled.

11 And then last night the government filed a motion in  
12 limine to limit the scope of cross-examination of  
13 Mr. Gill. That motion is denied. I'm not setting  
14 preestablished limits on cross-examination by the defense  
15 of a key government witness. Frankly, I don't think I've  
16 ever been asked to do that before, and hopefully I never  
17 am asked to do that again because it's pretty frivolous,  
18 frankly.

19 But in any event, if the cross-examination becomes  
20 harassing or otherwise improper, we'll take that up at  
21 the time. But the motion in limine on the docket at  
22 number 61 is denied.

23 Any further issues to take up before we bring in the  
24 jury? Mr. Timmons?

25 MR. TIMMONS: No, Your Honor.

1 THE COURT: Mr. Brown?

2 MR. BROWN: No. I'll have to go deal with the  
3 clerk's office. I tried to get into that motion in  
4 limine this morning, and access was denied. But the  
5 government graciously gave me a copy. But I'll check  
6 with the clerk's office during a break.

7 THE COURT: Well, there's really no need to.  
8 I've already denied the motion.

9 MR. BROWN: Okay.

10 THE COURT: So you probably have better things  
11 to worry about. But if you need a copy yourself from the  
12 clerk's office, you can do that. But again, the  
13 government certainly has the right to object to  
14 cross-examination of Mr. Gill, and we'll take up the  
15 objections as they happen. But I'm not making any  
16 preestablished limits on the scope of the  
17 cross-examination.

18 Anything else, Mr. Brown?

19 MR. BROWN: No, sir.

20 THE COURT: Is the jury ready? Great. Let's  
21 go ahead and bring them in.

22 (The jury entered the courtroom.)

23 THE COURT: Please be seated. Welcome back,  
24 everyone. Thank you all for being here and being here  
25 promptly so we can get started.

1           Just for everyone's future reference, it typically  
2 works out that the first scheduled break of the day ends  
3 up being around 10:20 or so, so we'll plan on taking  
4 roughly a 20-minute break somewhere in the vicinity of  
5 10:20. Again, if anybody needs a break earlier than  
6 that, please just raise your hand and let us know.

7           When we stopped for the day yesterday, we had  
8 completed one of the government's witnesses.

9           Is the government ready to proceed with another  
10 witness?

11           MR. TIMMONS: Yes, Your Honor. At this time  
12 the government will call Thien Doan, and he will not need  
13 an interpreter.

14           THE COURT: Okay. Thank you. Good morning,  
15 sir. If you'll come kind of right up in the middle and  
16 stop for a moment, I'll swear you in. Please raise your  
17 right hand.

18           THIEN TAM DOAN, PLAINTIFF'S WITNESS, SWORN

19           THE COURT: Okay. Thank you. And the witness  
20 box is to your right there. And please get up close to  
21 those microphones. Adjust them if you need to so we can  
22 hear you. Sir, would you please tell us your full name,  
23 and spell your last name.

24           THE WITNESS: Thien Tam Doan, D-o-a-n.

25           THE COURT: Okay. Thank you.

1 Mr. Timmons, you may proceed.

2 MR. TIMMONS: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. TIMMONS:

5 Q. Morning, Mr. Doan.

6 A. Morning.

7 Q. What do you do right now, sir?

8 A. For my job?

9 Q. Yes.

10 A. I work at architecture firm in Seattle.

11 Q. How long have you lived out there?

12 A. Almost two and a half years.

13 Q. You originally from Sioux City?

14 A. I grew up here, yes.

15 Q. Did you attend high school here?

16 A. Yes.

17 Q. Which one?

18 A. North High.

19 Q. Did you ultimately go to college?

20 A. Yes, at Iowa State.

21 Q. I take it by the way you've been able to answer all  
22 my questions you have no problems reading and  
23 understanding English?

24 A. Correct. I'd say I'm fluent.

25 Q. Where were you born?

1 A. Vietnam.

2 Q. When did you come to this country?

3 A. I can't remember the exact year, but I was about  
4 five or six.

5 Q. You've been here a while?

6 A. Yes.

7 Q. Where did you last live in Sioux City?

8 A. At -- do you want the address?

9 Q. Yes, please.

10 A. 1113 Virginia Street.

11 Q. How long had you lived there when you -- or when did  
12 you leave? Let's start with that.

13 A. I guess I stopped living there once I got to  
14 college. Then I would just live in Ames.

15 Q. About the age -- about the time you turned 18.

16 A. Correct.

17 Q. And how old are you now?

18 A. 26.

19 Q. How long had you lived there before you left?

20 A. At that specific residence?

21 Q. Yes.

22 A. I can't remember the exact amount of years, but  
23 since about middle school is how long I've been at that  
24 house.

25 Q. While you were in college, were you still receiving

1 mail at the address in Sioux City?

2 A. Yes.

3 Q. Who did you live there with when you did live there?

4 A. With my mom, my little sister, and my little  
5 brother.

6 Q. I'm going to show you Government Exhibit 81. Who's  
7 that?

8 A. My mom.

9 Q. I'd like to show you Government Exhibit 79. Who is  
10 that?

11 A. My sister.

12 Q. Back in 2020, were you living at that address on  
13 Virginia Street?

14 A. 2020, I was in college. No, I was living in Ames  
15 most of the year.

16 Q. Was your mom living there?

17 A. Yes.

18 Q. And your sister?

19 A. I forget if my sister graduated college by then, but  
20 probably she was living full -- like, she was probably  
21 done with college and living with my mom at the time.

22 Q. And you mentioned another sibling. Back in 2020,  
23 were they eligible to vote?

24 A. No.

25 Q. Let's talk about your mom a little bit. Was she

1 born in the U.S.?

2 A. No.

3 Q. Where was she born?

4 A. Vietnam.

5 Q. And did you come here with her at the same time?

6 A. Yes, with her, my dad, and my little sister.

7 Q. How is your mom's English-speaking ability?

8 A. Currently or at the time?

9 Q. At the time. I'm sorry. Let's say in 2020.

10 A. I would say not fluent at all. She doesn't read or  
11 write.

12 Q. Is her primary language Vietnamese?

13 A. Yes.

14 Q. Would it be fair to say that your mom needs help  
15 reading or completing paperwork if it's in English?

16 A. Yeah, that's completely fair to say.

17 Q. Growing up in America here with her, did you do  
18 anything to help her navigate that issue?

19 A. Yes. Frequently my sister and I would end up  
20 filling out a lot of -- end up filling out a lot of  
21 paperwork for her and ourselves. Like if there were  
22 paperwork that we would have to do for school for me and  
23 my sister that my mom would have to fill out, we would  
24 end up filling it out.

25 Q. Would you give it for her to sign?

1 A. Yes.

2 Q. I'm going to show you Government Exhibit 80. Who's  
3 that?

4 A. That's me.

5 Q. And underneath that, is that your signature?

6 A. Yes.

7 Q. Do you know where this photo and signature come  
8 from?

9 A. My driver's license.

10 Q. Are you a registered voter?

11 A. Yes.

12 Q. I'm going to show you Government Exhibit 122. It's  
13 a voter registration form. You see down in the  
14 right-hand corner there it's dated in 2016?

15 A. Yep.

16 Q. Is that your name and address on the form?

17 A. Yes.

18 Q. Is that your handwriting, sir?

19 A. I believe so.

20 Q. And down at the bottom, is that your signature?

21 A. Yes.

22 Q. And it looks like at the time you put an address in  
23 Ames. Is that accurate in October of 2016 you were in  
24 Ames?

25 A. Yeah, yeah. I would typically have -- if I fill

1 anything else out new, I would have it sent to whatever  
2 Ames address I was at during that semester.

3 Q. I'd like you to take a look at the box in the middle  
4 of the page that's marked political affiliation. Do you  
5 see that there towards the bottom?

6 A. Yeah.

7 Q. Did you checkmark that box, Democratic?

8 A. Yes.

9 Q. Moving to Government Exhibit 121, is that your name  
10 and address on there?

11 A. Yes.

12 Q. And looking down at the signature, is that your  
13 signature?

14 A. I believe so.

15 Q. It's dated -- you see the date there?

16 A. Yeah, 11-6, 2018.

17 Q. And it looks like at that time you gave your --  
18 well, which address is on there?

19 A. The address that I was living at which was at my  
20 fraternity.

21 Q. Okay. I'd also draw your attention to the box  
22 marked Political Affiliation on this document.

23 A. Yep.

24 Q. Would you have checkmarked the box or authorized the  
25 checkmarking of the box Democratic?

1 A. Yes.

2 Q. Looks like it's typed. I take it if you checkmark  
3 Democratic when you registered to vote you wouldn't have  
4 registered to vote in the Republican primary at any  
5 point?

6 A. Correct.

7 Q. Showing you Government Exhibit 128, looking at the  
8 name and address section there, is that your name and  
9 address?

10 A. Yes.

11 Q. Is that your handwriting?

12 A. I don't believe so. I would normally -- I mean, I  
13 normally write -- if there's a middle portion of filling  
14 of a form, I put Tam in the middle name portion.

15 Q. So it's not how you would fill it out?

16 A. Yeah, not normally.

17 Q. Let's look at the box marked Political Affiliation  
18 on this document. Which one is checkmarked here?

19 A. The Republican box.

20 Q. And you wouldn't have done that?

21 A. No, definitely not.

22 Q. I'd like to take a look at the signature on this  
23 document. Is that your signature?

24 A. No, no. My signature changes a lot, but typically  
25 it's just -- it's also in cursive, and it's just my first

1 name typically.

2 Q. And what's the date on this document? Can you read  
3 that?

4 A. 05-20-20.

5 Q. If that's not your signature, do you have any idea  
6 who signed it?

7 A. No.

8 Q. Did you give anyone permission to sign it for you?

9 A. No.

10 Q. I take it if you didn't register as a Republican you  
11 didn't request a ballot to vote in the 2020 Republican  
12 primary election?

13 A. Correct.

14 Q. I'm going to show you Government Exhibit 1. This is  
15 a request for an absentee ballot. Looking at the Primary  
16 Election Only box down at the bottom of the document, do  
17 you see what's checkmarked there?

18 A. Republican.

19 Q. You didn't check that?

20 A. No, I wouldn't vote in the Republican primary.

21 Q. Do you see that signature down there?

22 A. Yeah.

23 Q. Is that your signature?

24 A. No.

25 Q. Is that dated the same date as the previous document

1 we were looking at?

2 A. Yeah, it is. Correct.

3 Q. Let's look at the -- make sure your name and address  
4 are on this document. Well, is that your address?

5 A. Yes.

6 Q. Is that your handwriting?

7 A. I don't believe so.

8 Q. Let's look at your name at the top of the document.  
9 That is your name; correct?

10 A. Correct.

11 Q. Is that your handwriting?

12 A. I don't think so.

13 Q. You didn't sign this document?

14 A. No.

15 Q. Any idea who signed it?

16 A. No.

17 Q. Did you give anyone permission to sign it?

18 A. No.

19 Q. So I take it if you did not request a ballot for the  
20 2020 Republican primary, to your knowledge you didn't  
21 vote in the 2020 Republican primary?

22 A. Correct.

23 Q. Any idea who was on the ballot for the 2020  
24 Republican primary?

25 A. For the general election?

1 Q. For the primary election.

2 A. Only Donald Trump for 2020, yeah.

3 Q. I'm going to show you Government Exhibit 4. This is  
4 a ballot affidavit. Looking at the typed name on the  
5 left and address, is that your name and address?

6 A. Yes.

7 Q. Now moving to the signature section, is that your  
8 signature?

9 A. No.

10 Q. Any idea who signed it?

11 A. No.

12 Q. Did you give anyone permission to sign it?

13 A. No.

14 Q. Now I'd like to talk about the general election.  
15 Did you try to vote in the 2020 general election by mail?

16 A. Yes, I tried to request an absentee ballot.

17 Q. How did you go about doing that?

18 A. I asked my sister to fill one out for me and then  
19 have it sent to my Ames address if I remember correctly.

20 Q. Did you tell her she could sign for you to do that?

21 A. Yes.

22 Q. I'm going to show you Government Exhibit 278. Is  
23 that your name and address on this document?

24 A. Yes.

25 Q. And it looks like mailing at the bottom there's a

1 second address. Is that the address you were staying at?

2 A. Yeah, that was my apartment in Ames at the time.

3 Q. But that's not your signature at the bottom?

4 A. Likely not, yeah.

5 Q. You mentioned earlier that you asked your sister to  
6 fill out -- or to request a ballot for you?

7 A. Yes.

8 Q. Where did you ask her to send it to you?

9 A. My Ames address which is that one there.

10 Q. Did you ever get a ballot sent to you in Ames?

11 A. No, not that I recall.

12 Q. Did you eventually learn that an absentee ballot for  
13 you arrived at your house in Sioux City?

14 A. Yes.

15 Q. Did it come with other ballots? Do you know?

16 A. That I don't remember.

17 Q. Any idea what happened to that absentee ballot?

18 A. My memory's a little foggy, but as I remember it and  
19 as from what my sister told me through the phone was that  
20 it was submitted in our name, and I didn't know what was  
21 voted -- what was actually voted in that ballot.

22 Q. Did you have to do -- did you do anything about  
23 that?

24 A. I think my sister --

25 Q. Well, hold on, sir.

1 A. Oh.

2 Q. I'm asking you. Did you do anything about it?

3 A. No, I don't think I did anything specifically about  
4 it.

5 Q. Did you take any steps once you found out that a  
6 ballot had been cast in your name to fix that problem?

7 A. I don't think I did specifically -- I did  
8 specifically myself.

9 Q. Did you ultimately find a way to cast a ballot in  
10 the 2020 general election?

11 A. Yes, yes.

12 Q. What did you have to do in order to do that?

13 A. I had driven -- I had to go from Ames back to Sioux  
14 City so I can go to the -- I think an early polling  
15 event. I can't remember exactly what event it was. But  
16 we had to go to the county auditor so they could take  
17 back our submitted ballots so that we could submit our  
18 proper ballots.

19 Q. Did you have to take a whole day to do that?

20 A. Yeah, yeah, three-hour drive there and back because  
21 I had to get back the same day for school stuff.

22 Q. I'm going to show you Government Exhibit 8.1. When  
23 you were at the office you mentioned earlier, did anybody  
24 show you this?

25 A. Yes, I believe the county auditor provided me this.

1 Q. Is that your typed name and address on the left  
2 side?

3 A. Yes.

4 Q. And on the right, on the signature line, is that  
5 your signature?

6 A. Yes. I mean no, no. That's my name. That's not my  
7 signature.

8 Q. Do you have any idea who signed it?

9 A. No.

10 Q. Did you give anyone permission to sign it?

11 A. No.

12 Q. I'm going to show you Government Exhibit 8.2. Do  
13 you see on the left there is a ballot envelope?

14 A. Yep.

15 Q. Does that look like -- is it the same ballot  
16 envelope we were just looking at in Government Exhibit  
17 8.1?

18 A. Yeah, looks -- looks like it is.

19 Q. After seeing this ballot affidavit, did you affirm  
20 that it was not yours in writing somehow?

21 A. Yeah. I think the auditor had us sign a form that  
22 sta -- that said that this is not ours and we'll recast  
23 it, something like that.

24 Q. I'd like to show you Government Exhibit 60. Do you  
25 recognize that?

1 A. Yeah, that's the document that . . .

2 Q. Is that your name at the top?

3 A. Yes.

4 Q. What's the date on that document?

5 A. October 29, 2020.

6 Q. That's your signature at the bottom?

7 A. Yes.

8 Q. Did you complete this form?

9 A. I believe so.

10 Q. Did you ultimately complete an absentee ballot in  
11 person while you were at this office?

12 A. Yes.

13 Q. I'm going to show you Government Exhibit 300. This  
14 is another ballot affidavit. You see the date on the  
15 left-hand side there?

16 A. Yeah. October 29, 2020.

17 Q. Is that the same date as was on the form you were  
18 just looking at? We can pull them both up for you if you  
19 need.

20 A. That'd be nice. I think I forgot.

21 Q. Might be easier to see in 8.1. See the two --  
22 well . . .

23 MR. TIMMONS: One moment, Your Honor.

24 Q. That's what we're looking at. Sorry for the  
25 confusion there for a moment.

1 A. Oh, yeah, yeah.

2 Q. So just to be clear, to your left on that screen in  
3 front of you, what's that form?

4 A. The left is, yeah, the thing the auditor had me sign  
5 to just confirm that my ballot was lost or it was -- so I  
6 can recast my ballot.

7 Q. And do you see the date on that document?

8 A. Yeah, October 29.

9 Q. Is it the same date as the document on the right  
10 side of the screen?

11 A. Yes.

12 Q. Okay. You said earlier that you'd had your sister  
13 request an absentee ballot for you in your name; is that  
14 right?

15 A. Yes.

16 Q. You've since learned that there was an absentee  
17 ballot cast in your name but not by you in the 2020  
18 general election. That's what's depicted in Government  
19 Exhibit 8.2. Do you see that there?

20 A. Yeah.

21 Q. Am I understanding this right that that's the ballot  
22 affidavit that you affirmed was not yours on the left  
23 there?

24 A. Correct. That is not mine.

25 Q. Looking at the ballot on the right, first I want to

1 look at the federal offices column on the left. Who was  
2 voted for?

3 A. Donald Trump.

4 Q. Would you have voted for that person?

5 A. No. I had no intention of voting for Donald Trump  
6 that election.

7 Q. Let's look at the middle column, column for state  
8 offices. Who was voted for in that column?

9 A. Ernest J. --

10 Q. Would you have --

11 A. -- Gigaroa.

12 Q. -- voted for that person?

13 A. No.

14 Q. And lastly, looking at the county offices column on  
15 the right side, who was voted for in that column?

16 A. Looks like all the Republican nominees.

17 Q. Would you have voted for any of those people?

18 A. No.

19 Q. At that time did you know who Jeremy Taylor was?

20 A. I did not.

21 Q. At that time did you know who Kim Taylor was?

22 A. No.

23 Q. Did you give anyone permission to vote for you in  
24 the 2020 election cycle?

25 A. No.

1 Q. Not in the primary?

2 A. No.

3 Q. Not in the general.

4 A. No.

5 Q. Not your mother?

6 A. No.

7 MR. TIMMONS: One moment, Your Honor. My  
8 apologies. I forgot to look at something else.

9 Q. I want to show you Government Exhibit 6. Do you see  
10 at the top there it says Official Absentee Ballot Request  
11 Form?

12 A. Yeah.

13 Q. Is that your name?

14 A. Yes.

15 Q. Is that your handwriting?

16 A. No.

17 Q. Looking at the address section, is that your  
18 address?

19 A. Yes.

20 Q. Is that your handwriting?

21 A. I don't believe so.

22 Q. Down in the bottom there, you see the date of this  
23 document?

24 A. Yeah. September 18, 2020.

25 Q. Were you living in Sioux City on September 18 of

1 '20?

2 A. No. I was likely in Ames during school, for school.

3 Q. Lastly I want you to look at the signature. Is that  
4 your signature?

5 A. No.

6 Q. Did you give anyone permission to sign that document  
7 for you?

8 A. No.

9 MR. TIMMONS: No further questions, Your Honor.

10 THE COURT: Cross-examination?

11 MR. BROWN: Yes, Your Honor. Thank you.

12 Would you black that off, Audrey, please? I'm  
13 sorry. Thank you.

14 CROSS-EXAMINATION

15 BY MR. BROWN:

16 Q. Good morning, Mr. Doan. How are you?

17 A. Good. Good morning.

18 Q. I'm Mr. Brown. I'm going to ask you some questions.  
19 I represent Kim Phuong Taylor. Any questions for me  
20 before we get started?

21 A. No, I don't think so.

22 Q. All right. Good. All right. So in 2020 you were  
23 attending Iowa State University in Ames, Iowa; correct?

24 A. Correct.

25 Q. In 2020 you were at Ames, Iowa; correct?

1 A. Correct.

2 Q. Iowa State University, engineering student.

3 A. Architecture.

4 Q. Architecture, my apologies. You're living in an  
5 apartment at the time?

6 A. I believe so.

7 Q. And your home residence was the address at Virginia  
8 Street; is that true?

9 A. Yes.

10 Q. And that's where your mother and your youngest  
11 brother lived; is that right?

12 A. Yes, and I think at the time my sister as well.

13 Q. So when did your sister move from Ames back to the  
14 Virginia Street address in 2020?

15 A. My guess is spring 2020 because that's when she  
16 graduated because I know right after she graduated she  
17 moved back in with my mom.

18 Q. School ended, at least in-person classes ended, on  
19 or about April 3, 2020, did they not?

20 A. I can't remember exactly, but I know I was  
21 studying -- I was studying -- in spring of 2020 I was  
22 studying abroad in Rome, and then we got sent back  
23 because of COVID.

24 Q. There was a COVID pandemic, and at some point in  
25 time in-person classes were cancelled. Is that -- do you

1 remember that?

2 A. Yes. I think I finished out the spring semester at  
3 home, but the fall 2020 classes were hybrid.

4 Q. That's what I'm trying to get at. Help me out here.  
5 At some point in time in the spring of 2020 during the  
6 COVID-19 pandemic, Iowa State's in-person classes got  
7 can -- were cancelled; is that right?

8 A. I believe so. I didn't -- I wasn't on campus for  
9 that semester, so I didn't -- like, from my perspective,  
10 I just got sent back from Rome. I went straight home to  
11 Virginia Street, and I didn't know exactly what happened  
12 at Iowa State.

13 Q. And that would have been about April, late April, or  
14 early May of 2020 when you would have went home to  
15 Virginia Street, your mother's residence; isn't that  
16 true?

17 A. I remember being sent back early March of -- yeah,  
18 early March of 2020.

19 Q. All right. So until the fall of 2020 you were  
20 living at your mother's house.

21 A. No, because I had an internship that summer, and so  
22 for the summer of 2020 I was living in Austin.

23 Q. All right. Well, what about May of 2020? Were you  
24 living at your mother 's house primarily at that time?

25 A. Maybe half and half. The internship might have

1 started in May.

2 Q. All right. So you were in and out at the house at  
3 least some portion of the time in May of 2020; is that  
4 right?

5 A. Yeah, that's fair to say.

6 Q. And your sister was living there at the Virginia  
7 Street address; correct?

8 A. Yeah, I believe so.

9 Q. All right. And then some time in the summer you  
10 went back to your address in Ames to do your internship;  
11 is that right?

12 A. No. I went -- I lived in Austin for my internship.

13 Q. So did you ever go back to Ames until the fall of  
14 2020?

15 A. Are you asking if I went back to Ames between summer  
16 and fall?

17 Q. Yes, sir.

18 A. I guess between -- no, I think I was in Austin the  
19 whole time, and then in August whenever my internship  
20 ended, I might have driven home, stayed there a day or  
21 two, and then went to Ames to go live in my apartment for  
22 the fall semester.

23 Q. So let's talk about your household. Your father had  
24 passed away; is that right?

25 A. Yes.

1 Q. How long ago had that occurred?

2 A. I think I was eight or nine at the time.

3 Q. So from the time that you were eight or nine,  
4 basically your mother was the head of the household?

5 A. Yes.

6 Q. And from time to time she did things on you and your  
7 sister's and son's (sic) behalf?

8 A. Yeah, yeah. I believe most parents would.

9 Q. Would you generally agree with me that in the  
10 Vietnamese American culture the mother's role as the head  
11 of the family is extremely important?

12 A. I guess I'd agree it's important, but I didn't grow  
13 up in a -- I mean I didn't grow up in Vietnamese culture.  
14 I grew up -- like my family was Vietnamese, but, you  
15 know, I'm not culturally very super Vietnamese.

16 Q. All right. But your mom maintained the aspects of  
17 Vietnamese culture including the language; is that true?

18 A. I would say that's true, yeah.

19 Q. Do you speak Vietnamese?

20 A. I would say no.

21 Q. So when you speak with your mother, how do you speak  
22 with her?

23 A. I would describe it as a super broken kind -- the  
24 way I describe it to people is the same way, like, a mom  
25 can understand their babbling three-year-old.

1 Q. Okay. So from time to time did this create  
2 miscommunication between you and your mom?

3 A. Yes, constantly.

4 Q. Constantly? About what kind of things?

5 A. Anything, pretty much anything that was complicated  
6 like insurance or, you know, car payments or interest. I  
7 don't know. Like anything more complicated than what'd  
8 you do or, like, how was your day.

9 Q. And would you help her with those things as well?

10 A. Yeah. Like my sister and I would fill out a lot of  
11 forms for my mom growing up.

12 Q. Did she have other people help her from time to time  
13 in the Vietnamese American community when you were gone  
14 and your sister were gone?

15 A. I believe so. They would all be her friends that  
16 she knew spoke English.

17 Q. Okay. So she had Vietnamese American friends who  
18 spoke English that at least you think she may have relied  
19 upon at least from time to time for assistance; is that  
20 true?

21 A. Yeah. I would say that's correct.

22 Q. When you were in Sioux City, did you ever attend  
23 Vietnamese American celebrations?

24 A. Yeah. I think my mom would often go to her friend's  
25 place. She would normally bring my sister. I rarely

1 went to those, but yeah, I think I would attend those  
2 every once in a while.

3 Q. Did you ever attend Vietnamese American celebrations  
4 in April of every year to celebrate or to recount the  
5 fall of Saigon?

6 A. No.

7 Q. What about the Lunar New Year? Did you ever attend  
8 Lunar New Year celebrations?

9 A. I know it's important to my mom, but normally those  
10 fall into, like, February or early January, and I  
11 wouldn't be home for that. So mostly I don't think I  
12 went to any Lunar New Year celebrations in Sioux City.

13 Q. All right. I appreciate that. I'll move on from  
14 that.

15 At any rate, is it fair to say that because of the  
16 language differences between you and your mother there  
17 were some linguistic misunderstandings from time to time?

18 A. Yeah, I would say so.

19 Q. All right. Well, let's talk about your sister for a  
20 second. Your sister, she's your -- she's second in line  
21 in the family; is that right?

22 A. I guess in, like -- yeah, I guess with a lot of  
23 Vietnamese cultures, the first son is probably, I guess,  
24 yeah, first in line.

25 Q. And so she would have been second.

1 A. I guess so. Like in terms of, like, what we did and  
2 that for the house, I wouldn't say so. But I guess if  
3 you see it from my mom's point of view, yeah.

4 Q. Did your sister help your mom do things as well?

5 A. Yeah, a lot.

6 Q. Did your sister speak Vietnamese fluently?

7 A. I think she would say she would. I don't think she  
8 does.

9 Q. Okay. All right. Well, do you have personal  
10 knowledge of similar communication problems that you  
11 personally witnessed linguistically between your mother  
12 and your sister?

13 A. I would say so, yeah.

14 Q. All right. Well, when you weren't at home and if  
15 your sister was, was your sister in charge of taking care  
16 of your mom or your mom take care of herself?

17 A. In terms of paperwork and what not and filling out  
18 forms, yeah, I think my sister would be in charge of  
19 that.

20 Q. All right. So your sister was pretty important in  
21 the household when you weren't around.

22 A. Yeah.

23 Q. And did your mom lean on her for assistance from  
24 time to time?

25 A. Yeah, yeah, for paperwork and what not.

1 Q. And as you said, your mom had other English-speaking  
2 friends that could help if she needed things when you and  
3 your sister weren't available.

4 A. Yes.

5 Q. And your mom worked at Tyson and -- is that right?

6 A. Yes, she does.

7 Q. She drove a car; correct?

8 A. Yes.

9 Q. She was a U.S. citizen.

10 A. Yes.

11 Q. Passed the citizenship test; right?

12 A. Yes.

13 Q. You didn't have to take the test; right?

14 A. I did because my mom studied for a while, and I had  
15 been over 18 when she took the exam. So we ended up  
16 passing our -- like taking our exam the same day.

17 Q. All right. So did your mom get an interpreter to  
18 help her with the test?

19 A. No.

20 Q. So the test taker asked her the questions in  
21 English?

22 A. Yes.

23 Q. And she answered in English?

24 A. As much as she could. I know she used -- like  
25 she -- it was an in-person test, so she spoke, like,

1 with -- I know she used, like, her hands just, like,  
2 demonstrate -- sorry, like, demonstrate stuff, so yeah.

3 Q. All right. So it was kind of a combination between  
4 demonstrating and English and --

5 A. Yeah, and words in English.

6 Q. Did you help?

7 A. No, I wasn't part of her exam.

8 Q. Did you help her study for it?

9 A. No, no. She would just, like, listen to, like, an  
10 audio tape on her car for years.

11 Q. In Vietnamese?

12 A. It would be half -- the things she was studying was,  
13 like, half Vietnamese, half English. It would say it in  
14 English, and then it would translate into Vietnamese.

15 Q. It was like a hundred-question test, and they pick  
16 out ten of them to ask you; right?

17 A. That sounds about right. I didn't get many  
18 questions.

19 Q. Okay. In any event, she passed it; is that true?

20 A. Yes.

21 Q. All right. So in 2020 you had voted in previous  
22 years as the assistant United States attorney has pointed  
23 out; correct?

24 A. Can you repeat that?

25 Q. Yeah. You voted before -- you voted before 2020;

1 right?

2 A. Yes.

3 Q. So you had a general understanding of what the  
4 process was; correct?

5 A. I wouldn't say my pr -- I -- well, it was, like, I  
6 voted in 2016. It'd been four years. I kind of forgot.  
7 I still don't -- I'm still not super, like, familiar with  
8 the voter registration process.

9 Q. You found it complicated?

10 A. I find, like, generally sending mail complicated.

11 Q. All right. When you were in Ames, were you getting  
12 reminders or notices that there was upcoming elections  
13 that you could possibly vote in?

14 A. Yeah, yeah.

15 Q. Okay. Would you get solicitations on your phone  
16 from the Democrats to vote in a particular election of  
17 any kind in 2020?

18 A. On my phone I can't remember exactly.

19 Q. Fair enough. So by -- your memory today is that if  
20 ballots were filled out for the Republican primary in May  
21 of 2020, you didn't know anything about that; is that  
22 what your testimony is?

23 A. Could you repeat the question?

24 Q. Yes, sir. Listen to me carefully. Is it your  
25 memory that if Republican primary absentee ballot request

1 and ultimately a ballot for that May 2020 primary were  
2 submitted, you didn't do it? Is that what you're saying?

3 A. Correct, yes.

4 Q. All right. And you're saying if someone did in your  
5 household or somebody else, you didn't know anything  
6 about that. Is that what your testimony is?

7 A. Yes, it would have -- I would have had no idea.

8 Q. All right. Well, where would your mother have  
9 gotten your driver's license number?

10 A. I send it to her a lot for a lot of different  
11 reasons. Like, I just have a picture -- like, I have a  
12 picture of my sister's and my mom's driver's license  
13 whenever we fill stuff out.

14 Q. So your mom had your Iowa DL, driver's license,  
15 number.

16 A. Yeah.

17 Q. You sure she didn't call you to get it in the spring  
18 of 2020?

19 A. She might have. I mean, if she called me and asked  
20 for it, I would have given it without really thinking  
21 about it.

22 Q. So it's possible in the spring of 2020 your mom  
23 actually called you and said -- asked you what your Iowa  
24 driver's license number was.

25 A. Yeah, that's possible.

1 Q. And at least from your perspective, she would have  
2 done that because she needed it for some form she was  
3 going to fill out on your behalf; right?

4 A. Yeah, I guess that's a fair assumption.

5 Q. Because that was something your mom, at least from  
6 time to time, had done for you over the past -- over your  
7 life; correct?

8 A. Well, I guess now that you mention it, not really.  
9 She doesn't really fill out forms for me.

10 Q. Well, you've just said it was possible she called  
11 you in the spring of 2020 to get your driver's license  
12 number. Isn't that true?

13 A. Yeah, yeah. She would call me and ask for it.

14 Q. And if she'd have called you to get your driver's  
15 license number in 2020 May, presumably she would have  
16 needed it for some official business of some kind; right?

17 A. Yeah. I guess that's right. I just -- I guess if  
18 she called, I wouldn't have thought that far ahead.

19 Q. And you'd have given it to her because she's your  
20 mom and she said she needed it for something; right?

21 A. Yeah.

22 Q. In fact, didn't she tell you some time in May of  
23 2020 that she needed your driver's license number so she  
24 could request some kind of voting documents generally?  
25 Not specific as to what those documents were but

1 something generally? Isn't that what happened?

2 A. I think that might -- yeah, that might have  
3 happened.

4 Q. So you're not telling this jury -- well, let me  
5 start over again.

6 So it's conceivable some time in the spring of 2020  
7 while you were still in Ames or you were actually living  
8 back at the house and Mom called you to get your driver's  
9 license number for some voting-related purpose. Is that  
10 true?

11 A. Yeah, I think that happened.

12 Q. And you would have given your mom your driver's  
13 license number so she could use it for that  
14 voting-related purpose generally, whatever it was;  
15 correct?

16 A. Yeah. I guess -- I guess it -- my assumption for  
17 that -- like if she did -- if I remember right, which  
18 memory's kind of fuzzy from that time, is my  
19 assumption -- and this could have been lost in  
20 translation -- was that she would have been sending me  
21 the ballot so I could vote rather than her voting for me.

22 Q. Voting forms.

23 A. Uh-huh.

24 Q. She was sending you voting forms.

25 A. Yeah.

1 Q. And she needed your driver's license number to get  
2 the voting forms; right?

3 A. Yeah.

4 Q. That's what happened; right?

5 MR. TIMMONS: Objection, Your Honor. That  
6 misstates the record.

7 THE COURT: It's overruled. The witness can  
8 answer.

9 Q. I'll rephrase the question. Your mom called you  
10 some time in May of 2020, asked for your driver's license  
11 number so she could send you voting-related documents;  
12 right? Isn't that true?

13 A. Yes, I think that happened.

14 Q. Those voting documents ever come?

15 A. I don't think so.

16 Q. And when you were then living at the house before  
17 you went to Austin, Texas, for your internship, did you  
18 have any other -- just it's a yes-or-no question. Did  
19 you have any other general conversation with your mother  
20 about this voting documents that she had requested your  
21 driver's license number for in May of 2020? Any other  
22 discussion about that?

23 A. That I don't recall.

24 Q. Was there a Jeremy Taylor sign stuck in your mom's  
25 yard the whole summer into the fall of 2020?

1 MR. TIMMONS: Objection, Your Honor. The  
2 question puts in evidence that is not in the record.

3 THE COURT: That's overruled. You can answer  
4 if you know, sir.

5 A. That I don't remember.

6 Q. I'd like to show you some of the government's  
7 exhibits here real quickly. I want to bring up  
8 Exhibit -- Government's Exhibit 4.

9 MR. BROWN: Could you display what's been  
10 admitted as Government's -- thank you.

11 Q. Do you see the signature part on that, this  
12 affidavit?

13 A. Yes.

14 Q. Your mom signed that, didn't she?

15 A. I wouldn't -- I know how my mom signs her name. I  
16 don't know how she would sign my name.

17 Q. Okay. Pull up Government's Exhibit 6. Do you see  
18 Government's Exhibit 6 there?

19 A. Yes, I see it.

20 Q. Okay. Now, you see under ID number, B -- is it a B7  
21 or BY?

22 A. Sorry. I'm looking for the ID part of the page.  
23 The driver's license, like this part?

24 Q. Yeah, that part right there.

25 A. I think that's B. I can't tell if that's a B or a

1 6. I think that's a 6.

2 Q. Okay. Well, in any event, that's your driver's  
3 license number that you gave your mom on the phone back  
4 in May of 2020; right?

5 A. Are you asking if that's just my driver's license  
6 number?

7 Q. Yeah.

8 A. Yeah, that's my driver's li -- I mean, I think it  
9 is. I haven't looked at it in a while, and I have a  
10 different driver's license number now.

11 Q. If it's the same one, it'd be the one you gave your  
12 mom back in May of 2020.

13 A. Correct.

14 Q. That's your date of birth. Presumably your mother  
15 knew your date of birth; right?

16 A. Yes.

17 Q. Then at the bottom there's a signature, 9-18-20.  
18 You recognize that as more likely than not your mother's  
19 handwriting?

20 A. I couldn't say for sure.

21 Q. Okay. You can't say for sure today?

22 A. Yeah. I just don't -- like, I just don't want to  
23 confirm something I'm not a hundred percent sure on.

24 Q. So as the -- the problem with the absentee ballot  
25 unfolded with your sister in October of 2020, who did all

1 the inquiry originally with the auditor's office? Do you  
2 know?

3 A. My sister.

4 Q. And did you give her authorization to do that on  
5 your behalf?

6 A. I can't -- I know -- I knew and was aware she was  
7 going to call the auditor's office or whatever office she  
8 needs to call about it. I can't specifically remember if  
9 I also told her to ask about mine as well.

10 Q. All right. Fair enough. But before that, before  
11 that problem where your sister had reached out to the  
12 auditor's office, is it your testimony that you had given  
13 your sister authorization to fill out an absentee ballot  
14 request on your behalf?

15 A. Yes.

16 Q. So you could vote in the fall general election;  
17 right?

18 A. Yeah.

19 Q. And the two exhibits I showed you, 04 and 06, your  
20 name is printed Thien Doan; correct?

21 A. Which exhibit again?

22 Q. I'll bring it back up. Just a second. We'll bring  
23 up 6 here. Do you see Government's Exhibit 6?

24 A. Yes.

25 Q. Okay. That Thien Doan is printed; is that right?

1 A. On the signature or on the --

2 Q. The signature. My apologies.

3 A. Yeah, it's printed.

4 Q. Right above that, it says, This is an absentee  
5 ballot request for the general election; right?

6 A. Yes.

7 Q. All right. Did your sister actually sign the  
8 absentee ballot that was submitted in September of 2020  
9 on your behalf?

10 A. Yeah. I had told her to fill that out for me.

11 Q. So you gave her authorization to fill out the form;  
12 yes?

13 A. Yes.

14 Q. Sign the voting-related document, whatever it was;  
15 right?

16 A. Yeah.

17 Q. And submit the ballot to the auditor's office?

18 A. Yeah. But, I mean, I asked for it to be mailed to  
19 my Ames apartment, yeah.

20 Q. Excuse me?

21 A. But I had, like, asked for it to be mailed to my  
22 Ames apartment, yeah.

23 Q. What e-mailed to your Ames apartment?

24 A. The ballot.

25 Q. Okay.

1 A. The absentee ballot.

2 Q. Did you e-mail it back?

3 A. Sorry. Did I get it back?

4 Q. Yeah.

5 A. Not in Ames, no.

6 Q. Okay. So then at some point in time your sister  
7 notifies you that the ballots were missing?

8 A. Yeah.

9 Q. So how did it go from the ballots are missing in the  
10 fall of 2020 to somebody already voted for you and me,  
11 you being you and me being your sister? How did it go  
12 from missing to somebody already voted for us?

13 A. I guess from my perspective my sister had submitted  
14 the request for me. I was expecting it in Ames. I never  
15 got it. I kind of forgot about it. And my sister calls  
16 me and tells me that our ballots have been submitted.

17 Q. And where did this concept or theory that the  
18 ballots had gone missing come from? Do you know?

19 A. No.

20 Q. Your sister was upset about this whole thing, was  
21 she not?

22 A. Yeah, yeah, she was upset.

23 Q. At some point in time she got your mom a lawyer;  
24 right?

25 A. I don't know when exactly in the timeline that she

1 got the --

2 Q. Fair enough. But at some point in time she got your  
3 mom a lawyer; right?

4 A. Yeah. At some point my mom got a lawyer.

5 Q. And then at some point in time you were visited by  
6 the FBI; is that right?

7 A. Yes.

8 Q. And when you're visited by the FBI, was that in  
9 Ames, or was it by phone? Tell me about that.

10 A. I think -- I can't remember exactly which it was.  
11 They might have knocked on my door. I might have missed  
12 it. I do know that they texted me. Then I did text them  
13 back that I didn't want to talk to them without legal  
14 representation. That's what happened at the time when I  
15 was first contacted.

16 Q. And were you back in Ames then, or where were you?

17 A. I think I was in Ames.

18 Q. Okay. And had the FBI already been to your mother's  
19 house?

20 A. That I wouldn't have known.

21 Q. I'm going to pull up Exhibit 278 that's been  
22 admitted. Do you see Government's Exhibit 278?

23 A. Yes.

24 Q. Now, in 278, look at the signature line.

25 A. Yeah.

1 Q. Now, the signature line is in cursive; correct?

2 A. Yeah.

3 Q. Which is more similar to what is on your driver's  
4 license; true?

5 A. Correct.

6 Q. And it's your testimony that you didn't write that  
7 signature on Exhibit 278?

8 A. Correct.

9 Q. Your sister wrote it, didn't she?

10 A. Yes, yeah. I asked her to.

11 Q. What?

12 A. Yeah, I think I had asked -- this one I asked her  
13 to.

14 Q. You gave her permission to do that.

15 A. Yes.

16 Q. Then the ballot went missing supposedly, and your  
17 sister started an internal family investigation as to  
18 what happened to the ballots that were associated with,  
19 for example, this absentee ballot request, Exhibit 278;  
20 right?

21 A. I believe so.

22 Q. A big controversy in the family then about what  
23 happened with these ballots associated with at least your  
24 request, Number -- Exhibit 278; right?

25 A. Yes, I believe so.

1 Q. Then the FBI came, interviewed your mom; right?

2 A. That I don't remember.

3 Q. Came and interviewed you; true?

4 A. I don't remember the FBI interviewing me.

5 Q. FBI agent called you and wanted a second interview  
6 on July 12, 2021, and you didn't want one; right? You  
7 declined.

8 A. Yeah, that sounds familiar.

9 Q. Okay. You were concerned for your mother; right?

10 A. I can't remember why honestly.

11 Q. But in any event, you declined to talk on January  
12 12, 2022; correct?

13 A. I believe so.

14 Q. And then on April 28, 2021, you got -- you were  
15 served with a subpoena and had to come down to the grand  
16 jury in this building, April 28, 2021; right?

17 A. Yes.

18 Q. And you met with FBI and -- at least one FBI agent  
19 and perhaps Mr. Timmons before they brought you into the  
20 grand jury room; right?

21 A. Yes, I believe so.

22 Q. And you were advised of certain rights, were you  
23 not?

24 A. Yeah, I think so.

25 Q. Your mom was there with her lawyer; correct?

1 A. Yes.

2 Q. They told you they were investigating possible  
3 violations of federal criminal laws involving fraud and  
4 related offenses; right?

5 A. I believe so.

6 Q. You were going to be sworn to tell the truth in  
7 front of the grand jury; right?

8 A. Yes.

9 Q. And then you were brought in front of the grand  
10 jury, and basically they told you the same thing. You  
11 gotta tell the truth or you may be prosecuted for perjury  
12 or other false statement; right?

13 A. I believe so.

14 Q. Okay. That anything you say in this proceeding  
15 could be used against you in any further legal  
16 proceeding. They told you that as well; right?

17 A. I believe so.

18 Q. Were you scared?

19 A. Yeah.

20 Q. Your mom scared, at least as best you could observe?

21 A. Yeah. I think we were all scared.

22 Q. You're scared because in the back of your mind, you  
23 had concern that your mother had signed some of these  
24 voting-related documents for you in the May-ish, June of  
25 2020; right?

1 A. Yeah, I guess that's fair to say I was scared of  
2 that.

3 Q. And the agents were asking you all a bunch of  
4 questions about Kim Taylor; right?

5 A. I think so.

6 Q. You didn't know Kim Taylor from, you know, the apple  
7 in an orchard, did you? You didn't know her.

8 A. I don't think I did, no.

9 Q. Didn't know what she looked like; right?

10 A. No.

11 Q. Never saw her -- never saw her in your mom's home;  
12 right?

13 A. No.

14 Q. Never saw -- never overheard her giving your mom any  
15 advice in any way; right?

16 A. No.

17 Q. You told the grand jury that your sister had offered  
18 to get some absentee ballots for you, and you said you  
19 told her you gave her permission to do that in essence.  
20 That's not the exact quote. That's what you told them;  
21 right?

22 A. Yeah.

23 Q. That's true; true? Right?

24 A. Yes.

25 Q. And then looking at Exhibit 278, she actually signed

1 that absentee ballot request for you with your  
2 permission; right?

3 A. Yes.

4 Q. Even though it says on the bottom -- you can read  
5 English. You can see what it says. I swear or affirm  
6 that I'm the person named above, et cetera, et cetera;  
7 right?

8 A. Yeah, correct.

9 Q. And you're telling this jury that a person that  
10 signed that isn't you. It was your sister.

11 A. Yeah.

12 Q. Now, the government during this grand jury showed  
13 you Exhibits -- I can't exactly nail it down here, but  
14 they showed you some of these exhibits like Exhibit 6, if  
15 not Exhibit 6 under a different number which I'm now  
16 presenting, and there's your handwritten signature at the  
17 bottom; right?

18 A. I don't think that's my signature.

19 Q. What's that?

20 A. I don't think that's my signature.

21 Q. No. But that's -- that's -- that's somebody else  
22 writing your name; right?

23 A. Yeah, correct.

24 Q. And then -- and you don't know who wrote that, Mom,  
25 sister, whatever.

1 A. Correct. I'm not aware. I don't know.

2 Q. More likely than not your mom. Isn't that a fair  
3 statement?

4 A. I don't know if that's a fair statement. I'm not  
5 sure.

6 Q. All right. Fair enough. And same with Exhibit 4.  
7 That's not your sister's handwriting in cursive in  
8 writing your name, is it?

9 A. Correct. It's not my sister's.

10 Q. That's a printed Thien Doan, Thien Doan; correct?

11 A. Yeah.

12 Q. Did you tell the grand jury that some of these  
13 handwritten signatures looked like your mom's signature?

14 A. I think I might have said that at the grand jury,  
15 yeah.

16 Q. You said that because you thought at the time it was  
17 true; right?

18 A. Yeah, that rings a bell.

19 Q. You said, I think that's how my mom would write my  
20 name.

21 A. Yeah.

22 Q. When they were showing you at least some of these  
23 voting-related documents; correct?

24 A. Yeah.

25 Q. And when you told the grand jury that it looks like

1 what I thought my mom's signature would look like or how  
2 she would write my name, that's true; right?

3 A. Yeah. I -- yeah.

4 MR. BROWN: I don't have any further questions  
5 for this gentleman, Your Honor. Thank you very much.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MR. TIMMONS:

9 Q. Mr. Doan, during cross-examination by Mr. Brown, he  
10 started out by asking you if it was possible that you had  
11 a conversation -- or you acknowledged that it was  
12 possible that you had a conversation with your mom in the  
13 spring of '20.

14 A. Correct.

15 Q. About your driver's license. Is that right?

16 A. Yeah, I acknowledged it was possible.

17 Q. Do you have an independent recollection of having  
18 any conversation with your mother where she asked you for  
19 your driver's license at that time?

20 A. Not a specific one I can remember.

21 Q. Mr. Brown also talked to you about your sister  
22 casting -- I think he used the phrase ballot in your  
23 name. Did you ever ask your sister to cast a ballot in  
24 your name?

25 A. No, just the request form.

1 Q. The one in Exhibit 278 that you wanted sent to your  
2 address in Ames?

3 A. Correct.

4 Q. That never arrived?

5 A. Correct.

6 Q. At the time you asked your sister to sign that for  
7 you, could you see the disclaimer above the signature  
8 that said, I swear or affirm, that you went over with  
9 Mr. Brown?

10 A. No. I guess I wasn't even there. We were in  
11 different -- I didn't even see it.

12 Q. I also want to talk to you about the timeline of  
13 events. The FBI reached out to you at some point.

14 A. Uh-huh.

15 Q. You said earlier -- I don't want to put words in  
16 your mouth -- you didn't initially want to talk to them?

17 A. Correct.

18 Q. Did you have any substantive conversations where you  
19 explained to them what had happened?

20 A. No, not that I can remember until the grand jury.

21 Q. Right. So in the grand jury was the first time that  
22 you talked with anybody from the government about what  
23 happened.

24 A. Correct.

25 Q. You did that under oath.

1 A. Uh-huh.

2 Q. Do you remember who it was that talked to you in  
3 grand jury?

4 A. It was you.

5 Q. Was there an FBI agent in the room?

6 A. I mean, there might have been. I don't remember  
7 anybody else in the room but us two.

8 Q. Kind of a big deal for you at the moment I assume?

9 A. Yeah.

10 Q. Okay. Before you went into grand jury, had you been  
11 contacted by Kim Taylor's defense attorneys, an  
12 investigator on their behalf?

13 A. I think I was contacted by a PI telling me that they  
14 represented her, a private investigator.

15 Q. A private investigator. Were they contacting you on  
16 behalf of Kim Taylor?

17 A. I think so, yeah.

18 Q. And did you sit down and have a conversation with  
19 them?

20 A. Yes, I think I did.

21 Q. Did you tell them the truth?

22 A. Like, I guess I told them what I believed to be the  
23 truth at the time. Like, I guess we were all just,  
24 like -- I was just spitballing everything I knew, like  
25 just . . .

1 Q. So you talked with Kim Taylor's private investigator  
2 before you divulged that information to the government.  
3 Is that accurate?

4 A. Correct.

5 MR. TIMMONS: No further questions, Your Honor.

6 THE COURT: Recross?

7 MR. BROWN: No thank you.

8 THE COURT: Okay, sir. You are excused. You  
9 may step down. Thank you.

10 THE WITNESS: Thank you.

11 THE COURT: Is the government ready to call  
12 another witness?

13 MR. TIMMONS: Yes, Your Honor. At this time  
14 the government calls Huong Nguyen, and she will need the  
15 assistance of an interpreter.

16 THE COURT: Okay. Thank you.

17 Ma'am, if you and the interpreter can both come up  
18 in front of me, I will swear you in. Would you please  
19 raise your right hand.

20 HUONG NGUYEN, PLAINTIFF'S WITNESS, SWORN

21 THE COURT: Okay. Thank you. You can have a  
22 seat in the witness box there. Would you please tell us  
23 your full name, and spell your last name.

24 THE WITNESS: My name is Huong Nguyen.

25 THE COURT: And how is your last name spelled?

1 THE WITNESS: Nguyen, N-g-u-y-e-n.

2 THE COURT: Thank you.

3 Mr. Timmons, you may proceed.

4 MR. TIMMONS: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. TIMMONS:

7 Q. Good morning, Miss Nguyen.

8 A. Hello.

9 Q. Do you speak English very well?

10 A. Nope.

11 Q. How about reading?

12 A. No.

13 Q. Writing?

14 A. No.

15 Q. Are you a Vietnamese citizen?

16 A. Yes.

17 Q. When did you first come to this country?

18 A. 2002.

19 Q. Are you currently an American citizen?

20 A. Yes.

21 Q. Where do you currently live?

22 A. On 1113 Virginia Street.

23 Q. How long have you lived there?

24 A. About 10 or 12 years.

25 Q. How far did you go in school?

1 A. Sixth grade.

2 Q. What do you currently do for work?

3 A. I work at Tyson Foods.

4 Q. What do you do for them?

5 A. Assembly line, cutting meat.

6 Q. Do you have any children?

7 A. Yes, three children.

8 Q. I'm going to show you Government Exhibit 80. It's  
9 going to be on that monitor to your right.

10 A. This is my son.

11 Q. What is his name?

12 A. Thien Doan.

13 Q. I'm going to show you Government Exhibit 79.

14 A. My daughter.

15 Q. And what is her name?

16 A. Tam-Lanh Doan.

17 THE COURT: I'm going to ask our interpreter,  
18 can you pull that microphone a little closer? Thank you.

19 Q. Starting with your son Thien, did he live with you  
20 on Virginia Street growing up?

21 A. Yes, correct.

22 Q. And your daughter Tam?

23 A. Yes.

24 Q. How about in 2020? Did Thien live with you in 2020?

25 A. In 2020 they are both in college.

1 Q. Thien was in college?

2 A. Correct.

3 Q. And how about Tam?

4 A. She's also was away for college, but she from time  
5 to time would come home.

6 Q. In 2020?

7 A. Yes, 2020 she was living with me.

8 Q. Is it fair to say that you need help reading or  
9 completing important paperwork if it's in English?

10 A. Correct.

11 Q. Would your children help you with that typically?

12 A. Typically when they are home then I ask them to  
13 help. Otherwise I will ask my friends, or if they are  
14 not home, then I would take a picture of the document and  
15 send it to them by phone, and they would help me.

16 Q. I'm going to show you Government Exhibit 81.

17 A. This is me.

18 Q. Below that, is that -- below the picture, is that  
19 your signature?

20 A. Correct.

21 Q. Is this a picture from your driver's license?

22 A. Correct, my old driver license.

23 Q. Are you a registered voter?

24 A. Yes, correct.

25 Q. I'm going to show you Government Exhibit 120. Is

1 that your name and address on the form there?

2 A. Yes, that's correct.

3 Q. Did you complete this form?

4 A. No.

5 Q. Did you have somebody help you do that?

6 A. Yes.

7 Q. The bottom -- never mind.

8 You mentioned you need help -- or you mentioned you  
9 didn't complete this form. Do you know who helped you  
10 complete that form?

11 A. I asked Miss Taylor, Kim, to help me complete it.

12 Q. Do you see her here in court today?

13 A. Yes.

14 Q. Can you point her out or describe something that  
15 she's wearing?

16 A. Yes, she's right there.

17 MR. TIMMONS: Your Honor, let the record  
18 reflect that the witness has pointed out the defendant?

19 THE COURT: Any objection?

20 MR. BROWN: No, Your Honor. My apologies.

21 THE COURT: The record will reflect that.

22 Q. You said you asked her for help.

23 A. Yeah. In the beginning at first I asked my daughter  
24 to help me, but then after that, I asked her to help me.

25 Q. And what happened when Kim Taylor helped you? Could

1 you please describe that for the jury?

2 A. Initially I did not know who she was. Then she call  
3 me, and she asked me if I am gonna vote and if I need  
4 help, and I said yes.

5 Q. And what happened from there?

6 A. Then she came to my house. She knocked on the door,  
7 and I ask her to help me fill out the forms.

8 Q. What did that look like exactly? Who completed the  
9 paperwork?

10 A. Kim did.

11 Q. And then who would sign the paperwork?

12 A. I did.

13 Q. Was her husband ever with her?

14 A. No.

15 Q. Did she ever come to your house for anything other  
16 than completing voting materials?

17 A. None, other than helping me out with the voting.

18 Q. Did she ever tell you that her husband's name was on  
19 any of the ballots that you -- that she helped you  
20 complete?

21 A. No.

22 Q. I'm going to pull up Government Exhibits 54 and 55.  
23 Do you recognize either of these?

24 A. No, I don't know what these are.

25 Q. Who did you want to vote for in 2020? Do you

1 recall?

2 A. Yes.

3 Q. Who was that?

4 A. For Donald Trump.

5 Q. Did you want to vote for anybody else?

6 A. No.

7 Q. Was this the first time you ever voted?

8 A. Yes.

9 Q. Did Miss Taylor ever ask you about anyone else that  
10 lived in your home and their voting materials?

11 A. Yes, she asked me if I was married, any children,  
12 and I said yes, and I told her that my husband passed  
13 away.

14 Q. Did she ask any follow-up questions about your  
15 children?

16 A. I don't remember.

17 Q. Did you eventually talk about Tam and Thien's voting  
18 materials?

19 A. Yes.

20 Q. Tell the jury how that happened.

21 A. Yes. When we were completing the form for the --  
22 for my children, I asked her if this is okay to do, and  
23 she said yes, it's okay.

24 Q. Did you have to complete any paperwork and give it  
25 to Miss Taylor?

1 A. No.

2 Q. Did Miss Taylor ever complete paperwork with you and  
3 then leave with it?

4 THE INTERPRETER: I'm sorry. Could you repeat  
5 that question?

6 Q. Did Miss Taylor ever complete paperwork with you  
7 specifically for you and your children?

8 A. Yes, filling out voting forms for me and my  
9 children.

10 Q. Were there times when she would take those forms and  
11 leave the house with them?

12 A. Yes. After she completed the form, she would take  
13 the forms so that she can mail them off.

14 Q. Did she give you any further instructions or give  
15 you any reason to call her after that?

16 A. Yes. She told -- she asked me to let her know if  
17 there's any ballots or mail that I don't understand in  
18 English that came, then let her know.

19 Q. And did you let her know?

20 A. Yes, because I don't understand English, so if there  
21 was mail with ballot, I don't know what the ballots would  
22 look like, so if I see any mails that look kind of  
23 different, then I call her so that she could come and  
24 help me fill them out.

25 Q. Do you know how many times she came to your house to

1 help you with voting paperwork?

2 A. Two times.

3 Q. You mentioned -- did you ever sign voting paperwork  
4 for your children?

5 A. I don't know about the voting forms, but whatever  
6 the forms that Miss Taylor helped me fill out and I  
7 signed.

8 Q. And some of them were for your children?

9 A. Correct, for Thien and Tam.

10 Q. Did she tell you that that was okay for you to do?

11 MR. BROWN: Objection. Leading.

12 THE COURT: The objection's overruled. The  
13 witness may answer.

14 A. Please ask the question again.

15 Q. Did you ever ask Miss Taylor if it was okay for you  
16 to sign documents on behalf of your children?

17 A. Yes.

18 Q. What did she say in response to that?

19 A. She said it's okay.

20 Q. Who did you want your children to vote for when you  
21 were doing that?

22 A. I myself want to vote for Donald Trump, but my  
23 children I do not -- I did not ask.

24 Q. I'm going to show you what's been marked as  
25 Government's Exhibit 1 on the monitor there.

- 1 A. Yes.
- 2 Q. Can you read the name at the top of that form?
- 3 A. That's Doan Thien Tam.
- 4 Q. Is that your son?
- 5 A. Yes.
- 6 Q. Do you know who completed this form?
- 7 A. No, but my signature below, that is mine.
- 8 Q. Down at the bottom you signed that?
- 9 A. That's correct.
- 10 Q. I want to show you Government Exhibit 2. Whose name  
11 is on that form?
- 12 A. Doan Tam Lanh Thi.
- 13 Q. I'm sorry. Could you repeat that?
- 14 A. Doan Tam Lanh Thi.
- 15 Q. Who is that?
- 16 A. My daughter.
- 17 Q. Did you complete this form?
- 18 A. No, but the signature on the bottom is mine.
- 19 Q. Government Exhibit 3?
- 20 A. That's my daughter's name, Doan Tam Lanh.
- 21 Q. Did you complete this form?
- 22 A. No.
- 23 Q. Do you know who completed the form?
- 24 A. If it's not my daughter, then it's Miss Kim.
- 25 Q. And who signed at the bottom?

1 A. I did.

2 Q. Government Exhibit 4, is that your son's name on the  
3 left in type?

4 A. That's my son's.

5 Q. And on the right, is that his signature?

6 A. That's my signature.

7 Q. Government Exhibit 5, is that your daughter's name  
8 on the left?

9 A. Yes, that's correct.

10 Q. And the signature at the bottom.

11 A. I signed it.

12 Q. I'd like to go back to Government Exhibit 1 briefly.

13 A. My son's name, Doan Thien Tam.

14 MR. TIMMONS: Can you pull up the signature  
15 block at the bottom, please?

16 Q. Do you see the language above the signature, ma'am?

17 A. Yes.

18 Q. Did Miss Taylor translate that information for you?

19 A. No.

20 Q. Government Exhibit 2?

21 A. Doan Tam Lanh Thi.

22 Q. Down at the bottom above the signature, there's some  
23 language.

24 A. Yes.

25 Q. Did Miss Taylor translate this language for you?

1 A. No.

2 Q. Government Exhibit 3?

3 A. Doan Tam Lanh Thi.

4 Q. Looking at the language above the signature again,  
5 did Miss Taylor translate that language for you?

6 A. No.

7 Q. Government Exhibit 4, there's language above the  
8 signature there. Did Miss Taylor translate that language  
9 for you?

10 A. No.

11 Q. I'd like to pull up Government Exhibit 6.

12 A. Doan Thien Tam.

13 Q. Do you know who completed this form?

14 A. Miss Kim.

15 Q. Looking at the signature block.

16 A. That's my signature.

17 Q. And the language above it, did Miss Taylor translate  
18 that language for you?

19 A. No.

20 Q. Looking at Government Exhibit 7.

21 A. Doan Tam Lanh Thi.

22 Q. Do you know who completed this form?

23 A. Miss Kim.

24 Q. And looking at the signature?

25 A. My signature.

1 Q. And the language above it, did Miss Taylor translate  
2 that language for you?

3 A. No.

4 Q. Government Exhibit 8.1.

5 A. Thien Tam Doan.

6 Q. And the signature block, is that your signature?

7 A. Yes, correct.

8 Q. Did Miss Taylor translate the language written above  
9 that?

10 A. No.

11 Q. Government Exhibit 9.1.

12 A. Tam Lanh Thi Doan.

13 Q. Looking at the signature block, did you sign that?

14 A. Correct.

15 Q. And did Miss Taylor translate the language above  
16 that?

17 A. No.

18 Q. Did your children ever give you permission to fill  
19 out voting paperwork for them?

20 A. No.

21 Q. If you had known that it was a crime to complete  
22 their paperwork in their name without their permission,  
23 would you have done that?

24 A. No.

25 Q. Did you eventually get contacted by the FBI about

1 all of this paperwork?

2 A. Yes.

3 Q. In response to that, did you get an attorney?

4 A. Initially when I was contacted, I was scared, so I  
5 asked my children, and they told me to hold on on that.

6 Q. Did you ultimately get an attorney?

7 A. No. And at first I was thinking if they want to see  
8 me I'll see them. But then I asked my children to help  
9 me.

10 Q. And eventually did you hire -- get an attorney to  
11 help you?

12 A. Later on when I spoke to the FBI, I asked them to  
13 help me find an attorney because I don't have money to  
14 hire my own attorney.

15 Q. And you got one?

16 A. Yes, correct.

17 Q. And with the attorney's help, did you eventually  
18 appear before the grand jury?

19 A. Correct.

20 Q. The voting paperwork that was completed in your  
21 home, did you fill any of it out?

22 A. No.

23 Q. Did you -- is it accurate then to say that the only  
24 thing you did is sign?

25 A. Correct.

1 MR. TIMMONS: No further questions, Your Honor.

2 THE COURT: Let's go ahead and take our morning  
3 break before we get into cross-examination. It's a  
4 little after 10:10. Let's be in recess until 10:35. So,  
5 folks, we will have our first scheduled break at this  
6 time. And we'll have you come back at 10:35. We'll be  
7 in recess.

8 (The jury exited the courtroom.)

9 THE COURT: The jury has left the courtroom.  
10 Anything to take up before we have a break? Mr. Timmons?

11 MR. TIMMONS: No, Your Honor.

12 THE COURT: Mr. Brown?

13 MR. BROWN: No, Your Honor.

14 THE COURT: We'll be back at 10:35.

15 MR. BROWN: Thank you.

16 (Recess at 10:12 a.m.)

17 THE COURT: Are we ready for the jury,  
18 Mr. Timmons?

19 MR. TIMMONS: Yes, Your Honor.

20 THE COURT: Mr. Brown? Mr. Brown?

21 MR. BROWN: Yes, Your Honor.

22 THE COURT: Okay. Thank you. Go ahead and  
23 bring in the jury.

24 (The jury entered the courtroom.)

25 THE COURT: Welcome back. Please be seated,

1 everyone. Sorry for our short delay. We had a bit of a  
2 technical glitch I think we have worked out.

3 Mr. Brown, are you ready to proceed with  
4 cross-examination?

5 MR. BROWN: Yes, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. BROWN:

8 Q. Good afternoon or almost afternoon, Ms. Nguyen.

9 A. Hello.

10 Q. My name is Mr. Brown, and I am Kim Taylor's lawyer.

11 So I'm going to be asking you a few questions; okay?

12 A. Yes.

13 Q. If I ask you something that you don't understand or  
14 you find confusing, would you let me know and we can  
15 straighten it out?

16 A. Yes.

17 Q. Okay. When were you born?

18 A. 1976.

19 Q. And you were born in Vietnam?

20 A. Yes.

21 Q. And your family's name is Nguyen?

22 A. Correct.

23 Q. Was that your father's name or your mother's name?

24 A. My father's.

25 Q. And was your family from the area in Vietnam known

1 as Hue City?

2 A. Correct.

3 Q. Is that the city with palaces?

4 A. Correct.

5 Q. And was your father related to Kim Taylor's father?

6 A. I don't think so.

7 Q. Do you know for sure?

8 A. I'm sure.

9 Q. Was Kim Taylor's father from the Hue City area as  
10 well?

11 A. I don't know.

12 Q. You work at Tyson; is that right?

13 A. Correct.

14 Q. How long have you worked at Tyson?

15 A. 17 years and 6 months.

16 Q. You started when you were how old?

17 A. How old? I don't remember, but I been working there  
18 for 17 years and 6 months.

19 Q. And over those 17 years and 6 months, have you been  
20 the sole supporter of your children?

21 A. Correct.

22 Q. How long did you live at Virginia Street?

23 A. I don't remember accurately but about 10 to 12  
24 years.

25 Q. Do you work with other Vietnamese Americans at

1 Tyson?

2 A. Yes.

3 Q. Do you know a woman by the name of My Do?

4 A. I know who she is, but I'm not very familiar with  
5 her. I mean, I would say hello to her.

6 Q. Do you know who a woman by the name of Mimi Nguyen  
7 is?

8 A. No.

9 Q. Do you have a Facebook page?

10 A. Yes.

11 Q. Do you know a woman named Mai that operates a hair  
12 salon in Sioux City, Mai's Hair Salon?

13 A. I do. I just don't know where she works at.

14 Q. Could you repeat that?

15 A. I know her, but I don't know where she works.

16 Q. You've never been to her hair salon?

17 A. No, never.

18 Q. So maybe I didn't quite understand it. If I did, I  
19 apologize. You do know a woman by the name of My Do, or  
20 you don't know her?

21 A. I do know of a person by the name of Mi or My, but I  
22 don't know her last name because I don't know her that  
23 well.

24 Q. Well, have you ever talked to that person you know  
25 as Mi or My about the FBI inquiring about voting-related

1 materials?

2 A. I don't know. We never talked about that. I just  
3 go to work and I saw her and probably would say hello,  
4 but we don't talk about that.

5 Q. But the person you know as Mi or My also works at  
6 Tyson; is that right?

7 A. Mi, I know that she works at Tyson. My, I don't  
8 know what she does for a living.

9 Q. Do you know a woman by the name of Muoi Nguyen?  
10 M-u-o-i I believe the first name is spelled. I apologize  
11 for the pronunciation.

12 A. No. I don't really know many people.

13 Q. Have you ever attended Vietnamese American  
14 celebrations in the Sioux City area?

15 A. Sometime I would go to a party, birthday party or a  
16 death anniversary party, things like that when I get  
17 invited to.

18 Q. Did you ever attend the April 20 celebration?

19 A. No.

20 Q. Lunar New Year celebration?

21 A. No, the majority of the time I just stay home.

22 Q. So when is the first time that you remember meeting  
23 Kim Taylor?

24 A. I don't recall the exact date.

25 Q. Did you call a woman named Muoi Nguyen and ask her

1 to call Kim Taylor to come over about voting materials?

2 A. No.

3 Q. Did you call any other Vietnamese American in the  
4 Sioux City area and ask that that person get ahold of Kim  
5 Taylor to come over to your house?

6 A. No.

7 Q. So Kim Taylor just came to your house basically out  
8 of the blue?

9 A. She called me before she came over.

10 Q. And was that in May of 2020?

11 A. I don't remember.

12 Q. So did she come to the house then, Ms. Taylor?

13 A. Correct.

14 Q. Now, in May of 2020, was your son living back at the  
15 house?

16 A. No, I don't remember. They come and go. I don't  
17 remember.

18 Q. Was your daughter living in the house in May of  
19 2020?

20 A. Yes. But I don't remember how long.

21 Q. Where would your son have been in May of 2020?

22 A. He went -- he was away at college in Ames.

23 Q. Do you remember that college got shut down before  
24 that time because of the COVID-19 pandemic?

25 A. My son, at the time he was going to school oversea

1 in Italy.

2 Q. In May of 2020 your son was in Italy?

3 A. I don't remember the exact timeframe, but I know  
4 that he was studying in Italy and he had to come back.

5 Q. So did he come back in time to vote?

6 A. I just know that he had to come home due to the  
7 COVID pandemic. I don't know if he's home to vote or  
8 not.

9 Q. So in May of 2020, do you remember whether your son  
10 was staying at your house, or was he in Ames, or was he  
11 in Italy?

12 A. I don't call -- I don't recall exactly, but I just  
13 know that during the election he was not home.

14 Q. During the election your daughter was home, however.  
15 Is that true?

16 A. Correct.

17 Q. So as you remember Kim's first visit, she came and  
18 knocked on the door; is that right?

19 A. Yes.

20 Q. And she helped you fill out voting documents; is  
21 that true?

22 A. Correct.

23 Q. And she helped you fill out voting documents for  
24 your children as well, both Tam and Thien; right?

25 A. Correct.

1 Q. And you wanted to vote for Donald Trump; right?

2 A. Yes.

3 Q. And she left the voting documents and came back a  
4 second time, did she not?

5 A. She came back a second time, but I don't remember if  
6 she took the forms with her or not. It's been a long  
7 time.

8 Q. And that's kind of what I'm getting at here. The  
9 first time when she came over, was that in May of 2020?

10 A. Whatever the dates on the form said. I don't  
11 remember.

12 Q. And the second time was in September of 2020 if  
13 that's what the date of the forms show?

14 A. Whatever the date that was on the form, yes.

15 Q. So when you signed the forms on May 20, 2020 --  
16 2020, is that the day Kim was in your house?

17 A. After she filled out the forms, then I signed.

18 Q. Then she left the forms there, did she not?

19 A. I don't recall.

20 Q. Did you call her two days later on May 22 and tell  
21 her that the phones were ready to be -- the forms were  
22 ready to be picked up?

23 A. Because whenever I received the form, I called her  
24 to come and pick them up, but I don't remember the exact  
25 date.

1 Q. So you did call her to come back and pick up the  
2 forms; is that right?

3 A. Because I didn't know what those forms and because  
4 of the language, so I asked her to come over to help me  
5 with that.

6 Q. That's what I'm trying to figure out exactly, how  
7 all this went down. She was only at your house that you  
8 knew of two times to meet with you. Is that your  
9 testimony?

10 A. Yes. She did come to my house two times.

11 Q. The first time she visited, and she helped you fill  
12 out forms; right?

13 A. The very first time my daughter helped me with the  
14 forms, and then everything after that it was Kim --  
15 Miss Kim that helped me.

16 Q. So the first -- the first time Kim came over, you  
17 then had your daughter help you with the forms that Kim  
18 helped you with? Is that what you're saying?

19 A. No.

20 Q. No?

21 A. No.

22 Q. So I'm going to show you what's been admitted as  
23 Government's Exhibit Number 2. And did you sign your  
24 daughter's name, Tam Doan, on the bottom of that form on  
25 May 20, 2020?

1 A. I signed down below, yes.

2 Q. And then look up here where I'm zooming in. Do you  
3 see the Iowa driver's license number, 872AK0125? Do you  
4 see that?

5 A. Is this my driver license or whose?

6 Q. Is that your handwriting, 872AK0125?

7 A. No.

8 Q. Is that your handwriting, 07-6-1998?

9 A. No.

10 Q. Did you give Kim Taylor those two numbers?

11 A. When Kim filled out the forms, whatever she needs, I  
12 gave her the information.

13 Q. Of your two children; right?

14 A. Yes.

15 Q. And then you signed the bottom of this form, for  
16 example, Exhibit 002; is that right?

17 A. I just signed the name, and anything else I did not  
18 touch.

19 Q. Then Kim left. Is that true?

20 THE INTERPRETER: I'm sorry. Could you . . .

21 Q. Then Kim Taylor left your house; is that true?

22 A. Yes. After she filled out the form, then she left.

23 Q. Then you talked to your children and told them that  
24 you were filling out voting documents; true?

25 A. No.

1 Q. Are you sure about that?

2 A. Sure.

3 Q. Then you called Kim Taylor on May 22 two times, did  
4 you not?

5 A. I don't remember. It's been a while. I don't  
6 recall.

7 Q. I understand. But do you remember calling Kim  
8 Taylor and telling her that the forms are outside in  
9 their envelopes stuck in the door for her to pick up?

10 A. No. I just tell her that I have mail, and then the  
11 mail arrive, and I took them inside.

12 Q. You took what inside when the mail arrived?

13 A. Everything.

14 Q. So who brought you the forms in the first place?  
15 The mailman or Kim Taylor?

16 A. I did not see anybody. I just went to my mailbox,  
17 and I brought them in.

18 Q. The voting forms.

19 A. I don't know about them, so that's why I asked Kim  
20 to help me fill out.

21 Q. Well, how do you ask Kim Taylor to help you with the  
22 forms that came in the mailbox if she just shows up out  
23 of the blue at your house?

24 A. Kim asked me if we would like to vote and if we need  
25 help, and if we do, then she said that she can come and

1 help.

2 Q. So you didn't call a Ms. Nguyen and tell her that  
3 you heard that Kim Taylor's visiting all the Vietnamese  
4 and you haven't been visited yet and you want her to come  
5 so you can vote. That never happened?

6 A. No. I did not know Miss Kim before, but when she  
7 called me and that's how I got to know her.

8 Q. When she came over the first time, did she leave a  
9 yard sign in your yard?

10 A. Yes.

11 Q. For her husband or Trump or both?

12 A. Just one sign. I don't remember who was it for, but  
13 I said yes, she can have the sign on my yard.

14 Q. One yard sign.

15 A. Correct.

16 Q. Now, tell me a little about your ability to read  
17 English. Can you read any English at all?

18 A. No.

19 Q. Can you read any roadside signs?

20 A. I can -- I see the sign, but I don't know how to  
21 read.

22 Q. So you don't know what they say?

23 A. Like I can recognize, like, the name. Like if it's  
24 Jackson Street, I know that it's Jackson Street, but  
25 asking me to spell anything like that, then I don't.

1 Q. Did you pass a citizenship test?

2 A. Correct.

3 Q. And that citizenship test was given to you in  
4 English, was it not?

5 A. Correct.

6 Q. And you had to study materials from English for that  
7 test; right?

8 A. Correct.

9 Q. So evidently if you were able to study the materials  
10 in English, you were able to read the English; true?

11 A. No. When studying for the citizenship tests, I just  
12 focused on the question, and I keep listening on the --  
13 while I was driving to the questions, so I just learned  
14 by rote memory. And I used YouTube video to learn to  
15 understand the question, and into Vietnamese I could  
16 understand what it said.

17 Q. Did you take practice tests in English?

18 A. No. They called me to test, and I took the test one  
19 time, and I passed.

20 Q. All right. So the second time Kim visited, do you  
21 believe that was in September of 2020 if that's what the  
22 documents show?

23 A. I just remember that she came to help, but I don't  
24 remember the dates.

25 Q. All right. And once again, she helped for you in

1 your voting materials; is that right?

2 A. Correct.

3 Q. And you wanted to vote; right?

4 A. Correct, yes.

5 Q. And your testimony is you only wanted to vote for  
6 one person; is that right?

7 A. Yes, because I only know Trump, so I wanted to vote  
8 for him. Other than that, I don't know anybody else.

9 Q. And you supported Donald Trump at the time?

10 A. Correct.

11 Q. And then also when she came the second time, she  
12 helped you fill out voting materials for your two  
13 children. Is that what you remember?

14 A. Correct.

15 Q. Then she left the house; right?

16 A. Yes.

17 Q. And then she came back later to pick up the  
18 documents; correct?

19 A. Yes.

20 Q. And when she came back to pick up the documents, you  
21 had already sealed them in their envelopes and got them  
22 ready for pick-up; isn't that true?

23 A. No. When they came in in the mail, they were sealed  
24 in the envelope. I didn't know what they were, so I  
25 call, and Kim came, and I gave them to her to help me

1 fill out because I don't know anything.

2 Q. Right. Then she left and came back a day or so  
3 later to pick up the forms after you had signed them;  
4 true?

5 A. I don't understand your question.

6 Q. Thank you. It probably wasn't a very clear  
7 question. What I'm asking you to think about right now  
8 are your memories from what looks like to be September  
9 20, September 21, or September 22 of 2020; okay?

10 A. Okay.

11 Q. Thank you. So voting forms for you, Thien, and Tam  
12 came in the mailbox at your house on Virginia Street some  
13 time in September of 2020; is that true?

14 A. I don't remember the dates.

15 Q. But the forms for all three of you came in the mail;  
16 correct?

17 A. Correct.

18 Q. Then you called Kim to have Kim come over and help  
19 you fill out the forms for you and your two children;  
20 true?

21 A. Correct.

22 Q. And you wanted and needed her help; right?

23 A. Yes, because I need her help with the form because  
24 of my English ability, and she helped me.

25 Q. Even though your daughter -- daughter was living in

1 the house who speaks fluent English; correct?

2 A. Yes. But because at the time she was in college,  
3 she comes and go, and so that's why I ask her to help.

4 Q. So you think she was in college in September of  
5 2020?

6 A. I don't remember the exact date, but she was in  
7 college.

8 Q. So after Kim came over to help you with the forms,  
9 Kim left your house; correct?

10 A. Yes.

11 Q. Then you called her and told her to come back and  
12 pick up the completed forms. Isn't that what happened?

13 A. I don't understand what -- your question because  
14 they -- she helped me complete the forms. She took them  
15 away and mailed them for me. When the forms came in, she  
16 came back and took the forms.

17 Q. That's what I'm trying to get at. Did she have to  
18 come back to the house to pick up the forms?

19 A. Correct.

20 Q. And looking back on it now, you signed the forms for  
21 Tam and Thien in September of 2020 after Kim had left  
22 your house.

23 MR. TIMMONS: Your Honor --

24 THE COURT: Hold on.

25 MR. TIMMONS: -- I'd like to object at this

1 time. This question has been asked and answered. I  
2 think she has been clear in her response. Mr. Brown has  
3 asked it a variety of ways, and the witness has responded  
4 repeatedly the same way.

5 THE COURT: The objection's overruled. The  
6 witness may answer.

7 A. Could you please ask the question again?

8 MR. BROWN: Could the court reporter read back  
9 that exact question for me, please?

10 (The requested portion of the record was read.)

11 A. When Kim came, helped me fill out the form, I sign;  
12 then she left the house.

13 Q. One last time. One simple question. With or  
14 without the forms?

15 A. Just the paperwork that necessary. Then she took  
16 them with her.

17 Q. Okay. Let's move on. So at some point in time in  
18 the fall of 2020, did your daughter start asking you  
19 about where voting documents were in the house?

20 A. Yes.

21 Q. And did you tell her that you'd thrown them away?

22 A. At the time because -- because Kim told me if my  
23 daughter ask me about those forms just tell her that I  
24 don't know, so I lie and told her I don't know.

25 Q. Okay. So your daughter asked you about the forms,

1 and then now you're saying you called Kim and Kim told  
2 you to tell your daughter that you didn't know where the  
3 forms were? Is that what you're telling us?

4 A. Yes. I call -- after my daughter ask me about it, I  
5 call Kim, and I told her that now my daughter's asking  
6 about them, what should I say, and she told me, Just say  
7 you don't know.

8 Q. And what were the last 4 digits of your cell phone  
9 number in September of 2020?

10 A. 1769.

11 Q. 712-204-1769?

12 A. That's correct.

13 Q. You knew that when your daughter started asking  
14 questions about these voting materials that you had  
15 already filled them out for your two children; correct?

16 A. When my daughter asked, Kim already helped me fill  
17 out those forms.

18 Q. Now, you remember a time when you appeared in front  
19 of the grand jury in this building?

20 A. I remember, but I don't remember the exact dates.

21 Q. But it definitely was in this building; is that  
22 true?

23 A. Correct.

24 Q. And you'd already gotten a lawyer to help you at  
25 that time; correct?

1 A. Yes.

2 Q. You'd been interviewed by the FBI; correct?

3 THE INTERPRETER: I'm sorry. Could you repeat  
4 the question?

5 Q. Correct?

6 THE INTERPRETER: I'm sorry. Could you repeat  
7 the question?

8 Q. You'd been interviewed by the FBI; isn't that true?

9 A. Yes.

10 Q. And then you appeared in front of the grand jury,  
11 and you were asked questions under oath; is that true?

12 A. Yes.

13 Q. And you had concerns that you were in trouble  
14 because you had signed your children's name on all those  
15 forms; correct?

16 A. Because, yes, I was scared because without their  
17 permission and I signed, so I was scared.

18 Q. You were scared that you might be in trouble.

19 A. Yes. I was scared because my children are now  
20 adult, and I -- but when I asked Kim it was okay for me  
21 to sign, and she said it was okay. That's why I signed.

22 Q. Did your daughter sign the form for her brother?

23 A. I don't remember. I don't know if I signed it or my  
24 daughter signed. I don't remember. The first form I  
25 filled out, but for her brother I don't remember.

1 Q. Did you tell the grand jury on page 12, line 16  
2 through 19 that, quote, Like I said earlier, the first  
3 two Kim Taylor helped fill out. My daughter filled out a  
4 third one, so Kim Taylor helped me with two of them, and  
5 my daughter did one because there are three documents  
6 total; right? Did you tell the grand jury that?

7 A. No, that is not accurate. The first form was filled  
8 out by my daughter. Everything else after that was  
9 filled out by Kim.

10 Q. You filled out the forms in your daughter and son's  
11 name in May of 2020 with their permission, did you not?

12 A. Me filling out forms?

13 Q. Could you repeat that?

14 A. Me filling out forms?

15 Q. Yes. You got your children's permission to do that;  
16 true?

17 A. With permission I -- Kim helped me fill out those  
18 forms. But the first one I fill -- the first one my  
19 daughter helped me. I do not -- I don't know English  
20 enough, so I did not fill out anything.

21 Q. Did you believe it was your responsibility to help  
22 your children do things such as vote in elections?

23 A. Did you say like my responsibility?

24 Q. I'm asking if you thought it was your responsibility  
25 in 2020 during this voting season to make sure that your

1 children voted.

2 A. No, it's not my responsibility.

3 Q. Did you tell the grand jury on page 13 that you had  
4 gotten -- that you had asked your children if it was  
5 okay, referring to filling out voting documents? Did you  
6 say that?

7 MR. TIMMONS: One moment, Your Honor.

8 THE COURT: Hold on.

9 MR. TIMMONS: Your Honor, could I ask that the  
10 defense counsel, if he's going to read answers from a  
11 grand jury transcript to the witness, that he read the  
12 question before he reads what she answered?

13 THE COURT: Yeah, this is not proper  
14 impeachment or use of grand jury testimony at this point.  
15 If she says something contrary to what she said in grand  
16 jury, you can have her review and can read the question  
17 and answer to her. At this point you're just asking a  
18 bunch of questions, did you tell the grand jury this, did  
19 you tell the grand jury that. That's not proper.

20 So ask her a question. And if she contradicts what  
21 she said in the grand jury, then you can properly impeach  
22 her with it, but that's not the way you're doing it right  
23 now, so the objection is sustained.

24 Q. Question, did you ask your children if that was  
25 okay?

1 MR. TIMMONS: Your Honor, I don't believe he's  
2 cured the problem you identified.

3 THE COURT: He hasn't because he hasn't  
4 established a contradiction yet. So why don't you back  
5 up a little bit, and let's see if she's saying something  
6 different today than she said in her grand jury  
7 testimony.

8 Q. Setting aside what you said in front of the grand  
9 jury, did you ask your children if it was okay to fill  
10 out voting-related forms in their names? Yes or no.

11 A. Yes.

12 Q. And you asked them, and they gave you permission to  
13 fill out the forms because you had always been taking  
14 care of their affairs; true?

15 A. No, I did not ask for their permission because if  
16 I --

17 MR. BROWN: Your Honor, I'd move to strike this  
18 last portion as nonresponsive. I don't know what the  
19 answer is, but she answered the question.

20 THE COURT: That's granted. You can go ahead  
21 and ask another question.

22 MR. BROWN: I'm done, Your Honor. Thank you  
23 very much.

24 THE COURT: All right. Redirect?

25 MR. TIMMONS: No, Your Honor.

1 THE COURT: Okay. The witness is excused.

2 Thank you, ma'am.

3 And before we call another witness, I don't think I  
4 mentioned our next break time. We'll be looking at about  
5 12:15 to 12:20 for our next scheduled break. I also know  
6 there have been some concerns about that clock up there.  
7 It hasn't worked in the 11 years since I've been here.  
8 It is all over the place. So the clock up over your left  
9 shoulders is a little more accurate. But I've made jokes  
10 about that clock there since I started here, and it just  
11 has never worked. So it's probably as old as the  
12 building itself. But in any event, 12:15, 12:20 by that  
13 clock is what we'll be looking at.

14 Mr. Timmons, is the government ready to call another  
15 witness?

16 MR. TIMMONS: Yes, we are, Your Honor. At this  
17 time we will call Patrick Gill, and Richard Evans will be  
18 doing the examination.

19 THE COURT: Okay. Great.

20 Good morning, sir. If you'll come right up in the  
21 middle of the courtroom here, and I'll swear you in.  
22 Please raise your right hand.

23 PATRICK GILL, PLAINTIFF'S WITNESS, SWORN

24 THE COURT: Okay. Thank you. And the witness  
25 box is to your right there. Feel free to adjust the

1 microphones, and try to stay close to them so we can hear  
2 you. Would you please tell us your full name, and spell  
3 your last name.

4 THE WITNESS: Patrick F. Gill, G-i-l-l.

5 THE COURT: Thank you.

6 Mr. Evans, you may proceed.

7 MR. EVANS: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. EVANS:

10 Q. Good morning, Mr. Gill.

11 A. Good morning.

12 Q. Where are you from?

13 A. Sioux City.

14 Q. How long have you -- have you lived here your whole  
15 life?

16 A. I have lived here all my life. I did move to  
17 Sergeant Bluff in 2016.

18 Q. Did you go to college here?

19 A. I went to Briar Cliff College.

20 Q. What do you do?

21 A. I am the Woodbury County auditor and recorder.

22 Q. And is that an elected position?

23 A. It is.

24 Q. How long's the term?

25 A. Four years.

1 Q. And when were you first elected?

2 A. 1996.

3 Q. How many years is that now?

4 A. I'm in my 27th year.

5 Q. So you've run for reelection multiple times.

6 A. Yes.

7 Q. What are your duties as the county auditor?

8 A. We have the auditor's office. We have the  
9 recorder's office. And we have -- and then by virtue of  
10 the position being auditor and recorder, I'm deputy  
11 commissioner of election -- I mean I am the commissioner  
12 of elections.

13 Q. How many employees do you have for each area of  
14 responsibility that you have?

15 A. Oh, on the recorder side, I think there are nine  
16 employees there besides an appointed deputy. On the  
17 auditor's side we have -- there are two employees plus an  
18 appointed deputy. And in the elections department, we  
19 have two clerks and a deputy commissioner of elections.

20 Q. We had an election last week; correct?

21 A. We did.

22 Q. What are your duties related to elections?

23 A. To administer the elections. That means from voter  
24 registration to setting up polling places and making sure  
25 that we have precinct election officials that are trained

1 in ability to man the polling places.

2 Q. How many -- how many precincts do you normally have?

3 A. There are 44 precincts in Woodbury County.

4 Q. How many polling places?

5 A. 29.

6 Q. You're responsible for staffing all those?

7 A. Yes.

8 Q. Who's your deputy of elections?

9 A. Steve Hofmeyer.

10 Q. And is that an elected position as well?

11 A. No, it's an appointed position.

12 Q. And who appointed him?

13 A. I appoint him.

14 Q. How long's he worked for you?

15 A. Oh, 10, 11 years.

16 Q. Are you familiar with somebody by the name of Erica  
17 Tuttle?

18 A. Yes.

19 Q. How so?

20 A. She has been a temporary employee working in  
21 elections off and on for an extended period of time,  
22 probably as long as Mr. Hofmeyer's been there.

23 Q. And was she working for you during the 2020 election  
24 cycle?

25 A. Indeed.

1 Q. What type of an employee was she?

2 A. Very conscientious, very competent.

3 Q. Did you -- did you put her in charge of any  
4 particular polling place?

5 A. She -- we had her down at the Long Lines Center,  
6 family center. That is where we had a satellite site for  
7 29 days probably.

8 Q. Is that during the early voting period?

9 A. Early voting, early in-person voting.

10 Q. I want to talk a little bit about -- first about  
11 voter registration. What are the normal procedures for  
12 someone to be able to vote in Woodbury County?

13 A. You have to fill out a voter registration card is  
14 the way that most folks do it. Nowadays most people  
15 register at the Department of Transportation when they  
16 get their license renewed.

17 Q. If they don't do it at the DMV, how can somebody  
18 register to vote?

19 A. They can come to our office and fill out a voter  
20 registration form and submit it to us at that point, or  
21 they can fill one out and mail it to us. Some people  
22 download it online and then fill it out and mail it to  
23 us.

24 Q. Directing your attention to what's been admitted  
25 into evidence as Government Exhibit 100, do you see that

1 on your screen?

2 A. I do.

3 Q. What is that?

4 A. That is the voter registration card.

5 Q. And is this the standard form that's used by your  
6 office?

7 A. Yes, it is.

8 Q. What type of information's required on this?

9 A. Your Iowa driver's license or nonoperator ID, your  
10 name obviously, your date of birth, or your last 4 -- you  
11 can use an Iowa driver's license or an Iowa nonoperator  
12 ID or the last 4 digits of your Social Security number.  
13 But what we try to get is the driver's license number and  
14 then your address and a mailing address if you receive  
15 mail other than your residence. And then we also -- the  
16 previous voter registration. Lot of people don't fill  
17 that out, but that -- if someone fills that out, we  
18 notify that jurisdiction that that person has  
19 reregistered in our jurisdiction.

20 Q. Is this the form that was in use during the 2020  
21 election cycle?

22 A. Yes.

23 Q. Looking at the top of the form, is there a date  
24 there? Can we --

25 A. Revised date?

1 Q. Exactly. There we go. It's blown up on the screen.

2 A. Yes.

3 Q. So this indicates it was revised in December of '22;  
4 is that correct?

5 A. Yes.

6 Q. Is -- so this is the most -- would this be the most  
7 recent form used by your office?

8 A. Yes.

9 Q. So the one that was in use back in 2020, was it  
10 similar to this one?

11 A. Yes.

12 Q. Focusing on the section of the political affiliation  
13 down toward the bottom of the form, is this what changed  
14 on the most recent revision?

15 A. It did. The Libertarian party became a party.

16 Q. That was added to the form?

17 A. Yes.

18 Q. Why is this type of information important on this  
19 particular form?

20 A. When a person registers to vote in Iowa, essentially  
21 the only reason that is there for is that Iowa's  
22 considered a closed primary state. What that means is  
23 that in order to participate in that party's nomination  
24 process, in order for us to give you the right ballot,  
25 you have to affiliate with a party.

1 Q. So in order to vote in the Republican primary, you  
2 have to be registered Republican; is that correct?

3 A. Correct.

4 Q. Now, does the voter themselves have to fill out this  
5 form?

6 A. No. Other people can fill out the information as  
7 long as -- you know, working with the voter to make sure  
8 that the information is correct.

9 Q. Who has to sign the form?

10 A. The voter.

11 Q. Why is that?

12 A. To attest that you are the person you say you are  
13 and that -- mostly it's important is that you're  
14 registering to vote in our jurisdiction and you are not  
15 registered anywhere else and you will not vote twice in a  
16 federal election.

17 Q. Looking at the registrant affidavit at the bottom,  
18 if we can enlarge that, this is the affidavit that's on  
19 all register -- voter registration forms?

20 A. Yes.

21 Q. Okay. And are these the things that are required of  
22 a person to be able to vote?

23 A. Yes.

24 Q. They have to be a citizen of the United States?

25 A. Yes.

1 Q. At least 17 years of age?

2 A. Yes.

3 Q. And so forth? Is it also a requirement of Iowa law  
4 that the individual sign this document themselves?

5 A. Yes.

6 Q. What if someone's unable to write just physically?  
7 Can they still register to vote?

8 A. Yes.

9 Q. How would they do that?

10 A. As long as they're in the presence of someone else,  
11 someone else can make a signature or a mark for that  
12 person as long as they're in the presence of that voter  
13 and that voter has acknowledged that they're doing that.

14 Q. If they themselves can physically write but they  
15 can't write or sign their name, can they make some other  
16 type of mark?

17 A. It just says the marking of the voter in the Iowa  
18 Code.

19 Q. So an X might work?

20 A. Yes.

21 Q. Looking back at the form, can somebody change their  
22 political affiliation over time?

23 A. Yes.

24 Q. How would they do that?

25 A. You can fill out a voter registration form and

1 simply mark a different party and make sure that it gets  
2 to us, and we will change your party affiliation on your  
3 voter registration record.

4 Q. So you change that in the system.

5 A. Yes.

6 Q. So they can just fill out a new one of these forms?

7 A. Yes.

8 Q. Deliver it to your office?

9 A. Yes.

10 Q. Either physically or they can mail it in?

11 A. Yes.

12 Q. Directing your attention to what's been admitted as  
13 Government Exhibit 102, what is this particular form?

14 A. That is a voter registration form.

15 Q. And for whom?

16 A. Kim Taylor.

17 Q. And what's the date on this particular form?

18 A. February 3 of '20, 2020.

19 Q. And do you know what the purpose of this form was?

20 A. It was to -- for -- it looks like -- oh, I see it's  
21 a change of address.

22 Q. So if somebody -- so if somebody wants to change  
23 their political affiliation, they submit a new form, or  
24 if they need to update their address, they have to do the  
25 same thing; correct?

1 A. Yes.

2 Q. Is that what this form was intended to do?

3 A. That's what it was doing.

4 Q. So the stamp there, Change, where the registrant  
5 affidavit is and then the address written below, is that  
6 something that your office would have done?

7 A. Yes.

8 Q. And then your system's updated to reflect the  
9 registrant's new address?

10 A. Yes, it's called the iVoters voter registration.

11 Q. What is the iVoter?

12 A. iVoters is the name of the software that contains  
13 everyone's voter registration in the state of Iowa and is  
14 actually housed in the -- in Des Moines at the Capitol,  
15 and we just interact with it through the face of our  
16 computer.

17 Q. So your office links up with Secretary of State's  
18 office?

19 A. Yes.

20 Q. The iVoter system?

21 A. Yes.

22 Q. Is this handwriting on Miss Taylor's voter  
23 registration form familiar to you?

24 MR. BROWN: Objection. No foundation, Your  
25 Honor.

1 THE COURT: That's overruled. It's a yes-or-no  
2 question. You can answer.

3 A. Yes, I'm familiar with that.

4 Q. How so?

5 A. I've just seen it on a number of documents.

6 Q. That you believe Miss Taylor --

7 A. Yes.

8 Q. -- filled out?

9 A. Yes.

10 MR. BROWN: Objection, Your Honor. Move to  
11 strike. No foundation, improper subject matter opinion  
12 testimony.

13 THE COURT: It's overruled.

14 MR. BROWN: Daubert.

15 THE COURT: The answer remains in the record.

16 Q. I want to talk a little bit about absentee ballot  
17 requests at this point. When it comes to actual  
18 elections, how can a resident of Iowa and Woodbury County  
19 vote?

20 A. There are actually three ways. I send a letter out  
21 each time explaining the three ways, and that is you can  
22 either request an absentee ballot be mailed to your home  
23 and you can fill it out and mail it back to us. Or you  
24 can participate in what we call early in-person voting.  
25 You're filling out exactly the same form, but you

1 actually go to the courthouse or a satellite site where  
2 you in person fill out a request form and you vote. They  
3 issue you a ballot, and they vote it in the -- in a booth  
4 very similar to what occurs on election day, and you  
5 return it to us to the person issuing it. And then we  
6 store that to be counted just like we do the mail-in  
7 ballots. And then the third way is if you go to a  
8 polling place on election day.

9 Q. How many early voting sites do you maintain during  
10 that early voting period?

11 A. It depends on if we get a petition, but most of the  
12 time lately the only satellite site we have is down at  
13 the Long Lines Family Center.

14 Q. During the 2020 election cycle, how many did you  
15 maintain?

16 A. We had the Long Line Family Center, at the  
17 courthouse, and then we would have a day at each one of  
18 the colleges in town: Briar Cliff College, Morningside  
19 College, and Western Iowa Tech.

20 Q. You testified about the 44 precincts and the 29  
21 polling places. How many different ballots does your  
22 office have to maintain?

23 A. It depends on the election, but just like the last  
24 election that we just finished, the regular city/school  
25 election, we had 88 ballot styles.

1 Q. Why 88 ballot styles?

2 A. Because people live in different jurisdictions. If  
3 you live in the county, you don't live in the city, you  
4 can't vote on the city council race, but you can vote in  
5 that school's jurisdiction and in some of those polling  
6 place where you have townships and you have overlapping  
7 jurisdictions as far as school district boundaries and  
8 that sort of thing. So what it boils down to is that  
9 each person -- based on where your address is, each  
10 person, that's the ballot style they're going to get  
11 depending on what jurisdiction they live in.

12 Q. I'd like to focus first on the absentee voting that  
13 you talked about. Can you just explain once again for  
14 the jury exactly how that works, the absentee ballot.

15 A. The absentee ballot is that once an election goes  
16 out, we get certification from the Secretary of State's  
17 office, any offices that are going to appear on that  
18 ballot; like in a federal election it would be the  
19 presidential or U.S. senator or congressional seat.  
20 Those are certifications that we get from the Secretary  
21 of State's office and then any filings of local  
22 candidates that they do.

23 Once we establish that ballot and put all those  
24 ballot styles together, that's when we start the absentee  
25 ballot process, and that means there's -- I believe it is

1 now 70 days that you can request an absentee ballot  
2 before the election. You can request by -- a ballot up  
3 to 15 days now before the election. So there's a period  
4 of time where you can request a ballot. And then it is  
5 now 20 days. It's been cut in half basically. But it's  
6 20 days that you can -- if you've requested a ballot, if  
7 it's been filed in our office on the 20th day before the  
8 election, we will mail out the ballot to those folks that  
9 have requested one, and they can vote it and then mail it  
10 back in. Or as I said, they can come to the courthouse  
11 or any of those satellite sites to request a ballot and  
12 fill out that request form and get a ballot and vote it  
13 and turn it back in to the satellite site coordinators.

14 Q. Who can vote by absentee ballot?

15 A. Any registered voter.

16 Q. Directing your attention to what's been marked as  
17 Government Exhibit 200, what is this, Mr. Gill?

18 A. It's an absentee ballot request form.

19 MS. LAWREY: Audrey, can you pull that down?

20 Q. And this one appears to have two of the same forms  
21 on one --

22 A. It's what printers refer to as two-up. In order to  
23 save on printing costs, they will issue those, and then  
24 they will cut them in half.

25 Q. So was this the type of form that was in use during

1 the 2020 election cycle?

2 A. Yes, it was revised October of 2019. It would have  
3 been the one that we were using for the 2020 cycle.

4 Q. And these are the forms that were used by your  
5 office for absentee voting?

6 A. Yes.

7 Q. These were kept in the course of the regularly  
8 conducted activity of your office?

9 A. Yes.

10 MR. EVANS: Your Honor, I'd move to admit  
11 Government's Exhibit 200 at this time.

12 \* \* \* \*

13 (Government Exhibit 200 was offered.)

14 \* \* \* \*

15 MR. BROWN: Objection. Cumulative, Your Honor.

16 THE COURT: This is all interesting because on  
17 my list it says it's already stipulated and in evidence.  
18 200?

19 MR. EVANS: I didn't believe that 200 was  
20 included in the stipulated.

21 THE COURT: Someone typed stipulated on my  
22 list, so if there is an objection, it's overruled. It's  
23 already in evidence.

24 MR. EVANS: Thank you, Your Honor. Sorry about  
25 the confusion.

1 BY MR. EVANS:

2 Q. What type of information's required on this form,  
3 Mr. Gill?

4 A. Obviously your name, date of birth. You have to  
5 have an ID number now, your residential address, and a  
6 place where you want the ballot to be mailed to if it  
7 isn't at your home.

8 Q. So if somebody's serving overseas and they know  
9 they're not going to be back in Iowa to vote, they can  
10 put down their overseas address; is that correct?

11 A. Yes.

12 Q. And again, does the voter have to personally fill  
13 out this form?

14 A. Well, as long as they sign it and agree that all  
15 that information has been presented on there is true.

16 Q. Okay. So I'll take that to -- no. Some -- you  
17 don't -- the voter doesn't have to personally fill it  
18 out, but they have to actually sign it; correct?

19 A. Correct.

20 Q. Have you ever filled out these forms?

21 A. Yes.

22 Q. In what context?

23 A. When I used -- when I would campaign, go door to  
24 door, I would help people to fill that information out,  
25 and then I would have them sign it.

1 Q. There's nothing wrong with that.

2 A. There is nothing wrong with that except now an  
3 auditor cannot do that.

4 Q. Back in 2020 could they?

5 A. Before 2020 I think that -- yep.

6 Q. And again, how would someone submit this, an  
7 absentee ballot request form, to your office?

8 A. It could be hand delivered to the office. It can be  
9 mailed to the office. It can be filled out in the office  
10 and handed right over the counter. In 2020 actually they  
11 could have been delivered in our ballot box.

12 Q. Directing your attention to -- directing your  
13 attention to what's been admitted as Government Exhibit  
14 56, what is this, Mr. Gill?

15 A. Those are pictures of the two ballot boxes that we  
16 installed in 2020 so that folks could deliver request  
17 forms and ballots.

18 Q. And where were these ballot boxes located?

19 A. The first one that we installed was the one that is  
20 on the top. And that was right outside the doors of the  
21 courthouse off to the left-hand side. And then the other  
22 one is the one that we installed in the alley south -- on  
23 the south side of the courthouse between city hall and  
24 the Woodbury County Courthouse.

25 Q. So you had a walk-up and a drive-up.

1 A. Yes, they were very popular.

2 Q. And when were the drop boxes available?

3 A. They would have been available -- in 2020 we  
4 started -- it was probably early that we installed that  
5 first one so that people could put request forms in it.  
6 The pandemic had started at that point, and people were  
7 very nervous about coming into the courthouse. And then  
8 later on we installed the drive-up box.

9 Q. How often did you empty the drop boxes when you used  
10 them?

11 A. Several times a day. The closer we got to election,  
12 a couple of folks from our office would go out and  
13 retrieve the request forms and the ballots.

14 Q. And were the boxes out there 24/7?

15 A. Yes.

16 Q. And what did your -- what did the people in your  
17 office do when they -- after they gathered in the boxes  
18 from the -- or the ballots from the drop boxes?

19 A. If it was a request form, they would just bring it  
20 in and process that request form. If it was a ballot,  
21 they would bring that in, and they'd log how many ballots  
22 they had retrieved at that point. And then they would  
23 process those, receive those into the system.

24 MR. EVANS: Just have a moment, Your Honor?

25 THE COURT: Sure.

1 Q. Mr. Gill, I've handed you a binder of the  
2 government's exhibits. If you could take a look at  
3 government's exhibits starting at 101.

4 A. 101?

5 Q. 101, yes. Focusing on 101 to 128, what are these?

6 A. You want me to continue it from 100 to -- 101 to 107  
7 are voter registration forms. And then Exhibit 108 is a  
8 election day registration form.

9 Q. Yes. And beyond that from 109 to 128?

10 A. They look like they're all completed voter  
11 registration forms.

12 Q. Are those all maintained by your office?

13 A. Yes.

14 Q. How long does your office maintain those particular  
15 forms?

16 A. Those forms are considered permanent records, so we  
17 scan them in -- we can actually get rid of the originals  
18 now as long as they are scanned in. But they are  
19 permanent records.

20 Q. And those are maintained by your office and in the  
21 iReport system?

22 A. Yes.

23 MR. EVANS: Your Honor, we would move admission  
24 of Government's Exhibits 101 to 128. I think several of  
25 those are already in but . . .

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(Government Exhibits 101-128 were offered.)

\* \* \* \*

THE COURT: Yeah. I have 102, 103, 108, 109, 118, 120, 121, 122, 127, and 128 already in evidence, so those need not be offered.

As for the remainder that are not yet in evidence, Mr. Brown, any objection?

MR. BROWN: Yes, Your Honor. Rule 402, 403, 404(b), and cumulative.

THE COURT: Those objections are overruled. The remainder of the exhibits from 101 through 128 that are not already in evidence are now received and are fully in evidence.

\* \* \* \*

(Government Exhibits 101, 104-107, 110-117, 119, and 123-126 were admitted.)

\* \* \* \*

MR. EVANS: Thank you, Your Honor.

Q. Mr. Gill, back to where we were talking about the absentee ballot request forms, could you take a look at the binder there that you have in front of you at the Government's Exhibits 201 to 284. And do you recall having an opportunity to review these prior to your testimony here today?

1 A. Yes.

2 Q. What are all those, Mr. Gill?

3 A. They are absentee request forms that were received  
4 by our office from various election cycles.

5 Q. And again, how long did you used to maintain the  
6 hard copies of those?

7 A. These would be required to be maintained -- if we  
8 had hard copies, would be 22 months.

9 Q. And in terms of the hard copies, you scan those in?

10 A. Yes.

11 Q. These become part of the iVote system?

12 A. Yes.

13 Q. So they're always available electronically?

14 A. Yes.

15 Q. These are maintained by your office as well as the  
16 Secretary of State's office?

17 A. Yes.

18 MR. EVANS: Your Honor, at this time the  
19 government would offer for admission Government Exhibits  
20 203, 204, 205, 6, 7, 8, 9, 10 --

21 THE COURT: Rather than listing them all, can  
22 you give me a range?

23 MR. EVANS: I can, Your Honor. I apologize for  
24 that.

25 THE COURT: Yeah.

1 MR. EVANS: It's 203 to -- looks like 227, then  
2 229 to 249, 251 to 255, 258, then 260 to 277, and 280 to  
3 284.

4 \* \* \* \*

5 (Government Exhibits 203-227, 229-249, 251-255,  
6 258, 260-277, and 280-284 were offered.)

7 \* \* \* \*

8 THE COURT: And I did have 283 already in, and  
9 the others in the various series that Mr. Evans did not  
10 mention are already in evidence. So as for the ones that  
11 are not yet in evidence then and are now being offered,  
12 Mr. Brown, any objection?

13 MR. BROWN: Yes, Your Honor. Rule 402, 403,  
14 404(b), and cumulative.

15 THE COURT: All right. Those objections are  
16 overruled. So the various exhibits Mr. Evans just  
17 mentioned, basically anything between 201 and 284 that  
18 were not already received into evidence, are now  
19 received.

20 \* \* \* \*

21 (Government Exhibits 203-227, 229-249, 251-255,  
22 258, 260-277, 280-282, and 284 were admitted.)

23 \* \* \* \*

24 MR. EVANS: Thank you, Your Honor.

25 BY MR. EVANS:

1 Q. Mr. Gill, focusing your attention on the screen this  
2 time -- I'll give you a break from the binder -- to  
3 what's been marked as Government's Exhibits 6 and 278,  
4 what are both of these?

5 A. Those are absentee request forms from the 2020  
6 election cycle.

7 Q. Which election?

8 A. Pardon?

9 Q. Which election? The primary or the general?

10 A. These are in September, so they would have been the  
11 general election.

12 Q. What is the date on document -- or Government's  
13 Exhibit 6?

14 A. September 18 of 2020.

15 Q. Okay. And when was this received by your office?

16 A. Looks like September 21 according to the timestamp.

17 Q. And this particular absentee ballot request form is  
18 for a Thien Tam Doan, correct, Number 6?

19 A. Yes, it is.

20 Q. And that's on 1113 Virginia Street.

21 A. Yes.

22 Q. Now, focusing on the one on the left, this is also  
23 an absentee ballot request form for Thien Doan at that  
24 same add -- or from the same address; correct?

25 A. Yes.

1 Q. But the date on the second one, this is dated  
2 September 30 of 2020; correct?

3 A. Yes.

4 Q. Also for the general election.

5 A. Yes.

6 Q. This one, though, is requesting an absentee ballot  
7 to be sent where? To the Virginia Street address or  
8 somewhere else?

9 A. The first one is -- oh. The one that is highlighted  
10 now.

11 Q. Yes. 278.

12 A. That is the one that was to be delivered to the Ames  
13 address.

14 Q. The 2519 Chamberlain Street.

15 A. Yes.

16 Q. 310, Ames, Iowa?

17 A. Yes.

18 Q. And when does this reflect receipt by your office?

19 A. October 5 maybe? October 5, I believe.

20 Q. Okay. So looking at the top of the document --  
21 okay. First of all, what would have -- what would your  
22 office have done when it received Government's Exhibit 6  
23 on the right side? What were the procedures in place?

24 THE COURT: You mean the left?

25 MR. EVANS: Pardon me?

1 THE COURT: The left?

2 MR. EVANS: Yes, yes, on the left.

3 A. Yes, on the left.

4 MR. EVANS: Or excuse me. On the right.

5 Government's Exhibit 6.

6 THE COURT: On the left.

7 A. On my left.

8 Q. Sorry. My -- sorry. Yeah.

9 A. Yes. It would have been entered into the system.  
10 That would have been in September, so it would have just  
11 been entered into the system and waiting for the period  
12 of time that we could send out ballots.

13 Q. Okay. When can you send out ballots?

14 A. I believe in 2020 it was 29 days.

15 Q. So if you got an absentee ballot request form 30  
16 days in advance, it would just stay in your system until  
17 the 29th day? Then you would be able to send it out?

18 A. Yes. Limited to that period of time that early  
19 voting takes place, so we send ballots out. We mail  
20 those ballots for request forms that we already have, and  
21 that's the same day that we open for in-person early  
22 voting for people who want to come to the courthouse or  
23 to the satellite site.

24 Q. Now, focusing on the -- so -- and you would have  
25 sent -- your office would have sent that absentee ballot

1 to the Virginia Street address; correct?

2 A. Correct.

3 Q. Now, looking at the top of 278, Government's Exhibit  
4 278, is there an annotation up there?

5 A. Yes, DUP.

6 Q. What does that means?

7 A. Means that this is a duplicate request form. We  
8 often get those because during election cycle lots of  
9 folks are trying to get people to vote absentee, so the  
10 parties might send them out or individual candidates  
11 might send them out or they might have received it door  
12 to door. But if we receive one that we've already  
13 processed and a duplicate like this one comes in, we  
14 would just mark it as a duplicate and scan it in and  
15 attach it to the voter's record.

16 Q. But your office then doesn't send out another  
17 absentee ballot; correct?

18 A. Not at that time, no.

19 Q. So when you received this latter one dated 9-30-20,  
20 one would not have been sent to the Ames address; is that  
21 correct?

22 A. That's correct.

23 Q. And again, how long are these forms maintained by  
24 your office?

25 A. 22 months.

1 Q. What happens after 22 months?

2 A. Then we shred them.

3 Q. Is that on a rolling basis?

4 A. Yes.

5 THE COURT: Would this be a good time for a  
6 break?

7 MR. EVANS: It would be, Your Honor.

8 THE COURT: Okay. Let's go ahead and take our  
9 second scheduled break of the day. It's just past 12:15.  
10 Let's plan on coming back at 12:40. So we will be in  
11 recess until 12:40.

12 (The jury exited the courtroom.)

13 THE COURT: The jury has left the courtroom.  
14 Anything to take up before we have a break? Anything  
15 from the government?

16 MR. EVANS: No, Your Honor.

17 THE COURT: From the defense?

18 MR. BROWN: No thank you, Your Honor.

19 THE COURT: We'll be back at 12:40. Thanks.

20 MR. EVANS: Thank you, Your Honor.

21 (Recess at 12:18 p.m.)

22 THE COURT: Are we ready for the jury,  
23 Mr. Evans?

24 MR. TIMMONS: We are, Your Honor.

25 THE COURT: Mr. Brown?

1 MR. BROWN: Yes, Your Honor.

2 THE COURT: Okay. Please bring in the jury.

3 (The jury entered the courtroom.)

4 THE COURT: Please be seated. Welcome back,  
5 everyone. The plan will be now to go till 2:30 and then  
6 quit for the day.

7 Mr. Evans, you may continue with the direct  
8 examination.

9 MR. EVANS: Thank you, Your Honor.

10 BY MR. EVANS:

11 Q. Mr. Gill, good afternoon now.

12 A. Good afternoon.

13 Q. So far we've talked about registration and ballot  
14 request forms.

15 A. Yes.

16 Q. I want to talk a little bit about the absentee  
17 ballots themselves now.

18 A. Okay.

19 Q. Directing your attention to what's been admitted as  
20 Government Exhibit 299. It should be on the screen for  
21 you.

22 A. Okay.

23 Q. What is this?

24 A. That is the front side of the affidavit envelope  
25 that a ballot would be returned in, a voted ballot.

1 Q. For an absentee ballot?

2 A. Yes.

3 Q. And what's the backside of this envelope look like  
4 if you look at page 2?

5 A. Yeah. The backside has that blank space where we  
6 would put a label on there, but it has -- basically tells  
7 the voter the instructions on what they do once they  
8 receive the ballot, place it in a secrecy sleeve, and  
9 place it back in that envelope and seal it and then sign  
10 the voter's affidavit.

11 Q. And the -- so the blank space on that page is where  
12 your office would print out the address of the voter, and  
13 the voter's affidavit on the right side is where they  
14 would sign.

15 A. Yes, and that label would also include the voter's  
16 ID that is in the iVoter's registration database.

17 Q. I'd like to direct your attention to the binder this  
18 time, Mr. Gill.

19 A. Okay.

20 Q. Focusing on the exhibits -- Government's Exhibits  
21 302 to 308 and then Number 310 as well. What are these,  
22 Mr. Gill?

23 A. Pardon?

24 Q. What are these?

25 A. These are the backside of the affidavit that the

1 ballot would have been mailed to us in or delivered to  
2 us.

3 Q. So this is a copy of the outside of the envelope --

4 A. Yes.

5 Q. -- with the voter's affidavit.

6 A. This is the copy, yes.

7 Q. And do these all reflect that they were received by  
8 your office?

9 A. They do.

10 Q. And how is that done again? Through a date  
11 timestamp?

12 A. Yes. As soon as they -- regardless of how the  
13 ballots are received in our office, they are immediately  
14 taken over and timestamped. That's part of the process  
15 to receive them.

16 Q. And what do you do when you receive the ballots in  
17 addition to time -- date timestamping them?

18 A. After they stamp them, the clerks, one of the  
19 clerks, will enter -- right under the barcode, you'll see  
20 it's a voter ID number. That's what they do is they key  
21 in that ID number. It will pull it up, and they will  
22 mark it as this ballot has been received for that voter.

23 Q. And again, are these particular documents maintained  
24 on a permanent basis by your office?

25 A. These documents are -- once they're received in our

1 office, they are kept for 22 months.

2 Q. Okay. The paper copies.

3 A. Yes.

4 Q. Okay. But the electronic versions are maintained in  
5 the iVoter system; correct?

6 A. The affidavit envelope themselves, we don't scan the  
7 affidavit envelopes. We keep those for 22 months.

8 Q. Gotcha. And then they are destroyed?

9 A. Then they are shredded.

10 MR. EVANS: Your Honor, the government would  
11 move admission of Government's Exhibits 302 to 308 as  
12 well as 310 at this time.

13 \* \* \* \*

14 (Government Exhibits 302-308 and 310 were  
15 offered.)

16 \* \* \* \*

17 THE COURT: All right. Any objection?

18 MR. BROWN: Yes, Your Honor. 402, 403, 404(b),  
19 and cumulative.

20 THE COURT: Those objections are overruled.  
21 Government Exhibits 302 through 308 along with 310 are  
22 received.

23 \* \* \* \*

24 (Government Exhibits 302-308 and 310 were  
25 admitted.)

1 \* \* \* \*

2 MR. EVANS: Thank you, Your Honor.

3 If you could pull up 302.

4 Q. Just so the jury can see, this is the document that  
5 you were receiving, Number -- Government's Exhibit 302?

6 A. Yes.

7 Q. Okay. And it's got the voter's name and address in  
8 that normal -- in the label side and then the signature  
9 where the voter affidavit is; correct?

10 A. Correct.

11 Q. And the particular voter's affidavit, why is that  
12 important that the voter sign that?

13 A. That's the assurance that we have that the voter who  
14 is in our voter registration database has signed that and  
15 is submitting that voted ballot as their ballot to be  
16 counted in whatever election it's for.

17 Q. And that's a requirement under Indiana -- excuse me,  
18 Iowa law that they --

19 A. Yes, it is.

20 Q. -- sign this. Directing your attention what's been  
21 admitted as Government's Exhibits 54 and 55 -- be up on  
22 the screen in just a minute; there we go -- what are  
23 these, Mr. Gill?

24 A. The first one, 054, is a ballot for the 2020 primary  
25 election for the Republican side. And 55 is a blank

1 ballot for the general election of 2020.

2 Q. And these are -- these are official ballots that  
3 would be maintained by your office?

4 A. Yes, they are.

5 Q. And these are the ones that are provided to folks  
6 that want to vote absentee?

7 A. Yes, they would be.

8 Q. And were federal candidates on both ballots during  
9 the 2020 -- this is for the Republican primary and the  
10 2020 general election?

11 A. Yes. They are in -- they would be under the federal  
12 office column. And the general election, there's two  
13 columns where the federal offices go over to and then  
14 state offices and county offices.

15 Q. Focusing on Government's Exhibit 54, these are the  
16 candidates just running in the Republican primary;  
17 correct?

18 A. Yes, they are.

19 Q. Why is Former President Trump not listed on the  
20 ballot?

21 A. Iowa is a caucus state, so during the primaries, the  
22 caucus process is already over. And so presidential  
23 candidates don't appear on the primary ballot.

24 Q. Same with the Democratic ballot?

25 A. That's correct.

1 Q. And was Jeremy Taylor on this particular ballot?

2 A. Yes, he was for U.S. Representative, District 4.

3 Q. For Congress; correct?

4 A. Yes.

5 Q. Do you know if he won that race?

6 A. He did not.

7 Q. Focusing next on Government's Exhibit 55, which  
8 candidates were listed on this particular ballot?

9 A. Federal offices, the state offices, and the county  
10 offices. The federal office the presidential year, U.S.  
11 Senate race and a U.S. Representative race. The U.S.  
12 Senate race isn't on there every year, and an off year  
13 would be gubernatorial, but this was a presidential year.  
14 And state offices for representative in this particular  
15 ballot style, there is no Senate -- state Senate seat and  
16 then the county offices for Board of Supervisors,  
17 Districts 1, 3, and 5, county auditor office, and the  
18 county sheriff office.

19 Q. So the winners of the primaries are on the general  
20 ballot facing off against each other; correct?

21 A. Yes.

22 Q. And -- but was Jeremy Taylor on this ballot as well?

23 A. Yes, he was.

24 Q. What race on this ballot?

25 A. Board of Supervisors, District 3.

1 Q. And to your knowledge did he win that contest?

2 A. He did win that contest.

3 Q. I'm going to go back to the binders one more time if  
4 you don't mind. And if you could look at what's tabbed  
5 as Government Exhibits 65 through 77. Just briefly take  
6 a look at what those are.

7 A. 55?

8 Q. 65 through --

9 A. 65.

10 Q. Yes, sir. Have you seen these before, Mr. Gill?

11 A. I have. I created these.

12 Q. What are they?

13 A. They are the voter history for these voters.

14 Q. For the subject voters related to this case?

15 A. Yes.

16 Q. And how did you -- how did you create those  
17 documents?

18 A. Right out of our iVoters registration database. You  
19 pull up the voter, and then you click right up there  
20 where it says voter, and then you can click on voter  
21 history. And I put those right under the names for that  
22 particular voter and did a screenshot.

23 Q. So does this -- does this system capture then all of  
24 the times they voted and whether they did it in person or  
25 absentee?

1 A. Yes, on the voter history, that's what they do.

2 Q. And you retrieved this information from the state's  
3 iVoter database; correct?

4 A. Correct.

5 Q. And that's something your office can do on a regular  
6 basis?

7 A. Yes.

8 MR. EVANS: Your Honor, the government would  
9 move for admission of Government Exhibits 65 to 66 and 69  
10 to 77.

11 \* \* \* \*

12 (Government Exhibits 65, 66, and 69-77 were  
13 offered.)

14 \* \* \* \*

15 THE COURT: Any objection?

16 MR. BROWN: Yes, Your Honor. 402, 403, 404(b),  
17 and cumulative.

18 THE COURT: Those objections are overruled.  
19 Government Exhibits 65 and 66 along with 69 through 77  
20 are received.

21 \* \* \* \*

22 (Government Exhibits 65, 66, and 69-77 were  
23 admitted.)

24 \* \* \* \*

25 MR. EVANS: Thank you, Your Honor.

1 Q. Focusing your attention, Mr. Gill, on the screen,  
2 we're going to pull up Government's Exhibit 75. Do you  
3 see that, sir?

4 A. I do.

5 Q. And is this one of the voter profile reports that  
6 you were just describing?

7 A. Yes.

8 Q. And which voter is this for?

9 A. Hoang Minh Luu.

10 Q. Mr. Hoang Minh Luu?

11 A. Yes.

12 Q. And focusing on the second page of this particular  
13 document, is this going to indicate where someone voted  
14 and how they voted?

15 A. It's voting history. It says that they did vote,  
16 yes.

17 Q. Okay. And it shows that on the -- so on the top  
18 there of the document where it says for the 6-2, 2020,  
19 that indicates that a ballot was received from this  
20 particular voter for that election; is that correct?

21 A. That's correct.

22 Q. As well as for the general election on November 3,  
23 2020?

24 A. Yes.

25 Q. Mr. Gill, did there come a time -- I want to talk a

1 little bit about the events that led us here today. Did  
2 there come a time when you suspected that there might be  
3 some irregularities with the voting in Woodbury County?

4 A. Yes.

5 Q. When was that?

6 A. The clerks -- from the -- through the primary  
7 election, that cycle, and plus the general cycle, the  
8 clerks had been commenting to me that they were receiving  
9 lots of request forms and the affidavit envelopes that  
10 looked like there were similar signatures on there.

11 And then during the primary election, I was called  
12 down to the absentee room, and when we count absentee  
13 ballots, there's a room that's down in the basement of  
14 the courthouse. It's a large room. And as those ballots  
15 are being processed, we have a high-speed scanner. We  
16 can put stacks of 10, 20 ballots on that scanner, and it  
17 will scan them. But obviously the machine cannot record  
18 write-in votes. So the -- those are separated. It's  
19 counted -- the machine counts the ones that are marked  
20 properly when an oval is filled in. But if the write-in  
21 is filled in and that oval is completed for the write-in,  
22 then that one will go into a separate tray. And those  
23 that are write-ins have to be manually compiled by a  
24 Democrat and a Republican that -- precinct election  
25 officials are supplied by the parties, a list of names.

1 So early on when they start, they have a Democrat and a  
2 Republican who will record those write-in votes and  
3 compile them.

4 I stay out of the absentee room. I learned a long  
5 time ago as an elected official it's just best that I'm  
6 not down there when they're processing those so I can't  
7 be accused of any chicanery, and -- but they called me  
8 down and showed me a stack of write-in ballots that were  
9 from the Republican primary. And in those filled in and  
10 the signature -- I mean the handwriting was very similar  
11 on this stack that they pulled out to have them, and  
12 these were ballots that had Jeremy Taylor's name filled  
13 in for the supervisor seat that there was no candidate  
14 for on the Republican side. And there was no candidate  
15 on the -- for the auditor on the Republican side. That's  
16 how you're nominated to run for office is if you -- if  
17 you file paperwork, your name will appear on that primary  
18 ballot. But since nobody had filed for those two offices  
19 on the Republican side, it was to -- the only option was  
20 to color in the oval for the write-in and then put your  
21 write-in.

22 But -- so there was a stack of them, and both -- for  
23 both the supervisor seat and the auditor seat, Jeremy  
24 Taylor's name was filled in on that. And that's an  
25 anomaly, and that's why they called me down.

1 MR. BROWN: Objection, Your Honor.  
2 Nonresponsive. The question's been answered.

3 THE COURT: Sir, you may continue. The  
4 objection's overruled. You can go ahead and finish your  
5 answer.

6 A. Okay. I mean, that's just something that doesn't  
7 occur, and so that's why they called me down to look at  
8 them. And so -- and just told them, you know -- because  
9 once you take a ballot out of a -- out of that affidavit  
10 envelope, they take them out, and they're in secrecy  
11 sleeves, and they shuffle them out, and then they pull  
12 them out, and then they take them over to the machine to  
13 be counted. So there's no way of attaching that ballot  
14 to that affidavit envelope.

15 So at that point there's just nothing you can do,  
16 but they just called it to my attention because they  
17 hadn't seen it before, and in the 27 years that I've been  
18 here, I hadn't seen it before either.

19 Q. What did you do in response to that?

20 A. There was nothing I could do at that point other  
21 than just tuck it away. It looked like, you know,  
22 something was going on, but there's nothing I can, you  
23 know, do at that point, like I said, because there's no  
24 way you can attach that ballot back to whoever voted that  
25 ballot.

1 Q. It's not like the envelope and the ballot have a  
2 serial number which match up. Once they're separated,  
3 you can't --

4 A. No. That's -- that's why it's a secrecy of the  
5 ballot.

6 THE COURT: Mr. Gill, can you make sure the  
7 question is finished? You guys are kind of talking  
8 over --

9 THE WITNESS: Okay.

10 THE COURT: -- each other.

11 THE WITNESS: Thank you.

12 THE COURT: Make sure he finishes his question  
13 before you start answering.

14 THE WITNESS: I was married to a court reporter  
15 at one time.

16 THE COURT: She would tell you the same thing  
17 that I --

18 THE WITNESS: Yes.

19 THE COURT: All right. Thank you, sir.

20 BY MR. EVANS:

21 Q. Did there come a time where you learned that there  
22 was indeed some voter fraud occurring?

23 MR. BROWN: Objection, Your Honor. Assumes  
24 facts not in evidence, improper subject matter opinion  
25 testimony, goes to the ultimate fact, mixed question of

1 fact and law.

2 THE COURT: I am going to sustain the objection  
3 to the form of the question. You can ask it in a  
4 different way.

5 Q. Did there come a time where you learned that there  
6 was indeed some voting irregularities that you could do  
7 something about?

8 A. Late in the general election cycle, a clerk came in  
9 and told me that there was a call from a young lady that  
10 said that --

11 MR. BROWN: Objection, Your Honor. Double  
12 hearsay.

13 THE COURT: That's sustained.

14 Q. What did you -- what did you -- what did you do in  
15 response to indications of voting irregularities?

16 A. I called the Secretary of State's office and told  
17 them that I suspected that there was some voting  
18 irregularities going on.

19 Q. Did you talk with anyone about that?

20 A. Molly Widen at the Secretary of State's office.

21 Q. And what did -- what did you do after that?

22 A. I called the young lady that had talked to me. I  
23 walked her through that there's a procedure for her to  
24 come to my office to fill out a form that says that she  
25 never received the ballot, it either was lost or

1 misplaced I think what the form is called, and we could  
2 fill that out, and the Secretary of State's office  
3 advised me to pull the original ballot out and secure it.

4 Q. And was she the only one that this had happened to?

5 A. She mentioned that her brother was in the same  
6 situation.

7 Q. And to your knowledge, Mr. Gill, what, in fact, had  
8 happened that she had checked the voter system to find  
9 out that somebody had already voted for her?

10 A. Yes. She told me that she had checked the --

11 MR. BROWN: Objection. Hearsay, Your Honor.

12 THE COURT: I'm going to overrule the objection  
13 because it doesn't sound like this is being offered for  
14 the truth. It simply sounds like it's being offered as  
15 an explanation for steps the witness may have taken. So  
16 at this point I'm overruling the objection.

17 And, sir, you can continue to answer.

18 MR. EVANS: Thank you, Your Honor.

19 A. I called the young lady back and walked her through  
20 that process.

21 Q. Did you ever talk to her brother about that?

22 A. I did. Subsequently her brother called and asked  
23 about the same process.

24 Q. And what happened after that?

25 A. Both Thien and Tam came into the office and filled

1 out the forms that they had not received the ballot. And  
2 then we were -- then we let them -- we issued them new  
3 ballots and let them vote. They went out into the  
4 rotunda, voted them in the voter booth, and brought them  
5 back in, and then we received them.

6 MR. EVANS: One moment, Your Honor?

7 THE COURT: Sure.

8 Q. Mr. Gill, directing your attention to what's been  
9 admitted as Government's Exhibits 59 and 60 -- those will  
10 be pulled up on the screen here in a minute -- what are  
11 these, Mr. Gill?

12 A. These are the voter statement lost or never received  
13 absentee ballot.

14 Q. And these are -- these are for the Tam and Thien  
15 Doan whom you were just speaking about?

16 A. Yes, it is.

17 Q. And is this the form that someone needs to fill out  
18 in order to get a new ballot and then be able to vote?

19 A. Yes.

20 Q. Were you able to find the ballots that had been cast  
21 in their name?

22 A. Yes.

23 Q. How is that possible?

24 A. Each time that we receive ballots, we call -- we  
25 have a process of we batch them. So when we get in 25

1 ballots, we will batch them but -- and then there will be  
2 a batch on there with the voter ID number. And it will  
3 have all 25 names. It is secured around that with  
4 rubberbands put around those 25 ballots with that list on  
5 there.

6 And so -- and then they are all in sequential order.  
7 And so we are able just to go down to the absentee room  
8 where all the ballots are secured. And then we'd pick  
9 up -- we took those two ballots out, and they brought  
10 them to me, and I secured them in my office.

11 Q. And so just so I follow you, so when you collect  
12 ballots out of the absentee -- or out of the drop boxes,  
13 if there's 20 or 25 in those, that's when you batch them,  
14 put them together, and they're stored until it's time to  
15 start counting the ballots?

16 A. Correct.

17 Q. When do you start counting ballots for an election?

18 A. The day -- in a general election -- what the law  
19 says is that we have to be able to complete the counting  
20 of absentee ballots by 10 p.m. on election day. And so  
21 if we decide that it's going to take us quite a while to  
22 get as many ballots done, we hire as many precinct  
23 election officials on the absentee board to process them.  
24 And we can start the day before the election to open  
25 those ballots and start counting them actually.

1 Q. Was absentee ballots -- was the use of absentees  
2 popular in 2020?

3 A. Yes.

4 Q. Why was -- why so?

5 A. Well, actually we would get -- maybe 40 percent in a  
6 regular general election would be by absentee, 40 to  
7 closer -- approaching half. But that was the first year  
8 in 2020 that we actually had more absentees than election  
9 day ballots.

10 Q. Is that due in part to the pandemic?

11 A. Due to the pandemic was my judgment.

12 Q. Directing your attention to what's been admitted  
13 into evidence as Government's Exhibits 8.1 and 9.1, do  
14 you see those, sir?

15 A. I do.

16 Q. Are these the two ballots that were removed from the  
17 batches once Tam and Thien Doan had come into your  
18 office?

19 A. They are.

20 Q. And do these indicate when they were received by  
21 your office?

22 A. Yes. The timestamp on both of them is October 16,  
23 6:49 a.m.

24 Q. So they're both received at the same time?

25 A. Yes.

1 Q. So if I follow correctly, you were able to retrieve  
2 these out of the batches, have Tam and Thien execute the  
3 lost ballot form that we looked at, and they were given  
4 new ballots and permitted to vote again?

5 A. Correct.

6 Q. Or permitted to vote the first time?

7 A. Yes.

8 Q. What did you do after the Doan -- Tam and Thien Doan  
9 had voted their ballots?

10 A. After they came back into the office, I just secured  
11 those ballots. And I notified the Secretary of State's  
12 office that I'd done that, and we just waited till after  
13 the election to follow through.

14 Q. And how did you follow through?

15 A. They told me -- we had had a training previously.  
16 Usually in the fall before the election, the Secretary of  
17 State's office participates in that. And during that  
18 training period, there was someone from the FBI who  
19 presented to us. And that's -- for a federal election,  
20 that's where they recommended that if we were suspecting  
21 any voter irregularities, voting irregularities, is that  
22 we should contact the FBI office, and that's what the  
23 Secretary of State's office also told us.

24 Q. And did you do that, sir?

25 A. I did.

1 Q. What happened next?

2 A. They came to our office, and we discussed, you know,  
3 what had occurred, and we started cooperating with them.

4 Q. Did they take custody of the two suspect ballots?

5 A. I believe they did at that time. At some point they  
6 did.

7 Q. Mr. Gill, are you familiar with the defendant, Kim  
8 Taylor?

9 A. I am.

10 Q. How so?

11 A. Just from seeing her around. I guess probably the  
12 first time that I saw her and knew who she was was at  
13 a -- when we would have ceremonies when people were sworn  
14 into office. She attended those. And then I also saw  
15 her at different times during the voting process helping  
16 folks, you know, vote. And I also saw her delivering  
17 request forms and ballots, affidavit envelopes that were  
18 being deposited in our drop boxes.

19 Q. So you personally observed the defendant dropping  
20 ballots into the ballot drop boxes at your office?

21 A. Yes, I did.

22 Q. Was her husband, Jeremy Taylor, there as well?

23 A. He was in the vehicle.

24 Q. Did you observe this more than once?

25 A. More than once.

1 Q. And can you point out the defendant, Kim Taylor, in  
2 this courtroom?

3 A. Sitting right there at that table.

4 MR. EVANS: The record reflect that Mr. Gill  
5 has identified the defendant, Kim Taylor.

6 Q. Have you ever had any conversations with the  
7 defendant?

8 A. I have never had a conversation with Mrs. Taylor.

9 Q. Mr. Gill, what were the dates of the two elections  
10 in the 2020 election cycle?

11 A. Be the first Tuesday in June and the first Tuesday  
12 after the first Monday in November of 2020.

13 MR. EVANS: Could we pull up Government's  
14 Exhibits 5 and 6, please? Make that 4 and 5. Apologize.

15 Q. All right. These are two ballot envelopes.

16 MR. EVANS: If you could enlarge the section  
17 where the barcode is, please.

18 Q. These appear to be from the primary election;  
19 correct?

20 A. Correct.

21 Q. And would that date be June 6, 2020?

22 A. June 2 of --

23 Q. Excuse me, June 2.

24 A. -- 2020.

25 MR. EVANS: Can you also pull up Government's

1 Exhibit 8.1, please? Again, highlight the area where the  
2 barcode is.

3 Q. Would that be the date of the general election?

4 A. Yes, November 3 of 2020.

5 MR. EVANS: No further questions, Your Honor.

6 THE COURT: Cross-examination?

7 MR. BROWN: Yes, Your Honor. Thank you.

8 CROSS-EXAMINATION

9 BY MR. BROWN:

10 Q. Good afternoon, Mr. Gill. I'm Mr. Brown.

11 A. Good afternoon.

12 Q. Never met before, have we?

13 A. We have not.

14 Q. Nice to meet you, sir.

15 A. Nice to meet you.

16 Q. I represent Miss Taylor. I'll be asking you some  
17 questions in this matter. If I ask you something that  
18 you don't understand or you think is confusing, don't  
19 hesitate to ask me, and I'll be more than -- more than --  
20 more than try to help you get it sorted out; okay?

21 A. Okay.

22 Q. So you said that you grew up in the Sioux City area  
23 your whole life. Is that true?

24 A. That's correct.

25 Q. Went to which high school was it?

1 A. Heelan High School.

2 Q. Briar Cliff?

3 A. Graduated from Briar Cliff.

4 Q. Okay. And then you've lived in Sioux City your  
5 whole life?

6 A. Except until December of 2016 moved to Sergeant  
7 Bluff which is just a bedroom community of Sioux City.

8 Q. Did you ever live in Nebraska?

9 A. No, I did not live in Nebraska.

10 Q. Never had any residence in Nebraska?

11 A. I never had residence in Nebraska.

12 Q. That's fine. In your capacity as the auditor, are  
13 you not also elected as another official in Woodbury  
14 County?

15 A. Oh. Prior to that? I was elected as state  
16 representative in 1990 and served through '94.

17 Q. So you're a seasoned political veteran. That's fair  
18 to say?

19 A. Yes.

20 Q. And then you also hold another title at the Woodbury  
21 County offices in addition to being the auditor. Are you  
22 not the recorder?

23 A. It's considered one position in Woodbury County,  
24 auditor and recorder.

25 Q. All right. So there's not -- you don't have to run

1 for each position separately in Woodbury County.

2 A. Correct.

3 Q. And then how many people are on the Board of  
4 Supervisors?

5 A. Five.

6 Q. And how are they staggered electionwise? All five  
7 of them come up the same period every time, or is it --

8 A. No. There's three in one year, and then two years  
9 later would be two of them.

10 Q. And in 2020 were you on -- did you have to run  
11 either in the Democratic primary for auditor or in the  
12 general?

13 A. I ran for both of those.

14 Q. Okay. And did you have -- you had an opponent in  
15 the primary, did you not?

16 A. I did not.

17 Q. So the primary in June of 2020, you were the lone  
18 Democratic candidate; is that right?

19 A. That's correct.

20 Q. Except for the write-ins that you referred to.

21 A. Yes.

22 Q. And then in the fall of 2020 in the general  
23 election, you had a Republican candidate who opposed you  
24 for auditor; is that --

25 A. Yes.

1 Q. All right. I think I understand. So as part of  
2 your duties in carrying out the office of the  
3 commissioner of elections and Woodbury County Auditor's  
4 Office, you have to familiarize yourself with the  
5 applicable state laws relative to voting; is that  
6 correct?

7 A. Correct.

8 Q. And are you required to follow the state rules  
9 relative to how an election is going to be conducted and  
10 counted and all those matters relating to the collection  
11 of the ballots and so forth?

12 A. Yes.

13 Q. Can you make your own rules about how that's going  
14 to be done?

15 A. No.

16 Q. Does county home rule rights give a local auditor  
17 rights to change how they're going to conduct either --  
18 any kind of state or federal election?

19 A. Home rule, I couldn't tell you what that means.

20 Q. So basically you agree you're supposed to follow the  
21 state regulations. I guess that's my point.

22 A. Yes.

23 Q. And those regulations, the state regulations, to  
24 some extent are overseen by the Voting Rights Act of 1965  
25 and various amendments. Is that true?

1 A. Yes.

2 Q. All right. And so when I talk about the Voting  
3 Rights Act, I'm talking about the federal provisions. Is  
4 that the way you understand it?

5 A. Yes.

6 Q. All right. You're also familiar with a concept in  
7 voting-related matters called get out the vote activity.

8 A. Yes, GOTV.

9 Q. What is GOTV?

10 A. Just means that the parties organize and do the best  
11 to get their supporters to the polls and have them vote  
12 their ballot.

13 Q. Does it have to be like a specific party committee  
14 member?

15 A. No.

16 Q. Can it be just any private citizen that wants to try  
17 to advocate for a particular candidate or cause or issue?

18 A. Yes.

19 Q. And I guess without belaboring the point that these  
20 get out the vote activities can include helping people  
21 request absentee ballots?

22 A. Yes.

23 Q. Helping people to register to vote?

24 A. Yes.

25 Q. Helping people get to the polling place?

1 A. Yes.

2 Q. And actually -- I'll go in a little bit more later.  
3 Actually helping those people vote if they have certain  
4 disabilities or language deficiencies?

5 A. Yes.

6 Q. Do you understand that get out the vote rights or  
7 activities include advocating on behalf of certain issues  
8 and candidates?

9 A. Yes.

10 Q. Sending out flyers and putting ads in media and  
11 things like that?

12 A. Yes.

13 Q. Is it your job to decide what kind of get out the  
14 vote activity is too aggressive or not? Is that your  
15 job?

16 A. No.

17 Q. Is it your job as auditor of Woodbury County to try  
18 to impinge upon any minority group or language-deficient  
19 group's ability to vote in the county?

20 A. No.

21 Q. Tell me why, as you understand it, in 2020 the  
22 voting materials were solely in English in Woodbury  
23 County.

24 A. There was a lawsuit that was brought forth, English  
25 as the official language in the state of Iowa, that

1 prevented us from printing voting materials in any other  
2 language than English.

3 Q. And are you generally aware that the Voting Rights  
4 Act of 1965 or amendments thereto had a specific --  
5 census-related rules relating to requiring counties to  
6 provide language-assistive materials subject to these  
7 complicated rules relating to the census numbers?

8 A. There was a threshold.

9 Q. So as you understood it, at least as of 2020, for  
10 either Asian-specific languages or Spanish, the problem  
11 was there's not enough Asian-speaking persons or Spanish  
12 people persons -- speaking persons in Woodbury County to  
13 justify having these materials on -- also printed in  
14 their native language?

15 A. That is the way I understood it.

16 Q. Based upon some prior lawsuit brought by some other  
17 party at a previous time.

18 A. Yes.

19 Q. All right. So as a consequence of that, you  
20 understood that people in Woodbury County who felt they  
21 were language deficient could seek help from other  
22 persons to assist them in engaging in all those voting  
23 activities; right?

24 A. Yes.

25 Q. And you didn't consider that illegal, did you?

1 A. I'm sorry. I didn't hear you.

2 Q. You didn't consider that illegal, did you?

3 A. No.

4 Q. What if these assisters or helpers were also at the  
5 same time advocating for specific candidates or causes  
6 that they felt candidate -- a particular candidate would  
7 support? Is there something illegal about that?

8 A. There is not.

9 Q. If at the time of this election through November of  
10 2020, was it prohibited under state law from a third  
11 person to deliver the ballot, absentee ballot, of  
12 another?

13 A. No.

14 Q. Is it now?

15 A. Yes.

16 Q. But not in November of 2020.

17 A. Correct.

18 Q. So at least through this relevant period of time in  
19 2020, was any specific person prohibited from picking up  
20 somebody else's sealed absentee ballot or absentee ballot  
21 request and delivering those to the auditor's office?

22 A. The laws changed on several occasions, but I don't  
23 know if candidates at that time were prohibited. But  
24 most generally anybody could do that.

25 Q. I don't think employers could either; right? Is

1 that --

2 A. Pardon?

3 Q. Employers couldn't either, could they?

4 A. Probably not.

5 Q. Certain exceptions?

6 A. Yeah.

7 Q. But subject to a few exceptions, people had a right,  
8 as you understand it, to go out, solicit people to  
9 request voter registration forms; true?

10 A. Yes.

11 Q. People had a right to go out and solicit other  
12 eligible voters to request absentee ballots by mail;  
13 right?

14 A. Yes.

15 Q. And then receive those absentee ballots, presumably  
16 vote on them, and then allow this other person or persons  
17 to deliver them. Nothing prohibited that.

18 A. Correct.

19 Q. And you're not claiming, are you, that during  
20 this -- what we'll call the 2020 election cycle that Kim  
21 Phuong Taylor was the only person in Woodbury County who  
22 was engaged as a presumptive helper for other  
23 language-deficient eligible voters, are you?

24 A. No.

25 Q. In fact, there were many people in Woodbury County

1 during this particular election cycle who engaged in  
2 language assisting helping of other eligible voters;  
3 right?

4 A. I'm sure there were.

5 Q. Well, I've been led to believe that if that helper  
6 or assister was providing that help or assistance at the  
7 actual polls that your office required that they sign and  
8 the voter sign a form. Is that true?

9 A. What the law says is that it must be acknowledged in  
10 the voter registration file that that person sought  
11 assistance, and that's what we train our precinct  
12 election officials to do is to request that if -- a  
13 couple different situations that can occur is that if the  
14 voter asks to be assisted of the precinct election  
15 officials in the morning, a Democrat and a Republican are  
16 assigned to assist a voter. And they have to fill out a  
17 form that says they requested assistance. And then so a  
18 Democrat and Republican can assist that person in the  
19 voting booth.

20 Otherwise there are only two -- well, four I guess,  
21 but it's the employer or the employer's agent or the  
22 union rep or a union agent cannot assist a voter in the  
23 polling place to fill out their ballot, and a candidate  
24 has been added to that list too. But otherwise a voter  
25 can be assisted by anybody that's in the polling place

1 that they choose to.

2 Q. They can bring somebody with them.

3 A. Pardon?

4 Q. They can bring somebody with them if they --

5 A. That's correct.

6 Q. They can ask somebody that's already there that they  
7 know to help them if they want.

8 A. That's correct.

9 Q. All right. And so did you train your precinct  
10 officials to require that these helpers sign some form  
11 that says that they're the helper and then require the  
12 voter to sign the same form?

13 A. What they're trained to do is ask the voters to sign  
14 that form. I've told them if the voter doesn't want to,  
15 just make sure that you document it.

16 Q. Well, do you require the helper to sign the form?

17 A. No. The voter -- yes, the helper is supposed to, I  
18 believe, sign that too.

19 Q. All right. So these are official public records  
20 that are created during the course of an in-person voting  
21 circumstance that you're requiring your precinct  
22 employees to create and keep; right?

23 A. Yes.

24 Q. Do you have them over there in Woodbury County  
25 Auditor's Office from the 2020 election, both general and

1 primary, all these helper affidavits that -- just wait.  
2 Do you have all these helper affidavits from the general  
3 and primary '22 (sic) election 2 blocks away in your  
4 office?

5 A. No, we do not.

6 Q. For any --

7 A. They would have been shredded.

8 Q. For anybody, any helper.

9 A. If they're beyond the 22 months, they would have  
10 been shredded.

11 Q. Well, this investigation where you began cooperating  
12 with the FBI, that began no later than early 2021, so  
13 there's certainly time to preserve those documents had  
14 you so desired. Are you saying that they've been all  
15 destroyed over this period of time?

16 A. If there would have been requests -- or those  
17 assistance forms, we would have had them up until the  
18 22-month period.

19 Q. So up and to basically what? September of 2022?

20 A. Yes.

21 Q. So if Kim Phuong Taylor appeared at any precinct  
22 location during the election cycle in 2020, either in the  
23 general, primary, and was asked to sign or required to  
24 sign one of those forms, you'd have had it for 22 months.

25 A. Yes.

1 Q. And same with anybody else that supposedly was a  
2 helper in that same kind of capacity; correct?

3 A. Yes.

4 Q. How many did Kim Phuong Taylor sign in the primary  
5 election in June of 2020? Do you know?

6 A. I do not.

7 Q. What about in the general election for -- in 2020?  
8 How many of those forms did she sign?

9 A. I do not know.

10 Q. Do you have any personal knowledge other than what  
11 somebody else said that she refused to sign any of those?

12 A. I do not.

13 Q. And theoretically, although we can't be certain, but  
14 theoretically, with regard to the -- these write-in  
15 candidates that you've referred to in your original  
16 testimony, your direct testimony, including her husband,  
17 there would have been a way to compare, if they had been  
18 retained, her certification affidavits and who possibly  
19 wrote in Jeremy Taylor's name for absent -- for a  
20 position in absentee; right?

21 A. I don't understand the way you're saying that.

22 Q. Well, you've told this jury that something  
23 extraordinary happened that Jeremy Taylor got all these  
24 write-in votes. Is that your position on this matter?

25 A. Yes.

1 Q. He's the only person in the primary in 2020 that got  
2 write-in votes?

3 A. No.

4 Q. In fact, there was hundreds of write-in votes; isn't  
5 that true?

6 A. A scattering is how we define it.

7 Q. All right. And just with respect to your position  
8 itself that you presently held, the auditor's position,  
9 Jeremy Taylor wasn't the only human being in Woodbury  
10 County who got write-in votes for your job.

11 A. Correct.

12 Q. In fact, it was what? Approximately half?  
13 Mr. Taylor got about 140, and the total scattering amount  
14 equaled what? 385 or something like that?

15 A. Might have been.

16 Q. Don't hold me to those numbers but --

17 A. I won't.

18 Q. -- we gotta fact check it. We'll do that later.

19 A. All right.

20 Q. In any event, so I guess I may return to that. But  
21 my point is is that some of those write-in people may  
22 have been people that his wife helped vote, right, and  
23 she had been forced to sign one of those forms that  
24 you've now since destroyed.

25 A. Yes.

1 Q. And if the voter signed it and she signed it, that  
2 voter would have been certifying that he or she  
3 authorized her to help; right?

4 A. I'm missing the relationship you have between the --  
5 those ballots and the voter-requested assistance because  
6 I thought you said something that you would be able to  
7 tie those together.

8 Q. I suggested that. Are you saying it would have been  
9 impossible?

10 A. Yes, I would --

11 Q. When you started counting the write-in votes, it  
12 would have been impossible to tie who the specific voter  
13 was?

14 A. Yes, and there's no procedure to do that.

15 Q. And you don't know how many of those supposed  
16 write-in votes were returned either by absentee either,  
17 do you?

18 A. They all were absentee because they were in the  
19 absentee precinct.

20 Q. Yep. Thanks for clarifying that. Okay. So in  
21 addition to the absentee ballots that had write-ins for  
22 Mr. Taylor and others, there was also a number of  
23 write-ins for your job on the regular ballots too; right?

24 A. There might have been.

25 Q. And other positions; isn't that correct?

1 A. Yes. Most of the time in the general election if  
2 you have two choices you receive very few write-ins.

3 Q. So at least in terms of naked extraordinary  
4 circumstances, the fact that somebody who was a former  
5 board of supervisor may get votes in an election for a  
6 different job, that's not all that extraordinary, is it?

7 A. It must've been extraordinary for those two precinct  
8 election officials to call it to my attention because I  
9 thought it was extraordinary too.

10 Q. Well, were you amused -- given the history that  
11 we're going to talk about with -- and your relationship  
12 with Mr. Taylor, were you amused that he had received so  
13 many extraordinary number of votes?

14 A. No. I just -- when they pointed out to me, I just  
15 said there's nothing we can do about it at this point.

16 Q. So let's roll back here in 20 -- 2019. In 2019  
17 Jeremy Taylor was on the Board of Supervisors; correct?

18 A. Yes.

19 Q. And you were the auditor.

20 A. Yes.

21 Q. And who was your first deputy auditor again?

22 Mr. Hofmeyer?

23 A. Steve Hofmeyer.

24 Q. Now, at some time it got brought to your attention  
25 that Mr. Taylor and his wife presumably owned two

1 residences at the same time; correct?

2 A. Correct.

3 Q. Do you remember what those addresses were?

4 A. One was on Grandview, and the other was -- I don't  
5 recall right off, but it was in Singing Hills or  
6 someplace.

7 Q. Christy Avenue?

8 A. Christy Avenue, correct.

9 Q. And Christy Avenue, like, had a pool and was up by  
10 the mall. You know where that was; right?

11 A. Yes, I knew where it was.

12 Q. And at some point in time there was a challenge to  
13 Mr. Taylor's voter registration; correct?

14 A. Correct.

15 Q. Who brought that challenge?

16 A. Maria Rundquist.

17 Q. And the essence of the challenge was what?

18 A. Voter registration challenge is that Mr. Taylor did  
19 not live at that address that he was registered to vote  
20 at.

21 Q. And you upheld that challenge and cancelled his  
22 registration to vote; correct?

23 A. Did you say I upheld it? Is that what you said?

24 Q. Yes, sir.

25 A. Yes, I did.

1 Q. And then as I understand it -- perhaps I have it  
2 wrong -- there was then a committee assembled to  
3 declare -- I guess to remove him from the Board of  
4 Supervisors; is that right?

5 A. No.

6 Q. Tell me what I'm missing there.

7 A. What occurs is that to declare a vacancy because the  
8 voter registration challenge has been upheld, and  
9 Mr. Taylor reregistered at some point. But anyway, once  
10 the voter regis -- his voter registration was no longer  
11 valid at that address, then the committee meets to  
12 declare a vacancy because there is no one in that  
13 position.

14 Q. Except he was already serving in that position for  
15 that district; right?

16 A. Pardon?

17 Q. He was already serving in that position from that  
18 district; right?

19 A. He was at one time. But once the voter registration  
20 challenge was upheld, then he could no longer legally  
21 hold on to that office. So that established a vacancy.

22 Q. Because he wasn't registered to vote or because he  
23 didn't live at the address that supposedly applied to the  
24 district in which he held that office?

25 A. There are two different things we're talking about

1 there. We're talking about voter registration challenge,  
2 and then we're talking about being eligible to be the  
3 supervisor in that district. Once the -- you're required  
4 to be a registered voter of your district. Woodbury  
5 County is a Plan 2 county, so you have to live in your  
6 district, but you're voted on countywide. So once his  
7 voter registration was canceled that he did not live in  
8 that district, then that creates a vacancy. And the  
9 formality is is that the committee gets together and  
10 declares a vacancy to decide whether to appoint someone  
11 or to call for a special election.

12 Q. Well, there was a hearing first, was there not,  
13 where you and Mr. Hofmeyer and others presented evidence  
14 as it was to support the conclusion that he didn't live  
15 in this particular district, thus his voter registration  
16 was void; correct?

17 A. First off, Mr. Hofmeyer did not perform anything in  
18 either of those hearings. But the first hearing you're  
19 talking about, voter registration challenge has nothing  
20 to do with an office holder; okay? That is just whether  
21 you live at the address that -- you can be challenged for  
22 any of those reasons that you have to be able to qualify  
23 to vote, to be an eligible voter. So you can be  
24 challenged on voter registration. You can be challenged  
25 on any of those, if you're not a citizen or you don't

1 live at the address or you're not 18 or those type of  
2 things. This particular challenge was on that he no  
3 longer lived at the address that he was registered to  
4 vote in.

5 And so we held a hearing. And I upheld that  
6 challenge because the e -- beyond the preponderance of a  
7 doubt I think it is is that you cancel that registration  
8 because that person doesn't live there. So that's the  
9 voter registration. And so that person cannot vote  
10 because -- we go back to those ballot styles, is that you  
11 have to give that person the correct ballot style in  
12 order for them to vote. So if they're not living at that  
13 address, we can't give them a ballot for that address.  
14 And so that's the first part of that. That is just voter  
15 registration.

16 Then the second one that you are talking about is a  
17 hearing that is held, and it involves the county attorney  
18 and the county treasurer and myself. And that's because  
19 we're just one of two counties in Iowa where the recorder  
20 and the auditor is merged. Otherwise it would be the  
21 recorder that would sit on that -- the committee.

22 So in Woodbury County it was the county attorney,  
23 the county treasurer, and myself who sat in on that  
24 committee. And we met, and the first motion that you  
25 make is that you -- to declare a vacancy exists in that

1 office because there is not an eligible -- there is not a  
2 registered voter who has been elected to that seat. That  
3 person, he resigned the office. And so there was a  
4 vacancy. And once that vacancy is heard, then we decided  
5 to call for a special election.

6 Q. Well, he resigned after the hearing.

7 A. Pardon?

8 Q. He resigned after the second hearing that you --

9 A. No, he resigned after the first hearing. I'm sorry.

10 Q. All right. Then you declared a vacancy; correct?

11 A. After the first hearing we held -- after the first  
12 hearing which I sat in judgment of -- that's what the  
13 auditor does. In a voter registration challenge, it is  
14 purely the auditor that decides whether to uphold that  
15 voter registration challenge.

16 Q. So you were part of the -- you were in charge of  
17 collecting the evidence as part of that voter  
18 registration challenge; is that right?

19 A. Not collecting it. It is to be received at the  
20 hearing.

21 Q. Did you participate in the collection of evidence?

22 A. I did not.

23 Q. Did you discuss the collection of evidentiary items  
24 using the public e-mail system at Woodbury County  
25 Auditor's Office?

1 A. When -- yes. When -- when the voter registration  
2 was -- challenge was made, I started researching what I  
3 could do. And then I went to the Board of Supervisors  
4 and asked for a -- because it was very political. And so  
5 I asked for a -- an attorney to assist me in doing that  
6 because I wanted to make sure that I got it right. And  
7 so that's what we did.

8 And early on in that conversation with the attorney,  
9 I asked what my role would be as far as evidence. And he  
10 said you cannot collect any evidence. You can receive it  
11 at the hearing. And that's what we laid out. And I  
12 had -- a couple different people were asking me about  
13 evidence and how that hearing was going to go, and then I  
14 just started -- once we hired the attorney, I started  
15 referring everybody to the attorney.

16 Q. So you wouldn't have participated in the collection  
17 of any evidence by false pretenses, of course.

18 A. Would I have?

19 Q. Yes.

20 A. Oh, no, I would not have.

21 Q. Would you have participated in allowing another  
22 person to make a representation to the city of Sioux City  
23 water department that they wanted the water bills for two  
24 of the defendant's -- or two of Mr. Taylor's residences?

25 A. Did I participate in that?

1 Q. Yeah. Did you --

2 A. No, I did not.

3 Q. -- participate in that? Did you know that a request  
4 had been made to the city of Sioux City for the water  
5 bills of the defendant -- excuse me, Mr. Taylor and the  
6 defendant's two residences under a ruse that the query  
7 was for another reason?

8 A. Say that again, please.

9 Q. Mr. Taylor's water bills were acquired. Yes?

10 A. Acquired? Yes. I'm sorry. I'm hard of hearing,  
11 and I'm a mumblor.

12 Q. Okay. Mr. Taylor's water bills were acquired;  
13 correct?

14 A. Yes.

15 Q. For the two residences; correct?

16 A. That's correct.

17 Q. Who acquired the water bills?

18 A. Dan Greenwell.

19 Q. Who is Dan Greenwell?

20 A. He's a registered voter. He is now president of the  
21 school board.

22 Q. And --

23 A. Sioux City Community School District.

24 Q. You communicated with Mr. Greenwell about acquiring  
25 the water bills.

1 A. I didn't communicate with him about that. He was  
2 asking about that, and that's when I referred him to the  
3 attorney.

4 Q. He forwarded you a message on the county e-mail  
5 about his inquiry to the city regarding the water bills;  
6 correct?

7 A. At some point I saw that.

8 Q. Was the basis of the query true?

9 A. I don't know to be quite honest with you.

10 Q. That's not what the water bills were ultimately used  
11 for, was it, some real estate purpose?

12 A. As far as the voter registration challenge,  
13 that's -- they were used as evidence to prove that  
14 Mr. Taylor wasn't living at that residence.

15 Q. Mr. Taylor submitted statements and affidavits from  
16 purported neighbors of his at the challenged residence  
17 who were Vietnamese Americans; correct?

18 A. Yes.

19 Q. Did you accept those as truthful or credible?

20 A. Yes.

21 Q. And then after -- eventually you ultimately ruled  
22 that he was ineligible to vote in that district; correct?

23 A. Yes.

24 Q. And thus there was a vacancy -- and you've cleared  
25 that up for me. Thus there was a vacancy for that

1 district of -- supervisor position; correct?

2 A. Yes.

3 Q. And then he resigned.

4 A. Yes.

5 Q. So from -- and that was in about January 21, 2021,  
6 is that true, when he resigned?

7 A. No. 2020 I believe it would have been.

8 Q. When was this hearing?

9 A. January of 2020, I believe.

10 Q. Correct. So from January of 2020 until he got  
11 reelected to a Board of Supervisor position at a  
12 different district in November, he was just a private  
13 citizen; right?

14 A. Gosh, I'm trying to go through the years. But  
15 anyway, yes, in 2019 is when the challenge was filed.  
16 January 2020 was the hearing. And then he resigned  
17 shortly after that.

18 Q. Who was the person that manually wrote in all these  
19 write-in votes that you referred to previously?

20 A. Who was the person?

21 Q. Yeah, who was the person that was writing --

22 A. I do not know.

23 Q. You don't know?

24 A. I do not know.

25 Q. How do you know they're accurate?

1 A. Pardon?

2 Q. How do you know this unknown person wrote down an  
3 accurate list of all the persons who received write-in  
4 votes for various positions?

5 A. Please ask that question again.

6 Q. I'm going to show you what I've had premarked as  
7 Defendant's Exhibit A11 for identification. I'll give  
8 you a paper copy at this time.

9 MR. BROWN: May I approach, Your Honor? I'm  
10 sorry. May I approach?

11 THE COURT: Yep.

12 Q. Mr. Gill, have you ever seen A11 before?

13 A. I might have. I don't know.

14 Q. Let me show you what I've had premarked as Exhibit  
15 A10 for identification. What is A10?

16 A. A10 is a copy of the abstract of votes for the  
17 county supervisor District 3 Republican.

18 Q. And which particular election? It'd be the primary,  
19 would it not?

20 A. Yeah, it says June 9, 2020. No. This was a -- this  
21 would have been at the canvass June 9 is when the Board  
22 of Supervisors signs the abstract of votes to -- at this  
23 point when the Board of Supervisors signs this, this is  
24 when the vote becomes official. That's the accepted vote  
25 for that particular contest.

1 Q. Is that a -- is that A10 one of the elections in  
2 which Jeremy Taylor received some unusual amount of  
3 write-in votes?

4 A. Yes.

5 Q. And that's part of this write-in vote extraordinary  
6 situation that you referred to in your direct testimony?

7 A. Yes.

8 Q. And is A10 a true and correct copy of a public  
9 record made in accordance with the rules and regulations  
10 of Woodbury County?

11 A. Of the state of Iowa, yes.

12 Q. State of Iowa?

13 MR. BROWN: Offer A10, Your Honor.

14 \* \* \* \*

15 (Defendant Exhibit A10 was offered.)

16 \* \* \* \*

17 THE COURT: Any objection?

18 MR. EVANS: No, Your Honor.

19 THE COURT: Defense Exhibit A10 is received.

20 \* \* \* \*

21 (Defendant Exhibit A10 was admitted.)

22 \* \* \* \*

23 Q. So while I'm finding my A10 here, Mr. Gill, is not  
24 A11 supposedly the backup data written by some unknown  
25 person that goes along with A10? Or am I getting

1 something wrong here?

2 A. I believe that's correct.

3 MR. BROWN: Offer All, Your Honor.

4 \* \* \* \*

5 (Defendant Exhibit A11 was offered.)

6 \* \* \* \*

7 THE COURT: Any objection?

8 MR. EVANS: Yes, Your Honor. I don't think  
9 there's been proper foundation laid. There's no date on  
10 this document. There's nothing -- I think Mr. -- I think  
11 the witness indicated he didn't recall ever even seeing  
12 this document.

13 THE COURT: At this point I'm going to sustain  
14 the objection pending perhaps additional foundation.

15 MR. BROWN: Thank you, Your Honor.

16 Q. Going back to A10 for a second, so the county Board  
17 of Supervisors certified on June 9 that Jeremy Taylor  
18 received 150 votes write-in for county supervisor  
19 District 3 Republican; is that true?

20 A. Yes.

21 Q. And then 215 are noted as scattering. So what does  
22 that mean?

23 A. Means that one or two write-in votes for those.

24 Q. So are you saying 215 other people got votes or some  
25 combination of other persons got write-in votes to make

1 up that additional 215?

2 A. Yes.

3 Q. Okay. I think you also said that in this same  
4 election that Mr. Taylor received write-in votes for your  
5 job.

6 A. Correct.

7 Q. Is that right?

8 A. Yes.

9 Q. So I'm going to show you what I've had premarked as  
10 Defendant's Exhibit A12 at this time and withdraw A11 at  
11 this time, Your Honor.

12 Do you know, Mr. Gill, what A12 for identification  
13 is?

14 A. It looks to be results from the absentee precinct  
15 for the primary election held June 2.

16 Q. And on page 5 is it signed by precinct election  
17 officials?

18 A. Yes, it is.

19 Q. Do you know who those election officials are?

20 A. I know a couple of them, yes.

21 Q. Is this document, A12, a compilation of -- of the  
22 results of the primary election from June 2022 (sic)  
23 that's conducted by the Woodbury County Auditor's Office?

24 A. Yes.

25 Q. Is this a record that would be kept in the regular

1 course of business of the Woodbury County Auditor's  
2 Office?

3 A. Yes.

4 Q. And is this record of the type that would be sent to  
5 state officials as part of the certification of an  
6 election?

7 A. I don't believe this would be sent, but it would be  
8 part of the documentation for the canvass.

9 MR. BROWN: Offer A12 at this time, Your Honor.

10 \* \* \* \*

11 (Defendant Exhibit A12 was offered.)

12 \* \* \* \*

13 THE COURT: Any objection?

14 MR. EVANS: No objection, Your Honor.

15 THE COURT: Defense Exhibit A12 is received.

16 \* \* \* \*

17 (Defendant Exhibit A12 was admitted.)

18 \* \* \* \*

19 Q. So if you turn to page 5 of A12, Mr. Gill, there's a  
20 notation, Republican for County Auditor and Recorder. Do  
21 you see that?

22 A. Yes.

23 Q. And it says No Candidate and then zero votes. Is  
24 that what it says?

25 MR. BROWN: May I approach?

1 A. No candidate got zero votes, correct.

2 Q. I'll bring up A12 here on the big screen. I'll  
3 enlarge -- specifically I'm referring to -- do you see on  
4 the screen there REP for County Auditor and Recorder?

5 A. Yes.

6 Q. All right. And then -- so there's 285 write-in --  
7 write-in votes recorded; is that correct?

8 A. Yes.

9 Q. Who -- is it your memory even though these write-ins  
10 have not been preserved that Jeremy Taylor received the  
11 lion's share of those 285 write-in positions for your  
12 job?

13 A. Yes.

14 Q. You said 2 -- excuse me, Mr. Gill.

15 MR. BROWN: You said 2:30, Your Honor?

16 A. Where are you pulling this from?

17 THE COURT: Hold on. Let's start over. Yes,  
18 2:30 is when we're stopping for the day. So I'm not sure  
19 if you want to ask a follow-up question because Mr. Gill  
20 seemed a little concerned about something. That's up to  
21 you.

22 Q. Mr. Gill, did you have some other comment you wanted  
23 to make about the inquiry that we're making at this time?

24 A. Ask me the question again, please, about the county  
25 auditor and recorder results.

1 Q. My question was of the recorded approximately or  
2 exactly 285 write-in votes for county auditor and  
3 recorder, in the primary election, did Jeremy Taylor get  
4 the lion's share of those or all of them or just some of  
5 them?

6 A. Of the 285 write-in votes, as I recall, Jeremy  
7 Taylor received over a hundred of those.

8 Q. So somewhere -- the balance of maybe 185 or  
9 something a little less than that went to other people  
10 that --

11 A. Would have been a scattering.

12 Q. Okay. But there's still people that -- registered  
13 voters in Woodbury County voted to -- effectively a  
14 protest vote against you; right?

15 A. It wouldn't be a vote against me.

16 Q. Well, you didn't have to run in the primary anyway.  
17 But --

18 A. Yes.

19 Q. -- there wasn't any -- there wasn't any candidate  
20 for Republican auditor in the primary; right?

21 A. There was no candidate for -- on the Republican  
22 primary ballot for auditor and recorder.

23 Q. So any write-in for your job as county auditor and  
24 recorder in a primary, it's just performance art; right?  
25 I mean, it doesn't mean anything; correct?

1 A. It would if there were a number -- enough write-in  
2 votes for one person, then yes.

3 Q. Well, if Jeremy Taylor had received 10,000 votes,  
4 write-in votes, for auditor, he wasn't -- he wasn't going  
5 to be the auditor after the primary. He'd have had to  
6 run for auditor in November; right?

7 A. No. There's a percentage of votes that were cast in  
8 the last -- I can't just call it off the top of my head.  
9 But yes, if you receive enough votes in the Republican  
10 primary as a write-in, there's a formula based on  
11 previous vote count the last time that that contest was  
12 on the ballot. And I believe it is like 35 percent of  
13 those. But you would go on as then -- if Jeremy Taylor  
14 received that amount, then he would go on the general  
15 election ballot as the candidate for county auditor,  
16 Republican candidate for county auditor. So there are  
17 consequences.

18 Q. Right. Okay. But he wouldn't have been the auditor  
19 just at that moment after the --

20 A. No, he would have -- he would have appeared on the  
21 general election ballot as the candidate for auditor and  
22 recorder unless he withdrew.

23 Q. So -- and instead what happened was Mr. Taylor lost,  
24 got third place in the House of Representatives primary;  
25 right?

1 A. Yes.

2 Q. His name wasn't on the special election in the  
3 summer; correct?

4 A. Correct.

5 Q. And then he threw his name in the hat to get back on  
6 the Board of Supervisors in the general election.

7 A. Yes, they have to call a special convention.

8 Q. In November of 2020; right?

9 A. Correct.

10 Q. So your adversary, once he's reelected, has  
11 returned. Do you agree with that?

12 MR. EVANS: Objection. Improper.

13 MR. BROWN: Withdrawn, Your Honor.

14 THE COURT: That's sustained.

15 Q. Well, let's circle back to the clerk's office --  
16 your auditor's office's issues with Kim Taylor. Is it  
17 true that one of the complaints was that Kim Phuong  
18 Taylor was too aggressive in some way?

19 A. Complaints? What was the question?

20 Q. Yeah. Did the auditor -- auditor's office report to  
21 you that the nature of the complaint about Kim Taylor's  
22 GOTV activities were that she was too aggressive?

23 A. Not from my office.

24 Q. Well, was the too-aggressive moniker, descriptor  
25 from some outside sources that came to the auditor's

1 office?

2 A. It wasn't -- they didn't come to my office, but it  
3 was just in conversations that I would have. People felt  
4 that she was pretty aggressive. And what I would tell  
5 them is that just like you're saying, it's a get out the  
6 vote effort, and she's absolutely entitled to do that.

7 Q. Nothing in the law that expressly prohibited  
8 aggressive get out the vote activities; correct?

9 A. Absolutely not.

10 Q. And, in fact, although you told this jury that  
11 you've never even spoken to Kim Taylor -- is that still  
12 your testimony?

13 A. Yes.

14 Q. -- others in your office had about election-related  
15 matters; correct?

16 A. Repeat that, please.

17 Q. Others in your office had had conversation with Kim  
18 Taylor about election-related matters, had they not?

19 A. I'm sure they have.

20 Q. Including Erica Tuttle. That would be one person  
21 who's had conversations with Miss Taylor about  
22 election-related activities; correct?

23 MR. EVANS: Objection. Assumes facts not in  
24 evidence.

25 THE COURT: That's overruled. The witness can

1 answer if he knows.

2 A. Please repeat the question.

3 Q. Is it -- to your knowledge was your contractor  
4 employee Erica Tuttle one of the persons that had  
5 conversations with Kim Taylor about election-related  
6 activities?

7 A. Yes.

8 Q. What about Mr. Hofmeyer?

9 A. I don't believe so.

10 Q. What about Miss Skaff, S-k-a-f-f? What about her?

11 A. I don't believe so.

12 Q. Who else besides Ms. Tuttle?

13 A. In my office?

14 Q. In your office.

15 A. As far as her efforts, I don't believe any of them  
16 because they wouldn't have witnessed it.

17 Q. And how is it that you would have been in a position  
18 to watch -- to see Kim Taylor put ballots in a drop box  
19 and her husband's out there in the car, you know,  
20 waiting? How were you in a position to see this?

21 A. How was I in a position to see that?

22 Q. Yeah.

23 A. The -- it happened a few times, and it was mostly at  
24 the end of the day when we were leaving the office. I  
25 know that I saw it maybe a couple of times on my own, and

1 I saw it a couple of times when I walked out with  
2 Michelle Skaff who is the deputy county auditor.

3 Q. So what's the big deal that you saw her dropping off  
4 some voting-related documents and her husband's sitting  
5 out in the minivan? What's the big deal? Is there one?

6 A. No, there isn't.

7 Q. What'd you bring it up for then?

8 A. When the irregularities surfaced, that's when I  
9 brought it up is that I believe that he knew what was  
10 going on.

11 Q. Do you have any proof of that?

12 A. No.

13 Q. Was Kim Taylor in the 2020 election cycle the only  
14 person that was coming down to the drop box in English  
15 only and putting in voting-related materials?

16 A. No.

17 Q. Big fight about that drop box, was there not,  
18 between the Republican party and the Democratic party?

19 A. No, not between the parties. There was a -- at the  
20 Secretary of State's office once ruled, it said that they  
21 were not legal.

22 Q. So you went out and got a -- you went out and got an  
23 opinion from the county attorney's office in Woodbury  
24 that the location where the drop box was posted was an  
25 extension of the office; right?

1 A. I might have. But what occurred was the Secretary  
2 of State's office, someone went to the attorney general's  
3 office, and the attorney general's office said that the  
4 Secretary of State's office was wrong in their advice.

5 Q. In any event, that allowed Woodbury County to  
6 establish what? An extra location drop box location for  
7 the convenience of all voters?

8 A. Yes.

9 Q. And to this day you still think it's ironic or  
10 incriminating somehow that Kim Taylor is seen on at least  
11 one or more occasions putting documents into that  
12 lawfully established ballot box? I don't get it.

13 A. What is your question?

14 Q. My question is what did you find suspicious or  
15 concerning about Kim Taylor putting documents into the  
16 lawfully established ballot box?

17 A. Other than the fact that I saw on numerous occasions  
18 delivering handfuls of ballots, putting in the ballot  
19 box. There's nothing illegal about that. There is now.  
20 But it is not; it wasn't at that time.

21 Q. She wasn't the only person that was bringing  
22 absentee ballots or absentee ballot requests down to the  
23 ballot box, was she?

24 A. She was not.

25 Q. She wasn't doing it under cover of darkness

1 and . . .

2 A. No.

3 Q. In fact, she came into the auditor's office and  
4 brought in voting-related documents including absentee  
5 ballots right into the auditor's office; correct?

6 A. Probably. I don't recall seeing her, but probably.

7 Q. Jeremy Taylor's a Republican. You're a Democrat;  
8 true?

9 A. Correct.

10 Q. And never the twain shall meet. Do you agree with  
11 that?

12 A. Pardon?

13 Q. At the present how many county officials are  
14 Democrats?

15 A. In Woodbury County? I'm the only Democratic --

16 Q. You're the -- you're the --

17 A. -- office holder.

18 Q. You're the last of the Mohicans, so to speak?

19 A. Yes. Last man standing.

20 Q. And is that because it's a reddening county, or is  
21 it because the Republicans are doing a better job, or do  
22 you have any theory about that?

23 A. I can't give you that.

24 Q. If Mr. Taylor was to lose his position as Board of  
25 Supervisors now, who would be in charge of appointing a

1 new one?

2 A. Did you -- honestly I'm having a hard time hearing  
3 you.

4 Q. I'm sorry. If Mr. Taylor were to lose his position  
5 on the Board of Supervisors now, who is the person who  
6 would be responsible for replacing him?

7 A. The committee -- if there was a vacancy, the  
8 committee made up of the county attorney, myself, and the  
9 county treasurer would meet to decide whether or not we  
10 wanted to appoint someone or call for a special election.

11 Q. Have you publicly discussed plans to run for his  
12 district position on the Board of Supervisors?

13 A. No, I never have.

14 Q. Have you ever discussed that in public, your  
15 interest or contemplation to run?

16 A. No, I have not.

17 Q. Do you shop at Fareway?

18 A. Yes.

19 Q. Were you in Fareway in June of 2023?

20 A. Probably.

21 Q. Would there have been any circumstances whatsoever  
22 that a person would have overheard you say that you had  
23 thoughts, ideas, or were contemplating a run for Woodbury  
24 County Board of Supervisors position?

25 A. Absolutely not.

1 Q. So let's talk a little bit about your assistance  
2 that you provided to the FBI and the federal government  
3 in this matter. Is it fair to say that you communicated  
4 with the chief agent, Mr. Murphy, by e-mail from time to  
5 time?

6 A. Yes.

7 Q. And you provided Mr. Murphy, Agent Murphy, with  
8 documentation as he requested and other materials; is  
9 that right?

10 A. Yes.

11 Q. Did you provide documentation independently to the  
12 U.S. Attorney's Office?

13 A. If they requested something, yes.

14 Q. From time to time did you pass along information to  
15 Agent Murphy that you had gained relative to, you know,  
16 what the FBI was investigating?

17 A. Yes. I refrained from, you know, trying to do any  
18 investigation. But when -- during the investigation if  
19 they would ask for something, I would provide that  
20 information.

21 Q. Did you ever provide any information that was  
22 unsolicited?

23 A. Probably.

24 Q. One of the things that they were investigating was  
25 who filled out absentee ballot requests, voter

1 registration forms, and absentee ballot materials;  
2 correct?

3 A. Yes.

4 Q. And specifically with the absentee ballot request  
5 forms, they were trying -- you understood that he was  
6 trying to figure out who had filled out these forms;  
7 right?

8 A. Yes.

9 Q. For various Asian -- Vietnamese American voters;  
10 correct?

11 A. I believe that would have been what he was doing,  
12 some of it.

13 Q. And -- now, you had told -- I believe you'd said  
14 something on direct, in your direct exam, about anybody  
15 could fill out those absentee ballot request forms except  
16 what? For the signature part? Is that right?

17 A. Yes.

18 Q. In fact, your office sent out over 50,000 of them  
19 already preprepared for the individual voter; correct?

20 A. Yes.

21 Q. And for your sins you got sued by the Trump campaign  
22 to stop that; right?

23 A. Yes.

24 Q. And that was all -- and that lawsuit was occurring  
25 during, you know, this COVID pandemic 2020 election

1 cycle; correct?

2 A. Correct.

3 Q. Did that cause some delays in Woodbury County's  
4 election cycle itself?

5 A. No, there wouldn't have been any delays. What  
6 happened was I had to send blank forms to every voter  
7 that we had received a prefilled absentee request form.  
8 We had to send a blank ballot to them. But as far as  
9 delaying, there was no delay that took place.

10 Q. And were lists compiled on which voters that had to  
11 be notified that their previous request for absentee  
12 ballot had been invalidated?

13 A. Yes.

14 Q. So that was, like, tens of thousands, wasn't it?

15 A. No, I don't -- maybe seven, eight thousand or  
16 something.

17 Q. Okay. Seven or eight thousand?

18 A. Yes.

19 Q. The auditor's office had to notify seven or eight  
20 thousand people in the 2020 election cycle that their  
21 absentee ballot request had been --

22 A. Invalidated.

23 Q. -- invalidated. And when is this occurring? All  
24 through the summer?

25 A. Honestly I don't recall when it was. I know that it

1 was far enough in advance that we were able to send out  
2 those request forms, and people would have had time to  
3 respond and send them back.

4 Q. Was there a gentleman by the name of Andrew that you  
5 provided information with regarding the iVoters database  
6 and the invalidation of their records?

7 A. That sounds familiar.

8 MR. BROWN: May I approach, Your Honor?

9 THE COURT: Sure.

10 Q. I'm going to show you what I've had premarked as  
11 Defendant's Exhibit A2 for identification. It's a  
12 two-page document. Have you ever seen A2 before?

13 A. Have I seen this before?

14 Q. Yes, sir.

15 A. Yes, I have.

16 Q. What is A -- what is A2 for identification without  
17 telling the jury what it says? What is it, sir?

18 A. I believe this person was asking for -- if there was  
19 the ability to get that list because I believe that they,  
20 whoever it was, wanted to contact those voters to make  
21 sure that if they had requested a ballot that they were  
22 going to request a ballot again.

23 Q. So this is an e-mail that you -- it's a little bit  
24 difficult to tell because it appears like I cut off the  
25 actual send part. Do you recognize -- are you the Pat in

1 the sender?

2 A. Yes.

3 Q. Would you have sent this through the Woodbury County  
4 e-mail system?

5 A. Yes.

6 Q. Is the e-mail that you used at Woodbury part of the  
7 regular course of business of the Woodbury County  
8 Auditor's Office?

9 A. Yes.

10 Q. And the attachment that you --

11 THE COURT: Can you stay close to the  
12 microphone, please? We're having trouble hearing you.

13 MR. BROWN: I'm sorry, Your Honor.

14 Q. Is the attachment that goes along with that e-mail a  
15 compilation of an official report?

16 A. If I sent one, it would have been on an Excel  
17 spreadsheet that we were creating to keep a record.

18 Q. And then looking at the second page, can you  
19 identify the second page of Exhibit A2?

20 A. Yes. What are you asking about it?

21 Q. Do you recognize the second page of Exhibit A2?

22 A. Honestly I don't recognize that.

23 Q. All right. Fair enough. But with respect to the  
24 first page, does that at least refresh your memory as to  
25 approximately how many absentee ballots were invalidated

1 as a result of these issues that we discussed regarding  
2 the prepopulated --

3 A. Yes, it says 7,000 of these records that were  
4 processed, and the other it says about half, so if you  
5 went off half, it would be 14,000, but these were -- we  
6 were -- we hadn't entered those into the system because  
7 we were getting so many at the time. So we -- besides  
8 those that were entered in the system, we also entered in  
9 that spreadsheet those that we hadn't entered in the  
10 system yet. There was -- there was a lot of them. And  
11 we were trying to get them turned around as quickly as we  
12 could.

13 Q. And the date all that would have been occurring  
14 could have included, what, into September of 2020?  
15 Excuse me, Nov -- Septem -- yeah, September of 2020?

16 A. I have nothing here to refresh my memory about the  
17 time.

18 MR. BROWN: Your Honor, I have about an hour  
19 left. Would you like -- would this be a good transition  
20 point?

21 THE COURT: Yeah. It is time to stop for the  
22 day, so we will go ahead and break and come back and  
23 resume the cross-examination in the morning.

24 Members of the jury, I am about to excuse you for  
25 the evening. Please remember all of the rules again that

1 we've talked about. Don't do any research. Don't talk  
2 about the case. Don't listen to any news accounts or  
3 look up anything on the internet about this case. We'll  
4 be on the same schedule tomorrow, so again, starting at  
5 8:30 and going until 2:30. I hope you all have safe  
6 travels. We'll see you in the morning.

7 (The jury exited the courtroom.)

8 THE COURT: Please be seated. The jury has  
9 left the courtroom for the day. Parties and counsel are  
10 still present.

11 Anything to take up before we stop for the day?  
12 Anything from the United States?

13 MR. EVANS: Nothing from the United States,  
14 Your Honor.

15 THE COURT: Anything from the defense?

16 MR. BROWN: No, Your Honor.

17 THE COURT: All right. Same thing tomorrow.  
18 Unless I hear otherwise by e-mail or other form of  
19 communication that there's something we need to talk  
20 about, I'll plan on coming in at about 8:25 tomorrow.  
21 And then we'll pick up with the cross-examination at  
22 8:30. Have a good night, everyone. We'll see you  
23 tomorrow.

24 (The foregoing trial was  
25 adjourned at 2:32 p.m.)



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 15, 2023

8:29 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 3 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:       RON TIMMONS, ESQ.  
Assistant United States Attorney  
Ho-Chunk Centre - Suite 670  
600 Fourth Street  
Sioux City, IA 51101

RICHARD B. EVANS, ESQ.  
LAUREN CASTALDI, ESQ.  
Trial Attorneys  
10th Floor  
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For the Defendant:     F. MONTGOMERY BROWN, ESQ.  
F.M. Brown Law Firm  
Suite 108  
1001 Office Park Road  
West Des Moines, IA 50265

Also present:           Matthew Murphy

Reported by:           Shelly Semmler, RDR, CRR  
320 Sixth Street  
Sioux City, IA 51101  
(712) 233-3846

1           (Proceedings reconvened outside the presence of the  
2 jury.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004, the  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MR. EVANS: Good morning, Your Honor. Richard  
8 Evans for the United States, and with me is Lauren  
9 Castaldi as well as Ron Timmons.

10          THE COURT: All right. Good morning to all of  
11 you.

12          MR. BROWN: F. Montgomery Brown for the  
13 defense, Your Honor.

14          THE COURT: All right. Good morning to both of  
15 you. Ms. Taylor is present. We have not yet brought the  
16 jury in.

17          Any issues or questions to take up before we see if  
18 the jury's ready? Mr. Evans?

19          MR. EVANS: Not from the government, Your  
20 Honor.

21          THE COURT: Mr. Brown?

22          MR. BROWN: No, Your Honor.

23          THE COURT: And as I understand it, we had  
24 Mr. Gill on the stand at the end of the day yesterday,  
25 and there will be additional cross-examination. What's

1 going to be the next step as far as after Mr. Gill's  
2 testimony's completed?

3 MR. EVANS: The government will be calling  
4 more . . .

5 MR. TIMMONS: We're going to call a few more  
6 witnesses, Your Honor. I can give you the specific  
7 names. Let me find the --

8 THE COURT: Yeah, since we don't --

9 MR. TIMMONS: The number might be easier.

10 THE COURT: Sure. I don't see that our jury's  
11 ready yet, so you can give me a quick roadmap here.

12 MR. TIMMONS: We plan to start with number 8,  
13 Nhieu Huynh, followed by number 7, Mr. Nguyen Huynh. And  
14 I'm not entirely sure of the order, but I believe it will  
15 be after that Mr. Andy Luu, number 10, and Hoang Luu,  
16 number 12, then Anthony Luu, number 11.

17 THE COURT: Okay.

18 MR. TIMMONS: Depending on how far we can get.

19 THE COURT: Sure. And then as you call each of  
20 those witnesses, do some need the interpreter and some  
21 not, or what's the situation on that?

22 MR. TIMMONS: Yes, Your Honor.

23 THE COURT: And you can just -- as you call  
24 them just make sure we all know and that our interpreter  
25 is aware as well.

1           MR. TIMMONS: Understood. Mr. Nhieu Huynh,  
2 number 8, needs an interpreter, as well as number 12,  
3 Hoang Luu.

4           THE COURT: Great. And looks like maybe is our  
5 jury ready? Okay. Let's go ahead and bring in the jury.  
6 Thanks.

7           (The jury entered the courtroom.)

8           THE COURT: Please be seated, everyone.  
9 Members of the jury, welcome back. Thank you all for  
10 being here promptly again this morning. This is day 3 of  
11 our jury trial in this case. As with yesterday, we'll be  
12 looking at somewhere around 10:15-to-10:20 range for our  
13 first scheduled break.

14           It does feel a little bit cooler in here today than  
15 yesterday. And just a warning, sometimes that trend will  
16 continue. So it might continue to get cooler as the day  
17 goes on. We'll just have to see.

18           In any event, when we stopped for the day yesterday,  
19 Mr. Gill was testifying and was in the process of  
20 cross-examination at that time.

21           So, Mr. Gill, if you'll come back forward, sir, and  
22 we'll continue the cross-examination. Good morning.

23           THE WITNESS: Good morning.

24           THE COURT: And you can just go ahead and  
25 retake the witness stand, sir.

1 PATRICK GILL, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

2 THE COURT: And, Mr. Gill, just for the record,  
3 do you understand that you are still under oath?

4 THE WITNESS: I do.

5 THE COURT: Okay. Thank you.

6 Mr. Brown, you may continue the cross-examination.

7 CONTINUED CROSS-EXAMINATION

8 BY MR. BROWN:

9 Q. Good morning, Mr. Gill.

10 A. Good morning.

11 Q. I want to show you what's been admitted as  
12 Government's Exhibit 53, please. Can you see Exhibit 53  
13 on your screen?

14 A. I do.

15 Q. Do you recognize Exhibit 53?

16 A. I do.

17 Q. What is 53?

18 A. Affidavit of voter requesting assistance.

19 Q. And is that the affidavit that we spoke about  
20 yesterday that was -- had been kept for 22 months?

21 A. Yes.

22 Q. And each precinct election official was required to  
23 utilize this form for any person who -- and any voter who  
24 provided both assistance and the voter themselves?

25 A. Yes.

1 Q. Am I reading that correctly?

2 A. Yes.

3 Q. All right. And we don't have these anymore from the  
4 2020 election cycle; is that correct?

5 A. That's correct.

6 Q. All right. Did Special Agent Murphy ever request  
7 that you provide him with any of these Exhibit 53 that --  
8 signed by any voter that was associated with Kim Phuong  
9 Taylor?

10 A. I don't recall, but I don't believe so.

11 Q. All right. Let's move on to the next thing. Thank  
12 you. Now, is it true due to the COVID-19 pandemic in  
13 2020 that the auditor's office and you were encouraging  
14 all Woodbury County voters to request absentee ballots?

15 A. Yes, I made an effort to do that.

16 Q. And the program was called Stay At Home and Vote At  
17 Home; is that right?

18 A. Yes.

19 Q. And you were cognizant that there were some voters  
20 that were going to need assistance in the disabled and  
21 language-assisted community; correct?

22 A. Yes.

23 Q. And did you reach out to organizations to make sure  
24 that there were people available to help assist disabled  
25 voters and language-deficient voters?

1 A. Are you talking election day or satellite voting?

2 Is that what you're talking about?

3 Q. Any time starting with the primary election even  
4 back as early as April 13, 2020.

5 A. We did what we normally do. I can talk -- we sent  
6 out a mailer requesting -- advising people to stay at  
7 home and vote at home because we were having trouble  
8 recruiting precinct election officials. So yeah, we did.  
9 But we did whatever we do in the normal fashion in trying  
10 to recruit precinct election officials and train them to  
11 do their duties.

12 Q. Now, do you know who a gentleman by the name of Doug  
13 Phillips is?

14 A. Doug Phillips?

15 Q. Phillips, yeah.

16 A. Yes.

17 Q. Who is Doug Phillips?

18 A. He's an attorney here in town.

19 Q. Has he done work for the county?

20 A. Yes.

21 Q. Has he done work for you in your capacity as the  
22 Woodbury County auditor?

23 A. Yes.

24 Q. Are you aware that prior to this case I made a FOIA  
25 request under Chapter 22 from records from your office

1 that Mr. Phillips handled?

2 A. Yes.

3 Q. Okay. Have you been either seriously or jokingly  
4 referred to as the sixth supervisor of Woodbury County?

5 A. Several people have earned that title.

6 Q. Next point. You don't claim any specific  
7 handwriting analytical expertise, do you?

8 A. I do not.

9 Q. You're not a forensic handwriting exemplar  
10 specialist in any way?

11 A. I do not.

12 Q. All right. Now, I think you said yesterday -- the  
13 next bullet point is that when you were running for  
14 elections for a time you would go out and help people  
15 fill out voter registration forms. Is that true?

16 A. Yes, it is.

17 Q. Absentee ballot requests?

18 A. Yes.

19 Q. Now, do you know whether or not the previous voting  
20 rolls of Woodbury County is publicly available  
21 information?

22 A. Are you talking about list of voters -- voting? Is  
23 that what you're -- voting history?

24 Q. The registered -- yeah.

25 A. Yes.

1 Q. The list of registered voters in Woodbury County.

2 Is that publicly available information?

3 A. Yes, it is.

4 Q. Do campaigns acquire that information?

5 A. Campaigns can acquire it?

6 Q. Can they acquire that?

7 A. Yes, they can.

8 Q. And does that information have the voter's name and  
9 at least their address on it?

10 A. Yes.

11 Q. And was that the kind of information that your  
12 office used to so-called prepopulate the absentee ballot  
13 requests that we talked about yesterday?

14 A. Yes.

15 Q. Now, with respect to that prepopulation issue, was  
16 the main complaint by the Republican party and the  
17 campaign for then-President Trump was that the  
18 prepopulation contained the voter's, like, driver's  
19 license or specific voting number?

20 A. Yes.

21 Q. Now, at the time that you authorized that, you did  
22 that in good faith; correct?

23 A. Absolutely.

24 Q. You received political calls for resignation as a  
25 result; correct?

1 MR. EVANS: Objection. Relevance.

2 THE COURT: It's overruled, and I believe the  
3 answer's in the record.

4 THE REPORTER: I didn't hear the answer.

5 THE COURT: Okay. Sir, go ahead and answer.

6 A. Yes.

7 Q. Secretary of State found fault in that; correct?

8 A. Yes.

9 Q. And a district court enjoined you before the general  
10 election from doing it anymore.

11 A. Correct.

12 Q. So you made a mistake.

13 A. In their opinion.

14 Q. All right. Let's move on. Thank you. Now, from a  
15 particular candidate's perspective, is there some  
16 tactical reason why a candidate would promote voters to  
17 switch parties in a primary and vote in another  
18 primary's -- in a primary election for another party?

19 A. Yes.

20 Q. What can you conceive in 50 words or less what that  
21 tactical theory would be about that?

22 A. It would be if I know supporters that are registered  
23 as Republicans and I was in a primary race, I would  
24 contact them and explain the process of changing my party  
25 in order to participate in that primary election.

1 Q. Is it conceivable that a GOTV advocate would  
2 encourage Democratic voters to vote in a Republican  
3 primary for a supposedly more moderate candidate than  
4 those who were presently on the ballot?

5 A. I don't know if I would describe it as more  
6 moderately. I would describe it as supporters of mine.

7 Q. Fair enough. But there's legitimate reasons to  
8 encourage voters to -- even though they may be in a  
9 Democratic party at the time of the primary, to vote in  
10 the Republican primary; is that correct?

11 A. That is correct.

12 Q. All right. Now, during the course of the general  
13 election, you spoke about the issues that came up with  
14 Tam and Thien Doan yesterday. You remember that?

15 A. Yes.

16 Q. And there was some double voting in Woodbury County,  
17 was there not?

18 A. What do you mean double voting?

19 Q. Well, did you communicate with Agent Murphy that  
20 there was up to seven instances of double voting that  
21 were unrelated to this case? Did you tell Agent Murphy  
22 that?

23 A. Yes.

24 Q. Is that true?

25 A. Yes.

1 Q. Now, as part of the -- may I start over?

2 During the course of the investigation that was  
3 going on into Kim Taylor activities, from time to time  
4 did you provide information to Special Agent Murphy?

5 A. Yes.

6 Q. And you did that by county e-mail; is that correct?

7 A. Yes.

8 Q. And you did that in your official capacity as the  
9 auditor of Woodbury County?

10 A. Yes.

11 Q. And you passed along things that you had heard or  
12 information that was provided to you that may be of  
13 assistance to Agent Murphy. Is that a fair statement?

14 A. Yes.

15 Q. Were you investigating throughout the period of '21  
16 through 2022?

17 A. I guess we kind of had that discussion yesterday  
18 about what investigation is. If assisting Agent Murphy  
19 in the requests that he made, that's what I did.

20 Q. And in these missives that you would send to him,  
21 sometimes they would contain rumors and names of people  
22 that perhaps he should inquire about. Is that a fair  
23 statement?

24 A. Yes.

25 Q. All right.

1 MR. BROWN: Now, I would just like to show the  
2 witness only and the Court and -- the Defendant's  
3 proposed Exhibit A1 for identification if we can do that?

4 Q. Do you see in front of you Defendant's Exhibit A1  
5 for identification, please?

6 A. Yes.

7 Q. What is A1?

8 A. I can't see if A1 is on there, but I assume what I'm  
9 looking at is A1.

10 Q. Yes, yes, sir. I can move it up. Can you see the  
11 sticker now?

12 A. Yep.

13 Q. Okay. My apologies.

14 A. No problem.

15 Q. What is A -- what is A1 if you know?

16 A. It is an e-mail from myself to Agent Murphy.

17 Q. And does it relate to the global investigation  
18 involving Kim Taylor and her husband?

19 A. Yes.

20 Q. You weren't sending this e-mail to Mr. -- Agent  
21 Murphy stating that these things were all necessarily  
22 true, just that you were passing along information; is  
23 that right?

24 A. Correct.

25 Q. And this is kind of your state of the mind at the

1 time. Is that a fair statement?

2 A. Yes.

3 MR. BROWN: Your Honor, I'd offer what I've had  
4 premarked as Defendant's Exhibit A1 for identification as  
5 Defendant's Exhibit A1.

6 \* \* \* \*

7 (Defendant Exhibit A1 was offered.)

8 \* \* \* \*

9 THE COURT: Any objection?

10 MR. EVANS: No, Your Honor.

11 THE COURT: Defense Exhibit A1 is received.

12 \* \* \* \*

13 (Defendant Exhibit A1 was admitted.)

14 \* \* \* \*

15 MR. BROWN: May we publish A1 to the jury,  
16 please, Your Honor?

17 THE COURT: There it is.

18 MR. BROWN: Thank you.

19 Q. All right. So it's a July 6, 2020, e-mail; is that  
20 right?

21 A. Yes.

22 Q. To Agent Murphy; yes?

23 A. Yes.

24 Q. From you.

25 A. Yes.

1 Q. Regarding Justin Wright.

2 A. Yes.

3 Q. Who's Justin Wright?

4 A. He was the Republican candidate that ran for the  
5 special election to fill the supervisor seat that Jeremy  
6 Taylor had resigned from, and he was successful in that.

7 Q. And so just refresh my memory. Is Mr. Wright the  
8 same person Jeremy Taylor ran against then in the fall of  
9 2020?

10 A. No, sir.

11 Q. Who was that -- who was that candidate?

12 A. Marty Pottebaum.

13 Q. And Mr. Pottebaum was the Democrat.

14 A. Yes.

15 Q. All right. Whom you supported; correct?

16 A. Yes.

17 Q. All right. Fair enough. So you're passing along --  
18 you're passing along in the first paragraph something  
19 that Justin Wright had communicated to you. Is that in  
20 general what you're doing there?

21 A. Yes.

22 Q. And then in the second full paragraph, you're  
23 talking about witnessing Kim Taylor dropping absentee  
24 ballots in the drop box with Jeremy Taylor accompanying  
25 her. Do you see that?

1 A. Yes.

2 Q. And we talked about that yesterday; right?

3 A. Yes.

4 Q. And then the next line, quote, there is a rumor that  
5 the Taylors are selling their house and going through a  
6 divorce, period. The speculation is that Jeremy is going  
7 to throw his wife under the bus, period. Do you see  
8 that?

9 A. Yes.

10 Q. And then you say, I'm scared of buses in Sioux City.  
11 You see that?

12 A. Yes.

13 Q. You're referring to Jeremy Taylor as the bus?

14 A. No.

15 Q. A political bus, or who's the bus?

16 A. The bus?

17 Q. Who's the bus you're referring to, or is it just a  
18 figure of speech?

19 A. I was just trying to be humorous about buses in  
20 Sioux City. Scared of them.

21 Q. The palace of intrigue over at the Woodbury County  
22 Courthouse building?

23 MR. EVANS: Is that a question?

24 THE COURT: Yeah, it wasn't. So go ahead and  
25 ask a question.

1 MR. BROWN: Certainly, Your Honor. Let's move  
2 on.

3 Q. I'd like to pull up Defendant's Exhibit premarked as  
4 A6 for identification only for the witness at this time.  
5 Can you see A6?

6 A. Once again, I can't see it, but I'm sure this is one  
7 you're referring to, yes. A6.

8 Q. Is this an e-mail that was sent from Steve Hofmeyer  
9 to you with various copied-in individuals?

10 A. Yes.

11 Q. On county e-mail?

12 A. Yes.

13 Q. In Mr. Hofmeyer's official capacity as a deputy  
14 assistant auditor?

15 A. Yes.

16 Q. And is this essentially a county e-mail record?

17 A. Yes.

18 Q. It relates to the Jeremy Taylor investigation?

19 A. Yes.

20 Q. And this is internal communication between you and  
21 Mr. Hofmeyer and then cc to these other individuals;  
22 correct?

23 A. Yes.

24 Q. Who is Kim Grieve, G-r-i --

25 A. She's a --

1 THE COURT: Hold on.

2 THE WITNESS: Sorry.

3 Q. G-r-i-e-v-e. Who is that person?

4 A. She's a senior clerk in my office, the senior  
5 elections clerk.

6 Q. And who is Danielle Brady?

7 A. She's a clerk in the elections department.

8 Q. And who is Erica Tuttle?

9 A. Erica Tuttle is the lady that we talked about  
10 yesterday, was a temporary employee that has worked  
11 several elections for us.

12 Q. Including the 2020 election.

13 A. Correct.

14 Q. And is Miss Tuttle a Holden also, H-o-l-d-e-n?

15 A. What was your question?

16 Q. Is Erica Tuttle also Erica Holden, H-o-l-d-e-n?

17 A. I don't know.

18 Q. And in this e-mail Mr. Hofmeyer, your first deputy  
19 auditor, is communicating to you things that he witnessed  
20 relative to Ms. Taylor and Mr. Taylor dropping things off  
21 at the auditor's office; correct?

22 A. Correct.

23 MR. BROWN: Offer A6, Your Honor.

24 \* \* \* \*

25 (Defendant Exhibit A6 was offered.)

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\* \* \* \*

THE COURT: Any objection?

MR. EVANS: Hearsay, Your Honor.

MR. BROWN: Your Honor, I'm not offering it for the truth of the matter asserted, just that it was sent from Mr. Hofmeyer to Mr. Gill and communicated to the other employees.

THE COURT: I will overrule the objection. Defense Exhibit A6 is received.

\* \* \* \*

(Defendant Exhibit A6 was admitted.)

\* \* \* \*

BY MR. BROWN:

Q. So what I'm more interested --

MR. BROWN: Could we publish just briefly to the jury, please?

Q. What I'm more interested in than the content, Mr. Gill, is why this is being -- if you know being sent to Ms. Grieve, Ms. Brady, and Miss Tuttle?

A. That's often the standard procedure that when we're communicating in our office, we try to include everybody on the elections staff with what's going on so that they know what's happening.

Q. Do you have some policy at the auditor's office about prohibiting the leaking of internal information to

1 outside sources?

2 A. No.

3 Q. So Ms. Grieve or Ms. Brady or Ms. Tuttle weren't  
4 prohibited from telling anybody they wanted about what  
5 Mr. Hofmeyer was telling you in this e-mail on May 22,  
6 2020.

7 A. Oh, absolutely.

8 Q. Is that what you're saying?

9 A. Oh, sorry. Yes.

10 Q. I'll close that. Thank you. I'm going to show  
11 you -- would like to show you only for your information  
12 only what I've had premarked as Defendant's Exhibit A8  
13 for identification. Can you see Exhibit A8?

14 A. Yes.

15 Q. All right. And now I messed it up. Did it to  
16 myself. And A8, it's an e-mail from you to Agent Murphy  
17 on January 8, 2021, with various documentation about  
18 various voters relative to this investigation; is that  
19 correct?

20 A. Yes.

21 Q. You're providing Agent Murphy with information he  
22 may -- you think he may be need -- of interest in the  
23 investigation; is that --

24 A. Yes.

25 Q. -- correct?

1 A. Yes.

2 Q. Once again, this was on county e-mail; is that  
3 right?

4 A. Yes.

5 Q. And in addition, you passed along information  
6 relative to some other people that perhaps you thought he  
7 might be interested in talking to; is that right?

8 A. Correct.

9 Q. And this is a record regularly kept in the course of  
10 the business of the e-mail traffic at Woodbury County;  
11 correct?

12 A. Yes.

13 MR. BROWN: All right. Your Honor, at this  
14 time I'd like what I've had premarked as Defendant's  
15 Exhibit A8 marked -- or admitted as A8.

16 \* \* \* \*

17 (Defendant Exhibit A8 was offered.)

18 \* \* \* \*

19 THE COURT: Any objection?

20 MR. EVANS: No, Your Honor.

21 THE COURT: Defense Exhibit A8 is received.

22 \* \* \* \*

23 (Defendant Exhibit A8 was admitted.)

24 \* \* \* \*

25 MR. BROWN: May we publish, please?

1 Q. So on January 8, 2021, at 3:04 and 36 minutes (sic)  
2 p.m. along with the attachments you told Matt that one of  
3 the people that complained about the activities of Kim  
4 Taylor was Mimi Nguyen, and her phone number is listed  
5 there. Do you see that?

6 A. Yes.

7 Q. So who is Mimi Nguyen?

8 A. She's a hair dresser in Sioux City.

9 Q. Who -- and Kim Taylor's a hair dresser too; right?

10 A. Yes.

11 Q. And --

12 A. I believe so.

13 Q. Right. They're competitors, are they not?

14 A. I suppose you'd be able to say that.

15 Q. And do you know what Mimi Nguyen's nexus is to Erica  
16 Tuttle?

17 A. Mimi and Erica?

18 Q. Yes, sir.

19 A. I -- yeah, I have no idea if there's any  
20 relationship there at all.

21 Q. Fair enough. Do you know who Mimi's relatives are?

22 A. I do not.

23 Q. Fair enough. Do you know if Mimi knows who Huong  
24 Nguyen is? And I'll show you the name that I'm referring  
25 to specifically. Do you see where I've circled that on

1 Exhibit A8?

2 A. Yes.

3 Q. Do you know if Mimi Nguyen has any relationship to  
4 Ms. Huong Nguyen?

5 A. I wouldn't have no idea.

6 Q. All right. So let's move on to the last topic. At  
7 all times during this case you've attempted in good faith  
8 to cooperate with the FBI; right?

9 A. That's correct.

10 Q. When asked for an interview, you've appeared for  
11 interviews; correct?

12 A. Yes.

13 Q. You provided documentation; right?

14 A. Yes.

15 Q. You appeared in front of the grand jury and  
16 testified on March 8, 2022; correct?

17 A. Yes.

18 Q. Now, before March 22, Mr. Taylor was now on the  
19 Board of Supervisors; right?

20 A. Can you repeat that, please?

21 Q. I'll repeat the question. Okay. You went to the  
22 grand jury March 8, 2022; correct?

23 A. Sounds correct.

24 Q. At that time Mr. Taylor was on the Board of  
25 Supervisors; correct?

1 A. Yes.

2 Q. He'd been so since he was sworn in when after the  
3 November 2020 election?

4 A. Would have been in January of '21.

5 Q. And then Mr. Taylor got deployed overseas for a  
6 period of time.

7 A. Correct.

8 Q. But he was back in town in January, February, March  
9 of 2022; is that right?

10 A. I believe so.

11 Q. And starting back in January or so of 2022, matters  
12 relating to compensation of elected officials in Woodbury  
13 County was being brought before the board and the  
14 compensation board; is that true?

15 A. Yes.

16 Q. And the whole dynamics of it I'm going to skip. But  
17 what is the compensation board?

18 A. The compensation board is a board that is required  
19 by law, and each elected official in Woodbury County is  
20 able to name a representative to that board except for  
21 the supervisors. They are able to name two. Otherwise  
22 the recorder, the -- or the auditor/recorder, the  
23 treasurer, and the attorney, we all name representatives  
24 to this board, the compensation board.

25 And what they are charged with is to take a look at

1 the economic condition of the county and the state and  
2 then make recommendations about raises to the Board of  
3 Supervisors. Once they make a recommendation to the  
4 Board of Supervisors, the Board of Supervisors can zero  
5 it out, or they can cut the compensation at the same  
6 percentage rate across the board, or they can accept it  
7 as recommended.

8 Q. And when you start mixing the various sheriff, the  
9 actual Board of Supervisors' pay, and the auditor, when  
10 you start mixing the math, it gets a little bit  
11 complicated, does it not?

12 A. It does.

13 Q. Now, is it true that you, based upon the  
14 recommendation of the compensation board, were requesting  
15 a raise that would have equaled approximately \$9,000  
16 annually to you?

17 A. I don't recall, but that sounds about right.

18 Q. And was Sheriff Sheehan requesting a raise of  
19 approximately 30 percent for him personally as the newly  
20 elected sheriff of Woodbury County?

21 A. The compensation board, the language, is that when  
22 it came down for the sheriff is that you shall do these  
23 things. And so that's how it was arrived at. I don't  
24 think the sheriff actually arrived at a figure. It's  
25 what the compensation board's duties are in the Iowa Code

1 similar to -- same for me.

2 Q. And was Supervisor Rocky De Witt advocating for a  
3 raise in the pay of the Board of Supervisors?

4 A. Yes.

5 Q. And is it true that Jeremy Taylor opposed the  
6 recommended raises for both you, the sheriff, and the  
7 supervisors which would have included Rocky De Witt?

8 A. He was opposed to the recommendation of the  
9 compensation board.

10 Q. And ultimately did you personally receive the amount  
11 of compensation that the compensation board recommended  
12 for you?

13 A. No.

14 Q. And as a consequence, were certain employees in your  
15 office also affected by that decision?

16 A. Yes.

17 Q. And who would that -- who would they have been?

18 A. The three appointed deputies that serve at my  
19 pleasure.

20 Q. And who are those three appointed deputies?

21 A. Would be Diane Swoboda Peterson, the deputy  
22 recorder; Michelle Skaff, the deputy auditor; and Steve  
23 Hofmeyer, the deputy commissioner of elections.

24 MR. BROWN: No further questions, Your Honor.  
25 Thank you.

1 THE COURT: Redirect?

2 MR. EVANS: Just a few questions, Your Honor.

3 THE COURT: Sure.

4 REDIRECT EXAMINATION

5 BY MR. EVANS:

6 Q. Morning, Mr. Gill.

7 A. Good morning.

8 Q. Do you remember when Mr. Brown was asking you  
9 questions about the fact that you're the only Democrat  
10 kind of in a -- an elected position in Woodbury County?

11 A. Yes.

12 Q. As the only Democrat in the county, have you ever  
13 had any problems working with your Republican  
14 counterparts?

15 A. I have not.

16 Q. And would you say -- well, you probably know. Is  
17 Woodbury County predominantly Republican or Democrat?

18 A. It is -- at this point the voter registration leans  
19 heavily in the favor of Republicans.

20 Q. But you've been elected, reelected year after year  
21 for now --

22 A. I have.

23 Q. -- 27 years?

24 A. Yes.

25 Q. Do you recall when Mr. Brown was asking you

1 questions about the voter assistance forms? He showed  
2 you one of those here today.

3 A. Yes.

4 Q. And about the fact that you only maintain those for  
5 22 months; correct?

6 A. Yes.

7 Q. Those are only used for in-person voting; correct?

8 A. Yes.

9 Q. Somebody's doing an absentee ballot, there's no  
10 voter assistance form; correct?

11 A. Correct.

12 Q. And just on the issue of the salaries for your  
13 deputies, how would your raise have impacted your  
14 salaries' raises?

15 A. The Iowa Code stipulates that the -- my appointed  
16 deputies -- those are the only three that I can hire and  
17 fire -- and that those three weight -- their annual  
18 compensation cannot exceed a certain percentage of my  
19 salary which is 85 percent.

20 Q. So if you got a raise, they're going to get a raise.

21 A. Correct.

22 Q. Mr. Gill, Mr. Brown asked you about the prepopulated  
23 forms.

24 A. Yes.

25 Q. What was your intention in sending out the

1   prepopulated forms?

2   A.    To get people to participate by absentee because it  
3   was right -- this was when the pandemic was starting, and  
4   so I sent out prepopulated forms which I had developed  
5   over the years and just to encourage people to vote that  
6   way because I knew that it was going to limit  
7   participation.

8   Q.    So the prepopulation, that's basically the name and  
9   address and then their voter ID.

10  A.    Yes.

11  Q.    They still have to sign those forms personally;  
12  correct?

13  A.    Absolutely.

14  Q.    Mr. Brown also asked you about the other instances  
15  of double voting.  Those were not all by one person or  
16  from one source, were they?

17  A.    They were not.

18               MR. EVANS:  No further questions, Your Honor.

19               THE COURT:  Recross?

20               MR. BROWN:  No thank you, Your Honor.

21               THE COURT:  Okay, sir.  You are excused.  Thank  
22  you.

23               THE WITNESS:  Thank you.  It's been a pleasure.

24               MR. BROWN:  Your Honor, I don't intend to  
25  recall Mr. Gill.  He's fully excused.

1 THE COURT: Okay. Thank you.

2 And, Mr. Gill, that does mean if you want to stay in  
3 the courtroom as a spectator, you're allowed to do that.  
4 You don't have to. It's totally up to you. But if --  
5 since no one plans to recall you --

6 Is that correct, Mr. Evans?

7 MR. EVANS: That's correct, Your Honor.

8 THE COURT: -- you are free to come in the  
9 courtroom as you please and watch or to leave and never  
10 come back. Totally up to you.

11 THE WITNESS: Thank you. I appreciate that.

12 THE COURT: All right. Thank you, sir.

13 There are some documents in front of Mr. Gill. I  
14 think those are yours, Mr. Brown, if you want to grab  
15 those. Thank you.

16 Is the government ready to call another witness?

17 MR. EVANS: Yes, Your Honor.

18 MR. TIMMONS: Your Honor, at this time the  
19 government would call Nhieu Huynh, and he will need the  
20 assistance of an interpreter.

21 THE COURT: Okay. Thank you.

22 MR. TIMMONS: Your Honor, Mr. Huynh just went  
23 to the bathroom. He'll be right out.

24 THE COURT: Sure. Folks, feel free to take a  
25 stretch break if you'd like. We can stand up and stretch

1 our legs as we wait for the next witness.

2 All right. I think we're ready to proceed. Sir, if  
3 you'll come right up here in front of me and stop for a  
4 moment. Please raise your right hand.

5 NHIEU HUYNH, PLAINTIFF'S WITNESS, SWORN

6 THE COURT: Okay. Thank you. You can have a  
7 seat in the witness box there. Good morning, sir. Would  
8 you please tell us your full name, and spell your last  
9 name.

10 THE WITNESS: My name is Nhieu Huynh.

11 THE COURT: And how do you spell your last  
12 name, sir?

13 THE WITNESS: H-u-y-n-h.

14 THE COURT: Okay. Thank you.

15 Mr. Timmons, you may proceed.

16 MR. TIMMONS: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MR. TIMMONS:

19 Q. Good morning, sir. I take it by the fact that we  
20 have an interpreter here that you do not know English?

21 A. No, I do not know English.

22 Q. Do you live here in Sioux City?

23 A. Yes, I live here.

24 Q. Do you work?

25 A. Yes.

1 Q. What do you do, sir?

2 A. I work at Empirical.

3 Q. What do you do at Empirical, sir?

4 A. I operate the machine to produce meat.

5 Q. How long have you been in the United States?

6 A. 16 years.

7 Q. Are you a U.S. citizen?

8 A. Not previously, but since October 23 I'm now a U.S.  
9 citizen.

10 Q. Just this past October 23 you became a U.S. citizen?

11 A. Yes, just past October.

12 Q. Congratulations on that, sir.

13 A. Thank you.

14 Q. Did you get to attend a ceremony for that?

15 A. Yes, and I was very honor.

16 Q. I'm happy to hear that. Where do you currently  
17 live, sir?

18 A. I live at 2921 Chestnut Street.

19 Q. How long have you lived there?

20 A. For over two years.

21 Q. Where did you live before that?

22 A. Before that I live on 2121 Jones Street.

23 Q. And why did you move from Jones Street to the house  
24 on Chestnut?

25 A. Because it was an old house, and my son built a new

1 house. I moved in with him.

2 Q. Were you living at the house on Jones Street in  
3 2020?

4 A. Yes.

5 Q. The son that you just referred to, did he live with  
6 you there?

7 A. Yes, and because I don't speak English, so I live  
8 with my son.

9 MR. TIMMONS: May I approach, Your Honor?

10 THE COURT: You may.

11 Q. I've placed in front of you what's marked as  
12 Government Exhibit 88.

13 A. Yes.

14 Q. Do you recognize who that is in the photograph?

15 A. Yes, this is a photo of my son.

16 Q. And what is his name?

17 A. His name is Nguyen Huynh.

18 MR. TIMMONS: Your Honor, I would offer  
19 Government Exhibit 88 at this time.

20 \* \* \* \*

21 (Government Exhibit 88 was offered.)

22 \* \* \* \*

23 MR. BROWN: No objection.

24 THE COURT: Government Exhibit 88 is received.

25 \* \* \* \*

1 (Government Exhibit 88 was admitted.)

2 \* \* \* \*

3 MR. TIMMONS: And can we publish it to the  
4 jury, please?

5 Q. How many children do you have, sir?

6 A. I have four children. One lives in Vietnam, and  
7 three live here.

8 Q. You said your son lives with -- you said your son  
9 bought you a home, the house on Chestnut, and lives with  
10 you there?

11 A. Yes.

12 Q. Is this the son you're referring to?

13 A. Yes.

14 Q. In 2020 did he live with you on Jones Street?

15 A. Yes, he always been living with me.

16 Q. Are you a registered voter, sir?

17 A. Me?

18 Q. Yes, you.

19 A. No, not yet.

20 Q. Do you know much about how to vote in America?

21 A. No, I do not.

22 Q. It's fair to say you don't know what an absentee  
23 ballot is?

24 A. I do not know.

25 Q. Could you complete voting forms that were written in

1 English?

2 A. No, I can't.

3 Q. Not without help from somebody who knew English and  
4 translated it for you?

5 A. Yeah, and always it was my son that helped me, and  
6 he would tell me to sign. If not, I won't sign.

7 Q. Did anybody come to your house in the last few years  
8 to talk to you about voting forms?

9 A. Yes. During the election years, I don't remember  
10 the exact year, but about three or four times coming to  
11 my house.

12 Q. Do you know who that person was?

13 A. The first time she introduced that she's Vietnamese  
14 and her husband is an American.

15 Q. Did she give you a name?

16 A. I did not because she didn't introduce herself and  
17 because she came out of the blue, so I don't know who she  
18 was, but then later on my son told me that, oh, that's  
19 Kim Phuong or something.

20 Q. Do you see her here in court today?

21 A. May I stand up?

22 Q. Yes, sir.

23 A. Yes, she look familiar. I haven't seen her for  
24 quite a few years so . . .

25 Q. The person you said -- you can sit down, sir. The

1 person that you said looks familiar, could you point to  
2 her?

3 A. She looks familiar.

4 MR. TIMMONS: Your Honor, let the record  
5 reflect that the witness is pointing to the defendant?

6 THE COURT: Any objection?

7 MR. BROWN: Not that -- we object if the  
8 government's suggesting there's been an identification of  
9 the defendant as the person that they're referring to as  
10 the visitor to the home.

11 THE COURT: Yeah. I think at this point it's  
12 simply the person he identified as looking familiar. He  
13 pointed at Ms. Taylor. Any objection to the record  
14 indicating that?

15 MR. BROWN: No, Your Honor.

16 THE COURT: Okay. That's where we're at so far  
17 then.

18 BY MR. TIMMONS:

19 Q. You mentioned this woman said something about her  
20 husband, an American?

21 A. Yes.

22 Q. Was the American husband ever with her?

23 A. She -- he was with her, and he didn't sit in a  
24 chair. He was -- and he told me that he was a teacher in  
25 Vietnam.

1 Q. How many times did either of these people come to  
2 your house?

3 A. The first time both the husband and wife came. And  
4 then the next time he drove her to my house, and I was  
5 mowing the lawn outside. And she came and invited me to  
6 come to her house for a new home celebration, home  
7 warming.

8 Q. Did she come to your house anymore after that?

9 A. Yes, she did.

10 Q. Do you know about how many times?

11 A. I don't quite remember but probably four or five  
12 times.

13 Q. Did she ever ask you to give her paperwork?

14 A. Yes. She came -- the last time she came, she said  
15 that today is the last day before the election, and she  
16 asked me if I have any voting forms. I said, I don't  
17 know. And she said -- and so I -- she said to see them,  
18 and so I gave her everything that I have.

19 Q. The forms that you gave her, were they filled out by  
20 anybody?

21 A. No. No. And total number of people who are already  
22 U.S. citizen, there are five of us. And I gave  
23 everything to her, so I don't know.

24 Q. You mentioned that she said something about it being  
25 the last day to complete the paperwork. Had she had --

1 had she talked to you about the paperwork before that?

2 A. No.

3 Q. You said you were not a registered voter. Was any  
4 of this paperwork for you?

5 A. No. They were for my children.

6 Q. The three that are here in America?

7 A. Yes.

8 Q. Just to be clear, did you fill out any of the  
9 paperwork that you gave her on any of these visits?

10 A. All this time any paperwork at all, I don't sign  
11 anything unless my son told me.

12 Q. Did she say what she was going to do with the  
13 paperwork?

14 A. She asked me which political party I like, and I  
15 said my preference, I like to vote for the Republican.

16 Q. Did she ever stop by your house to remind you to  
17 fill out forms?

18 A. No.

19 MR. TIMMONS: No further questions, Your Honor.

20 THE COURT: Cross-examination?

21 MR. BROWN: Just one second, please, Your  
22 Honor.

23 THE COURT: Sure.

24 MR. BROWN: No questions, Your Honor. Thank  
25 you.

1 THE COURT: Okay. The witness is excused.

2 Thank you, sir.

3 And, Mr. Timmons, would you like to grab the exhibit  
4 that's on the bench?

5 MR. TIMMONS: I will.

6 THE COURT: Or on the witness stand I guess.

7 Thank you.

8 MR. TIMMONS: Your Honor, at this time the  
9 government calls Nguyen Huynh. He will not need the  
10 assistance of an interpreter.

11 THE COURT: Okay. Thank you.

12 Good morning, sir. If you'll come just right up  
13 into the middle of the room and stop for a moment so I  
14 can swear you in. Please raise your right hand.

15 NGUYEN HUYNH, PLAINTIFF'S WITNESS, SWORN

16 THE COURT: Okay. Thank you. And the witness  
17 box is right there to your right. And please get up  
18 close to the microphones, and adjust them if you need to.  
19 Would you please tell us your full name, and spell your  
20 last name.

21 THE WITNESS: Nguyen Huynh, last name  
22 H-u-y-n-h.

23 THE COURT: Thank you.

24 Mr. Timmons, you may proceed.

25 MR. TIMMONS: Thank you, Your Honor.

## DIRECT EXAMINATION

1  
2 BY MR. TIMMONS:

3 Q. Could you clarify your first name for us, please?

4 A. First name is Nguyen, N-g-u-y-e-n.

5 Q. Is that a common last name in Vietnamese?

6 A. Yes, it is.

7 Q. Is it a common first name as well?

8 A. No.

9 Q. No, okay. Cause for some confusion at times I'm  
10 sure?

11 A. (Witness indicated.)

12 Q. Is that a yes?

13 A. Yes.

14 Q. All right. Are you an American citizen, sir?

15 A. Yes, I am.

16 Q. Of Vietnamese descent?

17 A. (Witness indicated.)

18 Q. Could you please speak into the microphone when you  
19 answer?

20 A. Yes.

21 Q. Thank you. Were you born in the U.S.?

22 A. No.

23 Q. Where were you born?

24 A. Vietnam.

25 Q. When did you come to the United States?

1 A. 2007 in September.

2 Q. Did you come with your --

3 A. I came --

4 Q. -- parents?

5 A. -- with my parent.

6 Q. Do me a favor, and just pause for a second while I'm  
7 asking the questions. We want to try not to talk over  
8 each other because the court reporter's taking everything  
9 down.

10 I take it you have no problems reading, writing,  
11 understanding English?

12 A. No problem.

13 Q. You live here in Sioux City?

14 A. Yes.

15 Q. Did you go to high school here?

16 A. Yes.

17 Q. Which high school?

18 A. North High.

19 Q. Do you work anywhere right now?

20 A. Yes, Tyson.

21 Q. What do you do there?

22 A. Supervisor.

23 Q. And where do you live right now in Sioux City  
24 specifically?

25 A. 2921 Chestnut Avenue, Sioux City, Iowa 51104.

1 Q. And in 2020 where did you live?

2 A. 2121 Jones Street, Sioux City, Iowa 51104.

3 Q. And what prompted the move from Jones Street to  
4 Chestnut?

5 A. Yes. So we move from Jones Street to Chestnut in  
6 just two years.

7 Q. That was when -- why did you do it?

8 A. Just want to buy a new home for my parent.

9 Q. Speaking of your parents, what is your dad's name?

10 A. Nhieu Huynh.

11 Q. Could you spell those names for the record, please.

12 A. Yes. First name Nhieu, N-h-i-e-u, last name Huynh,  
13 H-u-y-n-h.

14 Q. Was he born in the U.S.?

15 A. No.

16 Q. Where was he born?

17 A. Vietnam.

18 Q. How's his English?

19 A. Not good.

20 Q. Speaking?

21 A. He -- he can kind of speak a little, but he does not  
22 understand a lot of stuff.

23 Q. How about writing?

24 A. No.

25 Q. Reading?

1 A. Nope.

2 Q. Fair to say that your dad would need help reading or  
3 completing paperwork if it's written in English?

4 A. Yes.

5 Q. Growing up in America, did you do anything to help  
6 him with that?

7 A. Yes. I mean, I help him to translate everything, so  
8 most of any paperwork that he need to sign usually have  
9 to go through me first. I read it, and I tell him why  
10 and then what happen. That's when he can sign it or not.

11 Q. I want to show you what's been marked as Government  
12 Exhibit 88. It's going to come up on that monitor there  
13 to your right. Who's that?

14 A. Me.

15 Q. Is that your signature underneath it?

16 A. Yes.

17 Q. Do you ever sign your name in a different way?

18 A. No.

19 Q. You ever register to vote?

20 A. No.

21 Q. Do you have any interest in voting?

22 A. Yes.

23 Q. You have an interest in voting?

24 A. I am interested in voting, but I don't have time,  
25 and I don't know how.

1 Q. Okay. It's fair to say you don't identify with any  
2 political party then?

3 A. No.

4 Q. I'm going to show you what's been marked as  
5 Government Exhibit 112. If we could zoom in on the name  
6 and address section. Is that your name, sir?

7 A. Yes, that's my name.

8 Q. And is that your address in 2020?

9 A. Yes.

10 Q. Did you complete this form?

11 A. No.

12 Q. Looking down at the bottom of the document, there's  
13 a signature line. Did you sign this form?

14 A. No, I did not.

15 Q. And actually this form is dated in 2018. Did you  
16 live on Jones Street in 2018?

17 A. Yes, I did.

18 Q. And I'm sorry if I already asked this. Did you give  
19 anyone permission to sign this form for you?

20 A. Never.

21 Q. Do you have any idea who completed this document or  
22 signed it?

23 A. Nope, no idea.

24 Q. Based on your answers to my previous questions, I  
25 take it you did not request an absentee ballot in the

1 2020 Republican primary?

2 A. No.

3 Q. I'm going to show you Exhibit 20.

4 MR. BROWN: Your Honor, can I interrupt for a  
5 second? I don't believe 112 is in, and I have an  
6 objection to 112. It's being published to the jury.  
7 Maybe I'm mistaken.

8 THE COURT: It is in. It was admitted  
9 yesterday.

10 MR. BROWN: All right. My apologies.

11 THE COURT: As part of the --

12 MR. BROWN: Over the objection? Okay.

13 THE COURT: Yep, as part of a group of  
14 exhibits, and you did object, and that's all part of the  
15 record.

16 MR. BROWN: Right. I don't have to repeat any  
17 of those -- any of that, Your Honor?

18 THE COURT: No.

19 MR. BROWN: My apologies for interrupting.

20 THE COURT: All right. And, Mr. Timmons, you  
21 may move on then.

22 MR. TIMMONS: Sure.

23 BY MR. TIMMONS:

24 Q. Sorry. We got interrupted there. I would like to  
25 show you Government Exhibit 20. We'll try and zoom in on

1 that for you. Is that your name?

2 A. Yes, that's my name.

3 Q. Is that your date of birth?

4 A. Yes.

5 Q. And I don't know if you can verify this off the top  
6 of your head. Do you see the line for driver's license  
7 number?

8 A. Yes.

9 Q. Is that your driver's license number?

10 A. I may have to double-check my driver license.

11 Q. Okay. The address, is that your prior address on  
12 Jones Street?

13 A. Yes.

14 Q. Looking at the signature block, is that your  
15 signature?

16 A. No.

17 Q. I'm going to show you Government Exhibit 21 now. On  
18 the left side there typed, is that your name and prior  
19 address on Jones Street?

20 A. Yes.

21 Q. Now looking at the right, there's a signature block.  
22 Is that your signature?

23 A. No.

24 Q. Do you know who Kim Taylor is?

25 A. No idea.

1 Q. Did you ever meet Kim Taylor?

2 A. No.

3 MR. TIMMONS: No further questions, Your Honor.

4 THE COURT: Cross-examination?

5 MR. BROWN: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. BROWN:

8 Q. Mr. Huynh, my name is Mr. Brown. I want to ask you  
9 a few questions if I may.

10 A. Okay.

11 Q. Where do you work, sir?

12 A. I work at Tyson.

13 Q. Are there other Vietnamese Americans that you work  
14 with at Tyson?

15 A. Yes, a lot, multi-culture.

16 Q. Does that include women of Vietnamese descent?

17 A. Yes.

18 Q. At what point in time were you approached by law  
19 enforcement or the FBI about information about this case?  
20 Do you remember when that was?

21 A. No, I don't remember exactly the date, but I  
22 remember they went to my house and asked question about  
23 this.

24 Q. They came and talked to you personally, or they  
25 talked to somebody else at your house?

1 A. Talked to me personally.

2 Q. And did the FBI talk to other people in your house?

3 A. Yes, my mom and dad.

4 Q. And what is your mom's name?

5 A. My mom name is Hanh Bui. First name H-a-n-h, last  
6 name B-u-i.

7 Q. So the government's admitted Exhibit 112, 112.

8 MR. BROWN: Can I display it, Government's  
9 Exhibit 112?

10 Q. So can you see that on the screen in front of you?

11 A. Yes.

12 Q. And do you see where it has that driver's license  
13 number on there at the top?

14 A. Yes.

15 Q. Do you think that is your number?

16 A. I remember the last four number, yes.

17 Q. Okay. And is that your correct name, Nguyen Thai  
18 Huynh?

19 A. Yep, Nguyen Thai Huynh.

20 Q. And in 2018 did you live at 2121 Jones in Sioux  
21 City, Iowa?

22 A. Yes.

23 Q. Okay. So who in your home would have had your  
24 driver's license number besides you?

25 A. Nobody else.

1 Q. So if that driver's license number shows up on, you  
2 know, any of these forms, you're the only person that  
3 knew what that driver's license number was; is that  
4 right?

5 A. Correct.

6 MR. BROWN: No further questions, Your Honor.  
7 Thank you.

8 THE COURT: Redirect?

9 MR. TIMMONS: No further questions, Your Honor.

10 THE COURT: Okay, sir. You are excused. Thank  
11 you. Yep. You're done. You can go. Thank you, sir.

12 MR. TIMMONS: Your Honor, at this time the  
13 government will call Hoang Luu, and he will need the  
14 assistance of an interpreter.

15 THE COURT: Okay. Thank you.

16 Good morning, sir. If you'll come up forward here,  
17 and you can stop there. Sir, would you please raise your  
18 right hand.

19 HOANG LUU, PLAINTIFF'S WITNESS, SWORN

20 THE COURT: Okay. Thank you. You can sit  
21 there in the witness box. Good morning, sir.

22 THE WITNESS: Good morning.

23 THE COURT: Would you please tell us your full  
24 name, and spell your last name.

25 THE WITNESS: So I say my name first?

1 THE COURT: Yes.

2 THE WITNESS: My name is Hoang.

3 THE COURT: And how do you spell that, sir?

4 THE WITNESS: H-o-a-n-g.

5 THE COURT: And then what is your last name,  
6 sir?

7 THE WITNESS: Luu.

8 THE COURT: And how do you spell that, sir?

9 THE WITNESS: L-u-u.

10 THE COURT: Okay. Thank you.

11 Mr. Evans, you may proceed.

12 MR. EVANS: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. EVANS:

15 Q. Good morning, Mr. Luu.

16 A. Good morning.

17 Q. Where were you born?

18 A. I was born in Vietnam.

19 Q. And is Vietnamese your primary language, sir?

20 A. Yes.

21 Q. How is your English?

22 A. Just a little.

23 Q. A little speaking, or how is your -- how is your  
24 English-reading ability?

25 A. Just a little.

1 Q. Do you normally need an interpreter in reading a  
2 document in English?

3 A. Yes.

4 Q. How old are you, Mr. Luu?

5 A. I am 54 years old.

6 Q. When did you come to the United States?

7 A. I came in 1999.

8 Q. And are you a U.S. citizen?

9 A. Yes, I am a U.S. citizen.

10 Q. And what is your home address?

11 A. 306 19 Street.

12 Q. And how long have you lived there?

13 A. 24 years.

14 Q. And where do you work?

15 A. I work at a welding company.

16 Q. What's the name of that company?

17 A. It's Missouri Valley Steel.

18 Q. And how long have you worked there?

19 A. For ten years now.

20 Q. Have you take -- have you take a look at  
21 Government's Exhibit -- what's been marked as  
22 Government's Exhibit 93. Do you recognize that, sir?

23 A. Yes.

24 Q. Is that your photograph?

25 A. Yes.

1 Q. Is that your driver's license photograph?

2 A. Yes.

3 Q. And is that your signature underneath there?

4 A. Yes.

5 MR. EVANS: Your Honor, the government would  
6 move admission of Government's Exhibit 93.

7 \* \* \* \*

8 (Government Exhibit 93 was offered.)

9 \* \* \* \*

10 THE COURT: Any objection?

11 MR. BROWN: Objection. Relevance, Your Honor.

12 THE COURT: The objection's overruled.

13 Government Exhibit 93 is received.

14 \* \* \* \*

15 (Government Exhibit 93 was admitted.)

16 \* \* \* \*

17 MR. EVANS: If we could publish that.

18 Q. Are you familiar with the defendant, Kim Taylor?

19 A. Yes. I got my hair cut, so that's how I know her,  
20 and she came to my house. That's how I know her.

21 Q. And you see her in the courtroom today?

22 A. Yes.

23 Q. How often or why would she come to your home?

24 A. Yes. For the election forms.

25 Q. She came to bring election forms to your house?

1 A. Yes.

2 Q. How many people live with you in your home?

3 A. There's six of us.

4 Q. And are two of those your sons?

5 A. Yes, my two sons, my parent-in-laws, and my wife and  
6 I.

7 Q. What are your sons' names?

8 A. Anthony Luu.

9 Q. And your other son?

10 A. Andy Luu.

11 Q. And did your father-in-law ever live with you at  
12 that address?

13 A. Yes, he live with me.

14 Q. And what was his name?

15 A. Tri Lam.

16 Q. And was he a U.S. citizen?

17 A. Yes.

18 Q. How was his English?

19 A. His English is a little bit better than mine.

20 Q. Would he still need someone to translate a document  
21 written in English?

22 A. Yes.

23 Q. When Miss Taylor came to your house to assist with  
24 voting documents --

25 MR. BROWN: Objection. Assumes facts not in

1 evidence.

2 THE COURT: I'm going to sustain that. You can  
3 rephrase.

4 Q. I think earlier you testified that Ms. Taylor came  
5 to your house; is that correct?

6 A. Yes.

7 Q. And why did she come to your house?

8 MR. BROWN: Objection. Calls for speculation.

9 THE COURT: The objection's overruled. The  
10 witness may answer.

11 Q. Why did Ms. Taylor come to your house?

12 A. She came to my house to give us the forms so that we  
13 can sign to vote.

14 Q. Did you understand what the forms said in English?

15 A. No.

16 Q. Did she translate the forms for you?

17 A. Yes, she went over the form for me, my father.

18 Q. Did Miss Taylor come by herself?

19 A. When she came to my house, she came by herself.

20 Q. Did her husband ever come with her?

21 A. That I don't know.

22 Q. Do you recall ever seeing him either inside or  
23 outside of your house?

24 A. Not -- didn't come into the house.

25 Q. Did you see him outside of the house?

1 A. No, I didn't.

2 Q. Are you a registered voter, sir?

3 A. Yeah, when she came to my house and she filled out a  
4 form and I signed.

5 Q. Well, my question was -- well, okay. You said that  
6 when Miss Taylor came to your house she filled out the  
7 forms; is that correct?

8 A. Yes.

9 Q. And she told you where to sign.

10 A. Yes.

11 Q. Directing your attention to what's been admitted  
12 into evidence as Government's Exhibits 107 and 240, the  
13 forms are on the screen there, sir. These are two  
14 absentee ballot request forms? Excuse me. One is a  
15 voter registration form. That's Government Exhibit 107.  
16 And the other is a absentee ballot request form. Do you  
17 see that?

18 A. Yes, I see them.

19 Q. Looking at the handwriting on both forms in the  
20 center block there, is that your handwriting, sir?

21 A. I don't remember.

22 Q. Well, does it look like your handwriting?

23 A. No.

24 Q. Do you know whose handwriting would be on these  
25 forms, on these voting forms?

1 A. I do not know.

2 Q. Were these some of the forms that Miss Taylor filled  
3 out for you?

4 A. I don't remember.

5 Q. Going back to the full documents, both of these  
6 documents are dated April 7, 2020. Do you see that?

7 A. Yes, I see that.

8 Q. And is that your signature on both of these  
9 documents?

10 A. Yes.

11 Q. Looking at the document, document -- Government  
12 Exhibit 107, this is changing your political party to the  
13 Republican party. Do you see that?

14 A. Yes, I see it.

15 Q. Do you recall ever changing your political party to  
16 the Republican party?

17 A. No, I don't.

18 Q. Are you familiar with the two parties, the Democrat  
19 and the Republican party?

20 A. No, I don't know much about politics.

21 Q. Do you remember who was on the ballot for the 2020  
22 presidential election?

23 A. No, I don't.

24 Q. Did you know if Kim Taylor's husband was on the  
25 ballot in either the primary or the general election in

1 2020?

2 A. I don't recall.

3 Q. Did you have a yard sign, or did you have a sign in  
4 your yard?

5 A. Yes, that I do remember.

6 Q. Focusing on the bottom of this form here where it  
7 says the registrant affidavit, did Mrs. Taylor translate  
8 all that language for you, or did she just show you where  
9 to sign?

10 MR. BROWN: Object to the question, Your Honor.  
11 It's a two-part question.

12 THE COURT: That objection is sustained. You  
13 can rephrase.

14 Q. Did Mrs. Taylor translate all of the English on the  
15 form?

16 A. She told all of us with my father-in-law there and  
17 then have us sign.

18 Q. Pardon me?

19 A. She talked about the election, and she told all of  
20 us including my father-in-law, and she said sign there.

21 Q. So when she was there, she was helping yourself,  
22 your wife, your father-in-law?

23 A. And my mother-in-law.

24 Q. And your mother-in-law. So she had forms for all of  
25 you.

1 A. Yes.

2 Q. And did she fill out the forms for all of your  
3 family members?

4 A. Yeah, she fill them out and I sign.

5 Q. Were your sons Anthony and Andy living at home at  
6 the time?

7 A. Yes. During 2020 my older son and younger son, they  
8 were living with us.

9 Q. Directing your attention to what's been admitted  
10 into evidence as Government Exhibit 241.

11 A. Yes.

12 Q. This is the state of abs -- this is an absentee --  
13 state of Iowa official absentee ballot request form. Do  
14 you see that?

15 A. Yes.

16 Q. And is that your name on this form?

17 A. Yes, it is.

18 Q. And your address?

19 A. Yes.

20 Q. That isn't your handwriting, is it?

21 A. No.

22 Q. Looking at the signature on the bottom of this form.

23 A. Yes.

24 Q. Is that your signature?

25 A. Yes.

1 Q. This is dated September, looks like, 12th, 2020?

2 A. Yeah.

3 Q. Or excuse me. September 21, 2020.

4 A. Yes.

5 Q. And this is an absentee ballot request form for the  
6 general election that year.

7 MR. BROWN: Objection. Leading.

8 THE COURT: Can you make sure you're in the  
9 microphone? You're always too far away from it. We  
10 can't hear you. Thank you. The objection is sustained.  
11 You can rephrase.

12 Q. Do you recall requesting an absentee ballot for the  
13 general election in the fall of 2020?

14 A. I don't recall.

15 Q. You ever voted in person before?

16 A. One time.

17 Q. The other times you voted by mail?

18 A. I just went one time, and any other time I don't  
19 know. I went that one time. I went to the church on  
20 Hamilton.

21 Q. To vote in person.

22 A. Yes.

23 Q. I'd like to show you what's been admitted as  
24 Government Exhibit 308. This is a copy of an absentee  
25 ballot envelope with a date of November 3, 2020.

1 MR. EVANS: If you could blow up the --

2 Q. Is that your name and address?

3 A. Yes, name and address.

4 Q. Looking at the signature block, bottom of the  
5 document, is that your signature?

6 A. No.

7 Q. Do you recall filling out an absentee ballot for the  
8 general election in 2020?

9 A. Where sign or something?

10 Q. No. This envelope is an absentee ballot envelope  
11 that would be submitted with a ballot. Did you fill out  
12 a ballot to vote for people?

13 A. I don't recall.

14 Q. Can we take a look at Government's Exhibit 55,  
15 please? This is a absentee ballot form, sample, for the  
16 2020 general election. Do you recall filling out the  
17 little circles on the form to select a candidate for  
18 president?

19 A. I do not recall.

20 Q. What happened with all of the voting documents that  
21 Miss Taylor brought with her for you and your family to  
22 sign?

23 A. That I don't know.

24 Q. Did she take them with her?

25 A. She fill them out, and then she ask me sign.

1 Q. And then did she take them with her?

2 A. Yes.

3 MR. EVANS: No further questions.

4 THE COURT: Let's go ahead and take our first  
5 scheduled break before we have cross-examination.

6 Mr. Brown, will there be cross-examination?

7 MR. BROWN: Very briefly but some.

8 THE COURT: Sure. Let's go ahead and take a  
9 break then. It is about 10:15 almost. Let's be in  
10 recess until 10:35. We'll see everybody back at 10:35.

11 (The jury exited the courtroom.)

12 THE COURT: The jury has left the courtroom.  
13 Anything to take up before our break? Mr. Evans?

14 MR. EVANS: No, Your Honor.

15 THE COURT: Mr. Brown?

16 MR. BROWN: No, Your Honor.

17 THE COURT: All right. We'll be back at 10:35.

18 (Recess at 10:14 a.m.)

19 THE COURT: Please be seated.

20 MR. EVANS: Your Honor, we have something we  
21 need to take up with the Court outside the presence of  
22 the jury.

23 THE COURT: And I have something to take up  
24 with everyone outside the presence of the jury, but you  
25 can go first.

1           MR. EVANS: Your Honor, I've been informed  
2 that the -- the agents have informed me that the  
3 defendant's mother was speaking with one of our witnesses  
4 or potential witnesses, the wife of our current witness  
5 and the mother of Andy and Andy (sic) Luu, Hang Lam, and  
6 told her that -- that -- just to testify truthfully but  
7 that her daughter's facing up to 200 years in prison,  
8 which then their mother relayed that to both Andy and  
9 Anthony as to what the defendant's mother had said to  
10 them.

11           THE COURT: Mr. Brown, do you know anything  
12 about this?

13           MR. BROWN: No, Your Honor. Other than using  
14 the men's room -- I believe my client's been sitting here  
15 the whole time, but I wasn't there when -- wasn't here  
16 when I went to the men's room.

17           THE COURT: Well, I don't know what happened.  
18 I'm going to be very clear that if anybody tampers or  
19 interferes with any of the witnesses in this case,  
20 they're likely to face contempt of court citation. They  
21 could be prosecuted by the United States Attorney's  
22 Office for obstruction or interference with official  
23 proceedings.

24           So if there is any discussion by anyone with any of  
25 the witnesses in this case and it comes to light, whoever

1 is involved in that is going to face serious punishment.  
2 So I'm not sure what else to do at this point.

3 Mr. Evans, any suggestions?

4 MR. EVANS: I just want to make it also clear  
5 for the record that that information was relayed to the  
6 current witness as well, Your Honor.

7 THE COURT: Okay.

8 MR. EVANS: And the linguist as well.

9 THE COURT: Okay. Any other relief that the  
10 government is seeking at this time?

11 MR. EVANS: I would ask that she not be in the  
12 courtroom going forward and have any communication with  
13 any of the potential witnesses in this case, Your Honor.

14 THE COURT: Well, the request to exclude from  
15 the courtroom is denied. But I will again say that  
16 Ms. Taylor's mother cannot have any contact with  
17 witnesses in this case. And if she does, she's going to  
18 be punished either through contempt of court or through  
19 any prosecution the United States Attorney's Office might  
20 initiate. And, of course, if it does happen again,  
21 exclusion from the courtroom would be certainly one of  
22 the next steps on top of other things. But this cannot  
23 happen. So I don't know if it did happen in this case,  
24 but if it does in the future, there are going to be  
25 consequences.

1           Anything else, Mr. Evans?

2           MR. EVANS: No, Your Honor.

3           THE COURT: The issue I have to take up, during  
4 the break I was advised that one of our jurors believes  
5 she may have some acquaintance as a coworker with someone  
6 who might be a witness, and she just apparently realized  
7 this recently and perhaps didn't know this on Monday  
8 during jury selection. The juror is Ms. Neiman,  
9 N-i-e-m-a-n (sic), Number 12 in the front row here.

10           My understanding is she works at a medical office  
11 and she now has some reason to believe that the  
12 interpreter at her medical office might be someone who's  
13 on the witness list for the government. The last name of  
14 the witness would be Nguyen which many of the witnesses  
15 are named Nguyen. The name that we were given was Tram  
16 Nguyen which I don't see that person, but she perhaps  
17 goes by a different name.

18           But is the government aware of any of the  
19 government's witnesses who might be interpreters at a  
20 medical office?

21           MR. EVANS: Yes, Your Honor. There's a witness  
22 by the name of Anh Nguyen.

23           THE COURT: And as I looked at the list, that  
24 was the closest namewise. My understanding is the juror  
25 realized that this person could be the person who's the

1 interpreter at their medical office, doesn't at least  
2 from what we've been told -- and I think we probably need  
3 to call the juror in but doesn't consider herself a close  
4 acquaintance, but they both work at the same place.

5         So my suggestion is that we call Ms. Neiman in  
6 separately without the other jurors and make some inquiry  
7 about her familiarity with Ms. Anh Nguyen and then decide  
8 what to do next. Any thoughts on that from the  
9 government?

10                 MR. EVANS: No, Your Honor. That sounds fine.

11                 THE COURT: Mr. Brown?

12                 MR. BROWN: Your Honor, I think we should wait  
13 until we find out once the witness is called and see if  
14 the juror then indicates that this is the same person.

15                 MR. EVANS: Well, I will -- I will tell the  
16 Court that Ms. Anh Nguyen does act as an interpreter at a  
17 medical facility. So it sounds like it's probably the  
18 same person.

19                 THE COURT: I'm going to go ahead and have the  
20 juror come in at this point so we can explore the  
21 situation.

22                 So, Meghan, would you bring Ms. Neiman in? And we  
23 will need a microphone.

24                 (Juror Neiman entered the courtroom.)

25                 JUROR NEIMAN: Can I sit here?

1           THE COURT: Yeah, you're fine. Go ahead and  
2 have a seat, ma'am. Sorry to bring you in by yourself  
3 like this. But it did come to our attention -- and I  
4 appreciate you provided this information to our clerk's  
5 office staff. You believe you know someone who might be  
6 a witness in this case?

7           JUROR NEIMAN: Yes. Because I'm a nurse  
8 practitioner at the health center, I went to work to  
9 finish some stuff up. And when I walked in, my boss had  
10 notified everybody I'd be out through November 30, and so  
11 one of the providers looked at me, and she goes, Well,  
12 you know that one of our interpreters is one of the  
13 witnesses. And I hadn't said anything about what case it  
14 was. So she told me that Tram Nguyen, one of our  
15 interpreters, was going to be one of the witnesses.

16           I work with her when she interprets for my  
17 Vietnamese patients, but on another sense, I'm bound by  
18 HIPAA every single day. I've probably seen many of you  
19 in clinic and have never said anything. I don't see it  
20 as a problem. Like I said, I'm bound by HIPAA every  
21 single day. So I didn't want to sit here and have --  
22 look at her straight across and not say anything. So  
23 that's why I brought it up.

24           THE COURT: No, you did absolutely the right  
25 thing. We appreciate that. You've kind of suggested

1 this, but let me just ask it directly.

2 JUROR NEIMAN: Uh-huh.

3 THE COURT: Assuming this individual testifies  
4 as a witness, would the fact that you work with her make  
5 it difficult for you to judge her credibility any  
6 differently than anyone else?

7 JUROR NEIMAN: No.

8 THE COURT: And would the fact that one of your  
9 coworkers might be testifying in this case, is that going  
10 to make it difficult for you to be fair and impartial as  
11 a juror?

12 JUROR NEIMAN: No. I tell friends that I see  
13 in urgent care bad things every day and don't go home and  
14 tell my family. So I don't see it as a problem.

15 THE COURT: Okay. Any follow-up from the  
16 government?

17 MR. EVANS: No, Your Honor.

18 THE COURT: Mr. Brown, any follow-up?

19 MR. BROWN: No, Your Honor.

20 THE COURT: All right. Ma'am, thank you. You  
21 can go back and join the rest of the jurors, and we'll  
22 get started in just a few minutes. Again, we appreciate  
23 you letting us know that.

24 JUROR NEIMAN: Thank you.

25 (Juror Neiman exited the courtroom.)

1           THE COURT: All right. Ms. Neiman has left the  
2 courtroom.

3           Any requests for any action at this time from the  
4 government regarding Ms. Neiman?

5           MR. EVANS: Not from the government as to  
6 Ms. Neiman, Your Honor.

7           THE COURT: All right. Mr. Brown, any thoughts  
8 or requests for action regarding Ms. Neiman?

9           MR. BROWN: No, sir.

10          THE COURT: Okay. We will leave her on the  
11 jury at this point. Again, I'm glad she did tell us  
12 that.

13          Anything else we need to take up before we get back  
14 into the testimony with the jury in the room? Anything  
15 from the government?

16          MR. EVANS: I'm -- I apologize, Your Honor.

17          THE COURT: Anything else before we bring the  
18 jury in?

19          MR. EVANS: No, Your Honor. I think the  
20 Court's made it clear that the defendant's mother needs  
21 to be informed. I know that Mr. Brown doesn't speak  
22 Vietnamese, but through his client or somebody else, we  
23 would request that the Court's instruction be clearly  
24 relayed to her as soon as possible.

25          THE COURT: All right. Mr. Brown, anything

1 from the defense before we get going again?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Okay. Let's bring in the jury, and  
4 then we're up to cross-examination then. Is that right,  
5 Mr. Brown?

6 MR. BROWN: Yes, Your Honor.

7 THE COURT: Okay. That's what I thought.  
8 Wanted to make sure.

9 (The jury entered the courtroom.)

10 THE COURT: Please be seated. Welcome back,  
11 everyone. Sorry for our short delay, but I believe we're  
12 ready to get going again. And just for reference, we'll  
13 be looking somewhere between 12:20 and 12:30 for our  
14 second scheduled break.

15 When we took our recess, Mr. Luu's direct  
16 examination had been completed.

17 And, Mr. Brown, are you ready for cross-examination?

18 MR. BROWN: Yes, Your Honor.

19 THE COURT: Okay. We'll have Mr. Luu retake  
20 the stand.

21 All right. And, Mr. Brown, you may proceed.

22 CROSS-EXAMINATION

23 BY MR. BROWN:

24 Q. Good morning, Mr. Luu. How are you?

25 A. Yes, I'm good. Thanks.

1 Q. You lived at 306 19th Street?

2 A. Yes.

3 Q. With your wife?

4 A. Yes.

5 Q. Your father-in-law?

6 A. Yes.

7 Q. Your mother-in-law?

8 A. Yes.

9 Q. And when did your father-in-law pass away?

10 A. In 2022.

11 Q. And your sons Andy and Anthony also lived at the  
12 same house; is that correct?

13 A. Yes.

14 Q. All of you lived there in the home during 2020; is  
15 that true?

16 A. Yes.

17 Q. So at some point Kim Taylor visited your home in  
18 early 2020. Is that what you remember?

19 A. I don't remember.

20 Q. Kim visited your home and brought some voting forms.  
21 Do you remember that?

22 A. That I remember.

23 Q. And your sons were there when Kim visited?

24 A. I don't recall.

25 Q. And after she visited, then she came back and picked

1 up the forms. Is that . . .

2 A. I don't remember. I just remember she came. She  
3 brought the forms. She fill them out, and I signed.

4 Q. Do you remember if all of you including your sons  
5 were in the house when she visited?

6 A. I just remember my father-in-law, my mother-in-law,  
7 my wife, and I just got home from work.

8 Q. Do your sons speak English?

9 A. Yes.

10 Q. Can they read English well?

11 A. Yes, very good.

12 Q. And she left a yard sign out in your yard; is that  
13 right?

14 A. Yes.

15 MR. BROWN: I don't have any further questions  
16 from this gentleman. Thank you, Your Honor.

17 THE COURT: Any redirect?

18 MR. EVANS: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. EVANS:

21 Q. Mr. Brown asked you about your sons Anthony and  
22 Andy; correct?

23 A. Yes.

24 Q. And you said that they speak good English; correct?

25 A. Yes.

1 Q. They don't -- do they need help filling out forms?

2 A. No.

3 Q. In fact, they help you filling out forms; correct?

4 A. Yes. Sometimes when I have something I don't  
5 understand, I ask them to help.

6 Q. And Mr. Brown asked you about when Ms. Taylor came  
7 to your house with the forms. Do you remember that?

8 A. Yes.

9 Q. And she filled out the forms and showed you where to  
10 sign; correct?

11 A. Yes.

12 Q. And other times she came back to collect documents;  
13 correct?

14 A. I remember after she help me fill out a form I sign,  
15 she took the form with her. All the other times I don't  
16 remember.

17 Q. When she took the forms with her, did she take  
18 everybody's forms in the house?

19 A. Well, when she came after I -- she fill out a form,  
20 I sign. Yeah, I think so.

21 Q. So she took your forms. She took your wife's forms?

22 A. Yes.

23 Q. And your parents' or your in-laws' forms?

24 A. Yes.

25 Q. And if there were forms there for your sons, would

1 she have taken those too?

2 MR. BROWN: Objection. No foundation, Your  
3 Honor. Leading.

4 THE COURT: That objection is sustained.

5 Q. When Miss Taylor left, were there any voting forms  
6 left in the house?

7 A. That I don't recall.

8 Q. Do you recall seeing any forms left in the house  
9 after she left?

10 A. I don't remember.

11 Q. If we could look at --

12 MR. EVANS: Pull up Government's Exhibit 107,  
13 please. If you could blow up the bottom part of that.

14 Q. This is one of the forms that you testified that  
15 Ms. Taylor helped fill out and showed you where to sign.  
16 Do you remember that?

17 MR. BROWN: Objection to the question, Your  
18 Honor, as a statement, not a question.

19 THE COURT: The objection's overruled. The  
20 witness may answer.

21 A. Okay.

22 Q. And you see the registrant affidavit at the bottom.  
23 There's a lot of writing there; correct?

24 A. Yes.

25 Q. And there's a warning as well as other English where

1 it states, I swear or affirm under penalty of perjury,  
2 and it lists various things: I'm the person named above.  
3 I am a U.S. citizen. It further states, I've never been  
4 convicted of a felony or my right to vote has been  
5 restored by the governor, including through executive  
6 order after a felony conviction. I'm at least 17 years  
7 old.

8 Further states, I live at the address above. I am  
9 not currently judged by a court to be incompetent, and I  
10 do not claim the right to vote anywhere else.

11 Did Miss Taylor translate all of that English into  
12 Vietnamese for you?

13 MR. BROWN: Objection, Your Honor. Asked and  
14 answered on direct, outside the scope of  
15 cross-examination.

16 THE COURT: The objection's overruled. The  
17 witness may answer.

18 A. Yes.

19 Q. She translated all of that.

20 MR. BROWN: Objection, Your Honor. The witness  
21 has answered the question with answer yes.

22 THE COURT: That objection is sustained.

23 Q. Do you recall testifying in the grand jury, Mr. Luu?

24 A. Yes.

25 Q. Do you recall being asked about some of the

1 documents we looked at here today?

2 A. Yes.

3 Q. Do you recall being asked on page 15 of your grand  
4 jury transcript -- and again, we're talking about these  
5 same documents -- Okay, and like the previous voter's  
6 affidavit that we looked at, you don't -- you didn't then  
7 or you don't now understand necessarily all the written  
8 English on it, do you? Answer, Right.

9 MR. BROWN: Objection -- objection to the  
10 question as improper impeachment, Your Honor. There's no  
11 prior inconsistent statement here.

12 THE COURT: The objection's overruled. The  
13 witness may answer.

14 MR. EVANS: No, that was his answer. I'm just  
15 reading.

16 THE COURT: Oh, I thought you said right.

17 MR. EVANS: No, that was his answer. I  
18 apologize. I'm trying to -- he's just testified one way.  
19 I'm trying to point out how he testified back in grand  
20 jury.

21 THE COURT: Okay. Then get to a question then  
22 because I thought you'd already asked it.

23 MR. EVANS: Apologize.

24 Q. So the question -- and I have -- is, Okay, and like  
25 the previous voter's affidavit we looked at then, you

1 didn't necessarily understand all that was written in  
2 English, do you? Answer, Right. Question, And Phuong,  
3 she didn't explain what all that meant, did she? Answer,  
4 She did not.

5 Do you remember giving that answer to those  
6 questions?

7 A. Yes. Can you repeat?

8 Q. Yes. In the grand jury, you were asked, You didn't  
9 understand necessarily all the written English on the  
10 form, did you? You answered, Right. Question, And  
11 Phuong, she didn't explain what all that meant, did she?  
12 Answer, She did not.

13 Okay. Which is accurate?

14 MR. BROWN: Excuse me, Your Honor. We had an  
15 answer here.

16 THE COURT: He hasn't asked a question yet.

17 MR. EVANS: I haven't asked a question. He  
18 just asked me to repeat it.

19 MR. BROWN: I'm getting language going on  
20 between the interpreter that's not being interpreted.

21 THE COURT: I can't speak to that. I don't  
22 speak Vietnamese. All I know is Mr. Evans just recited  
23 from the deposition transcript, and he's about to ask the  
24 witness a question now. So whatever the objection is,  
25 it's overruled, and just let him ask his question.

1 Q. Mr. Luu, would you agree with me that your memory of  
2 an event is better closer in time to the event?

3 A. And because due to my -- the medication that I'm  
4 taking for my hypertension and because of my age, my  
5 memory is not as good as used to be.

6 Q. Is your memory better closer -- if an event happened  
7 three years ago and you testified about it a year and a  
8 half ago, is your memory going to be better when you  
9 testified originally or three years after the event?

10 A. It's been so long, and because of my age, sometimes  
11 I just don't remember very well.

12 MR. EVANS: No further questions, Your Honor.

13 THE COURT: Recross?

14 MR. BROWN: No thank you, Your Honor.

15 THE COURT: Okay. The witness is excused.

16 Thank you, sir. You may go.

17 Is the government ready to call another witness?

18 MR. EVANS: Yes, Your Honor. The government  
19 would -- calls Mr. Andy Luu.

20 THE COURT: There is a document on the witness  
21 stand. Maybe you want to leave it there.

22 MR. EVANS: I'll retrieve it.

23 THE COURT: Okay. Thank you.

24 Good morning, sir. If you'll come up kind of in the  
25 middle of the room here, I'll swear you in. Would you

1 please raise your right hand.

2 ANDY LUU, PLAINTIFF'S WITNESS, SWORN

3 THE COURT: Okay. Thank you. Please have a  
4 seat to your right there in the witness box. And if you  
5 can try to stay close to the microphones and adjust them  
6 if you need to. Would you please tell us your full name,  
7 and spell your last name.

8 THE WITNESS: My full name is Andy Luu. My  
9 last name is spelled L-u-u.

10 THE COURT: Okay. Thank you.

11 Mr. Evans, you may proceed.

12 MR. EVANS: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. EVANS:

15 Q. Good morning, Mr. Luu.

16 A. Good morning.

17 Q. How old are you, Mr. Luu?

18 A. I am currently 21 years old.

19 Q. Where were you born?

20 A. I was born in Sioux City, Iowa.

21 Q. And I take it then you're a U.S. citizen.

22 A. Yes, that is correct.

23 Q. And you're a fluent English speaker; correct?

24 A. Yeah, that is correct.

25 Q. Do you also speak other languages?

- 1 A. I speak Vietnamese as my second language.
- 2 Q. And where do you live?
- 3 A. I currently live in Iowa City for my college.
- 4 Q. And where are you going to college?
- 5 A. I'm attending University of Iowa.
- 6 Q. And what's your major?
- 7 A. I am currently majoring in chemistry and minoring in  
8 criminology.
- 9 Q. And what is -- what is your permanent address when  
10 you're not at school?
- 11 A. My permanent address is 306 19th Street in Sioux  
12 City, Iowa.
- 13 Q. And how long have you lived at that house?
- 14 A. I've been living here my whole life.
- 15 Q. Who else lives at that address?
- 16 A. Currently my father, my brother, my mother, and  
17 grandmother.
- 18 Q. Did anyone else live at that address in the past?
- 19 A. My grandfather and a few of my aunts and uncles.
- 20 Q. What was your grandfather's name?
- 21 A. My grandfather's name is Tri Lam.
- 22 Q. Did he pass away?
- 23 A. Yeah, he passed away a few summers ago.
- 24 Q. Are you a registered voter, Mr. Luu?
- 25 A. Yes, I am.

1 Q. Do you recall when you first registered?

2 A. I recall that it was at the DMV when I turned 18 to  
3 get my driver's license.

4 Q. Directing your attention to what's been admitted as  
5 Government Exhibit 91, do you recognize that photograph?

6 A. Yes. That is my driver's license picture.

7 Q. And is that your signature below it?

8 A. That looks like my signature below, yeah.

9 Q. What's your birthday, Mr. Luu?

10 A. My birth date is October 30, 2002.

11 Q. So you just recently turned 21; is that correct?

12 A. Yeah, that is correct.

13 Q. The general election in 2020 was held on November 3  
14 of 2020 which was just 4 days after you turned 18;  
15 correct?

16 A. Yes, that is correct.

17 Q. So would that have been the first presidential  
18 election you would have been old enough to vote in?

19 A. Yes, that's correct.

20 Q. Did you personally vote in that election?

21 A. I personally did not vote in that election.

22 Q. Why not?

23 A. I -- it was -- I was on my way to vote the day of,  
24 and I was stopped by one of my relatives, and they  
25 said --

1 MR. BROWN: Objection. Hearsay, Your Honor.

2 MR. EVANS: Your Honor, not offering it for the  
3 truth of the matter asserted but effect on the listener.

4 THE COURT: All right. The objection is  
5 overruled. And, sir, you can continue to answer.

6 A. I -- they asked where I was going, and I told them I  
7 was going to vote, and they said, You don't need to. We  
8 already voted for you.

9 Q. Why did you want to go vote?

10 A. My friends and teachers emphasized and pushed how  
11 important it was to vote. And I thought it would be kind  
12 of cool to have a "I Voted" picture and post about it in  
13 social media.

14 Q. You didn't have that opportunity, though.

15 A. No, I did not.

16 Q. Did you ever give anyone in your family permission  
17 to vote for you?

18 A. I don't recall doing that.

19 Q. Have you since voted in any elections?

20 A. No, I have not.

21 Q. Directing your attention to what's been admitted  
22 into evidence as Government Exhibit 24. This is a copy  
23 of a state of Iowa official absentee ballot request form.  
24 Do you see that?

25 A. Yes, I see that.

1 Q. And looking at the section on your name and address,  
2 is that, in fact, your name, birthday, and address?

3 A. Yes, that is my name.

4 Q. Is that your handwriting?

5 A. It does not look like my handwriting.

6 Q. The -- further down on the document, the box for  
7 general election is checked there. Do you see that?

8 A. Yeah, I see that.

9 Q. And looking at the signature down on the bottom, is  
10 that your signature?

11 A. That does not look like my signature, no.

12 Q. This is dated September 27 of 2020; correct?

13 A. Yes, that is correct.

14 Q. Do you have any idea who filled out this form?

15 A. I don't know who, but I would believe it would be  
16 one of my family members perhaps.

17 Q. But you don't know that to be the case.

18 A. Yes, that is correct.

19 Q. Directing your attention what's been admitted into  
20 evidence as Government Exhibit 26, this is a copy of a  
21 state of Iowa absentee ballot envelope. Do you see that?

22 A. Yes, I see that.

23 Q. Focusing on the section on the left there, is that  
24 your name and address?

25 A. Yes, that is my name and address.

1 Q. And this appears to be an absentee ballot envelope  
2 for the general election of November 3 of 2020. Do you  
3 see that?

4 A. Yes, I see that.

5 Q. And do you see when that was received by the county  
6 board of elections?

7 A. Yeah, on October 16.

8 Q. Focusing on the signature block down there, is that  
9 your signature?

10 A. That does not look like my signature, no.

11 Q. You ever sign your name like that?

12 A. No, I do not sign my name like that.

13 Q. Do you have any idea whose handwriting that is?

14 A. I don't know whose handwriting that would be.

15 Q. Your family members, your parents, and your  
16 grandparents, how's their English?

17 A. Their English isn't the great. I would have to  
18 translate for them for most cases.

19 Q. Okay. So looking at the document we were just  
20 looking at, Government's Exhibit 26, under -- where it  
21 says Important Notice and then there's down -- five  
22 different sentences and then the voter's affidavit below  
23 that, do you see that?

24 A. Yes, I see that.

25 Q. Would any of your parents or grandparents be able to

1 read all that in English, or would they need you or  
2 somebody to interpret that for them?

3 A. They would not be able to comprehend it or read it  
4 without any help.

5 Q. Your parents and grandparents law-abiding citizens?

6 A. I would like to think so, yes.

7 Q. You ever known them to knowingly violate the law?

8 A. No.

9 Q. Would either your parents or your grandparents sign  
10 any voting documents for you if they had known it was  
11 against the law to do so?

12 MR. BROWN: Objection. Calls for speculation,  
13 Your Honor.

14 THE COURT: That's sustained.

15 Q. Mr. Luu, are you familiar with the defendant, Kim  
16 Taylor?

17 A. I've heard of her before and seen her before when I  
18 was younger, but I'm not too familiar.

19 Q. When would you see her?

20 A. When I was a child during one of the elections.

21 Q. When would she come to your house? Just during  
22 elections?

23 A. I would believe so, yeah.

24 Q. Do you know if she ever helped your family members  
25 out with any other types of documents other than election

1 materials?

2 A. I wouldn't know the answer to that question.

3 Q. When she came to your house, did you ever see her  
4 with anybody else?

5 A. If I recalled correctly, I believe she came with her  
6 husband one time.

7 Q. And he would have come inside the house with her?

8 A. Yes.

9 Q. Do you know if he was running for any office?

10 A. I remembered we had a Jeremy Taylor sign in front of  
11 our yard.

12 Q. Would you be able to recognize Miss Taylor if you  
13 saw her?

14 A. I wouldn't be too confident in pointing her out.

15 Q. Can you take a look around the courtroom, see if you  
16 see her there?

17 A. I believe she's sitting over there.

18 MR. EVANS: Let the record reflect that the  
19 witness has identified the defendant, Miss Taylor.

20 THE COURT: Any objection?

21 MR. BROWN: No, Your Honor.

22 THE COURT: All right. The record will reflect  
23 that.

24 MR. EVANS: No further questions, Your Honor.

25 THE COURT: Cross-examination?

1 MR. BROWN: Yes, Your Honor. Thanks.

2 THE COURT: Sure.

3 CROSS-EXAMINATION

4 BY MR. BROWN:

5 Q. Mr. Luu, I'm Mr. Brown. Nice to meet you.

6 A. Nice to meet you.

7 Q. So let me just see if we can get some chronology of  
8 events here. In the spring of 2020, do you remember what  
9 was going on in your life?

10 A. No. I don't remember everything that happens in  
11 2020.

12 Q. Were you living at your parents' home in the spring  
13 of 2020 when COVID started?

14 A. Yes, I was.

15 Q. Did you pretty much confine yourself to your home,  
16 or would you go out and about?

17 A. I wouldn't say I was confined. I left the house  
18 every once in a while.

19 Q. And your brother was there as well, Anthony?

20 A. Yes, he was.

21 Q. And your father's father-in-law was living there;  
22 right?

23 A. I only have a father.

24 Q. Your grandfather was living there; right?

25 A. Yes, he was, yeah.

1 Q. And your grandfather was on your mom's side; right?

2 A. Yes, he is, yeah.

3 Q. That would be your father's father-in-law; right?

4 A. Yes, that's correct.

5 Q. Does that make sense?

6 A. Yeah.

7 Q. Okay. And what was your grandfather's name?

8 A. Tri Lam.

9 Q. Was Tri Lam kind of the head of the household as the  
10 elder in the home?

11 A. I wouldn't say we have a head of a household.

12 Q. Then at some point in time did you go off to school  
13 in the -- later in the year in 2020?

14 A. During COVID?

15 Q. During COVID, yes.

16 A. Well, we had to stay home during COVID.

17 Q. Were you in the house basically the whole time over  
18 the summer of 2020?

19 A. No, I was not.

20 Q. And at some point in time did you register to vote?

21 A. Yeah. I registered to vote when I turned 18.

22 Q. And what was that date again?

23 A. I couldn't remember when I came in to vote, to  
24 register to vote.

25 Q. And who obtained the registration to vote form for

1 you?

2 A. I don't know.

3 Q. Was it one of your family members?

4 A. I honestly couldn't tell you. I had no information  
5 about it happening.

6 Q. Okay. So you don't have any memory as to who  
7 presented the actual voter registration form to you. Is  
8 that what you're saying?

9 A. No. It was the form at the DMV or . . .

10 Q. Yeah. Did you register to vote at the Department of  
11 Motor Vehicles?

12 A. Yes, yes.

13 Q. Okay. Your parents didn't give you the form. You  
14 did it at the driver's station.

15 A. Yes, that's correct.

16 Q. All right. Now, at any point in time during this  
17 COVID period of 2020, do you recall telling anybody in  
18 your family go ahead and sign those registration forms on  
19 my behalf so you can vote?

20 A. I mean, 2020 was a while ago. I -- it's hard to  
21 recall from that time.

22 Q. Do you think you recalled better when you were  
23 called to the grand jury in this matter?

24 A. I still believe it was still almost a year later.

25 Q. Is it fair to say you don't have a very good memory

1 about what was going on back in 2020 during this COVID  
2 pandemic?

3 A. That just depends on what we're talking about.

4 Q. Well, we're talking about voting documents today;  
5 okay?

6 A. I mean, I would remember if I would sign something  
7 or not.

8 Q. You remember signing what?

9 A. If I was to sign something, I would remember doing  
10 it.

11 Q. Okay. Is it possible that you may have told  
12 parents, family members that you live with that they can  
13 vote for you?

14 A. I mean, yeah, it is a possibility. Almost  
15 anything's a possibility.

16 Q. Is that what happened, or are you just unsure or  
17 don't remember?

18 A. I believe it didn't happen.

19 Q. Did not happen or did happen?

20 A. I believe I didn't give them consent to vote for me.

21 Q. That you did or did not? I apologize.

22 A. Did not give them consent.

23 Q. All right. But what you do remember is when you  
24 were planning on going to the polls you said you spoke  
25 with some family member about that issue; is that

1 correct?

2 A. Yes, that is correct.

3 Q. And which family member did you speak with?

4 A. If I could recall, it would be my grandfather.

5 Q. Who has since passed away.

6 A. Yes, that is correct.

7 Q. And is it true that when you were interviewed by the  
8 FBI and shown these documents your theory was that your  
9 grandfather had signed those documents on your behalf?

10 A. Can you repeat that?

11 Q. Yes. You were interviewed by the FBI and shown some  
12 documents; correct?

13 A. Yes, that is correct.

14 Q. And you and Agent Murphy discussed who could have  
15 been the person who wrote your name on these documents;  
16 correct?

17 A. That is correct.

18 Q. And your theory was, having looked at the documents,  
19 that it was your grandfather who signed your name to one  
20 or more of the documents; isn't that true?

21 A. No, that's not true.

22 Q. All right. What's not true about that?

23 A. Well, I don't think I had a theory of who signed it  
24 because, I mean, I didn't really know who signed it  
25 because I have no information about it.

1 Q. So your answer today is you don't know who signed  
2 it.

3 A. No, I don't know who signed it.

4 Q. You can't say Kim Taylor signed your name, can you?

5 A. Well, I wasn't there for it when it happened.

6 Q. So you don't know who signed them.

7 A. No.

8 Q. You just know that one of your family members,  
9 probably your grandfather, called you and told you he'd  
10 already voted for you.

11 A. Yeah. My grandfather told me that my -- they  
12 already submitted a vote for me, yeah.

13 MR. BROWN: Nothing further. Thank you, Your  
14 Honor.

15 THE COURT: Redirect?

16 MR. EVANS: No, Your Honor.

17 THE COURT: Okay, sir. You are excused. You  
18 may step down. Thank you.

19 MR. EVANS: Your Honor, the government would  
20 call Mr. Andy Luu at this point -- excuse me, Anthony  
21 Luu.

22 THE COURT: Good morning, sir. If you'll come  
23 right up in the middle of the room for a minute so I can  
24 swear you in. Would you please raise your right hand.

25 ANTHONY LUU, PLAINTIFF'S WITNESS, SWORN

1 THE COURT: Okay. Thank you. The witness box  
2 is right to your right over there. Go ahead and have a  
3 seat. And if you can stay close to the microphones and  
4 adjust them if you need to, that will help us a lot.

5 Would you please tell us your full name, and spell  
6 your last name.

7 THE WITNESS: My name is Anthony Luu. Anthony  
8 is spelled A-n-t-h-o-n-y. Luu is spelled L-u-u.

9 THE COURT: Okay. Thank you, sir.  
10 Mr. Evans, you may proceed.

11 MR. EVANS: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. EVANS:

14 Q. Good morning, Mr. Luu.

15 A. Good morning.

16 Q. How old are you, Mr. Luu?

17 A. I am 23.

18 Q. And where were you born?

19 A. October 4 of 2000.

20 Q. Where were you born?

21 A. Oh, sorry. The -- Sioux City, Iowa.

22 Q. So you're a U.S. citizen; correct?

23 A. Yes.

24 Q. And I take it that English is your primary language?

25 A. Yes.

1 Q. And where do you live?

2 A. I currently live at 306 19th Street.

3 Q. And how long have you lived there?

4 A. For most of my life except for the two years I lived  
5 in Des Moines, Iowa.

6 Q. What were you doing when you were working in  
7 Des Moines, or what were you doing when you were living  
8 in Des Moines?

9 A. Oh. I was working at an Amazon facility.

10 Q. Focusing on the 306 19th Street address, you live  
11 there now; correct?

12 A. Yes, I live there.

13 Q. Who do you live there with?

14 A. Live there with my mother, my father, and my  
15 grandma.

16 Q. And in the past did any other relatives live in the  
17 house with you?

18 A. Yes. My grandpa.

19 Q. What was his name?

20 A. Tri Lam.

21 Q. And what do you do now?

22 A. I work at Empirical.

23 Q. What is Empirical?

24 A. It's a meat-packing company.

25 Q. Here in Sioux City?

1 A. In South Sioux, Nebraska.

2 Q. And what do you do there?

3 A. I work hourly production.

4 Q. Directing your attention to the video screen there

5 is Government Exhibit 90. Do you see that?

6 A. Yes, I see it.

7 Q. Do you know who that is?

8 A. Yes.

9 Q. Who is it?

10 A. It's a picture of me on -- from my driver's license.

11 Q. Is that a picture of your signature underneath it

12 too?

13 A. Yes.

14 Q. From your driver's license as well?

15 A. Yes.

16 Q. Are you a registered voter, Mr. Luu?

17 A. Yes.

18 Q. And do you vote regularly?

19 A. No.

20 Q. Have you ever voted before?

21 A. Not that I recall, no.

22 Q. Do you follow politics?

23 A. No.

24 Q. Have you ever given anybody permission to vote for

25 you?

1 A. No.

2 Q. Directing your attention to what's been admitted  
3 into evidence as Government Exhibit 22 -- this will be on  
4 your screen as well -- this is a -- an official -- state  
5 of Iowa official voter registration form. Do you see  
6 that?

7 A. Yes, I see that.

8 Q. And focusing on the center of that form, is that  
9 your name and address?

10 A. Yes.

11 Q. Is that your handwriting?

12 A. No.

13 Q. And looking down at the section for party  
14 affiliation, box for the Republican party is checked. Do  
15 you see that?

16 A. Yes.

17 Q. And on the form itself just further above, there's a  
18 stamp that says Change, and then Party is written  
19 underneath it. You see that?

20 A. Yes.

21 Q. Have you at any time ever changed your party  
22 affiliation from whatever it was before, be it Democrat  
23 or nonparty, to Republican?

24 A. No.

25 Q. Looking at the signature on the bottom of that

1 document, is that your signature?

2 A. No.

3 Q. This document is dated April 7 of 2020; correct?

4 A. Yes.

5 Q. Do you write your dates this way, Mr. Luu?

6 A. I do not.

7 Q. How would you write that date?

8 A. I would write 04 and slash, then 07, slash, 20.

9 Q. Any idea who filled out this form?

10 A. I do not.

11 Q. Directing your attention to what's been admitted  
12 into evidence as Government Exhibit 23, this is a state  
13 of Iowa official absentee ballot envelope. Do you see  
14 that?

15 A. Yes.

16 Q. And focusing on the section on the lower left, is  
17 that your name and address?

18 A. Yes.

19 Q. And there's a date there of 6-2, 2020. Do you see  
20 that?

21 A. Yes.

22 Q. And that's the date of the primary election in that  
23 year. Looking at the signature on this document under  
24 the voter's affidavit, is that your signature?

25 A. No.

1 Q. You ever sign documents that way?

2 A. No.

3 Q. Have any idea whose signature that might be or whose  
4 handwriting that might be?

5 A. I do not.

6 Q. Directing your attention to Government's Exhibit 25,  
7 this is another official -- state of Iowa official  
8 absentee ballot envelope. Do you see that?

9 A. Yes.

10 Q. This one again has a date and address listed. Is  
11 that you?

12 A. Yes.

13 Q. That's your name and your address, 306 19th Street?

14 A. Yes.

15 Q. And this one has a date on it 11-3 of 2020 which was  
16 the date of the general election that fall; correct?

17 A. Yes.

18 Q. Focusing on the date timestamp on the left-hand  
19 side, what's the date there reflected that this was  
20 received by the county auditor's office?

21 A. It says October 16 of 2020.

22 Q. And looking down at, again, the voter's affidavit  
23 section of this document, is that your signature, sir?

24 A. No.

25 Q. Ever sign your name like that?

1 A. No.

2 Q. Mr. Luu, looking at this document, there's a fair  
3 amount of English on it; correct?

4 A. Yes.

5 Q. How are your parents in their ability to read  
6 English?

7 A. Not well.

8 Q. Would they be able to read this document in English?

9 A. No.

10 Q. Someone would have to translate it for them;  
11 correct?

12 A. Yes.

13 Q. You ever provide translation for them?

14 A. Yes.

15 Q. And your brother does that sometimes too?

16 A. Yeah.

17 Q. How about your grandparents? Would Tri Lam have  
18 been able to read this document in English?

19 A. Not well.

20 Q. He'd need an interpreter as well?

21 A. Yes.

22 Q. Your parents and your grandparents, good,  
23 law-abiding citizens?

24 A. From what I've known, yeah.

25 Q. Never known them to consciously violate a law, have

1 you?

2 A. No.

3 MR. EVANS: No further questions, Your Honor.

4 THE COURT: Cross-examination?

5 MR. BROWN: Yes, Your Honor. Thank you.

6 CROSS-EXAMINATION

7 BY MR. BROWN:

8 Q. Good morning, Mr. Luu.

9 A. Good morning.

10 Q. I'm Mr. Brown. I just have a few questions for you.

11 A. Okay.

12 Q. Tell me about your grandfather. What kind of man  
13 was he?

14 A. Can you help me understand that question?

15 Q. Yeah. Was he involved in your life, your  
16 grandfather?

17 A. Oh, yeah. Yeah. So he -- he basically first got  
18 here from Vietnam, and he brought our parents over as  
19 well, and then that's how I was born here as well.

20 Q. Do you know what the word patriarch means? Do you  
21 know what the word patriarch of the family means?

22 A. Can I get a definition of it?

23 Q. Be kind of like the head guy, the head guy that  
24 everybody looks up to of the family.

25 A. Oh. The question was --

1 Q. Is your grandfather like the head guy of the family?

2 A. In what sense?

3 Q. Well, your grandfather was given respect, was he  
4 not?

5 A. Yeah, being like -- like the father of my mother in  
6 that sense.

7 Q. And he was your elder, was he not?

8 A. Yes.

9 Q. You were taught to respect your elders in your  
10 culture; is that right?

11 A. Yes.

12 Q. And you did respect your grandfather. Is that true?

13 A. Yes.

14 Q. During 2020 COVID, were you basically living in the  
15 home?

16 A. From what I recall, yeah.

17 Q. You weren't living anywhere else during the whole  
18 spring and summer and fall of 2020, were you?

19 A. Oh, yeah. No.

20 Q. You were living in your parents' home where your  
21 grandfather and your grandmother and your brother lived;  
22 right?

23 A. Yes.

24 Q. Would you characterize your grandfather as a smart  
25 guy, smart man?

1 A. Yes.

2 Q. He'd helped get -- helped get his wife and your  
3 mother out of Vietnam; right?

4 A. Yes.

5 Q. Was your mother born in the United States?

6 A. No.

7 Q. Was she born in Vietnam?

8 A. Yes.

9 Q. So your grandfather helped get her out of Vietnam to  
10 the United States; right?

11 A. Yeah.

12 Q. And then he's living in your mom's home even after  
13 she married your father; correct?

14 A. It would technically be my grandpa's home.

15 Q. It was your grandpa's home.

16 A. Yes.

17 Q. All right. Grandpa's home, Grandpa's rules; would  
18 you agree with that?

19 A. What kind of rules?

20 Q. Well, did your grandpa provide any rules to you and  
21 your brother about what you could or couldn't do in his  
22 home?

23 A. So there were expectations, but they weren't like  
24 specific rules, no.

25 Q. And those expectations were provided by your

1 grandfather.

2 A. Or my grandmother or my mother or my father.

3 Q. So let me show you what has been admitted as Exhibit  
4 22. Do you see where I've circled the signature on  
5 Exhibit 22?

6 A. Yes.

7 Q. It's in cursive, is it not?

8 A. Yes.

9 Q. Can you read it?

10 A. Yes.

11 Q. What do you read there?

12 A. The signature part?

13 Q. Yes, please. Just the cursive. What can you read  
14 in that signature line, if anything?

15 A. Like A-n-t and an h and n-y.

16 Q. All right. What about -- then there's kind of a --  
17 this little mark that goes over towards the next part of  
18 it. What can you read on that next part of it there?

19 A. I feel like the part of the y kind of connects.

20 Q. Okay.

21 A. And then that would be my last name but . . .

22 Q. That wasn't the what?

23 A. That -- so that part would be my last name, but I  
24 don't see an L.

25 Q. Well, just looking at it as the person born into

1 this world as Anthony Luu, doesn't it appear to you  
2 whoever wrote it they're trying to write Anthony Luu on  
3 there?

4 A. I could understand that, yeah.

5 Q. Doesn't that seem a bit obvious?

6 A. I don't know about obvious but . . .

7 Q. Whose handwriting do you think it is? Is it your  
8 grandfather's?

9 A. I'm not familiar with how people write their  
10 cursive, no.

11 Q. Okay. So you have no idea who wrote this cursive  
12 what appears to be attempt to write your name; is that  
13 right?

14 A. Yeah.

15 Q. Now, going up to the top of this, did your parents  
16 have your driver's license number?

17 A. No.

18 Q. Who had your driver's license number?

19 A. I did.

20 Q. Anybody else in your family have your driver's  
21 license number?

22 A. No.

23 Q. So in order for somebody else in the family to get  
24 your driver's license number, they would have to do what?  
25 Ask you?

1 A. Yes.

2 Q. And do you remember a time in 2020 when there was  
3 voting time periods going on that one of your family  
4 members asked you for your driver's license number so  
5 they could put it on voting forms? You remember anything  
6 like that?

7 A. I do not.

8 Q. Okay. Do you ever remember a time where somebody --  
9 you lost your license or somebody in the family fished it  
10 out of your wallet and got your license for a while  
11 without you knowing it?

12 A. No.

13 MR. BROWN: No further questions, Your Honor.  
14 Thank you.

15 THE COURT: Redirect?

16 MR. EVANS: No, Your Honor.

17 THE COURT: Okay. Sir, you are excused. Thank  
18 you.

19 Is the government ready to call another witness?

20 MR. EVANS: Yes, Your Honor. Government calls  
21 Erica Tuttle.

22 THE COURT: Good morning, ma'am. If you'll  
23 come right up here into the middle and I'll swear you in.  
24 Please raise your right hand.

25 ERICA TUTTLE, PLAINTIFF'S WITNESS, SWORN

1 THE COURT: Okay. Thank you. And the witness  
2 box is to your right over there. Go ahead and have a  
3 seat. And then I'll ask you to try to stay pretty close  
4 to the microphones and adjust them if you need to. Would  
5 you please tell us your full name, and spell your last  
6 name.

7 THE WITNESS: Erica Tuttle, E -- I'm sorry.  
8 T-u-t-t-l-e.

9 THE COURT: Okay. Thank you.  
10 Miss Castaldi, you may proceed.

11 MS. CASTALDI: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. CASTALDI:

14 Q. Good morning, Miss Tuttle.

15 A. Good morning.

16 Q. Where do you live?

17 A. In Dakota Dunes, South Dakota.

18 Q. Are you familiar with the Woodbury County Auditor's  
19 Office?

20 A. I am.

21 Q. And how are you familiar with that office?

22 A. I've worked as an election official for them since  
23 approximately 2010.

24 Q. Did you hold any particular position?

25 A. An election official.

1 Q. Was that work consistent from 2010 to the present,  
2 or was it on and off?

3 A. It was on and off.

4 Q. Did you hold any other position besides election  
5 official?

6 A. With Woodbury County?

7 Q. Yes.

8 A. Yes, I was the -- I worked in the treasurer's  
9 office.

10 Q. Is that before working for the auditor's office?

11 A. No. In between.

12 Q. Okay. When you were an election official at  
13 Woodbury County Auditor's Office, what were your job  
14 responsibilities?

15 A. Answer the phones, answer questions regarding  
16 voting, where poll places were. I've worked in a  
17 precinct before. I have ran a satellite voting location.

18 Q. Okay. Are you familiar with the Long Lines  
19 building?

20 A. I am.

21 Q. Are there any voting activities that ever take place  
22 in that building?

23 A. Yes, a specific amount of time before the election,  
24 there's absentee voting, and at the Long Lines anybody  
25 from any precinct can go there and cast a ballot.

1 Q. Was that the case during the 2020 election?

2 A. Correct.

3 Q. During 2020 -- the 2020 election, did you work in  
4 the Long Lines building?

5 A. I did.

6 Q. Now, you said that was early voting. Do you know  
7 approximately how long that facility is open during  
8 elections?

9 A. About three to -- two to three weeks before election  
10 day.

11 Q. Do you know the defendant, Kim Taylor?

12 A. I do.

13 Q. How do you know her?

14 A. I first met Kim back in approximately 2007. I went  
15 to her business for eyelash extensions.

16 Q. Okay. So you went to the defendant's salon; is that  
17 correct?

18 A. Correct.

19 Q. When you interacted with the defendant at her salon,  
20 what language did you interact with her in?

21 A. English.

22 Q. Did she appear to have any difficulty understanding  
23 you in English?

24 A. No.

25 Q. Besides interacting with the defendant in her salon,

1 have you had any other interactions with her?

2 A. Working through the auditor's office with the  
3 elections.

4 Q. Have you ever observed the defendant at the Long  
5 Lines building during an election cycle?

6 A. I have.

7 Q. Did you observe her at the Long Lines building  
8 during the 2020 election?

9 A. I did.

10 Q. Can you tell me about that?

11 A. Kim would bring groups of Asian people in and assist  
12 them voting or try and get them to vote.

13 Q. Okay. So approximately how many people would be in  
14 these groups?

15 A. I would say that it varied. Sometimes maybe just  
16 five. Sometimes a dozen.

17 Q. Did you observe her helping voters check in at the  
18 Long Lines facility?

19 A. I did.

20 Q. Can you describe what the first step is when someone  
21 comes in to check in to early vote?

22 A. So when you first come into the Long Lines, there's  
23 tables right in the entryway that had blank absentee  
24 ballot request forms. The voter would sit down, fill  
25 those out. Once they have that complete, they would

1 check in at one of the stations.

2 Q. Okay. So during that process, did you ever observe  
3 the defendant assist people in filling out those forms?

4 A. I did.

5 Q. And after they fill out the forms, what do they do  
6 with them?

7 A. Then they bring them to one of the stations, and we  
8 get them -- one of the election officials will get them  
9 checked in, verify all the information on the card  
10 and . . .

11 Q. So let's break that down. What do you mean when  
12 they're checked in? What are they actually doing?

13 A. So they hand us the absentee ballot request form,  
14 and we pull them up in the election computer, verify that  
15 all the information on their card is accurate, their  
16 name, their date of birth.

17 Q. And are you doing this orally with the person?

18 A. No, not typically. Once I would accept the card, I  
19 mean, once I would get the card from them, I'm just more  
20 or less looking at the card and yes, that's correct and  
21 checking off yes, yes.

22 Q. What do you do if there's anything that's different  
23 on the card than what's on your computer system?

24 A. Then I would ask the voter.

25 Q. Did that ever happen with a voter that Kim Taylor

1 was assisting?

2 A. Yes.

3 Q. And did she translate for that person in those  
4 instances?

5 A. Yes.

6 Q. Okay. What happens next after you check them in the  
7 system?

8 A. The computer generates an eligibility slip that we  
9 have to have the voter sign.

10 Q. What is on the eligibility slip?

11 A. It states that everything that you wrote on the  
12 absentee ballot request form is accurate and you're a  
13 citizen of the United States, you're eligible to vote,  
14 and I'm pretty sure there's a statement on there about  
15 punishments if -- or that it's a crime if you sign this  
16 and the things listed there aren't true.

17 Q. Okay. Did you ever observe the defendant  
18 translating that document for the people she was helping?

19 A. I don't recall actually that specific document.  
20 If -- I don't.

21 Q. Did you observe her help at all get those forms  
22 signed and then turned back in?

23 A. Yes.

24 Q. Did you ever observe her during that process  
25 assisting voters who were asking for forms for people who

1 were not there?

2 A. Can you repeat the question?

3 Q. Sure. So a voter comes and provides a form, the  
4 affid -- the absentee ballot request form; correct?

5 A. Correct.

6 Q. And then you print out the affidavit they need to  
7 sign; correct?

8 A. Correct.

9 Q. Did any voters ever ask for an affidavit for someone  
10 other than themselves?

11 A. No.

12 Q. You never saw the defendant trying to help someone  
13 to get an affidavit for one of their children, for  
14 example.

15 A. No, huh-uh.

16 Q. Or for a grandchild.

17 A. Not at the -- not at -- I'm sorry. I'm not quite  
18 under -- the eligibility slip?

19 Q. Correct.

20 A. Okay. No, because those only happen when you vote  
21 live.

22 Q. Okay. So after you -- a person signs the affidavit,  
23 then what happens?

24 A. Then we hand them a ballot and direct them or point  
25 to where the voting booths are, and there's pens in there

1 and tell them if they have any questions that they can  
2 ask.

3 Q. Okay. Did you ever observe the defendant accompany  
4 any voters into the voting booth?

5 A. Yes.

6 Q. Can you describe that?

7 A. There was usually one voter in the booth and several  
8 other people around the voter in the booth including Kim.

9 Q. Did Kim Taylor ever assist the voter in the booth  
10 from what you observed?

11 A. She did.

12 Q. Did you ever speak to her regarding that assistance?

13 A. I did. We are required to have any voter that is --  
14 that requires assistance to complete a voter assistance  
15 form that the voter signs, and then the person assisting  
16 also signs.

17 Q. Okay. Did you ask the defendant to fill out those  
18 forms?

19 A. I did.

20 Q. What -- how did she respond?

21 A. She told me that she didn't need to fill out those  
22 forms. And I insisted that she did need to fill them  
23 out, and that went back and forth a few times. And I  
24 ultimately said this is -- because she had told me no one  
25 else has ever made her do this. And I just said that

1 this is what's required, and you either need to sign this  
2 or you're not going to assist them.

3 Q. How did the matter resolve?

4 A. She ended up signing the form.

5 Q. Did you ever observe the defendant picking up or  
6 dropping off voting materials at the Woodbury County  
7 Auditor's Office?

8 A. I did.

9 Q. Did this occur during the 2020 election?

10 A. Correct.

11 Q. Did you observe her picking up or dropping off  
12 materials during other election cycles?

13 A. I -- I don't specifically recall.

14 Q. Was she someone that you observed regularly coming  
15 into the auditor's office?

16 A. Yes, she would get -- she would get absentee ballot  
17 request forms and voter registration forms.

18 Q. Did you ever observe her dropping off materials at  
19 the drop boxes at the auditor's office?

20 A. Yes, the north drop box, yes.

21 Q. How were you able to observe her dropping off  
22 materials in the drop box?

23 A. Because I'm a smoker, and we -- where we are  
24 supposed to smoke at is in between the courthouse and the  
25 Williges parking ramp.

1 Q. Did you ever observe her husband accompany her to  
2 drop off voting materials?

3 A. Correct.

4 Q. Where did you observe him?

5 A. In front of the courthouse. Between the courthouse  
6 and the LEC.

7 Q. Did you see him drop off materials himself as well?

8 A. He had, yes.

9 Q. And from what you observed, did you only ever see  
10 the defendant at the -- involved in elections during the  
11 2020 election? Let me rephrase that.

12 From your observations, was the defendant active  
13 with elections?

14 A. Yes, I would describe her as similar to Jeremy's,  
15 like, campaign manager or -- yeah, she's active.

16 MS. CASTALDI: No further questions. Thank  
17 you.

18 THE COURT: Cross-examination?

19 MR. BROWN: Yes, Your Honor. Thank you. My  
20 records show that Defendant's Exhibit A6 is in, Your  
21 Honor.

22 THE COURT: Yes, it is.

23 MR. BROWN: And A8 as well; is that correct?

24 THE COURT: Yes.

25 MR. BROWN: Okay. Thank you, Your Honor.

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CROSS-EXAMINATION

BY MR. BROWN:

Q. Miss Tuttle, I'm Mr. Brown. I have a few questions for you. Thank you. How you doing? Okay?

A. Yeah.

Q. All right. If I ask you something you don't understand or is confusing which I've been doing a lot lately, ask me, and we'll sort it out; okay?

A. Okay.

Q. So tell me a little bit about your educational background.

A. I graduated high school from Emerson Hubbard. I attended a semester at Wayne State, then had a child, took a break from school, and attended school again at WIT. I'm not sure about when that was.

Q. Have you had any specialized training in, like, election law or election rules and regulations?

A. Just within the courthouse, I mean, when I was working for the auditor's office.

Q. And what kind of specialized training did you get regarding how a polling place voting activity was to be monitored?

A. Mostly off of experience after being there for several years. I believe that Pat and Steve said I had caught on pretty quickly and knew the ins and outs.

1 Q. So you kind of learned on the job then.

2 A. Yes.

3 Q. There wasn't a manual or anything there at the  
4 precinct location or the Long Lines facility that told  
5 you what to do or how to deal with a particular  
6 situation?

7 A. We had a -- in the auditor's office I had a manual  
8 that I could refer to. When I was at the Long Lines, I  
9 didn't bring it with me. I didn't feel I needed to bring  
10 it with me.

11 Q. Who supplied you with this form that you talked  
12 about, were asked about that a voter assistance person  
13 had to sign? Who supplied that form?

14 A. We print those off the Secretary of State's website.

15 Q. And just take them with you to the polling place  
16 location?

17 A. That's correct.

18 Q. And then what happens with them?

19 A. They get attached to -- you mean the completed  
20 forms?

21 Q. (Counsel indicated.)

22 A. They get attached to the absentee ballot request  
23 form. And they go back to the auditor's office, and they  
24 get scanned into the voter's record.

25 Q. Well, let's see if I can digest that. When people

1 are voting live at a polling place; right --

2 A. Correct.

3 Q. -- they're filling out their ballots in the little  
4 cubicle; right?

5 A. Yes.

6 Q. Then they walk over to the machine and stick the  
7 ballot in the machine; right?

8 A. At a satellite voting location or on election day?

9 Q. On election day.

10 A. Correct.

11 Q. Okay. At a satellite location, what? They're just  
12 voting absentee ballot at that time?

13 A. That's correct.

14 Q. And their ballot then gets sealed into the envelope?

15 A. Correct.

16 Q. And then if there was a helper form, that gets  
17 stapled to the sealed absentee ballot request, is that --  
18 absentee ballot.

19 A. Those are two different things.

20 Q. I know they are. That's what I'm trying to get at.

21 A. Okay. The voter assistance form gets stapled to the  
22 absentee ballot request form. That is not sealed. That  
23 is not . . .

24 Q. So if somebody came in to a satellite center and  
25 said, I just want to get an absentee b -- I want to get

1 an absentee ballot, they have to fill out the request;  
2 right?

3 A. That's correct.

4 Q. And you hand them the form, and their helper fills  
5 it out, and then they give it back to you. Is that what  
6 happens?

7 A. Correct.

8 Q. And then what? 29 days later they get an absentee  
9 ballot in the mail; right?

10 A. At Long Lines, no. They're given a ballot right  
11 there to vote.

12 Q. So for -- you're saying that for the 2020 general  
13 election on November 2020, people could be coming into  
14 these facilities and voting what? June? July? August?

15 A. I'm not entirely -- I don't recall exactly the dates  
16 of early voting.

17 Q. But in any event, voting goes on in this scenario  
18 you're describing, and that helper form gets attached to  
19 those materials; right?

20 A. To the absentee ballot request form, correct.

21 Q. All right. What about in the regular election day  
22 polling place when someone has a helper? Did you ever  
23 witness Ms. Taylor actually come to election day at Long  
24 Lines or anywhere else and help people vote?

25 A. There is no voting at Long Lines on election day.

1 You can only vote at your precinct.

2 Q. Only vote where?

3 A. At your precinct.

4 Q. Did you ever see her help any person at any precinct  
5 vote on election day?

6 A. No, I didn't -- I don't typically go to the  
7 precincts.

8 Q. So whatever you witnessed with respect to requesting  
9 that she sign the form, that all occurred at Long Lines?

10 A. That's correct.

11 Q. Now, is it not the auditor's office's job to provide  
12 taxpayers with voting-related forms if they come into  
13 their office and request them?

14 A. Yes.

15 Q. You're hired from a temp agency to work at the  
16 auditor's office on election -- on election periods of  
17 time; is that right?

18 A. That's correct.

19 Q. Are you still at the auditor's office?

20 A. I'm not.

21 Q. You're just there during the busy periods of time  
22 when the auditor needs additional staff to handle  
23 election-related matters; is that right?

24 A. That's mostly correct. There was a period where I  
25 worked there consistently after one of the other election

1 clerks passed away.

2 Q. In addition to the auditor's job being to provide  
3 taxpayers with forms, the auditor's office's job is to  
4 receive those forms once they're completed by taxpayers;  
5 correct?

6 A. That's correct.

7 Q. And not only that, auditor's office established a  
8 drop box so voters could put voting-related materials in  
9 that box to be collected by the auditor; right?

10 A. That's correct.

11 Q. So are you trying to tell this jury that there was  
12 something significant about Kim Taylor coming to the  
13 auditor's office to pick up forms?

14 A. No.

15 Q. Or delivering forms how ever completed -- how ever  
16 completed? Is there anything significant about that that  
17 you're trying to suggest?

18 A. The --

19 Q. But what?

20 A. The thing that stands out is the volume and the  
21 frequency is the only thing that I recall that stood out  
22 as far as the ballot box.

23 Q. Volume and frequency that she would be putting  
24 materials into a lawfully established drop box. You  
25 found that unusual in some way.

1 A. I wouldn't say unusual. I would just say that it  
2 stood out to me.

3 Q. Why? Because there wasn't any other Asian American  
4 women doing it and she was the only one?

5 A. I don't recall any other people doing it with the  
6 frequency and volume that I recall Kim.

7 Q. Presumably other people used the two drop boxes that  
8 were established by Woodbury County Auditor's Office for  
9 the 2020 election; right?

10 A. That's --

11 Q. Right?

12 A. I assume.

13 Q. Well, did you ever go out and collect them, or was  
14 that Mr. Hofmeyer's job?

15 A. No, I've collected them before.

16 Q. So you went out and personally opened the box and  
17 collected whatever was inside there; right?

18 A. Correct.

19 Q. And on occasion would you do that and then look at  
20 the name on the envelope and bring it to attention of  
21 somebody and say, Hey, another one of those Asians have  
22 just voted? Did you ever do anything like that?

23 A. No. They -- no.

24 Q. And you theorize that Miss Taylor was her husband's  
25 campaign manager. Was that your understanding, or it's

1 just a guess?

2 A. It was just an observation.

3 Q. Did you ever review Mr. Taylor's campaign finance  
4 reports and the things that he had to file with the  
5 Secretary of State indicating who his campaign manager  
6 was and treasurer and secretary and all that? Have you  
7 ever reviewed any of those materials?

8 A. No, sir.

9 Q. So you don't know if she was his campaign manager at  
10 all other than she's his wife; correct?

11 A. Correct. It was just an observation.

12 Q. And that she's Vietnamese American, and she was  
13 collecting voting-related materials from Vietnamese  
14 Americans; correct? You knew that.

15 A. I knew that Kim was Vietnamese, correct.

16 Q. Is your name Erica Tuttle, or do you have another  
17 name?

18 A. I just got married in September. My name is Erica  
19 Holden.

20 Q. Okay. Mr. Holden was somebody that you had been  
21 dating for a while; correct?

22 A. That's correct.

23 Q. Is his name Steve?

24 A. Correct.

25 Q. Does he have a brother Tom?

1 A. That's correct.

2 Q. And who's Tom Holden married to?

3 A. Mai Holden.

4 Q. Mai Holden, formerly known as Mai Nguyen?

5 A. I don't actually know what Mai's maiden name is.

6 Q. Say that again.

7 A. I don't actually know what her maiden name is.

8 Q. And who is Mai relative to Mimi?

9 A. I have no clue. I don't know who Mimi is.

10 Q. You don't know who Mimi Nguyen is?

11 A. I do not.

12 Q. Does Mai run a salon -- a hair salon also primarily  
13 catering to Vietnamese related -- Vietnamese American  
14 patrons?

15 A. She does run a salon. I couldn't answer who her  
16 patrons are.

17 THE COURT: Ma'am, would you get a little  
18 closer to the microphone?

19 THE WITNESS: Sure.

20 THE COURT: Thank you.

21 Q. Haven't Tom Holden and Mai traveled to Vietnam  
22 together?

23 A. Yes, I believe they have.

24 Q. Have you attended social gatherings with Steve  
25 Holden and Tom Holden and his wife Mi or Mai?

1 A. Yes, we've had family gatherings.

2 Q. She came to your wedding I presume; right?

3 A. No, she did not.

4 Q. I want to show you what has been admitted as  
5 Defendant's Exhibit A6. Could you -- thank you. Do you  
6 see that on the screen, A6, there?

7 A. Correct.

8 Q. It's e-mail from Steve Hofmeyer to Mr. Gill and  
9 copies three other people in including you. Do you see  
10 that?

11 A. I do.

12 Q. So look down there a line to the sentence that  
13 starts, As the clerks were leaving. See that -- see  
14 where it starts right there?

15 A. I do.

16 Q. Were you Mr. Hofmeyer's witness?

17 A. That's correct.

18 Q. Okay. What are you witnessing?

19 A. That we were out there together and Jeremy was  
20 outside.

21 Q. And?

22 A. Had more ballots that he wanted to turn in.

23 Q. Anything else?

24 A. No.

25 Q. So basically all that's being disseminated between

1 Mr. Hofmeyer to Mr. Gill to Ms. Grieve, Ms. Brady, and  
2 you is that after the time the drop box got checked at  
3 5:00, Jeremy Taylor brought in more ballots with his  
4 wife; right? Right?

5 A. Correct.

6 Q. What else? Anything else incriminating that you as  
7 the witness observed? Anything else on this date?

8 A. The deadline was -- I believe the deadline was 5:00  
9 for that date before any -- they had to be in our office  
10 by 5:00 before any -- in order to be received.

11 Q. Okay. So they're late. And Jeremy asks if you can  
12 take a couple more, and they tell him put them in the  
13 drop box; we'll get it tomorrow. What's the problem  
14 here?

15 A. If May 22 was the deadline to receive ballots, they  
16 wouldn't be accepted after 5:00.

17 Q. Okay. So they weren't accepted. Anything else  
18 occur relative to that? Huh?

19 A. No, I --

20 Q. Other than apparently Mr. Taylor was late in  
21 delivering them to the box, you have no indication any of  
22 those ballots had been altered in any way, were forged,  
23 or otherwise subject to some kind of criminal behavior,  
24 do you?

25 A. So because they were late, they wouldn't be able to

1 have a ballot mailed to them. They would then have to  
2 use a satellite location or vote on election day.

3 Q. Okay. So the answer to my question is no, you  
4 didn't see any fraud relative to the signing, filling  
5 out, or execution of the ballots that apparently were too  
6 late to be delivered on May 22. Is that true?

7 A. Yeah, I don't know what was turned into the ballot  
8 box that day.

9 Q. And you never seen -- you've never seen her forge,  
10 sign, or do anything else with a -- ballot-related  
11 materials that you thought was improper, have you?

12 A. I watched -- I seen her on numerous occasions fill  
13 out absentee ballot request forms for other people at  
14 Long Lines.

15 Q. What if your boss has already testified he used to  
16 do that all the time too until they created a new rule  
17 and it's okay for everybody to do that as long as the  
18 voter signs them? How do you feel about it now?

19 MS. CASTALDI: Objection. He's asking her  
20 about testimony she hasn't heard.

21 THE COURT: Yeah, that objection's sustained.  
22 That was an improper question.

23 Q. Anything else besides you've seen her fill out  
24 absentee ballot requests?

25 A. No.

1 Q. Now, is it fair to say that -- well, let me ask you  
2 this. Were you dating Mr. Holden in May of 2020 and at  
3 the time of the November 2020 election?

4 A. Yes.

5 Q. Now, were you communicating to Mr. Holden, your  
6 husband-to-be, that -- your concerns about Kim Taylor?

7 A. I don't recall having conversations.

8 Q. Even though his brother Tom is married to a  
9 Vietnamese American woman who runs a competing hair  
10 salon. True?

11 A. It's true that she runs a salon, but I --

12 Q. It's true that she's a Vietnamese American too;  
13 right?

14 A. Correct, but that . . .

15 Q. Have you ever met Huong Nguyen at one of the mutual  
16 social events that you have engaged in with Mai and Tom  
17 and Steve? Do you know Miss Huong Nguyen?

18 A. Most of the people that I've met at my  
19 brother-in-law and sister-in-law's house have an American  
20 name, and that's usually the only name that I know. I  
21 don't know their birth name.

22 Q. I'm going to show you what has been admitted as  
23 Defendant's Exhibit A8. Now, you're not on -- you're not  
24 on this e-mail to Agent Murphy from Mr. Gill, are you?

25 A. No, I don't see my name.

1 Q. Do you see where the -- on the first line where it  
2 says one of the people that complained about the  
3 activities of Kim Taylor was Mimi Nguyen and then there's  
4 her phone number? Do you see that?

5 A. I do see that, but I don't know who Mimi Nguyen is.

6 Q. So you wouldn't have been the source of that  
7 information that Mr. Gill is communicating to Agent  
8 Murphy.

9 A. Yeah. I was not the source to that.

10 Q. Now, at some point in time you had been employed by  
11 Woodbury County; is that correct?

12 A. That's correct.

13 Q. Then at some point in time you weren't; is that  
14 right?

15 A. Correct.

16 Q. And was that a termination for misconduct on the  
17 job?

18 A. Y -- it was a termination for -- yeah, yeah, alleged  
19 misconduct.

20 Q. Misconduct including untruthfulness and taking  
21 materials home that belonged to the county; is that  
22 right?

23 A. I was never told anything about taking materials  
24 home.

25 Q. Okay. Some other matter related to your

1 truthfulness and veracity; is that right?

2 A. There was an issue, yes.

3 Q. But the auditor's office hired you back; right?

4 A. That's correct.

5 Q. And it is true, as you indicated, you and Kim Taylor  
6 go way back to 2008; is that right?

7 A. Correct.

8 Q. And you and Kim Taylor had a dispute at some point  
9 in time about the payment for some hair salon services  
10 that you had received at her business; isn't that true?

11 A. I don't recall having a dispute with Kim Taylor.

12 Q. Well, do you recall using your then-boyfriend's  
13 credit card to pay for service at her facility and that  
14 credit card got rejected? Do you recall that?

15 A. I -- no, I do not recall that.

16 Q. Do you recall that you were suffering from serious  
17 financial difficulties in 2008 including foreclosure of  
18 your home?

19 MS. CASTALDI: Objection, Your Honor.  
20 Relevance.

21 THE COURT: That's sustained.

22 Q. Do you have any recollection of Kim Taylor  
23 personally calling you to collect on a credit card  
24 rejection charge under the name of a gentleman, first  
25 name Nicholas? Do you remember anything like that?

1 A. I know Nicholas, but I don't recall a phone call  
2 from Kim.

3 Q. Do you recall an actual phone call from Jeremy  
4 Taylor in follow-up to that phone call about a credit  
5 card charge back on the credit card of a gentleman by the  
6 name of Nicholas?

7 A. I don't.

8 MR. BROWN: I don't have anything further from  
9 Ms. Tuttle Holden, Your Honor.

10 THE COURT: Redirect?

11 MS. CASTALDI: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MS. CASTALDI:

14 Q. Miss Tuttle, we spoke about how when someone is  
15 assisting -- how you observed the defendant assisting  
16 voters complete absentee ballot form at Long Lines;  
17 correct?

18 A. That's correct.

19 Q. When she fills out those absentee ballot request  
20 forms, does the voter still need to sign the forms?

21 A. That's correct.

22 Q. And on the voter affidavit that's printed out before  
23 the voter receives their ballot, do they need to  
24 personally sign that form?

25 A. The voter needs to sign that form.

1 Q. Okay. And because Long Lines are absentee ballots,  
2 those go into an envelope after the ballot's filled out;  
3 is that correct?

4 A. That's correct.

5 Q. And does the voter need to sign that envelope as  
6 well?

7 A. That's correct.

8 Q. Okay. So the helper, if it's for translation,  
9 doesn't sign any of those forms; is that correct?

10 A. Correct.

11 Q. And you were asked on cross-examination about a  
12 termination that happened at a different office within  
13 Woodbury County; correct?

14 A. Yes.

15 Q. Were there any personal disputes that led to that  
16 termination?

17 A. Yes, it was a very hostile work environment. I was  
18 being harassed, and I went through the chain of command  
19 to try and get help with my issues.

20 MS. CASTALDI: Nothing further, Your Honor.

21 THE COURT: Recross?

22 MR. BROWN: No thank you, Your Honor.

23 THE COURT: Okay, ma'am. You are excused.

24 Thank you.

25 THE WITNESS: Thank you.

1 THE COURT: We will go ahead and take our  
2 second scheduled break of the day at this time. I've got  
3 just past 12:30 now. Let's come back at 12:55. So we'll  
4 take about a 25-minute break and come back at 12:55.

5 (The jury exited the courtroom.)

6 THE COURT: The jury has left the courtroom.  
7 Anything to take up at this time from the government?

8 MS. CASTALDI: Your Honor, just to let the  
9 Court be aware of our schedule, I think based on the  
10 speed we have been going in prior days, we didn't expect  
11 to get through quite so many witnesses, so we just have  
12 one more witness that's available today. The rest are  
13 going to be arriving for tomorrow.

14 THE COURT: Okay. And who's that witness going  
15 to be?

16 MS. CASTALDI: My Do.

17 THE COURT: That's number 3 on the list.  
18 Okay. Anything from the defense at this time?

19 MR. BROWN: Not at this time, Your Honor.  
20 Thank you.

21 THE COURT: Okay. We'll be in recess until  
22 12:55.

23 (Recess at 12:31 p.m.)

24 THE COURT: Jury's ready? Good. Are the  
25 parties ready for the jury? Government?

1 MR. EVANS: Yes, Your Honor.

2 THE COURT: Defense?

3 MR. BROWN: Yes, Your Honor.

4 THE COURT: All right. Let's bring in the  
5 jury, please.

6 (The jury entered the courtroom.)

7 THE COURT: Please be seated. Welcome back,  
8 everyone. We will plan on going until 2:30 today. There  
9 was one slight caveat to that. I've been told that  
10 things moved faster today than the parties expected, and  
11 so we do have only one witness available this afternoon.  
12 And that does happen from time to time. It's very  
13 difficult to plan and figure out how many people to have  
14 available each day.

15 So we will have one witness. If that witness ends  
16 before 2:30, then we would probably quit early for the  
17 day unless anybody's really upset by that. I can always  
18 read the jury instructions again if anybody really wants  
19 to stay until 2:30. I don't think that's going to be the  
20 situation.

21 So we'll see how long our remaining witness this  
22 afternoon takes, and once we're done with that witness,  
23 we'll go ahead and break for the day or at 2:30,  
24 whichever comes first.

25 Is the government ready to proceed with the next

1 witness?

2 MS. CASTALDI: Yes, Your Honor. The government  
3 calls My Do, and she will need the assistance of the  
4 interpreter.

5 THE COURT: Okay. Thank you.

6 Good afternoon, ma'am. If you'll come right up here  
7 in the middle and stop. Please raise your right hand.

8 MY DO, PLAINTIFF'S WITNESS, SWORN

9 THE COURT: Okay. Thank you. Please go ahead  
10 and have a seat in the witness stand. Would you please  
11 tell us your full name, and spell your first name and  
12 last name for us.

13 THE WITNESS: My name is My Do.

14 THE COURT: And how do you spell your first  
15 name and last name?

16 THE WITNESS: First name spelled M-y, last name  
17 D-o.

18 THE COURT: Okay. Thank you.

19 Miss Castaldi, you may proceed.

20 MS. CASTALDI: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MS. CASTALDI:

23 Q. Good afternoon, Miss Do. Miss Do, how old are you?

24 A. I'm 55 years old. I was born in 1969.

25 Q. How far did you go in school?

- 1 A. Fifth grade.
- 2 Q. Where did you attend school?
- 3 A. In Vietnam.
- 4 Q. When did you first come to the United States?
- 5 A. In 2000.
- 6 Q. Where do you currently live?
- 7 A. I'm currently living at 414 West Eighth Street.
- 8 Q. Is that in Sioux City?
- 9 A. Yes.
- 10 Q. How long have you lived at that address?
- 11 A. 20 years.
- 12 Q. Do you have any children?
- 13 A. Yes, I have two children.
- 14 Q. What are their names?
- 15 A. The oldest one is Minh Nhat Pham.
- 16 Q. And the youngest?
- 17 A. Is Minh Tan Do Pham, Minh Tan Pham.
- 18 MS. CASTALDI: And would it be helpful to spell
- 19 those names?
- 20 THE REPORTER: Yes.
- 21 A. P-h-a-m D-o M-i-n-h N-h-a-t.
- 22 Q. And your other son?
- 23 A. Pham Do Minh Tan, Tan.
- 24 Q. All right. Ms. Do, are you a U.S. citizen?
- 25 A. Yes.

1 Q. Are you able to speak English fluently?

2 A. No.

3 Q. What about reading and writing? Are you fluent in  
4 English?

5 A. No, ma'am.

6 Q. What language do you communicate in?

7 A. Just Vietnamese.

8 Q. When you receive paperwork in English, do you need  
9 someone to help you translate it?

10 A. Yes. Any election paperwork I would need someone to  
11 help me translate.

12 Q. Okay. Let's talk about election paperwork. I want  
13 you to take a look at what's Government Exhibit 109.  
14 You'll see it there on the screen. And this is an Iowa  
15 voter registration form. Are you able to read this form  
16 in English?

17 A. No.

18 Q. Okay. Is that your name and address at the top of  
19 the form?

20 A. Yes.

21 Q. Is that your handwriting?

22 A. No.

23 Q. Did someone help you fill this out?

24 A. Yes.

25 Q. Who's that person?

1 A. Miss Phuong.

2 Q. Do you recognize Miss Phuong in the courtroom today?

3 A. May I stand up?

4 Q. Yes. Do you see her today?

5 A. Yes.

6 Q. Could you point her out, please.

7 A. (Witness indicated.)

8 MS. CASTALDI: Let the record reflect the  
9 witness identified the defendant.

10 THE COURT: Any objection?

11 MR. BROWN: No, Your Honor.

12 THE COURT: All right. The record will reflect  
13 that.

14 Q. Miss Do, returning to Government Exhibit 109, can  
15 you look at the signature at the bottom? Now, this is  
16 dated November of 2008. Do you see that?

17 A. Yes.

18 Q. Is that your signature?

19 A. Yes.

20 Q. Okay. Can you describe how it came to be that the  
21 defendant helped you fill out this form?

22 A. Yes. This is during the election time, and I wanted  
23 to vote for Donald Trump, and so I asked her to help me  
24 with this election form.

25 Q. Okay. Let's take a look at Government's Exhibit 115

1 and 119, please. 115 is an Iowa voter registration form,  
2 and if you look at the name at the top, is that your  
3 son's name, Nhat Minh Do? Miss Do, is that your son?

4 A. Yes.

5 Q. All right. And looking at Government Exhibit 119,  
6 the name at the top, Tan Minh Do, is that your other son?

7 A. Yes.

8 Q. All right. Did the defendant help fill out these  
9 forms from your knowledge?

10 A. Yes.

11 Q. Okay. I'd like you to look at the bottom of 115 and  
12 the bottom of 119, please. All right. So the bottom of  
13 115, there's a signature there that says Minh Nhat. Do  
14 you see that?

15 A. Yes.

16 Q. Do you know who signed that?

17 A. Yes. I did.

18 Q. All right. And this date is October of 2014;  
19 correct?

20 A. Yes.

21 Q. And at the bottom of 119, there's a signature that  
22 says Minh Tan. Do you see that?

23 A. Yes.

24 Q. All right. And this one is also dated October 15,  
25 2014; correct?

1 A. Yes.

2 Q. Do you know who signed this form?

3 A. It was me.

4 Q. Why did you sign forms for your sons?

5 A. Because I was thinking that other people do not have  
6 the election forms. They can't vote and I can, so I  
7 wanted to do that.

8 Q. Okay. But why did you sign your son's name?

9 A. Because these forms are for -- it has my name -- my  
10 son's name on it, and so I have to sign it.

11 Q. Why do you have to sign it?

12 A. Because I wanted to cast the ballot, and these are  
13 for my sons, and as a parent, I feel like I have a  
14 responsibility to cast the vote for my sons.

15 Q. Did anyone tell you it was okay to sign for your  
16 sons?

17 A. No. And I didn't know. If I knew, I wouldn't dare  
18 signing it.

19 Q. Okay. Let's back up a little bit. There's some  
20 English above the signatures on these forms. Do you see  
21 that?

22 A. Yes.

23 Q. And you can't read that on your own; correct?

24 A. No.

25 Q. Okay. And this form -- I'm reading from 115 --

1 says, I swear or affirm that I am the person named above,  
2 I am at least 17 years old, I am not currently judged by  
3 a court to be incompetent to vote, I do not claim the  
4 right to vote anywhere else, I have not been convicted of  
5 a felony or have received a restoration of rights, I am a  
6 citizen of the United States, I live at the address  
7 listed above. And there's a black box there that says  
8 Warning on the top. And it reads, If you sign this form  
9 and you know it is not true, you can be convicted of  
10 perjury and fined up to \$7,500 and/or jailed for up to 5  
11 years. When the defendant helped you fill out this form,  
12 did she translate that to you?

13 A. No. I didn't know. That's why I signed it.

14 Q. All right. Let's look at Government's Exhibit 257.  
15 All right. Okay. Technical difficulty solved here.

16 All right. Excuse me. 257, this is a state of Iowa  
17 absentee ballot request form for the Republican primary  
18 in 2020. Ms. Do, is that your name at the top of this  
19 form?

20 A. Yes.

21 Q. All right. And did anyone help you fill this form  
22 out?

23 A. Yes, Miss Phuong helped me.

24 Q. Is that your signature at the bottom?

25 A. Yes, I signed that.

1 Q. Okay. And this is dated May 21, 2020; is that  
2 correct?

3 A. Yes.

4 Q. All right. And there's a stamp on the side of this  
5 form that shows -- it's a stamp from Woodbury County.  
6 Looks like May 22 of 2020. Do you see that?

7 A. Yes.

8 Q. All right. Looks like it was received at 2:39 p.m.?

9 A. Yes.

10 Q. Let's look at Government's Exhibits 10 and 11. All  
11 right. Both of these forms are also dated May 21, 2020.  
12 Do you see that?

13 A. Yes.

14 Q. So that's the same date that the form in  
15 Government's Exhibit 257 in your name was filled out;  
16 right?

17 A. Yes.

18 Q. All right. And Government's Exhibit 11, that's your  
19 son -- let's make sure I've got this right -- Do Minh Tan  
20 Pham; is that correct?

21 A. Yes.

22 Q. All right. And this is also for the Republican  
23 primary in 2020. Is that your handwriting on this form?  
24 Ms. Do?

25 A. Yes.

1 Q. Okay. Is that your handwriting?

2 THE INTERPRETER: Your Honor, would you  
3 instruct your witness to speak louder?

4 THE COURT: Sure. Ma'am, would you please  
5 speak louder so our interpreter can hear you?

6 Q. Ms. Do, you can move the microphone closer to your  
7 mouth so everyone can hear you.

8 Is this your handwriting on Government's Exhibit 11?

9 A. It's not my handwriting. I just signed.

10 Q. Okay. And Government's Exhibit 10, this is the  
11 document for your son Minh Nhat Pham. Is this your  
12 handwriting?

13 A. No.

14 Q. Okay. I believe you said you just signed. Is that  
15 correct?

16 A. Yes.

17 Q. Okay. Who filled out the form?

18 A. All the forms Miss Phuong helped me filled out  
19 because I can't.

20 Q. Okay. And then you signed them; is that correct?

21 A. Yes.

22 Q. Did Miss Phuong tell you it was okay to sign for  
23 your sons?

24 A. She didn't say that. She -- and she didn't explain,  
25 so she just fill them out and I sign.

1 Q. Okay. So she filled out the -- is it correct that  
2 she filled out the forms for your sons and then gave them  
3 to you to sign?

4 A. Yes.

5 Q. And then what did she do with the forms?

6 A. After I sign, then she turned them in.

7 Q. Did she take them from your -- she took them away  
8 after you signed them?

9 A. Yes.

10 Q. Okay. Ms. Do, do you remember who you wanted to  
11 vote for in the Republican primary election?

12 A. No, but because I wanted to vote for Trump, so any  
13 ballot that has Trump's name, I wanted to vote for him  
14 and on any ballot that has her husband's name because she  
15 was helping me with filling out the forms, so I voted --  
16 I check and voted for her husband.

17 Q. Okay. Did your sons give you permission to complete  
18 a ballot request form for them?

19 A. No. My sons, both of them, they didn't know.

20 Q. In 2020, where did your son Minh Nhat Pham live?

21 A. He was in Des Moines.

22 Q. Okay. And in 2020 your other son, Minh Tan Pham,  
23 where did he live?

24 A. My other son, he lives in Sioux Fall.

25 Q. Okay. Let's look at Government 's Exhibit --

1 Exhibits 12 and 13, please. Did you receive ballots at  
2 your home in the mail for the 2020 election?

3 A. Yes.

4 Q. What did you do when the ballots arrived at your  
5 house?

6 A. When I have these forms, Miss Phuong came and helped  
7 me. I don't know.

8 Q. How did Miss Phuong know to come help you?

9 A. She told me that when I receive the forms in the  
10 mail then let her know so she can come and help me. So  
11 when the mails came arrived at my home, then I let her  
12 know so that she could come and help me.

13 Q. Okay. So did she come to your house and help you  
14 fill out the ballots?

15 A. Yes, she did.

16 Q. Okay. Did you fill out ballots for yourself and  
17 your two sons?

18 A. Yes, I did.

19 Q. Was Miss Phuong there when you filled out those  
20 ballots?

21 A. Yes, she was there. She filled out the forms, and I  
22 signed.

23 Q. Okay. So the ballots --

24 MS. CASTALDI: Could we put up Government's 54  
25 I believe?

1 Q. All right. This is an example of a ballot from the  
2 primary election. Do you remember if you filled in the  
3 bubbles on a ballot like this?

4 A. I remember filling those circle, but I just remember  
5 filling for Donald Trump, and because I don't understand  
6 what it said in it, so she pointed out which one is her  
7 husband's name, and so I circled those.

8 Q. Okay. Thanks.

9 MS. CASTALDI: Can we go back to Government's  
10 Exhibit 12 and 13, please?

11 Q. Okay. So starting with Government Exhibit 12, do  
12 you see on the left there it has your son's name? It  
13 says Nhat Minh Do? I apologize. On the right. That's  
14 your son's name, Nhat Minh Do?

15 A. Yes.

16 Q. Okay. And on that same exhibit, Government 13,  
17 there is a signature box. Who signed that?

18 A. I did. I did.

19 Q. Okay. And that portion that's above the signature  
20 that says Voter's Affidavit, did Miss Phuong translate  
21 all of that into Vietnamese for you?

22 A. No.

23 Q. Did she watch you sign the form?

24 A. Yes.

25 Q. Okay. Let's look at Government's Exhibit 12. This

1 form, this is the envelope for an absentee ballot, and is  
2 that your son's name on there, Minh Tan Do?

3 A. Yes.

4 Q. And that's your address, 414 West Eighth Street?

5 A. Yes.

6 Q. Okay. So same question here. The signature on this  
7 exhibit, who signed that?

8 A. I did.

9 Q. Did you also sign this one in front of Miss Phuong?

10 A. Yes.

11 Q. What happened to the ballots after you completed  
12 the -- you know, filled in the circles and then signed  
13 the forms?

14 A. After I put it in the envelope, then she took them  
15 away to turn them in.

16 Q. Okay. All right. Let's look at Government's  
17 Exhibit 259. All right. This is a absentee ballot  
18 request form for the general election in 2020. Is that  
19 your name at the top there?

20 A. Yes.

21 Q. And that's your correct address?

22 A. Yes.

23 Q. Did Miss Phuong help you fill this form out as well?

24 A. Yes.

25 Q. Okay. And then did you sign this form?

1 A. Yes, I do.

2 Q. Okay. And then this one is dated 9-18-20. You see  
3 that?

4 A. Yes.

5 Q. Okay. Now let's look at Government's Exhibits 14  
6 and 15, please. All right. You can guess what I'm going  
7 to ask you. Is that your -- let's look starting at  
8 Government Exhibit 14. At the top, is that your son's  
9 name, Do Minh Nhat Pham?

10 A. Yes.

11 Q. And that's your address on West Eighth Street?

12 A. Yes.

13 Q. Did Miss Phuong help you fill this form out?

14 A. Yes.

15 Q. Okay. Government -- oh, and at the bottom, the  
16 signature, who signed this form?

17 A. I did.

18 Q. Okay. Did your son, Minh Nhat Pham, give you  
19 permission to sign this form on his behalf?

20 A. No, he didn't know.

21 Q. Okay. Did he give you permission to vote for him?

22 A. No.

23 Q. Okay. Let's look at Government Exhibit 15. Is that  
24 your son's name, Do Minh Tan Pham?

25 A. Yes.

1 Q. Okay. And that is your address on West Eighth  
2 Street; correct?

3 A. Yes.

4 Q. All right. And the bottom, the signature, who  
5 signed this?

6 A. I did.

7 Q. Okay. Did Phuong help you fill out Government  
8 Exhibit 15?

9 A. Yes.

10 Q. And did you sign these forms in front of Phuong?

11 A. Yes.

12 Q. What happened to the forms after you filled them out  
13 and signed them?

14 A. Basically she turned them in for me.

15 Q. Okay. Did Miss Phuong help you with any other kind  
16 of paperwork besides voting documents?

17 A. No, ma'am.

18 MS. CASTALDI: No further questions, Your  
19 Honor.

20 THE COURT: All right. Cross-examination?

21 MR. BROWN: Yes, Your Honor. Thank you.

22 CROSS-EXAMINATION

23 BY MR. BROWN:

24 Q. Good afternoon, Ms. Do. I'm Mr. Brown.

25 A. Yes.

1 Q. Are you okay?

2 A. Yeah, I'm okay.

3 Q. Would you like a water?

4 A. No thank you.

5 Q. All right. We'll get started here. How long have  
6 you known Miss Taylor?

7 A. I don't remember the exact years, but I met her  
8 before all this ballot forms.

9 Q. Have you ever gotten your hair done at her business?

10 A. Yes.

11 Q. Do you work at Tyson?

12 A. Yes.

13 Q. And you've worked there a long time?

14 A. Yes, for a long time.

15 Q. Do you know Ms. Huong Nguyen?

16 A. No. Basically I just go to work and then go home.

17 Q. Okay. Do you know other Vietnamese Americans that  
18 work at Tyson?

19 A. I know that there are many of them, and I recognize  
20 them by face, but I don't know them by name.

21 Q. Okay. Thank you. Do you have a close family  
22 relationship with your sons?

23 A. Yes, and on the weekend, they often will call to  
24 check on me.

25 Q. Has Ms. Kim ever helped you with forms from your

1 work?

2 A. No.

3 Q. Did you vote back in 2008 in the presidential  
4 election?

5 A. I did.

6 Q. Did you vote -- who did you vote for for president  
7 in 2008?

8 A. Basically I just like Trump, so I just vote -- want  
9 to vote for Trump.

10 Q. Okay. Did you know that Kim's husband was a  
11 politician in Woodbury County?

12 A. I did learn it from Miss Kim, and she told me about  
13 her husband, but I don't remember exactly what he did or  
14 anything like that.

15 Q. Did your children know that you had registered them  
16 to vote as far back as 2000, what, 14?

17 THE INTERPRETER: Could you repeat the  
18 question, please?

19 Q. Did your children know you had registered them to  
20 vote as far back as 2014?

21 A. No.

22 Q. How did you get their driver's license number for  
23 the forms?

24 A. I don't have their driver license number. I only  
25 have their Social Security number. In my family there

1 are four peoples. I wrote them down on a piece of paper,  
2 my Social Security number, my husband's, and my two  
3 children's.

4 Q. Do you have specific memory of Kim Taylor coming to  
5 your house on May 21, 2020?

6 A. Yes.

7 Q. Did you call her first to come over or . . .

8 A. Before I wanted to vote for Trump, so I did tell her  
9 that when there is ballot forms just come over and help  
10 me, and so she called me to come over to help me.

11 Q. So did you call her first, or did she call you?

12 A. I don't know English, so I don't know when to fill  
13 out forms or anything like that. So she called me.

14 Q. And then she came over on May 21, 2020. Is that  
15 what you remember?

16 A. Yes. When there's voting forms and things like  
17 that, then she'll come over to my house. Sometimes she  
18 calls. Sometimes she just come.

19 Q. Did sometimes she leave the forms there for you to  
20 look at and sign?

21 A. She -- when she came, she would help me fill out the  
22 form, and then I sign, and then she took them with her to  
23 turn them in because I don't know English to -- in order  
24 for me to look at.

25 Q. Would you take the forms into your bedroom to fill

1 them out?

2 A. I don't understand your question.

3 Q. Would you take the forms into another room in your  
4 house to sign each of them?

5 A. No.

6 Q. Do you remember being interviewed by the FBI on May  
7 25, 2022?

8 A. When I receive the letter asking me to come to  
9 court, then I go. I don't remember any date.

10 Q. Do you remember a time when an FBI agent and the  
11 interpreter sitting next to you came to your house at 414  
12 West Eighth Street in February of 2022?

13 A. Yes.

14 Q. Do you see that FBI agent in this courtroom?

15 A. Yes.

16 Q. Could you point to him for me, please.

17 A. (Witness indicated.)

18 MR. BROWN: Thank you, agent.

19 Let the record reflect that it appeared that the  
20 witness identified Agent Murphy.

21 THE COURT: Any objection?

22 MS. CASTALDI: No, Your Honor.

23 THE COURT: All right. The record will reflect  
24 that.

25 Q. So when Agent Murphy and the linguist were at your

1 house, did you tell Agent Murphy that you went to your  
2 own room to make the selections on the three ballots?

3 A. No. I was telling him about the event where I went  
4 and cast my vote and it was like a single individual  
5 private room where I would fill out the ballots form, and  
6 I don't remember it was for Trump or for some other  
7 president.

8 Q. Did you ever meet Kim Taylor down at the Long Lines  
9 voting center?

10 A. Yes.

11 Q. In 2020?

12 A. No.

13 Q. On prior years?

14 A. Yes. It was the prior year when I had to go down to  
15 the voting site, and then we had to go into the  
16 individual room, and then I filled out the -- fill in all  
17 of the bubbles on the ballots.

18 Q. Were you voting for Trump then?

19 A. I don't remember for which president that election  
20 was for, but there was one time that I went to that  
21 place, and then we had to go to the individual room to  
22 fill out all of the -- fill in all of the circles.

23 Q. Do you remember getting your picture taken with Kim  
24 Taylor outside of the voting place in Woodbury County?

25 A. I did.

1 Q. What year was that?

2 A. I don't remember what year.

3 Q. Was it the fall of 2020 or some other time?

4 A. Not 2020.

5 Q. You signed the ballots -- the ballots for your  
6 children because you thought it was your responsibility  
7 as their parent to do so?

8 A. Yes, because I felt like many people did not have  
9 the ballots to cast their vote, and I do, so as a mother  
10 I decided I should do that for my children.

11 MR. BROWN: I don't have any further questions,  
12 Your Honor. Thank you.

13 THE COURT: Redirect?

14 MS. CASTALDI: Yes, Your Honor.

15 REDIRECT EXAMINATION

16 BY MS. CASTALDI:

17 Q. Miss Do, let's first take a look at Government  
18 Exhibit 1, please. I'm sorry. 119. All right. So this  
19 was the document we looked at before for Tan Minh Do, a  
20 voter registration form dated October 2014. I'd like you  
21 to look at the top section where it says Box 1. On the  
22 left-hand side there's a section that says Valid Iowa  
23 Driver's License. That section is blank; is that  
24 correct?

25 A. I did not fill in any driver license information. I

1 only have the Social Security number.

2 Q. Okay. So that was my next question. On the  
3 right-hand side there's the last four digits of your  
4 son's Social Security number; is that right?

5 A. Yes.

6 Q. Okay. Let's look at Government's Exhibits 11 and  
7 15. Okay. These forms are also for your son Do Minh Tan  
8 Pham. And there's a section that says ID Number on both  
9 of those if we could take a look. All right. So on both  
10 of those there's also no driver's license number; is that  
11 right?

12 A. Right.

13 Q. Just the last four of the Social number?

14 A. Yes.

15 Q. Okay. Let's look at Government Exhibit 115. Box  
16 number 1, this is a form for your son Nhat Minh Do. Is  
17 there any driver's license information on this form?

18 A. No, I don't have it. I just wrote down the Social  
19 Security number.

20 Q. Okay. Are those four numbers on the right the last  
21 four digits of your son's Social Security number?

22 A. Yes.

23 Q. Let's look at Government's Exhibits 10 and 14.

24 Okay. These are also both for your son. On this form  
25 it's written Do Minh Nhat Pham, and there's a section on

1 both of them that says ID Number. And again, is there  
2 any driver's license information on either Government's  
3 Exhibits 10 or 14?

4 A. No, ma'am.

5 Q. Okay. Just the last four of your son's Social  
6 Security number?

7 A. Yes.

8 Q. Okay. You were asked why you signed voting  
9 documents and voted for your sons on cross-examination.  
10 Did you know that you're not allowed to vote for your  
11 sons?

12 A. I did not -- I did not know that I was violating the  
13 law when I did that.

14 Q. Would you have done it if you had known it was  
15 against the law?

16 A. No.

17 MS. CASTALDI: Thank you, Miss Do.

18 Nothing further, Your Honor.

19 THE COURT: Recross?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Okay. The witness is excused.

22 Thank you, ma'am.

23 And then am I correct that that is the last  
24 available witness for today?

25 MS. CASTALDI: Yes, Your Honor.

1           THE COURT: Okay. That's what I thought from  
2 your earlier discussion.

3           Members of the jury, we will go ahead then and quit  
4 early today. I just looked, and it's 64 degrees outside,  
5 so hopefully you get a chance to get out and enjoy our  
6 last stretch of good weather probably before everything  
7 goes badly. But we will be on the same schedule  
8 tomorrow, starting at 8:30, planning on going until 2:30  
9 with a couple of short breaks.

10          Please remember all the rules. Don't talk about the  
11 case. Don't do any research. Don't look up or listen to  
12 any news accounts about the case. Don't let anyone tell  
13 you anything about this case. I hope you all have safe  
14 travels. We'll see you tomorrow morning. Have a good  
15 night.

16          (The jury exited the courtroom.)

17          THE COURT: Please be seated. For the record,  
18 the jury has left the courtroom for the day. Parties and  
19 counsel are still present.

20          I just had one, I think, very minor issue that  
21 Audrey brought to my attention. Yesterday when we were  
22 in the process of receiving various batches of government  
23 exhibits, one of the ranges that I received into evidence  
24 included Exhibit 71. In the list it describes it as  
25 being an individual's voting documents. In the binder

1 there's just a page that says intentionally deleted or  
2 something along the lines such that there actually is no  
3 longer an Exhibit 71. And I assume that's the situation  
4 that the government no longer has an Exhibit 71. And  
5 when I did a range of exhibits being received yesterday,  
6 I should not have included Exhibit 71. Is that correct,  
7 anybody from the United States?

8 MS. CASTALDI: Yes, Your Honor. That's  
9 correct.

10 THE COURT: Okay. And, Mr. Brown, any  
11 objection to there not being an Exhibit 71?

12 MR. BROWN: The less the better, Your Honor.

13 THE COURT: I can go along with that sentiment  
14 as well. So we'll just -- I think on the current -- I  
15 was looking at the list on JERS. 71 has already been  
16 omitted. So we won't put in any kind of place holder  
17 there. We'll just skip over it then, and there will be  
18 no Exhibit 71.

19 Are there other issues to take up before we stop for  
20 the day? Anything from the United States?

21 MS. CASTALDI: No, Your Honor.

22 THE COURT: Anything from the defense?

23 MR. BROWN: Your Honor, I just think this  
24 thing's going to get over a lot faster than was  
25 anticipated. I have some new exhibits, so I'm leaving

1 for Des Moines to scan and re-mark and get them all into  
2 binders for the Court as needed and for the parties. I  
3 don't know if the government thinks they're going to be  
4 done Friday. Looks like it to me. I'm planning on  
5 trying to get my witnesses here on Monday or Tuesday at  
6 this point.

7 THE COURT: Sure. Are we moving that quickly  
8 that there's a chance the government might rest on  
9 Friday?

10 MS. CASTALDI: I think it's possible, Your  
11 Honor.

12 THE COURT: Okay. And I'm not holding anybody  
13 to that. But it's good to plan ahead then.

14 So, Mr. Brown, I appreciate that you're taking some  
15 steps just in case that's the situation. But did you say  
16 you're going back to Des Moines today yet?

17 MR. BROWN: Yeah, I'm going to go back and do  
18 this new exhibit work and then come back tonight.

19 THE COURT: All right. Well, it's a lot of  
20 driving, so be safe out there. But at least it's nice  
21 weather.

22 MR. BROWN: Scanner's broke, so I don't have  
23 any choice.

24 THE COURT: Oh. That's too bad. All right.  
25 Well, we'll just see how things go. I've had this happen

1 where things go fast for a while and then they don't. So  
2 it just kind of depends. But I'm not upset about the  
3 fact that we might be ahead of schedule.

4 Anything else then from the United States?

5 MS. CASTALDI: No, Your Honor.

6 THE COURT: From the defense?

7 MR. BROWN: No thank you, Your Honor.

8 THE COURT: All right. We'll plan on the same  
9 thing. I'll come in about 8:25 tomorrow unless anybody  
10 contacts me tonight to let me know there's something to  
11 talk about. We'll be in recess. See everybody tomorrow  
12 morning.

13 (The foregoing trial was  
14 adjourned at 2:04 p.m.)

15

16

17

18

19

20 CERTIFICATE

21 I certify that the foregoing is a correct  
22 transcript from the record of proceedings in the  
23 above-entitled matter.

24 S/Shelly Semmler  
25 Shelly Semmler, RDR, CRR

12-9-23  
Date

INDEXWITNESS :PAGE :

1			
2	<u>WITNESS :</u>		<u>PAGE :</u>
3	PATRICK GILL		
4		CONTINUED CROSS-EXAMINATION	434
5		BY MR. BROWN	
6		REDIRECT EXAMINATION	456
7		BY MR. EVANS	
8	NHIEU HUYNH		
9		DIRECT EXAMINATION	460
10		BY MR. TIMMONS	
11	NGUYEN HUYNH		
12		DIRECT EXAMINATION	469
13		BY MR. TIMMONS	
14		CROSS-EXAMINATION	476
15		BY MR. BROWN	
16	HOANG LUU		
17		DIRECT EXAMINATION	479
18		BY MR. EVANS	
19		CROSS-EXAMINATION	498
20		BY MR. BROWN	
21		REDIRECT EXAMINATION	500
22		BY MR. EVANS	
23	ANDY LUU		
24		DIRECT EXAMINATION	507
25		BY MR. EVANS	
26		CROSS-EXAMINATION	515
27		BY MR. BROWN	
28	ANTHONY LUU		
29		DIRECT EXAMINATION	521
30		BY MR. EVANS	
31		CROSS-EXAMINATION	528
32		BY MR. BROWN	
33	ERICA TUTTLE		
34		DIRECT EXAMINATION	534
35		BY MS. CASTALDI	
36		CROSS-EXAMINATION	544
37		BY MR. BROWN	
38		REDIRECT EXAMINATION	559
39		BY MS. CASTALDI	
40	MY DO		
41		DIRECT EXAMINATION	563
42		BY MS. CASTALDI	
43		CROSS-EXAMINATION	577
44		BY MR. BROWN	
45		REDIRECT EXAMINATION	583
46		BY MS. CASTALDI	

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INDEX CONTINUED

EXHIBIT :

PAGE :

A1	443
A6	448
A8	450
88	463
93	481

\*\*\*\*\*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
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14  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 16, 2023

8:26 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 4 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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Reported by:            Shelly Semmler, RDR, CRR  
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1           (Proceedings reconvened outside the presence of the  
2 jury.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004,  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MS. CASTALDI: Good morning, Your Honor.  
8 Lauren Castaldi for the United States, and with me is Ron  
9 Timmons and Richard Evans.

10          THE COURT: Good morning.

11          MR. BROWN: F. Montgomery Brown for the  
12 defendant, Your Honor. Thank you.

13          THE COURT: All right. Good morning to both of  
14 you. Ms. Taylor is present. We have not yet brought the  
15 jury in this morning. We are here for day 4 of the jury  
16 trial in this case. I have received Mr. Brown's updated  
17 witness and exhibit list along with some additional  
18 exhibits to add to the defense exhibit binder.

19          Mr. Brown, any record to make at this time about  
20 your updated witness and exhibit list?

21          MR. BROWN: I don't believe so, Your Honor.  
22 I'm working on a authentication witness whom I listed,  
23 but I don't plan on using them until such witness is  
24 available.

25          THE COURT: Okay. Anything from the government

1 regarding the defense witness and exhibit list?

2 MS. CASTALDI: Yes, Your Honor. The government  
3 objects to the addition of this additional witness. It  
4 appears -- we've not been provided any information about  
5 what the nature of her testimony is. We also likely will  
6 object to the additional exhibits as well if they are  
7 even able to be authenticated or any relevance made to  
8 those exhibits.

9 THE COURT: Just for the record, I'm comparing  
10 the original and the updated witness list. Who's the  
11 additional witness the government's objecting to?

12 MS. CASTALDI: Chung -- excuse me, Chung Chu,  
13 Your Honor.

14 THE COURT: Okay. As far as identifying the  
15 individuals in the photos is what the -- at least what  
16 the description says? That's -- that's who we're talking  
17 about?

18 MS. CASTALDI: Yes.

19 THE COURT: Okay. All right. Well, I'll  
20 just -- at this point I'm not making any decision on  
21 that. I appreciate the heads-up, and we'll see how  
22 things go from there.

23 Any other issues to talk about this morning before  
24 we bring in the jury? Anything from the government?

25 MS. CASTALDI: No, Your Honor.

1 THE COURT: Anything from the defense?

2 MR. BROWN: No, Your Honor.

3 THE COURT: All right. I don't see our jury  
4 coordinator yet, so we'll just sit tight. It's a couple  
5 minutes before 8:30, and we'll get going as soon as the  
6 jury's ready.

7 And I guess while we wait, who is the next witness  
8 going to be for the United States?

9 MS. CASTALDI: Your Honor, the next witness  
10 will be number 20 on the government's exhibit list, Minh  
11 Nhat Pham, and he will not need an interpreter.

12 THE COURT: Okay. Great. Thank you.

13 (The jury entered the courtroom.)

14 THE COURT: Please be seated. Welcome back,  
15 everyone. Thank you for being here promptly again so we  
16 can get started right at 8:30. And we will plan on going  
17 until around 10:20 before our first scheduled break of  
18 the day. And again, we'll stop for the day by 2:30.

19 Is the United States ready to proceed with another  
20 witness?

21 MS. CASTALDI: Yes, Your Honor. The United  
22 States calls Minh Nhat Pham. And he does not need an  
23 interpreter.

24 THE COURT: Okay. Thank you.

25 Good morning, sir. If you'll come right up in the

1 middle and stop for a moment, I'll swear you in. Would  
2 you please raise your right hand.

3 MINH NHAT PHAM, PLAINTIFF'S WITNESS, SWORN

4 THE COURT: Okay. Thank you. The witness box  
5 is to your right there. Go ahead and have a seat. And  
6 if you can try to stay close to the microphones and  
7 adjust them if necessary, that would help. Would you  
8 tell us your full name, and then spell it for us, please.

9 THE WITNESS: My name is Minh Nhat Pham. Minh  
10 is M-i-n-h. Nhat is N-h-a-t. Middle name is Do, D-o.  
11 And last name is Pham, P-h-a-m.

12 THE COURT: Okay. Thank you, sir.

13 Miss Castaldi, you may proceed.

14 MS. CASTALDI: Thank you.

15 DIRECT EXAMINATION

16 BY MS. CASTALDI:

17 Q. Good morning, Mr. Pham.

18 A. Good morning.

19 Q. How old are you?

20 A. I'm 33 this year.

21 Q. What's your level of education?

22 A. College graduate.

23 Q. What'd you study in college?

24 A. I study electrical engineer.

25 Q. Where do you currently live?

1 A. Currently live in West Des Moines, Iowa.

2 Q. How long have you lived in West Des Moines?

3 A. I live in West Des Moines since 2019.

4 Q. All right. Where did you live prior to 2019?

5 A. Des Moines area.

6 Q. Okay. How long have you lived in Des Moines?

7 A. I live in Des Moines since 2015.

8 Q. All right. Who is your mother?

9 A. My mother's My Do.

10 Q. All right. I want to show you Government's Exhibit

11 87. Do you recognize this person?

12 A. Yes, that's my mom.

13 Q. All right. Do you have a brother?

14 A. Yes, I do.

15 Q. And what is his name?

16 A. His name is Minh Tan Do Pham.

17 Q. All right. Just for you and not for the jury, I

18 want to show you Government's Exhibit 85. Do you

19 recognize this person?

20 A. Yes, that's my brother.

21 MS. CASTALDI: Your Honor, the government moves

22 for admission of Exhibit 85.

23 \* \* \* \*

24 (Government Exhibit 85 was offered.)

25 \* \* \* \*

1 THE COURT: Any objection?

2 MR. BROWN: No, Your Honor.

3 THE COURT: Government Exhibit 85 is received.

4 \* \* \* \*

5 (Government Exhibit 85 was admitted.)

6 \* \* \* \*

7 MS. CASTALDI: Thank you. If we could publish  
8 that.

9 BY MS. CASTALDI:

10 Q. All right. So that's your brother Minh Tan Do Pham;  
11 is that correct?

12 A. Yes, that's correct.

13 Q. And what does he go by?

14 A. He go by Minh.

15 Q. Okay. Mr. Pham, are you able to speak and  
16 understand English fluently?

17 A. Yes.

18 Q. Can you read and write English fluently?

19 A. Yes.

20 Q. What about your mother? How's her English?

21 A. If I would say from 1 to 10, less than 1.

22 Q. Okay. What language does she speak?

23 A. Vietnamese.

24 Q. Do you speak Vietnamese?

25 A. Yes.

1 Q. Are you fluent in Vietnamese?

2 A. Yes.

3 Q. Are you a U.S. citizen?

4 A. Yes, I am a U.S. citizen.

5 Q. Are you registered to vote?

6 A. I did register to vote when I first got my driver  
7 license when I was 18, but I never vote.

8 Q. Okay. So you've never voted?

9 A. Never.

10 Q. All right. I want to show you Government's Exhibit  
11 115. All right. This document says it's an official  
12 Iowa voter registration form, and if you can take a  
13 look -- well, let's just actually first take a look at  
14 the bottom. This document is dated 10-15, 2014. Do you  
15 see that?

16 A. Yes.

17 Q. All right. So going back to the top, is that your  
18 name here?

19 A. That is my name, but the last name is not correct.

20 Q. What should it be?

21 A. Should be Pham.

22 Q. Okay. And in 2014 did you live at this address in  
23 Sioux City, Iowa?

24 A. No.

25 Q. Do you recognize that address?

1 A. Yes.

2 Q. What address is that?

3 A. That's my parent address.

4 Q. Okay. Where were you living in 2014?

5 A. I was in Ames.

6 Q. Okay. What were you doing in Ames?

7 A. I was finishing up college in Ames.

8 Q. All right. Is that your handwriting on this form?

9 A. No.

10 Q. Okay. And returning to the signature, is that your  
11 signature?

12 A. No.

13 Q. Okay. Did you give anyone permission to register  
14 you to vote in Iowa in 2014?

15 A. No.

16 Q. Mr. Pham, do you have any political party  
17 affiliation?

18 A. Back in 2 -- when I was 18, I registered to be  
19 Democratic but never vote ever since and never had any  
20 political stand since then.

21 Q. Okay. Is it fair to say you don't have any strong  
22 feelings about the parties one way or the other?

23 A. No.

24 Q. Okay. Let's take a look at Government's Exhibit 10.  
25 And this is an Iowa absentee ballot request form for the

1 Republican primary in 2020. Is that your name at the  
2 top?

3 A. Yes, that's my name.

4 Q. Okay. Is that a correct address for you in 2020?

5 A. No.

6 Q. Where were you living in 2020?

7 A. I was living in West Des Moines, Iowa.

8 Q. Okay. And let's look at the bottom. Is that your  
9 signature?

10 A. That is not my signature.

11 Q. Did you give anyone permission to request a ballot  
12 for you for the Republican primary in Iowa in 2020?

13 A. No.

14 Q. Okay. Not even your mother?

15 A. Not even my mother, no.

16 Q. Did you have any desire to vote in the Republican  
17 primary in 2020?

18 A. No.

19 Q. Let's look at Government's Exhibit 13. Did you  
20 receive a ballot for the 2020 Republican primary?

21 A. No.

22 Q. Did you vote a ballot for the 2020 Republican  
23 primary?

24 A. No.

25 Q. All right. Do you see your name here on this

1 document?

2 A. That is my first name, but my last name is not on  
3 there.

4 Q. All right. So Government Exhibit 13 has left out  
5 the Pham last name; is that correct?

6 A. Correct.

7 Q. All right. And is that your signature on this form?

8 A. No.

9 Q. All right. Did you give anyone permission to vote  
10 for you in the Republican 2020 primary?

11 A. No.

12 Q. Not even your mother.

13 A. Not even my mother, no.

14 Q. Can you look at Government Exhibit 14, please. This  
15 is an absentee ballot request for the 2020 general  
16 election. Is that your name at the top?

17 A. Yes.

18 Q. Is that an accurate address for you in 2020?

19 A. No.

20 Q. And again, who lived at that address?

21 A. That's my parent.

22 Q. Okay. Is that your signature on the bottom of this  
23 form?

24 A. No.

25 Q. All right. Did you give anyone permission to

1 request a ballot for you for the 2020 general election?

2 A. No.

3 Q. Not even your mother.

4 A. No.

5 Q. Generally do you have conversations at all with your  
6 mother about voting or elections?

7 A. No.

8 Q. And one last thing. If you could just look --

9 MS CASTALDI: -- and not publish to the jury.

10 Q. Mr. Pham, if you could look at Government Exhibit  
11 86, do you recognize that person?

12 A. Yes, that's me.

13 MS. CASTALDI: All right. The government moves  
14 for admission of Exhibit 86.

15 \* \* \* \*

16 (Government Exhibit 86 was offered.)

17 \* \* \* \*

18 THE COURT: Any objection?

19 MR. BROWN: No objection.

20 THE COURT: All right. Government Exhibit 86  
21 is received.

22 \* \* \* \*

23 (Government Exhibit 86 was admitted.)

24 \* \* \* \*

25 MS. CASTALDI: Nothing further, Your Honor.

1 THE COURT: Cross-examination?

2 MR. BROWN: Yes, Your Honor. Thank you.

3 CROSS-EXAMINATION

4 BY MR. BROWN:

5 Q. Good morning, Mr. Pham. I'm Mr. Brown.

6 A. Good morning.

7 Q. So tell me a little bit about your family. You  
8 ultimately left the house for good when?

9 A. For good I would say 2014'ish, some time that year,  
10 because during college I would still go back in the  
11 summer and stay there at the summer.

12 Q. And you graduated from Iowa State when?

13 A. 2015.

14 Q. In the spring?

15 A. In the spring, yes.

16 Q. At that time were you still registered at least at  
17 the Iowa Department of Transportation with the home  
18 address of your mother and your father?

19 A. Yes.

20 Q. Have you since changed that?

21 A. Yes, I have.

22 Q. And when was that change?

23 A. 2019.

24 Q. To the Des Moines address or West Des Moines  
25 address?

1 A. To the West Des Moines address.

2 Q. What is your father's name?

3 A. My father name is Dung Pham.

4 Q. Could you spell the first name for the court  
5 reporter, please?

6 A. Yes. His first name is Dung, D-u-n-g.

7 Q. And in all times of 2020, was your father still  
8 alive?

9 A. Yes.

10 Q. Is he still alive now?

11 A. Yes.

12 Q. Do you have a good family relationship with your mom  
13 and your dad?

14 A. Yes.

15 Q. And your brother?

16 A. Yes.

17 Q. Where's your mom work?

18 A. At Tyson.

19 Q. Is she active in the Vietnamese American community?

20 A. Somewhat, yes. She would attend the ceremonies or  
21 events.

22 Q. Have you ever attended Vietnamese American  
23 ceremonies and events in the Sioux City area?

24 A. Yes, I have.

25 Q. What kind?

1 A. Religious one mainly because I volunteer at the  
2 temple.

3 Q. You ever attended any Lunar Year celebrations?

4 A. Yes.

5 Q. And where are those celebrations?

6 A. Back then it used to be at the Heelan gym, but now I  
7 think it's down at the -- I can't remember that place,  
8 but it's on Jackson Street I believe.

9 Q. Would your mom attend those Lunar Year celebrations  
10 as well?

11 A. Yes.

12 Q. And those were annual events some time in February  
13 or January of each year depending on how the calendar  
14 worked out?

15 A. Correct.

16 Q. What about -- is there a celebration or a  
17 recognition day on or about April 20 every year that  
18 relates to the fall of Saigon?

19 A. I usually don't attend that, so I don't know.

20 Q. Okay. But do you know what I'm talking about?

21 A. Yes, I do.

22 Q. What is that called? Do you know?

23 A. No.

24 Q. So is your father, Dung, an influential member of  
25 your family?

1 A. Sorry. I couldn't --

2 Q. Is your father an influential member of your family?

3 A. Yeah, I would say.

4 Q. Equal -- equal role with your mother or . . .

5 A. Yeah.

6 Q. Okay. Do they have a typical Vietnamese --  
7 Vietnamese American husband-and-wife relationship?

8 A. Yes.

9 Q. Has your mother over the course of your adult  
10 life -- and I said adult -- helped you make decisions on  
11 your life?

12 A. No.

13 Q. Has she helped you with tasks in your adult life  
14 that needed to be accomplished?

15 A. Yes, if I ask her to.

16 Q. Like what kind of tasks if you asked her to?

17 A. To read my -- to show me my mails, to help me fill  
18 out some of the mail if I'm not there, pay certain things  
19 for me if I'm not at home.

20 Q. Anything else?

21 A. Those are the only one, yes, that I know of.

22 Q. And it's your memory today that at no time in your  
23 adult life have you ever discussed election-related  
24 matters with your mother?

25 A. No.

1 Q. Ever?

2 A. Ever, no.

3 Q. At some point in time did you notify the U.S. Postal  
4 Service that the address where your mother lived is no  
5 longer your address and that mail should be forwarded to  
6 your new address somewhere in Des Moines or West  
7 Des Moines?

8 A. West Des Moines, yes.

9 Q. Okay. What year would that have taken place?

10 A. I would say 2019.

11 Q. And after you had started having the mail forwarded  
12 in about 2019, from time to time did you receive  
13 unsolicited mailings from political parties about voting?

14 A. No.

15 Q. Absentee ballot request information in the mail?

16 A. The mailing address at -- in Des Moines -- in West  
17 Des Moines or --

18 Q. Yes, sir.

19 A. No.

20 Q. Solicitations on your phone from the Democratic  
21 party or Republican party?

22 A. On my phone sometime, yes.

23 Q. From which side? Do you remember?

24 A. No.

25 Q. Would these be like text messages or something

1 saying certain events were coming up?

2 A. No, not . . .

3 Q. Or just money solicitations?

4 A. Just general voting stuff.

5 Q. That a vote was coming up?

6 A. Yeah.

7 Q. Okay. Now, you are aware that there was a general  
8 election in November of 2020, are you not?

9 A. Generally I'm aware of that, yes.

10 Q. Okay. You're aware that there was a new president  
11 elected in November of 2020; right?

12 A. Yes.

13 Q. Okay. At any point in time from approximately  
14 September to November do you recall your mom calling you  
15 on the phone regarding your intentions to vote in that  
16 general election November 7, 2020?

17 A. No.

18 Q. Is it possible you could be mistaken about that?

19 A. No, because we --

20 Q. Excuse me?

21 A. No, because we never talk about election at home.

22 Q. Okay. Well, you weren't home, though, in November  
23 or October and September of 2020, were you?

24 A. No.

25 Q. And did you visit home from time to time in the

1 summer of 2020 during the COVID pandemic?

2 A. Yes. It's too nice to maintain to go home every two  
3 weeks to take care of -- too nice to maintain every other  
4 week I would go home and help my parent out and look at  
5 their mails, help them out with the translating stuff  
6 so . . .

7 Q. So every other week -- during the summer and into  
8 the fall of 2020 you were visiting your parents every  
9 other week?

10 A. I'd try to, yes.

11 Q. Would your mom give you mail that was still coming  
12 to her house that had your name on it when you would come  
13 and visit?

14 A. Yes.

15 Q. Did your mom give you voting-related mail to you at  
16 her residence during -- sometime during any visit in  
17 2020?

18 A. Yes.

19 Q. Yes?

20 A. Yes.

21 Q. And what would this voting-related mail consist of?

22 A. A lot of voting stuff statewide, general, primary,  
23 all that, yes.

24 Q. What'd you do with that mail?

25 A. I just throw it away.

1 Q. Did you tell your mom, Just take care of it for me?

2 A. No.

3 Q. At some point in time did you become aware that the  
4 FBI had talked to your mother or wanted to talk to your  
5 mother about voting-related materials?

6 A. Yes, the day the FBI approaches my mom, yes.

7 Q. Okay. So tell me -- could you tell me what you know  
8 about that?

9 A. So an FBI show up at my place one day and kind of  
10 want to talk to my mom. My mom wasn't there, so my dad  
11 call me. And the FBI talk to me and show me some of my  
12 ID and ask me if I know anything about voting, and that  
13 was it for that day. I just say I didn't know anything  
14 about voting. Then I talk to my mom after that, and she  
15 told me that she been voting, and I guess that was it.

16 Q. Were you concerned your mom was in trouble?

17 A. At that time, no.

18 Q. Did you become concerned later on?

19 A. Yes.

20 Q. And what caused you to be concerned?

21 A. After that -- after that then I know that she voted  
22 on my behalf without my knowledge, so then that's when we  
23 kind of realize that she might be in trouble.

24 Q. Did your mom ever blame anybody else for voting on  
25 your behalf without your knowledge?

1 A. I think she take it upon her more than -- no, she  
2 never.

3 Q. Has your mom -- is she a bright person? Is she  
4 smart?

5 A. I wouldn't say she's a super bright person, no.

6 Q. Your mom have friends in the Vietnamese community?

7 A. Yeah.

8 Q. Do you know who some of those friends are that she  
9 works with at Tyson?

10 A. Some of them, yes.

11 Q. Who do you know?

12 A. Few people that I know from the temple.

13 Q. Like whom?

14 A. Namewise or . . .

15 Q. Yeah, namewise.

16 A. I would say --

17 Q. Let's stick to adult females. Do you know any adult  
18 females that your mother works with at Tyson?

19 A. Yes.

20 Q. Like whom?

21 A. Like Nga Doan. She's a -- I think she's a secretary  
22 at the Vietnamese Buddhist temple.

23 Q. Okay. Anybody else?

24 A. Couple person I know by their first name and not --  
25 and not their last name.

1 Q. Do you know the Nguyen family in Sioux City?

2 A. There's quite a bit of them Nguyen family.

3 Q. I assume so. Do you know a woman by the name of  
4 Huong Nguyen? Her son is -- her son is Thien, and her  
5 daughter is Tam. Do you know them?

6 A. Not that I can recall. Maybe a face or a name but  
7 not just by the name, no.

8 Q. All right. Fair enough.

9 MR. BROWN: I don't have any further questions  
10 from this gentleman, Your Honor. Thank you.

11 THE COURT: Redirect?

12 REDIRECT EXAMINATION

13 BY MS. CASTALDI:

14 Q. Briefly, Mr. Pham, you said that sometimes your mom  
15 might receive mail at her house for you?

16 A. Yes.

17 Q. Okay. Can she read any of that without your  
18 assistance?

19 A. No.

20 Q. Does she do anything with that mail without checking  
21 with you first?

22 A. No.

23 MS. CASTALDI: Thank you.

24 THE COURT: Any recross?

25 MR. BROWN: No thank you.

1 THE COURT: Okay, sir. You are excused. Thank  
2 you.

3 THE WITNESS: Thank you.

4 MS. CASTALDI: Your Honor, the government calls  
5 Minh Tan Do Pham, and he does not need an interpreter.

6 THE COURT: Okay. Thank you.

7 Good morning, sir. If you'll come right up in the  
8 middle of the room for a moment, I'll go ahead and swear  
9 you in. Please raise your right hand.

10 MINH TAN DO PHAM, PLAINTIFF'S WITNESS, SWORN

11 THE COURT: Okay. Thank you. Please have a  
12 seat to your right there in the witness box. And try to  
13 stay close to the microphones for us so we can hear you.  
14 Would you please tell us your full name, and then spell  
15 it for us.

16 THE WITNESS: Minh Tan Do Pham, M-i-n-h T-a-n  
17 D-o P-h-a-m.

18 THE COURT: Okay. Thank you, sir.

19 Miss Castaldi, you may proceed.

20 MS. CASTALDI: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MS. CASTALDI:

23 Q. Good morning, Mr. Pham.

24 A. Good morning.

25 Q. How old are you?

1 A. I'm 31 years old.

2 Q. Where did you live growing up? What's your address?

3 A. Sioux City, Iowa, 414 West Eighth Street.

4 Q. Where did you go to high school?

5 A. Sioux City West High School.

6 Q. What did you do -- when did you graduate high  
7 school?

8 A. In the year of 2010.

9 Q. What did you do after high school, directly after  
10 high school?

11 A. Oh. I move out and move in -- move to South Dakota.

12 Q. South Dakota, all right. What year did you move to  
13 South Dakota?

14 A. I believe that's the year of 2011.

15 Q. How long were you living in South Dakota?

16 A. And I believe that is about approximately ten years.

17 Q. So is it fair to say eventually you did move out of  
18 South Dakota?

19 A. Yes.

20 Q. Where did you move?

21 A. I moved to -- back to Iowa. I'm currently living in  
22 Des Moines area.

23 Q. All right. So from when you left high school and  
24 moved to South Dakota in 2011, did you ever move back  
25 into your parents' home in Sioux City?

- 1 A. I did not.
- 2 Q. Okay. So is it you went straight from South Dakota  
3 to Des Moines? Is that right?
- 4 A. Correct.
- 5 Q. Okay. Who's your mother?
- 6 A. My Thi Do.
- 7 Q. All right. And do you have a brother?
- 8 A. Yes, I do.
- 9 Q. What's his name?
- 10 A. Nhat Pham.
- 11 Q. All right. And, Mr. Pham, can you speak and  
12 understand English fluently?
- 13 A. Yes.
- 14 Q. What about reading and writing? Are you fluent in  
15 English?
- 16 A. Yes.
- 17 Q. What about your mother? How would you describe her  
18 English?
- 19 A. She doesn't speak any English at all.
- 20 Q. What is her primary language?
- 21 A. Vietnamese.
- 22 Q. Can you speak Vietnamese?
- 23 A. Yes.
- 24 Q. Do you speak Vietnamese with your mother?
- 25 A. Yes, I do.

1 Q. All right. What about your father? Does he speak  
2 English?

3 A. He does not.

4 Q. Okay. Vietnamese as well?

5 A. Vietnamese, yep.

6 Q. Okay. Are you a U.S. citizen?

7 A. I am.

8 Q. Are you registered to vote?

9 A. Yes, I am.

10 Q. Do you recall when you registered?

11 A. When I had to get new ID. That's probably the only  
12 time I remember.

13 Q. Okay. Would that have been when you first got an ID  
14 at 18 or some time later?

15 A. Yes, when I was 18.

16 Q. Have you ever voted?

17 A. I have not.

18 Q. Do you have any political party affiliation? Do you  
19 identify as a Republican or a Democrat or anything like  
20 that?

21 A. I do not.

22 Q. All right. Let's look at Government's Exhibit 119.  
23 All right. This is an Iowa voter registration form. And  
24 if you look at the bottom, it's dated October 15, 2014.  
25 Do you see that?

1 A. Yes, I do see it.

2 Q. All right. Now, looking at the top, is that your  
3 name?

4 A. That is my name.

5 Q. All right. Does it have the correct last name for  
6 you?

7 A. It does not.

8 Q. Okay. It should be Pham; is that right?

9 A. Correct.

10 Q. Okay. And in 2014 were you living in Sioux City,  
11 Iowa?

12 A. Did you say in 2014?

13 Q. Yes.

14 A. I did not.

15 Q. Okay. You were living in a different state; right?

16 A. Correct.

17 Q. Okay. In looking at the bottom, is that your  
18 signature?

19 A. That is not my signature.

20 Q. All right. Did you give anyone permission to  
21 register you to vote in Iowa while you were living in  
22 South Dakota?

23 A. I did not.

24 Q. Not even your mother?

25 A. No.

1 Q. Not your father.

2 A. No.

3 Q. Okay. Let's look at Government Exhibit 11. This is  
4 an Iowa absentee ballot request form for the 2020  
5 Republican primary election. Is that your name at the  
6 top?

7 A. That is my name but not the first -- how I would  
8 write my first name out.

9 Q. How would you write it?

10 A. Minh Tan, and last name would be Pham as it is. I  
11 would not include the D-o.

12 Q. Okay. In 2020 where were you living?

13 A. In 2020 I believe I was living in South Dakota.

14 Q. Okay. So is there any reason you would have wanted  
15 to vote in a Republican primary in Iowa?

16 A. I do not.

17 Q. Okay. Is that your signature on the bottom?

18 A. That is not my signature.

19 Q. Did you give anyone permission to request a -- an  
20 absentee ballot for you in the Iowa Republican primary?

21 A. I did not.

22 Q. Not even your mother.

23 A. No.

24 Q. Government Exhibit 12, did you ever receive a ballot  
25 for the Republican primary in Iowa for the 2020 election?

1 A. I did not.

2 Q. Did you vote a ballot in that election?

3 A. I did not.

4 Q. Did you give anyone permission to vote a ballot for  
5 you?

6 A. I did not.

7 Q. Not even your mother.

8 A. No.

9 Q. All right. Is that your name on Government Exhibit  
10 12?

11 A. That is my name, missing the last name.

12 Q. Is that a correct address for you in 2020?

13 A. Not my current address, no.

14 Q. Okay. Where were you living in 2020?

15 A. Sioux Falls, South Dakota.

16 Q. Okay. Is that your signature on Government Exhibit  
17 12?

18 A. That is not my signature.

19 Q. Did you give anyone permission to sign for you -- to  
20 sign a voter affidavit for you in the 2020 Republican  
21 primary?

22 A. I did not.

23 Q. Not even your mother.

24 A. No.

25 Q. All right. Do you and your mom talk about voting or

1 elections at all?

2 A. Never.

3 Q. Government Exhibit 15, this is a ballot request form  
4 for the 2020 general election also in Iowa. Is that a  
5 correct -- that's your name at the top; is that correct?

6 A. That's not correct how I would write my first name.

7 Q. All right. And that address, was that your address  
8 in 2020?

9 A. It is not.

10 Q. Did you fill out this form?

11 A. I did not.

12 Q. Looking at the signature at the bottom, is that your  
13 signature?

14 A. That is not my signature.

15 Q. Did you give anyone permission to request an  
16 absentee ballot for you in the 2020 general election?

17 A. I did not.

18 Q. Not even your mother.

19 A. No.

20 Q. Your father?

21 A. No.

22 Q. Mr. Pham, what do you do in Des Moines?

23 A. Currently I'm a firefighter.

24 MS. CASTALDI: Nothing further, Your Honor.

25 THE COURT: All right. Cross-examination?

1                   MR. BROWN: Yes, Your Honor, briefly. Thank  
2 you.

3                                   CROSS-EXAMINATION

4 BY MR. BROWN:

5 Q. Good morning. My name is Mr. Brown.

6 A. Morning.

7 Q. Nice to meet you. So tell me a little bit about  
8 your father. How old is your father?

9 A. My father's roughly 55 years old.

10 Q. Is he presently employed?

11 A. He is.

12 Q. Where does your father work?

13 A. He works at Curly Food.

14 Q. Does your father and your mother have a good  
15 household relationship?

16 A. I believe so.

17 Q. Do you and your brother have a good relationship  
18 with your parents?

19 A. Yes.

20 Q. As you grew up, did your mom do things for you from  
21 time to time to try to make your life easier?

22 A. Yes.

23 Q. Did she do things for you at least from your  
24 perspective with your best interests in mind?

25 A. I believe so.

1 Q. Is your mom active in the Vietnamese American  
2 community?

3 A. Yes.

4 Q. What kind of things does she do in that community?

5 A. She attend the temple.

6 Q. Anything else that you can think of?

7 A. No.

8 Q. Social events?

9 A. No.

10 Q. Are there annual Vietnamese gatherings in the Sioux  
11 City area, Vietnamese American gatherings in the Sioux  
12 City area?

13 A. Not that I know of.

14 Q. Lunar Year celebration?

15 A. I believe that's at the temple.

16 Q. Do you have any familiarity with a celebration  
17 that's held on or about April 30 of every year to  
18 commemorate the fall of Saigon?

19 A. I don't have.

20 Q. Never heard of that?

21 A. No.

22 Q. Okay. Even though you were living in Sioux Falls up  
23 to you said, what, 2019?

24 A. Correct.

25 Q. And then you moved to Des Moines; is that right?

1 A. In the year 2021 I moved to Des Moines.

2 Q. In 2020 would you stay in contact with your mother  
3 and your father?

4 A. Yes.

5 Q. What kind of contact did you have with them?

6 A. Via phone. I seldomly come back and visit.

7 Q. How often did you visit during the COVID pandemic?

8 A. Not very often.

9 Q. Did you ever register to vote in South Dakota?

10 A. Yes.

11 Q. And did you change that registration once you  
12 finally moved -- returned to Iowa?

13 A. No. I am still currently registered to vote.

14 Q. In South Dakota.

15 A. Not in South Dakota. In Iowa now.

16 Q. Okay. When did you register to vote in Iowa?

17 A. When I changed my ID when I moved to Iowa.

18 Q. Do you still get mail in your name at your mom and  
19 your dad's house?

20 A. I believe so.

21 Q. What does Mom do with that mail?

22 A. She would contact me, let me know that I have mail.

23 Q. Then you'd pick it up when you came or . . .

24 A. Yeah, pick it up when I come back and visit.

25 Q. Would you have her read it?

1 A. No.

2 Q. So if I understand it, it's your position that at no  
3 time did you know that your mom had helped register you  
4 to vote in 2014 in Iowa.

5 A. That's correct. I did not know.

6 Q. All right. So you never got -- you don't recall  
7 ever after that October of 2014 receiving any mailings  
8 related to voting in Iowa?

9 A. Nothing about voting.

10 Q. At some point in time did you become aware that the  
11 FBI was inquiring about your mother's voting activities?

12 A. That's right, yep.

13 Q. Excuse --

14 A. At certain point, yep.

15 Q. All right. Without telling anybody what somebody  
16 said, just generally how did you find out about that?

17 A. Was told by my brother and the FBI agent.

18 Q. Did they contact you?

19 A. Yes.

20 Q. Did you talk to your mother about that? It's just  
21 yes or no, not what anybody said.

22 A. Yes.

23 Q. Did you have concerns about whether your mom was in  
24 trouble?

25 A. Yes.

1 Q. Was your mom scared?

2 A. I believe so.

3 Q. Was your dad scared?

4 A. I believe so.

5 Q. Did your mom ever blame anybody else for the  
6 problem?

7 A. No, not that she told me.

8 MR. BROWN: No further questions, Your Honor.  
9 Thank you very much.

10 THE COURT: Redirect?

11 MS. CASTALDI: No, Your Honor.

12 THE COURT: Okay. Sir, you are excused.

13 THE WITNESS: Thank you.

14 THE COURT: Thank you.

15 MS. CASTALDI: Your Honor, the government calls  
16 Mr. Hai Nguyen. That's number 15 on our list.

17 THE COURT: Okay.

18 MS. CASTALDI: And he will need an interpreter.

19 THE COURT: Okay. Thank you.

20 Good morning, sir.

21 MR. NGUYEN: Good morning, Your Honor.

22 THE COURT: Sir, please raise your right hand.

23 HAI NGUYEN, PLAINTIFF'S WITNESS, SWORN

24 THE COURT: Okay. Thank you, sir. Please have  
25 a seat there to your right in the witness box.

1 THE WITNESS: Thank you, Your Honor.

2 MR. EVANS: Your Honor, I've been told by the  
3 witness coordinator that the witness might benefit from  
4 hearing devices if the Court has . . .

5 THE COURT: Sure. We do have headphones that  
6 often are helpful. We can try to get those arranged.

7 THE WITNESS: Thank you.

8 THE COURT: And let's test quickly if the  
9 interpreter can just start interpreting what I'm saying,  
10 and I'll ask then if . . .

11 THE WITNESS: I can't hear very well.

12 MR. EVANS: Do you want to try it without them?

13 THE WITNESS: Maybe I can hear better without.

14 THE COURT: Sir, are you able to hear the  
15 interpreter without the headphones?

16 THE WITNESS: Yes, I can hear.

17 THE COURT: Okay. Thank you. Would you please  
18 tell us your full name, and spell it for us, sir.

19 THE WITNESS: My full name?

20 THE COURT: Yes.

21 THE WITNESS: My full name is Hai Thanh Nguyen.  
22 My last name is Nguyen, middle name is Thanh, first name  
23 is Hai.

24 THE COURT: Okay. Thank you.

25 And, counsel, you may proceed.

1 MR. EVANS: Thank you, Your Honor.

2 DIRECT EXAMINATION

3 BY MR. EVANS:

4 Q. Good morning, Mr. Nguyen.

5 A. Hello.

6 Q. Mr. Nguyen, do you speak much English?

7 A. Very little.

8 Q. That's why you're using an interpreter today?

9 A. So I have to have interpreter, yes.

10 Q. How old are you, Mr. Nguyen?

11 A. 68 years old. 86 years old.

12 Q. Where were you born, Mr. Nguyen?

13 A. I was born in Vietnam.

14 Q. And when did you first try to come to the United  
15 States?

16 A. Try to come to United States?

17 Q. Yes.

18 A. Like when?

19 Q. Yes.

20 A. My family and I came to the U.S. in 1993.

21 Q. Did you want to come to the United States before  
22 that?

23 A. Yes, I did, but at the time my family wasn't with  
24 me, so I went back, and I was arrested by the Communists.

25 Q. And you were arrested by the North Vietnamese?

1 A. Yes, I was imprisoned. The Communists put me in  
2 prison.

3 Q. How long were you in prison, Mr. Nguyen?

4 A. From '75 until 1988.

5 Q. And prior to that were you a part of the South  
6 Vietnamese Army?

7 A. Correct.

8 Q. And did you work with the U.S. Army at that time?

9 A. Coordinating with the U.S. Army.

10 Q. Did you receive any medals from the U.S. Army?

11 A. Yes. The U.S. government Army gave me a medal.

12 Q. Do you know what medal that was?

13 A. My supervisor told me that it was a Silver Star.

14 Q. When you came to the United States with your family,  
15 where did you settle?

16 A. Right here in this city, Sioux City.

17 Q. Have you lived here since then?

18 A. That's correct.

19 Q. What is your address, Mr. Nguyen?

20 A. My address is 1221 Virginia Street, Sioux City, Iowa  
21 51105.

22 Q. And have you lived at that house since you've been  
23 here in Sioux City?

24 A. Before that I was living on 14th Street on a rental  
25 home, and now we bought a home.

1 Q. Are you a U.S. citizen, Mr. Nguyen?

2 A. Yes.

3 Q. And are you presently working or retired?

4 A. I worked in order to earn a living. I did.

5 Q. Where did you work?

6 A. IBP, and now that company is called Tyson.

7 Q. Are you retired now?

8 A. For a long time now.

9 Q. Directing your attention to the screen to what's  
10 been marked as Government Exhibit 82.

11 A. Yes, I see it.

12 Q. What is that? Who is that? Pardon me. Who is  
13 that?

14 A. That was me.

15 Q. Is that your driver's license photo?

16 A. I think so.

17 Q. Is that your signature below?

18 A. Correct.

19 MR. EVANS: Your Honor, the government would  
20 move admission of Government's Exhibit 82 at this time.

21 \* \* \* \*

22 (Government Exhibit 82 was offered.)

23 \* \* \* \*

24 THE COURT: Any objection?

25 MR. BROWN: No.

1 THE COURT: Government's Exhibit 82 is  
2 received.

3 \* \* \* \*

4 (Government Exhibit 82 was admitted.)

5 \* \* \* \*

6 MR. EVANS: Thank you, Your Honor.

7 Q. Mr. Nguyen, are you familiar with somebody by the  
8 name of Kim Taylor?

9 A. I know the name Phuong, Phuong.

10 Q. How do you know a Phuong?

11 A. Because she came to my house to help campaign for  
12 the election.

13 Q. And did she -- did she help you fill out any voting  
14 papers?

15 A. Filling out forms. No, she came to my house and  
16 asked if we have any election forms, and if I have any, I  
17 gave them all to her.

18 Q. How often -- or how many times did she come to your  
19 house?

20 A. During -- during election time she would come to my  
21 house a couple times every other weeks.

22 Q. Did she ever help you out with any other types of  
23 papers other than election papers?

24 A. No, no. Just election paperwork is on my table. If  
25 she want them, she can take them all.

- 1 Q. Did she come by herself or with anyone else?
- 2 A. No, she just came in by herself.
- 3 Q. Do you know who her husband is?
- 4 A. I know her husband. His name is Taylor.
- 5 Q. Jeremy Taylor?
- 6 A. I just know Taylor.
- 7 Q. Did you ever meet Mr. Taylor?
- 8 A. I didn't meet him. I saw him sitting in the car
- 9 outside. I know that was him.
- 10 Q. How many people live at your house with you,
- 11 Mr. Nguyen?
- 12 A. In my family?
- 13 Q. Yes.
- 14 A. In my family, it was me, my wife, and my son.
- 15 Q. And did Miss Phuong -- did she interpret the forms
- 16 for you, or did she explain what they said?
- 17 A. Explaining, that I don't remember. But I have the
- 18 forms, and so she just took them with her.
- 19 Q. Did you have forms in the house for other members of
- 20 your family?
- 21 A. The other -- the forms for other family members when
- 22 they arrived, I left them there as well.
- 23 Q. And did Phuong take those as well?
- 24 A. Yes.
- 25 Q. What's your -- what's your daughter's name?

1 A. My daughter's name is Tram Anh Thi Nguyen.

2 Q. And your son lives with you as well?

3 A. My son?

4 Q. Yes.

5 A. My son lives with me.

6 Q. What's his name?

7 A. Phong Thanh Nguyen.

8 Q. And has your granddaughter ever lived with you as  
9 well?

10 A. She lives with me, but she's away for college.  
11 She's not home.

12 Q. What's her name?

13 A. Her name is Yen Thi Nguyen, Minh Yen, so it's Nguyen  
14 Thi Minh Yen.

15 Q. All right. Directing your attention to what's been  
16 admitted as Government Exhibit 104, on the screen in  
17 front of you, this is an Iowa voter registration form.  
18 And focusing on the area where the name and address is --

19 MR. EVANS: If we could blow that up, please.

20 Q. -- is that your handwriting, Mr. Nguyen?

21 A. The handwriting doesn't look like mine. The way  
22 it's written doesn't look like my handwriting.

23 MR. EVANS: If we could go down to the bottom  
24 of the document and enlarge that section.

25 Q. Is that your handwriting, your signature?

1 A. The signature look like mine, but the handwriting  
2 doesn't.

3 Q. And this is dated April 17, 2020; correct?

4 A. This is a long time ago. I don't remember. That  
5 was the year 2020. That was a long time ago.

6 Q. Who helped you fill out forms -- so if this is a  
7 document that you signed and that's not your handwriting  
8 on the form, who would have filled out this form for you?

9 A. I don't remember. I don't remember who.

10 Q. Who came to your house to help you with voting  
11 documents?

12 A. Voting forms? Everything I have, I just leave them  
13 on my table, and I use a dictionary, and I try to look up  
14 words, and if I couldn't understand, I just leave them  
15 there.

16 Q. You testified that Miss Phuong would come to your  
17 house at election time; correct?

18 A. Correct.

19 Q. Directing your attention to Government Exhibit 229  
20 if it's easier looking at the actual document. This is  
21 an official Iowa absentee ballot request form.

22 A. This form, I think this is my signature.

23 THE COURT: Hold on. Stop for a minute,  
24 please.

25 Is there an objection, Mr. Brown?

1 MR. BROWN: Object to the form of the question  
2 as leading, Your Honor.

3 THE COURT: The objection's overruled. You can  
4 go ahead and provide the witness's answer.

5 MR. EVANS: What did the witness say?

6 A. I think this is my signature, but this one is not.

7 Q. Okay. So the handwriting on the top part for your  
8 name and address is not your handwriting; is that  
9 correct?

10 A. The signature, I think it is mine. I think so.

11 Q. And this document is also dated April 17, 2020, down  
12 by your signature; correct?

13 A. Correct. This?

14 Q. And this document is requesting a -- an absentee  
15 ballot for the Republican primary.

16 A. This and this are the same.

17 MR. BROWN: Objection. Leading, Your Honor.

18 MR. EVANS: I'm only asking the first half of  
19 the question so the interpreter can complete the -- I  
20 haven't finished my question, Your Honor.

21 THE COURT: The objection's overruled. Go  
22 ahead and finish your question.

23 MR. EVANS: Thank you, Your Honor.

24 Q. This document's requesting an absentee ballot  
25 request for the June Rep -- June 2020 Republican primary.

1 Do you recall registering for that primary election?

2 A. I didn't request anything.

3 Q. Directing your attention --

4 A. Whatever they sent to the home, then I have them. I  
5 did not request anything.

6 Q. And if they -- if you received some voting documents  
7 at your home, what did you do with them?

8 A. I put it in one place.

9 Q. And who took those?

10 A. There were time I just left them there and did  
11 nothing with them.

12 Q. Did someone come to get them?

13 A. Just the most recent time, that's when Phuong came  
14 to take them.

15 Q. Directing your attention to what's been admitted as  
16 Government 54, Exhibit 54.

17 MR. EVANS: If you could blow up the top half  
18 of the document, please.

19 Q. This is a sample ballot for the June 2020 election.  
20 Do you see that?

21 A. Give me -- I can see it, but what?

22 Q. My question is did you ever fill out any of these  
23 ballots?

24 A. No.

25 Q. Do you know who did fill out those ballots?

1 A. No.

2 Q. Okay. Directing your attention to what's been  
3 admitted as Government Exhibit 305, this is a -- an  
4 absentee ballot envelope focusing on the left side of the  
5 document. Is that your add -- name and address?

6 A. This one?

7 Q. Yes. Is that your name and address?

8 A. That's my full name, yes.

9 Q. And your address.

10 A. Correct.

11 Q. And looking down at the signature block, the voter's  
12 affidavit, is that your signature?

13 A. I think it looks like my signature.

14 Q. Do you have any recollection of who was running in  
15 the Republican primary in 2020?

16 A. No.

17 Q. You testified that in addition to helping you with  
18 voting documents that Ms. Phuong filled out forms for  
19 other family members; correct?

20 A. I delegated to her, so she just fill them out so  
21 that I don't have to.

22 Q. Directing your attention to what's been admitted as  
23 Government Exhibit 206.

24 MR. EVANS: If we could enlarge that.

25 Q. Is that your daughter's name?

1 A. My daughter's name, yes, correct.

2 Q. And is that your handwriting?

3 A. No.

4 Q. Do you know if that's your daughter's handwriting?

5 A. My daughter? I don't think so. I don't think that  
6 how my daughter would write but just my guess.

7 Q. Looking down at that signature block, is that your  
8 signature?

9 A. No.

10 Q. Do you know if that's your daughter's signature?

11 A. No.

12 Q. The date on this document is May 5 of 2020; correct?

13 A. That? No. That's not her signature.

14 Q. All right. Looking -- directing your attention to  
15 what's been admitted as Government Exhibit 302, this is a  
16 copy of an absentee ballot envelope. Looking at the name  
17 and address on that document.

18 A. The address?

19 Q. Well, the name, is that your daughter's name?

20 A. What? That name?

21 Q. Yes, the name.

22 A. That is my daughter's name, Nguyen Thi Tram Anh.

23 Q. And is that her address?

24 A. That's the old address, very old.

25 Q. Directing your attention to what's been admitted as

1 Government Exhibit 16, focusing on the name and address  
2 there, whose name is that?

3 A. That's my granddaughter.

4 Q. And that's your Virginia Street address there;  
5 correct?

6 A. That's my home address, yes.

7 Q. Is this your handwriting?

8 A. Mine? No.

9 Q. Do you know whose handwriting this is?

10 A. No.

11 Q. Looking down at the signature block on this  
12 particular document, is that your signature?

13 A. The signature?

14 Q. Yes.

15 A. The signature? The signature?

16 Q. Yes, is that your signature?

17 A. No.

18 Q. And this is dated April 18, 2020.

19 A. Right.

20 Q. When Ms. Phuong was visiting and helping with the  
21 forms, did she translate everything on the form or just  
22 tell you where to sign?

23 A. No, because I gave everything to her, so she fill  
24 them out. She did whatever she wanted to.

25 Q. Directing your attention to what's been admitted as

1 Government Exhibit 17.

2 A. This one?

3 Q. Yes. We'll enlarge it.

4 A. What now?

5 Q. Is that -- whose name is that on the top of the  
6 form?

7 A. This one?

8 Q. Yes.

9 A. Nguyen Thi Minh Yen. That's my granddaughter's  
10 name.

11 Q. And that's the Virginia Street address; correct?

12 A. Correct.

13 Q. Is that your signature on the bottom?

14 A. No.

15 Q. Directing your attention to what's been admitted as  
16 Government Exhibit 18, this is a ballot envelope for the  
17 June 2, 2020, primary. Looking at the address and name  
18 section, whose name is that?

19 A. My granddaughter's, Yen Nguyen. Nguyen is the last  
20 name. Yen is the first name.

21 Q. And going out to the signature on this document, is  
22 that your signature?

23 A. No.

24 Q. Do you know who signed that?

25 A. No.

1 Q. Focusing your attention on Government Exhibit 19,  
2 this is an absentee ballot request form. Focusing on the  
3 name and address.

4 A. Yes, name, address, that's my address.

5 Q. And is that your granddaughter's name?

6 A. Correct.

7 Q. And looking down at the signature block, is that  
8 your signature?

9 A. No.

10 Q. And this is dated September 18 of 2020; correct?

11 A. Correct.

12 Q. When Phuong visited you -- when Miss Phuong visited  
13 you to help with voting documents, was there anyone else  
14 there with you?

15 A. No, just me and her.

16 Q. And did you -- did you tell her what your  
17 granddaughter's name was?

18 A. I didn't tell her, but maybe it's on the forms,  
19 whatever other form. Everything's on it, so perhaps it's  
20 there, but I didn't tell her.

21 MR. EVANS: I have no further questions, Your  
22 Honor.

23 THE COURT: Cross-examination?

24 MR. BROWN: Yes, please.

25 CROSS-EXAMINATION

1 BY MR. BROWN:

2 Q. Good morning, Mr. Nguyen.

3 A. Good morning.

4 Q. My name is Mr. Brown.

5 A. Hello, Mr. Brown.

6 Q. I'd like to ask you just a few brief questions,  
7 please.

8 A. Okay.

9 Q. At your Virginia Street home, do you have a garden?

10 A. A yard?

11 Q. Garden with . . .

12 A. Not a garden. It's just a small yard.

13 Q. Do you grow vegetables?

14 A. My wife did. I didn't.

15 Q. What kind of vegetables did your wife grow at  
16 Virginia Street?

17 A. But that was a long time ago because nowadays my wife  
18 is ill, so she's not doing that anymore. My daughter,  
19 when she had time, she would do it.

20 Q. Were vegetables being grown in your yard in 2020?

21 A. Very few. When -- my daughter, when she had time,  
22 she'll come over to help.

23 Q. Were some of the vegetables Vietnamese food  
24 vegetables?

25 A. Vietnamese vegetable? Yes.

1 Q. What kind of Vietnamese vegetables?

2 A. Oh, like salad, watercress, things like that.

3 Q. From time to time did Kim Taylor come over to your  
4 house to buy vegetables?

5 A. No, we didn't sell them. We have vegetable.  
6 Whoever want to come over and pick them we'll -- my  
7 daughter -- my daughter will let them have for free.

8 Q. Would Kim Taylor come to your house to pick  
9 vegetables for free?

10 A. I don't remember that.

11 Q. Where does your daughter Anh work?

12 A. What? She works at a family doctor clinic.

13 Q. Does she do translation work at the clinic?

14 A. Correct.

15 Q. Your daughter speaks English well?

16 A. How well I don't know.

17 Q. Does your daughter visit you almost every day for  
18 the lunch hour?

19 A. She cooks for me. I can't cook for myself. Both my  
20 wife and I, we can't cook.

21 Q. Would your daughter visit every day and cook for you  
22 for the lunch?

23 A. Every day she comes over to help cook.

24 Q. Did you show your daughter the mail you put on your  
25 kitchen table?

1 A. Put what?

2 Q. Did you show your daughter the mail that you put on  
3 your kitchen table?

4 A. I have all of the mails on the table, but my  
5 daughter, she never pay attention to it. My daughter  
6 said just fill whatever you can, but I couldn't because  
7 she's busy, so she's pretty much gone all the time.

8 Q. Did you support President Trump?

9 A. I'm not supporting any president.

10 Q. Did you want to vote in the 2020 election for  
11 president?

12 A. I don't remember. All the ballots, I just put them  
13 there in a pile. I didn't pay attention.

14 Q. In 2020 do you actually remember Kim Taylor coming  
15 over to your house?

16 A. Who? Who? Which lady?

17 Q. Kim Taylor?

18 A. I don't know about Kim Taylor, but during election  
19 time Miss Phuong will come to the house.

20 Q. Did you give her vegetables?

21 A. No.

22 Q. Did you tell her you wanted to vote?

23 A. Do I want to vote? Voting or not, it doesn't really  
24 matter. I can vote. I don't have to. But I left them  
25 there, and so if she want to, she can have them.

1 Q. When she returned with the documents, did she ask  
2 you to sign them?

3 A. What? Asking me to sign? No, she didn't ask me to  
4 sign.

5 Q. Did you sign any documents?

6 A. I just sign my forms.

7 Q. Did you sign any documents for your son?

8 A. No.

9 Q. And what is your son's name again?

10 A. Phong Thanh Nguyen.

11 Q. Did your son ask you to sign the forms for him?

12 A. No.

13 Q. Do you remember coming to this building to appear in  
14 front of the grand jury?

15 A. Which day? Grand jury? How long ago was that?

16 Q. April 13, 2022.

17 A. 2022?

18 Q. 2022.

19 A. I don't remember. I remember I came one time, but I  
20 don't know what for.

21 Q. Do you remember having to answer questions about  
22 these voting documents?

23 A. Answers about the forms? I do not recall.

24 Q. Do you remember even why you were here in 2022?

25 A. Here? Here? I been a witness.

1 Q. Do you remember why you would have been in this  
2 courthouse in 2022?

3 A. '22? I don't remember exactly when I did come here,  
4 but for what I don't remember.

5 Q. Let me ask you about something different now; okay?  
6 I understand you like to walk every day.

7 A. I don't walk. I do not walk.

8 Q. Do you walk to the post office every day?

9 A. I can't walk anymore. I couldn't -- I can't walk  
10 anymore. No.

11 Q. Did you walk in 2020?

12 A. Even in 2020 I only take a few steps. I can't walk  
13 anymore.

14 MR. BROWN: I don't have any further questions  
15 for this gentleman, Your Honor. Thank you very much.

16 THE COURT: Redirect?

17 MR. EVANS: None, Your Honor.

18 THE COURT: Okay. The witness is excused.

19 THE WITNESS: Going home.

20 THE COURT: Thank you, sir. Thank you, sir.

21 THE WITNESS: Thank you, Your Honor. Good-bye,  
22 Your Honor.

23 THE COURT: Thank you.

24 THE WITNESS: Thank you for allowing me to give  
25 testimony. Thank you very much. Thank you. Thank you,

1 counsels.

2 THE COURT: Audrey, would you go ahead and  
3 retrieve the headphones from the witness box? Thank you.

4 Let's go ahead and maybe get started with the next  
5 witness if we have someone available?

6 MR. EVANS: We do, Your Honor. The government  
7 would call Ms. Yen Nguyen. She's witness number 19 on  
8 our list, and no interpreter's necessary.

9 THE COURT: Okay. Thank you.

10 Good morning, ma'am. If you'll come up into the  
11 middle of the room, I'll swear you in. Would you please  
12 raise your right hand.

13 YEN NGUYEN, PLAINTIFF'S WITNESS, SWORN

14 THE COURT: Okay. Thank you. And if you'll go  
15 to the witness box there to your right, go ahead and have  
16 a seat there. Please try to stay close to the  
17 microphones, and you can adjust them if you need to.  
18 Would you tell us your full name, and then spell it for  
19 us.

20 THE WITNESS: Yen Thi Minh Nguyen, Y-e-n.  
21 Middle name is T-h-i M-i-n-h. Last name is N-g-u-y-e-n.

22 THE COURT: Okay. Thank you.

23 Mr. Evans, you may proceed.

24 MR. EVANS: Thank you, Your Honor.

25 DIRECT EXAMINATION

1 BY MR. EVANS:

2 Q. Good morning, Ms. Nguyen.

3 A. Good morning.

4 Q. How old are you?

5 A. I'm 22.

6 Q. And where were you born?

7 A. Vietnam.

8 Q. And when you came to the United States, where did  
9 you move to?

10 A. Sioux City, Iowa.

11 Q. And have you grown up here?

12 A. Yes.

13 Q. Where did you go to high school?

14 A. North High School.

15 Q. And are you a U.S. citizen?

16 A. I am.

17 Q. And is English your primary language?

18 A. Right now, yes.

19 Q. And where do you currently live?

20 A. I live in Ames, Iowa.

21 Q. What do you do?

22 A. College.

23 Q. Iowa State?

24 A. Yes.

25 Q. And what are you studying?

1 A. Biology.

2 Q. Are you also serving in the Armed Forces?

3 A. Yes, I am.

4 Q. Which one?

5 A. National Guard.

6 Q. Is that the Army National Guard?

7 A. Army National Guard, yes.

8 Q. And what's your role in the Guard?

9 A. I'm a medic in the Guard.

10 Q. Is that a combat medic?

11 A. Combat medic.

12 Q. When did you join the Guard?

13 A. 2018.

14 Q. So did you go to basic training right after high  
15 school?

16 A. Yes.

17 Q. Okay. And when was that?

18 A. June 10 of 2019.

19 Q. Okay. And how long did that last?

20 A. Until December 19 of 2020.

21 Q. Where'd you do that training?

22 A. I was at Fort Sill, Oklahoma, for basic training and  
23 then Fort Sam, Houston, Texas, San Antonio, Texas, for  
24 AIT.

25 Q. What's AIT?

1 A. Advanced individual training for my medic job.

2 Q. And what happened after -- where'd you go after you  
3 completed that training?

4 A. Went back home and started college at Buena Vista  
5 University in Storm Lake, Iowa.

6 Q. And that was in the winter and spring of 2020?

7 A. January of 2020, yes.

8 Q. Okay. And where were you living at that time?

9 A. Storm Lake, Iowa.

10 Q. And how long were you in school in Storm Lake?

11 A. I was there till March 22'ish, and then I move back  
12 home because of COVID.

13 Q. Okay. The pandemic?

14 A. Yes.

15 Q. And where did you live when you were -- when you  
16 moved back home?

17 A. Sioux City, Iowa, with my parents and grandparents.

18 Q. Okay. What's that address?

19 A. 1221 Virginia Street.

20 Q. Is that your childhood home?

21 A. Yes.

22 Q. And who else lived -- who else lived in the house  
23 with you?

24 A. My grandparents.

25 Q. And your father?

1 A. Yes.

2 Q. And what were you doing -- did you have any Guard  
3 duties that spring?

4 A. I did.

5 Q. What were they?

6 A. I was on COVID mission to do COVID testings.

7 Q. COVID testing and vaccinations?

8 A. Yes.

9 Q. Are you a registered voter, Ms. Nguyen?

10 A. I do not believe so.

11 Q. Do you vote regularly?

12 A. I do not.

13 Q. Have you ever voted?

14 A. I have never voted.

15 Q. Was the 2020 presidential election the first one  
16 which you were old enough to vote?

17 A. Yes.

18 Q. Okay. But did you keep track of politics?

19 A. I do not.

20 Q. Did you vote in that election?

21 A. I did not.

22 Q. Did you ever give anyone permission to vote for you?

23 A. I did not.

24 Q. Did you ever have any discussions with any family  
25 members about voting for you?

1 A. I have not.

2 Q. Directing your attention just to what's been marked  
3 as Government Exhibit 84 on the screen, do you recognize  
4 that?

5 A. Yes.

6 Q. What is that?

7 A. My driver's license.

8 Q. Is that your driver's license photo?

9 A. Yes.

10 Q. Is that your signature underneath?

11 A. Yes.

12 MR. EVANS: Your Honor, the government would  
13 move admission of Government's Exhibit 84 at this time.

14 \* \* \* \*

15 (Government Exhibit 84 was offered.)

16 \* \* \* \*

17 MR. BROWN: No objection.

18 THE COURT: Government Exhibit 84 is received.

19 \* \* \* \*

20 (Government Exhibit 84 was admitted.)

21 \* \* \* \*

22 BY MR. EVANS:

23 Q. Ms. Nguyen, directing your attention to what's been  
24 admitted as Government Exhibit 16, this is a Iowa voter  
25 registration application. Do you see that at the top?

1 A. Yes.

2 Q. Okay. Focusing on the area where the name and  
3 address is, do you see that?

4 A. Yes.

5 Q. Is that your name?

6 A. Yes.

7 Q. Is that your handwriting?

8 A. That is not my handwriting.

9 Q. Is that your date of birth?

10 A. Yes.

11 Q. Further up on the document, there's a section for  
12 the driver's license number. Do you see that?

13 A. Yes.

14 Q. Anyone in your house have your driver's license  
15 number?

16 A. My father does.

17 Q. How does your father have that?

18 A. He just has a copy of every -- of my documents.

19 Q. Okay. Is that because you're in the military?

20 A. Yes.

21 MR. BROWN: Objection. Leading.

22 THE COURT: That's overruled. The answer will  
23 remain part of the record.

24 Q. When you say he has all your documents like driver's  
25 license, what else?

1 A. Passports.

2 Q. Focusing on the bottom part of the document there  
3 where it's dated 4-18-20, do you see that?

4 A. Yes.

5 Q. Is that your signature?

6 A. I do not think so.

7 Q. At this point in time you were -- were you living  
8 with your family?

9 A. I was living at home, yes.

10 Q. Okay. Right above that, the political affiliation,  
11 it has a box checked for Republican. Do you see that?

12 A. Yes.

13 Q. Did you ever request a absentee ballot or did you  
14 ever register as a Republican?

15 A. No.

16 Q. Do you know who would have checked that box for you?

17 A. I do not.

18 Q. Did you tell anyone to register you as a Republican?

19 A. No.

20 Q. Directing your attention to what's been admitted as  
21 Government Exhibit 17, now, this is the official absentee  
22 ballot request form. Do you see that at the top?

23 A. Yes.

24 Q. Okay. Is that your name and address?

25 A. Yes.

1 Q. Is that your handwriting?

2 A. That is not my handwriting.

3 Q. And this appears to -- this is requesting a -- an  
4 absentee ballot for the Republican primary. You see that  
5 on the lower half?

6 A. Yes.

7 Q. Did you ever request an absentee ballot for the  
8 Republican primary in June of 2020?

9 A. No.

10 Q. Did you ever ask anyone to request one for you?

11 A. No.

12 Q. Directing your attention to what's been admitted as  
13 Government Exhibit 18, this is a copy of an absentee  
14 ballot envelope. On the left side there, is that your  
15 name and address?

16 A. Yes.

17 Q. On the other side where the signature block is, is  
18 that your signature?

19 A. No.

20 Q. This indicates that a ballot was received by the  
21 county. There's a date timestamp. Do you see when that  
22 shows it was received?

23 A. May 19 of 2020.

24 Q. Okay. Were you living at home at the time?

25 A. Yes.

1 Q. Did you vote in the June 2020 primary election?

2 A. I did not.

3 Q. Directing your attention to what's been admitted as  
4 Government Exhibit 54, focusing on the top half of that,  
5 this is a sample ballot for that primary election. You  
6 ever see a document like this?

7 A. I have not.

8 Q. You ever voted on a document like this?

9 A. I have not.

10 Q. Directing your attention to what's been admitted as  
11 Government Exhibit 19, this is an absentee ballot request  
12 form. Is that your name and address?

13 A. Yes.

14 Q. And that's your date of birth?

15 A. Yes.

16 Q. Is that your handwriting?

17 A. No.

18 Q. Any idea whose that is?

19 A. No idea.

20 Q. Looking at this form lower down there, this is  
21 requesting a ballot, absentee ballot, for the general  
22 election. Do you see that?

23 A. Yes.

24 Q. Okay. And it's dated September 18, 2020. You see  
25 that?

1 A. Yes.

2 Q. Is that your signature?

3 A. No.

4 Q. Where were you on September 18 of 2020?

5 A. I was at Fort Bliss, Texas, for premobilization.

6 Q. When did you go to Fort Bliss?

7 A. September 13.

8 Q. And how long were you there?

9 A. I was there for five weeks, till November 11 --  
10 October 11.

11 Q. What'd you do after October 11?

12 A. I went to Germany.

13 Q. How long were you in Germany?

14 A. For five weeks until November 11.

15 Q. Was that for additional training?

16 A. Yes.

17 Q. Where'd you go after you left Germany?

18 A. Kosovo.

19 Q. Looking back at the entire document here, did you  
20 request an absentee ballot for the general election in  
21 the fall of 2020?

22 A. I did not.

23 Q. Would you have been in Sioux City, Iowa, to fill  
24 that out?

25 A. I was not.

1 Q. Do you have any idea who signed this document?

2 A. I have no idea.

3 Q. You said your grandfather and father live with you  
4 at the Virginia Street address; correct?

5 A. Yes, that's correct.

6 Q. How's your grandfather's English?

7 A. It's okay.

8 Q. Does -- like the forms we just looked at, would  
9 someone need to translate what the English says on those  
10 for him?

11 A. Yes.

12 Q. How about your father?

13 A. Someone would have to translate for him as well.

14 Q. Okay. Both your grandfather and father law-abiding  
15 citizens?

16 A. Yes.

17 Q. Do you ever know either of them to knowingly break  
18 the law?

19 A. No.

20 Q. Would either your grandfather or father have signed  
21 any voting documents in your name had they known it was  
22 against the law to do so?

23 MR. BROWN: Objection. Improper subject matter  
24 opinion testimony, calls for speculation.

25 THE COURT: That objection's sustained.

1 Q. Are you familiar with someone by the name of Kim  
2 Taylor?

3 A. No.

4 Q. Have you ever met anyone by that name?

5 A. No.

6 Q. Did you ever see her in your home?

7 A. No.

8 Q. Do you know the name Jeremy Taylor?

9 A. No.

10 Q. Who's your grandfather?

11 A. Hai Nguyen.

12 MR. EVANS: No further questions, Your Honor.

13 THE COURT: Cross-examination?

14 MR. BROWN: Yes, Your Honor. Thank you.

15 CROSS-EXAMINATION

16 BY MR. BROWN:

17 Q. Good morning. My name is Mr. Brown. I have a few  
18 questions I'd like to ask you. You've never been to the  
19 Taylor household for an open house with your parents?

20 A. I have not.

21 Q. Do you recall an open house in which members of your  
22 family was invited to?

23 A. No, I did not recall anything like that.

24 Q. Have you ever seen Kim Taylor before?

25 A. I've not seen her before.

1 Q. Ever met her husband, Jeremy Taylor?

2 A. Never met him before.

3 Q. Even in the National Guard?

4 A. No.

5 Q. When you were living at your grandfather's home on  
6 Virginia Street, that was until you said September --  
7 what was the date?

8 A. September 13.

9 Q. Of 2020.

10 A. Yes.

11 Q. And who else was in the home before that?

12 A. My grandfather and my father.

13 Q. What about your grandmother?

14 A. She was there as well.

15 Q. Did your grandmother make -- grow vegetables in the  
16 backyard?

17 A. Yes.

18 Q. What kind of vegetables?

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

20 Q. Did people stop over from time to time to either buy  
21 or see if they could get some of these vegetables?

22 A. Yes.

23 Q. Were some of these vegetables that are used in  
24 Vietnamese dishes?

25 A. Yes.

1 Q. Like what kind of vegetable would be used  
2 specifically in a Vietnamese dish?

3 A. Cilantro I suppose.

4 Q. Any other vegetables that you can think of that seem  
5 more commonly to be used in Vietnamese dishes that were  
6 grown in your yard?

7 A. I'm not familiar with them, so no.

8 Q. Okay. So you didn't do the cooking?

9 A. No.

10 Q. It was Anh that did the cooking; right?

11 A. Yes.

12 Q. And how often was Anh there? On a daily basis?

13 A. Every day.

14 Q. Anh speaks English; right?

15 A. Yes.

16 Q. She's fluent in English and Vietnamese; correct?

17 A. Correct.

18 Q. She helped your father and your grandfather and your  
19 grandmother almost on a daily basis in 2020; is that  
20 true?

21 A. Yes.

22 Q. Back in 2022 did your grandfather get around?

23 A. Can you elaborate on that?

24 Q. Yeah. Was he able to walk around and things like  
25 that in 2020?

1 A. Yes.

2 Q. Did he have any habits or avocations back in 2020?

3 A. Not that I know of.

4 Q. You do not recall ever meeting Kim Taylor at your  
5 grandfather's house when you were there in your uniform?  
6 Do you remember anything like that?

7 A. I've never met her.

8 Q. Okay.

9 MR. BROWN: I don't have any further questions,  
10 Your Honor. Thank you very much.

11 THE COURT: Redirect?

12 MR. EVANS: No, Your Honor.

13 THE COURT: Okay, ma'am. You are excused.  
14 Thank you.

15 And it is time for our first scheduled break of the  
16 day. It's 10:20. Let's be in recess until 10:45. The  
17 jury is excused until 10:45.

18 (The jury exited the courtroom.)

19 THE COURT: The jury has left the courtroom.  
20 Anything to take up at this time from the government?

21 MR. EVANS: No, Your Honor.

22 THE COURT: From the defense?

23 MR. BROWN: No thank you.

24 THE COURT: We'll be back at 10:45.

25 (Recess at 10:21 a.m.)

1           THE COURT: Is the government ready for the  
2 jury?

3           MR. TIMMONS: We are. I have one request that  
4 I'd like to talk to you about before the jury comes in,  
5 Your Honor.

6           THE COURT: All right. Let's have a seat. Go  
7 ahead.

8           MR. TIMMONS: Sorry. Just an issue I wanted to  
9 flag for you. We intend to call Agent Murphy next to the  
10 stand. During Agent Murphy's testimony, I'm going to  
11 show him Exhibits 8 and 9, the physical ballots. With  
12 the Court's permission, I'd like to have Audrey hand them  
13 to the jury after Mr. -- or Agent Murphy has reviewed the  
14 evidence so that the jurors can look at the physical  
15 properties of the ballots themselves after they've been  
16 unsealed during his testimony.

17           THE COURT: Any objection, Mr. Brown?

18           MR. BROWN: No, Your Honor.

19           THE COURT: All right. That's fine.

20           MR. TIMMONS: That is all, Your Honor.

21           THE COURT: Okay. Anything from the defense?

22           MR. BROWN: Yes, Your Honor. By my analysis,  
23 we've gone through all the actual count witnesses and the  
24 count-specific evidence in the indictment. I object to  
25 any additional so-called 404(b)-type evidence witnesses,

1 under Rule 403. I don't believe it qualifies under Rule  
2 404(b), still more prejudicial than probative.

3 And I further object that any additional qualifying  
4 404(b) previously ruled on by the Court is cumulative at  
5 this time and causes confusion, undue burden on the jury,  
6 unnecessary, and unnecessarily delay in the trial.

7 So for those reasons I'd ask the Court to grant me a  
8 standing objection to any additional 404(b) from this  
9 time only.

10 THE COURT: That's fine. If you want a  
11 standing objection, you've got it. You've made this  
12 objection, all these objections, before, multiple times.  
13 I've ruled on them multiple times.

14 So for the record, the objections Mr. Brown just  
15 asserted are once again overruled. If he wants a  
16 standing objection to any evidence that I've already  
17 allowed in under Rule 404(b) and subject to his  
18 objections under 402 and 403, that's fine. He can have  
19 that. But the objections are overruled.

20 Anything else, Mr. Brown?

21 MR. BROWN: No, sir.

22 THE COURT: All right. Let's go ahead and  
23 bring in the jury.

24 (The jury entered the courtroom.)

25 THE COURT: Please be seated. Welcome back,

1 everyone. We'll be looking at right around 12:20,  
2 probably in that range for our second scheduled break of  
3 the day.

4 Is the government ready to call another witness?

5 MR. TIMMONS: We are, Your Honor. At this time  
6 the government calls Special Agent Matt Murphy.

7 THE COURT: All right. Come on --

8 MR. TIMMONS: He will not need an interpreter.

9 THE COURT: Thank you for the clarification.  
10 Good morning, sir. Please raise your right hand.

11 MATTHEW MURPHY, PLAINTIFF'S WITNESS, SWORN

12 THE COURT: Okay. You can go ahead and have a  
13 seat there. And, sir, would you tell us your full name,  
14 and spell your last name.

15 THE WITNESS: Matthew Murphy, M-u-r-p-h-y.

16 THE COURT: Thank you.

17 Mr. Timmons, you may proceed.

18 MR. TIMMONS: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MR. TIMMONS:

21 Q. Special Agent Murphy, are you employed by the FBI?

22 A. Yes.

23 Q. How long have you been so employed?

24 A. I have been a special agent since June of 2014.

25 Q. And where are you currently stationed?

1 A. Omaha, Nebraska.

2 Q. What are your general duties as a special agent with  
3 the Federal Bureau of Investigation?

4 A. I currently am a supervisory special agent for Omaha  
5 division's violent crime squad. Prior to that I was the  
6 supervisory special agent for the white collar crime  
7 squad for about a year and a few months. And prior to  
8 that I was a special agent who investigated white collar  
9 crimes which include complex financial crimes, healthcare  
10 fraud, civil rights, public corruption, and election  
11 crimes.

12 Q. You mentioned some duties related to election  
13 crimes?

14 A. Right. Since 2016, I was Omaha division's election  
15 crimes coordinator.

16 Q. And what territory does that cover?

17 A. Iowa and Nebraska.

18 Q. Can you tell the jury a bit about what you did in  
19 your role as the election crimes coordinator?

20 A. I facilitated outreach with local election  
21 officials, and I also supervised and led the command post  
22 that FBI Omaha stood up in 2016, 2018, 2020, and 2022.

23 Q. You mentioned a command post. Help the jury  
24 understand what the purpose of a command post is and what  
25 it looks like when an allegation of some sort of election

1 crime comes in.

2 A. Right. The command post typically had agents from  
3 various expertise and skills which included  
4 counterterrorism, counterintelligence, cyber as well as  
5 fraud. And so to have that command post, we wanted a  
6 central location to take in complaints or referrals about  
7 elections.

8 Q. And the command post, is that staffed during the  
9 elections itself?

10 A. Yes. I think in 2016 we staffed it just the day of  
11 the election. But then in 2020 I think we were there a  
12 couple of days before and a couple of days after.

13 Q. And how exactly does information come in to the  
14 command post for the agents to respond to that?

15 A. It can come in a variety of ways. Oftentimes we got  
16 referrals from the Secretary of State's office. But  
17 there were also instances where members of the general  
18 public would contact the FBI and report something that  
19 they thought was suspicious.

20 Q. And is it fair to say that it was the duty of the  
21 personnel within the command post to assess the  
22 information they were getting and respond accordingly?

23 A. Yes, I assessed the complaints and evaluated them to  
24 determine our next investigative steps, if any.

25 Q. And those complaints, are they sometimes called a

1 referral?

2 A. Yes.

3 Q. And what is the process after you get a complaint or  
4 a referral regarding an election crimes issue?

5 A. We evaluate whether the referral or complaint  
6 contains an allegation or information suggesting the  
7 existence of federal criminal activity, and then we also  
8 evaluate whether there's a factual basis to support the  
9 existence of federal criminal activity.

10 Q. And what are the possible outcomes of that  
11 assessment?

12 A. We either open a -- an investigation or we do not.

13 Q. What -- why would you not open an investigation?

14 MR. BROWN: Objection. Relevance, Your Honor.

15 THE COURT: It's overruled. The witness may  
16 answer.

17 A. If there is an allegation that may be more of a  
18 state crime and not a violation of federal crime or if  
19 there is no violation of federal criminal activity.

20 Q. An unfounded allegation?

21 A. Correct.

22 Q. What is involved in actually opening an election  
23 crime case?

24 A. It's a bit unique to some of our other investigative  
25 areas. We have to consult with FBI headquarters as well

1 as the Department of Justice's Public Integrity Section  
2 prior to initiating investigative activity on election  
3 crime matters.

4 Q. And after you've consulted with them, you can open  
5 an investigation?

6 A. Depending on the facts of the case or the facts of  
7 the referral.

8 Q. How often would you get referrals for election  
9 crimes in Iowa and Nebraska during the timeframe you were  
10 an election crimes coordinator?

11 A. Usually we would get a significant -- not a  
12 significant amount. We'd get more election crime  
13 complaints leading up to the election or almost  
14 immediately after the election.

15 Q. Could you estimate the number on average per year?

16 A. I think we -- we've seen an increase in complaints  
17 or referrals since 2016, but I would say anywhere between  
18 20 to 30 every election, and that's an approximation.

19 Q. Of the approximate dozens of referrals that come in  
20 over those election cycles, in your career, how many of  
21 those referrals have resulted in an open investigation?

22 A. I would say approximately fewer than ten.

23 Q. Did you receive a referral related to this case?

24 A. Yes.

25 Q. When was that?

1 A. November of 2020.

2 Q. Please walk the jury through the referral you  
3 received and the steps you took.

4 A. I believe it was on November 16 in 2020, I received  
5 an e-mail from the supervisor, the FBI supervisor, over  
6 the Des Moines and Sioux City offices. He had indicated  
7 that -- or the e-mail was a forward from the Secretary of  
8 State's office in which the Secretary of State's office  
9 had received a referral or an e-mail from Patrick Gill,  
10 the Woodbury County auditor and commissioner of  
11 elections.

12 Q. What was ultimately decided to do in response to  
13 that referral?

14 A. It was decided given my expertise and training in  
15 election crime matters that I would investigate the case.

16 Q. Now, you sit in Omaha?

17 A. I am in Omaha.

18 Q. So why -- does the FBI have a -- an office here in  
19 Sioux City?

20 A. We do.

21 Q. Why wouldn't they assign it to somebody that is  
22 stationed here in Sioux City?

23 A. I think the supervisors wanted some distance in  
24 terms of any possible conflicts, and I'm from Omaha.

25 Q. Do you know anybody in -- well, before this did you

1 know anybody in Sioux City?

2 A. No.

3 Q. Do you know when Mr. Gill reported this information  
4 originally to whomever -- who did he originally report it  
5 to, and do you know when?

6 A. On November 16, 2020, he reported it to the Iowa  
7 Secretary of State's office.

8 Q. What did you do in response to being tasked with  
9 looking into Mr. Gill's complaint?

10 A. I think I received the e-mail at approximately 8 or  
11 9 p.m. that night, and so the next day I reached out to  
12 Mr. Gill, got some additional information on his  
13 allegations, and then I conferred with the Department of  
14 Justice and FBI headquarters about potentially taking  
15 additional investigative steps.

16 Q. The phone call you had from -- or with Mr. Gill,  
17 could you summarize what information he gave you at that  
18 point?

19 A. He alleged that there were two absentee ballots that  
20 had been attempted to be cast in the 2020 general  
21 election by voters who said that they did not cast those  
22 ballots.

23 Q. What did you do from there?

24 A. As I just testified, I reached out and conferred and  
25 consulted with DOJ's Public Integrity Section as well as

1 FBI headquarters as well as our executive management in  
2 FBI Omaha, and we decided that our initial preliminary  
3 investigative steps would be to go and talk to those  
4 individuals who had alleged that their ballots had been  
5 cast without their knowledge or consent.

6 Q. And did you attempt to talk to those individuals?

7 A. We did. We attempted to interview the individuals.  
8 And I think on multiple occasions I tried to get in touch  
9 with Tam and Thien Doan, and I think by December of that  
10 year of 2020 I was finally able to briefly interview  
11 Miss Doan at her home.

12 Q. So eventually you're able to talk with -- is that  
13 Tam Doan?

14 A. Yes.

15 Q. How would you characterize the nature of that  
16 interview?

17 A. It was brief. I did not have any documents. I only  
18 had Mr. Gill's allegation, and it was very brief.

19 Q. You got a portion of her version of events; is that  
20 right?

21 A. Yes.

22 Q. Did she ultimately stop communicating with you?

23 A. Follow-up phone calls were not returned.

24 Q. And what about Thien Doan? Did you attempt to  
25 interview him as well?

1 A. I did. And eventually he responded and said that he  
2 was unwilling to speak to the FBI.

3 Q. What did you do from there?

4 A. From there I requested additional documents from the  
5 Woodbury County Auditor's Office.

6 Q. And what did you -- what did you request, and what  
7 did you receive?

8 A. I requested additional voting documents on Tam and  
9 Thien as well as any documents that, you know -- or any  
10 other individuals that Mr. Gill had identified as  
11 questionable.

12 Q. And did the county auditor's office provide that to  
13 you?

14 A. Yes.

15 Q. Did you ask the county auditor's office to do  
16 anything with the ballots of Tam and Thien Doan that had  
17 been cast aside?

18 A. Yes, I asked him to secure those ballots.

19 Q. And did you review the documents you got from the  
20 county auditor's office?

21 A. Yes.

22 Q. Where did the investigation go from there? What was  
23 the procedure you employed?

24 A. I think initially we attempted to interview some of  
25 the individuals that -- whose names were on those

1 documents. But it quickly became apparent that many of  
2 those individuals spoke Vietnamese only. And then we  
3 went back and consulted with the U.S. Attorney's Office  
4 about whether a grand jury investigation would be -- or  
5 having witnesses testify in front of the grand jury would  
6 be more likely to get better or more complete statements.

7 Q. Okay. Two things I want to follow up with you on  
8 that. You mentioned that people -- a lot of people spoke  
9 Vietnamese. Therefore, I assume there was a language  
10 barrier?

11 A. Yes.

12 Q. At times you did employ an interpreter, though; is  
13 that correct?

14 A. Right. I -- we used the FBI interpreter later on in  
15 the investigation.

16 Q. And just to be clear, out in the field, was that  
17 interpreter ever the interpreter that's been in the court  
18 proceedings here?

19 A. No.

20 Q. Aside from the language barrier that existed, were  
21 the witnesses generally reluctant to talk with the FBI?

22 A. They were.

23 Q. Is there any particular incident or instance of  
24 reluctance that stands out in your mind?

25 A. One of the witnesses, as we approached his house,

1 had a sign. He was holding a note card, and it said  
2 COVID --

3 MR. BROWN: Objection. Hearsay.

4 THE COURT: That's overruled. The witness may  
5 continue to answer.

6 A. I observed as I was walking up to his house an  
7 individual holding a sign that said COVID, and I could  
8 see him through his window.

9 Q. Who was that individual?

10 A. That was Hai Nguyen.

11 Q. He didn't want to talk to you?

12 A. No, apparently not.

13 Q. You also mentioned a grand jury investigation. Can  
14 you explain to the jury what a grand jury investigation  
15 is? How is that different from going out and conducting  
16 field interviews?

17 A. The proceedings are secret, and we serve grand jury  
18 subpoenas to -- the FBI serves grand jury subpoenas to  
19 possible witnesses. They come in and testify in front of  
20 the grand jury. There's no defense there. There's just  
21 a prosecutor and a court reporter, and the FBI is not in  
22 the room either.

23 Q. So at this stage of the investigation, are you  
24 talking to these witnesses prior to them going into the  
25 grand jury room to provide sworn testimony?

1 A. Many of them I had not.

2 Q. Minus Tam and Thien Doan, were there any that you  
3 had talked to at that point?

4 A. I think there were a few.

5 Q. About how many witnesses were put directly into the  
6 grand jury without a substantive field interview by the  
7 FBI beforehand?

8 A. I would say over ten, at least ten.

9 Q. Are these primarily Vietnamese Americans?

10 A. They were.

11 Q. From Sioux City?

12 A. Yes.

13 Q. Did a pattern begin to emerge from talking to these  
14 witnesses?

15 A. Yes.

16 Q. What was that pattern?

17 A. That Kim Taylor had interacted with them and had  
18 filled out or assisted in filling out voting documents.

19 Q. Was it specifically with parents and grandparents?

20 A. Yes.

21 Q. Were any of the kids, the children of these parents  
22 and grandparents, et cetera, put in the grand jury?

23 A. Yes.

24 Q. And what -- was there a pattern to their testimony?

25 A. Yes.

1 Q. What was that?

2 A. That they did not vote or they did not fill out the  
3 forms.

4 Q. Was their statements about not voting and filling  
5 out forms corroborated by the paper documents you were  
6 looking at?

7 A. Yes.

8 Q. Back to the ballots that had been cast aside from  
9 Tam Doan and Thien Doan, did you ultimately seize those  
10 pursuant to a search warrant?

11 A. Yes.

12 Q. I'm going to give you what's been marked as  
13 Government Exhibits 8 and 9. Can you identify those for  
14 the jury, please?

15 A. Yes, they are ballots that I seized pursuant to a  
16 search warrant in September of 2021.

17 Q. Let's start -- let's break them down. The first  
18 one -- preferably in numerical order. Number 8, whose  
19 ballot is that? Can you tell yet?

20 A. This is Tam Doan's ballot.

21 Q. Is it in a sealed plastic container?

22 A. Yes. After we seized it from the Woodbury County  
23 Auditor's Office, I transported it to our evidence  
24 facility immediately, and we sealed it with evidence  
25 tape.

1 Q. And did you -- so you took possession of the  
2 ballots.

3 A. I did.

4 Q. What did you do after that?

5 A. I took them down to our evidence room. I drove them  
6 from Sioux City to Omaha, took them down to our evidence  
7 room, and then entered them into evidence.

8 Q. And was part of that entering into evidence process  
9 photographing them?

10 A. I did take pictures of them, yes.

11 Q. Were the ballots sealed when you seized them?

12 A. They were. I took pictures before I unsealed them  
13 and after I unsealed them.

14 Q. Back to ballot Number 8 specifically, how can you  
15 tell that that is the ballot you seized? Is there any  
16 special markings on it?

17 A. I remember the date, and I remember the name Tam  
18 Doan.

19 Q. And you can see through the plastic?

20 A. Right. The ballot is inside or was inside this  
21 envelope, and Tam Doan's name was on it.

22 Q. And after you unsealed it and photographed it, you  
23 sealed it and put it in that plastic.

24 A. Yes.

25 Q. Can you unseal it now and please look at the ballot.

1 Is that the ballot you photographed?

2 A. Yes.

3 Q. And then after -- so after that you put it in the  
4 plastic that you just took it out of. You withheld it in  
5 FBI chain of custody?

6 A. Yes.

7 Q. Until the court proceedings today?

8 A. Yes.

9 Q. Can you now open up the envelope for Exhibit Number  
10 9. Same as ballot Number 8, we have the plastic seal; is  
11 that right?

12 A. Yes.

13 Q. You've just unsealed it now for the record. Is that  
14 the ballot you photographed and then sealed in that  
15 envelope?

16 A. It is.

17 MR. TIMMONS: Your Honor, I'd request  
18 permission to let the jury examine the ballot materials.

19 THE COURT: Any objection?

20 MR. BROWN: No, sir.

21 THE COURT: Okay. Let's go ahead and let the  
22 jury pass those around.

23 Members of the jury, Audrey is going to be handing  
24 you the documents, and you can all pass it around among  
25 yourselves. When you're done, whoever is the last person

1 to have them, if you can -- I'd say just set them on the  
2 railing for now, and we'll retrieve them. But take all  
3 the time you need to examine those documents.

4 Mr. Timmons, you may proceed.

5 MR. TIMMONS: Thank you, Your Honor.

6 Q. Over the course of this investigation, how many  
7 interviews did you conduct approximately?

8 A. Approximately over 50.

9 Q. Can you recall how many grand jury subpoenas you  
10 served?

11 A. I think 35, 36.

12 Q. During the investigation, did you look into how  
13 often Jeremy Taylor had been running for office?

14 A. Yes.

15 Q. Could you provide the jury with those details?

16 A. I believe he ran unsuccessfully for state rep --  
17 Iowa state representative in 2008, and then he ran  
18 successfully for Iowa state representative in 2010. And  
19 then he ran as -- for Woodbury County supervisor in 2014,  
20 in 2018, and then again in 2020.

21 Q. How far back did some of these victim voters that  
22 you discovered have election ballots -- or ballots cast  
23 in their name during elections?

24 MR. BROWN: Objection to the characterization  
25 as victim voters, Your Honor, 403.

1 THE COURT: That objection is sustained. You  
2 can rephrase.

3 MR. TIMMONS: Yes, Your Honor.

4 Q. Of these witnesses that were appearing in grand jury  
5 claiming to have never voted, how far back did you  
6 discover that some of them had voted?

7 A. I think we had voting documents -- I'm not sure if  
8 they were absentee ballot, but I think there were voting  
9 documents that dated back to 2008.

10 Q. Did you ever learn whether or not Miss Taylor had  
11 done legislative work?

12 A. Yes.

13 Q. What are the details of that?

14 A. Based on the information that the FBI had, she was  
15 employed as a legislative aide or employee for the Iowa  
16 House of Representatives.

17 Q. During the course of your investigation, did you  
18 review any of Kim Taylor's publicly available social  
19 media posts?

20 A. Yes.

21 Q. Any of them -- were any of them Facebook posts?

22 A. Yes.

23 Q. Did she ever make any public statements on Facebook  
24 about the prepopulated absentee ballot request forms that  
25 we've heard about?

1 A. Yes.

2 Q. What did she say?

3 A. She said that they were invalid because they -- the  
4 individual who had filled them out or the entity that had  
5 filled them out had not obtained consent. I'm  
6 paraphrasing there, and that's based on my memory.

7 Q. As part of your investigation, did you look into the  
8 Taylors' finances?

9 A. Yes.

10 Q. Any indication they were under financial strain  
11 going through the 2020 election cycle?

12 A. I would say somewhat. They -- I would say somewhat,  
13 yes.

14 Q. Did you research how much the starting salary was  
15 for a U.S. congressman at that time?

16 A. Yes.

17 Q. What was it?

18 MR. BROWN: Objection. Relevance, Your Honor.

19 THE COURT: It's overruled. The witness may  
20 answer.

21 A. In 2020 it was 174,000 a year.

22 Q. Would that have been a substantial increase in the  
23 Taylors' income?

24 A. Yes.

25 Q. You said you received documents from Mr. Gill that

1 he identified as questionable a moment ago. Do you  
2 remember that?

3 A. Yes.

4 Q. Did you rely exclusively on his statements about  
5 that?

6 A. Absolutely not.

7 Q. Did you conduct your own investigation?

8 A. Yes.

9 Q. That ultimately resulted in an indictment, did it  
10 not?

11 A. Yes.

12 Q. Did it also result in an arrest?

13 A. Yes.

14 Q. You arrested the defendant?

15 A. Yes.

16 Q. When was that, the indictment and the arrest?

17 A. January of 2023.

18 Q. Did you arrest Miss Taylor at her home?

19 A. Yes.

20 Q. Was her husband there?

21 A. Yes.

22 Q. Were they cooperative with law enforcement?

23 A. Yes.

24 Q. Was there any indication of violence?

25 A. No.

1 Q. Any yelling?

2 A. No.

3 Q. Any guns drawn?

4 A. Based on my point of view, no.

5 Q. And were you the point man at this arrest?

6 A. Yes. I was the supervisor of the white collar crime  
7 squad, and I led the arrest operation.

8 Q. Nothing significant about the arrest of Miss Taylor  
9 stands out.

10 A. Not the arrest itself, no.

11 Q. Did she -- did you engage in conversation with  
12 Miss Taylor?

13 A. Yes.

14 Q. Did she speak English?

15 A. Yes.

16 Q. Spoke it well?

17 A. Yes.

18 Q. Appeared to understand you?

19 A. Yes.

20 Q. Did she say anything significant, anything that  
21 stood out in your mind?

22 A. Yes, she did say something that was unusual. She  
23 said -- at one point she said, This case is going to make  
24 me famous. My name is going to be in the -- on TV and in  
25 the Sioux City Journal.

1 MR. TIMMONS: No further questions, Your Honor.

2 THE COURT: Cross-examination?

3 MR. BROWN: Yes, Your Honor. Thank you.

4 CROSS-EXAMINATION

5 BY MR. BROWN:

6 Q. Good morning, Agent Murphy. How are you?

7 A. Good morning, sir. I'm good.

8 Q. To the extent that I didn't previously every time  
9 refer to you as Agent Murphy, I apologize.

10 A. No problem, sir.

11 Q. All right. Tell me a little bit about your  
12 educational background, could you, please?

13 A. I'm a certified fraud examiner. And my highest  
14 degree of -- or highest degree of education attained,  
15 I've got a master's of business administration and a  
16 master's of public administration.

17 Q. And where'd you get your undergraduate degree?

18 A. My bachelor of science degree was at Excelsior  
19 College.

20 Q. And your master's.

21 A. My master's of business administration was at  
22 Liberty University, and my master's of public  
23 administration was at Northwestern University in  
24 Evanston, Illinois.

25 Q. Explain for the jury how the chain of command at a

1 field office in the FBI works, would you, please?

2 A. Sure. There are 56 field offices in the FBI. And  
3 there are special agents in charge of each of those 56  
4 field offices. Under them there are assistant special  
5 agent in charge -- assistant special agents in charge,  
6 and then there are supervisory special agents over  
7 individual squads within those field offices. And  
8 underneath them there are special agents who investigate  
9 the cases.

10 Q. So who did you have to report to out of the Omaha  
11 field office?

12 A. At the time the case was opened?

13 Q. Yes, sir.

14 A. I believe it was Supervisory Special Agent Brian  
15 Vanduen, and then we changed supervisors, and then it was  
16 Supervisory Special Agent Chris Brest.

17 Q. And these individuals, are they referred to as SAC,  
18 S-A-C?

19 A. The SACs are the special agent in charge.

20 Q. And then this unit having to do with campaign fraud,  
21 campaign issues, were you the sole and solitary member of  
22 that unit at this Omaha field office?

23 A. The squad that I was on, we invest -- it was called  
24 the white collar crime squad, and there were four of us  
25 in Omaha, four special agents who reported to a

1 supervisory special agent. And we investigated complex  
2 financial crimes, healthcare fraud, civil rights, public  
3 corruption, and election crimes.

4 Q. So when you were making investigatory investigations  
5 in this matter -- we'll call it the Kim Taylor matter --  
6 did you have to consult with any supervisor?

7 A. Yes.

8 Q. And whom was that?

9 A. It was either SSA Vanduen or SSA Brest.

10 Q. Did you have to consult with any higher command FBI  
11 authority at any other location including Washington,  
12 D.C., for example?

13 A. Yes. As I testified to earlier, at the initiation  
14 of the investigation or the origination of the  
15 investigation, I consulted with FBI headquarters as well  
16 as DOJ Public Integrity Section.

17 Q. So were there any investigatory decisions made in  
18 this matter that you had to obtain approval to accomplish  
19 from anybody other than your special agent in charge? Do  
20 you understand the question?

21 A. Yes, I think so. Can you reask it?

22 Q. Yes, sir. So to perform any investigatory action in  
23 this matter, did you have to request any special  
24 permission from any FBI authority other than your SAC?

25 A. So to open an investigation, an election crimes

1 investigation, we have to consult and confer with FBI  
2 headquarters as well as DOJ Public Integrity Section.

3 Q. Anything else that you did in this matter besides  
4 that consultation which I believe I've seen in e-mails?

5 A. Not that I'm aware of.

6 Q. All right. So all other investigatory decisions  
7 were essentially authorized by you.

8 A. Me or my supervisors.

9 Q. Now, as part of this query, is it fair to say that  
10 at some point in time it became a dual inquiry into the  
11 defendant's, Kim Taylor's, activities and the activities  
12 of her husband?

13 A. The subject of our investigation was Kim Taylor, but  
14 we did look into certain activities of Jeremy Taylor.

15 Q. And during the course of your investigation, you  
16 learned that at least beginning in approximately 2021  
17 Jeremy Taylor was -- had been reelected to the Board of  
18 Supervisors; correct?

19 A. Correct.

20 Q. And that Kim Taylor operated a hair salon in the  
21 Sioux City area; correct?

22 A. I think it was in South Sioux City.

23 Q. What's the name of the hair salon?

24 A. I believe it's Green Tea Beauty Salon.

25 Q. Did you acquire the financial records relating to

1 the Green Tea hair salon?

2 A. We did.

3 Q. And looked through those financial records?

4 A. We did.

5 Q. Find anything unusual?

6 A. There wasn't a lot of activity.

7 Q. Did you find any evidence that any money had been  
8 siphoned out of the Green Tea account to any potential  
9 eligible voter?

10 A. No.

11 Q. You are aware that the federal government and one or  
12 more states began declaring emergency procedures in  
13 approximately early March, late February of 2020 related  
14 to the COVID-19 pandemic. You're aware of that?

15 A. Yes, sir.

16 Q. And are you aware that under the CARES Act that was  
17 approved by Congress, millions of Americans were granted  
18 the ability to apply for temporary forbearance on their  
19 mortgage loans from their lenders? Are you aware of  
20 that?

21 A. Yes, sir.

22 Q. Okay. And in 2020 Mr. Taylor and Kim Taylor  
23 obtained forbearance on their mortgage loan in accordance  
24 with the CARES Act authorization; is that true?

25 A. I believe we have records to show that, yes, sir.

1 Q. And then sometime in 2021, what happened to  
2 Mr. Taylor?

3 A. In 2021?

4 Q. Yes, sir.

5 A. I'm not sure what you're asking. I don't know  
6 anything specific.

7 Q. Did he get deployed to a foreign country on behalf  
8 of the United States of America?

9 A. I believe that happened, yes. I read about it in  
10 the newspaper.

11 Q. You didn't investigate his whereabouts during the  
12 course of your investigation as to where he had been  
13 deployed on behalf of the United States of America?

14 A. I don't think I specifically investigated that, sir.

15 Q. Do you know when he was deployed?

16 A. Not off the top of my head.

17 Q. Do you know when he returned?

18 A. Not off the top of my head.

19 Q. Did you participate in obtaining a grand jury  
20 subpoena for the Taylors' personal bank accounts here in  
21 Sioux City?

22 A. Yes.

23 Q. Were you aware that when that subpoena duces tecum  
24 was served on their bank accounts that those bank  
25 accounts were frozen as a consequence of that subpoena

1 duces tecum?

2 A. I was not aware of that, sir.

3 Q. How do you think -- assuming that is true, how do  
4 you think a soldier deployed in --

5 MR. TIMMONS: Your Honor, objection.  
6 Speculation.

7 THE COURT: Let him ask the question first.

8 Go ahead and finish your question.

9 Q. Have you had any experience with soldiers deployed  
10 on behalf of the United States of America having to deal  
11 with frozen bank accounts in the United States?

12 A. Do I have experience with it?

13 Q. Yes, sir.

14 A. I do not.

15 Q. When you analyzed the bank records, did you see any  
16 evidence that any money appeared to have been siphoned  
17 off to any possible eligible voter during the '22 (sic)  
18 election cycle?

19 A. No.

20 Q. Did you obtain any campaign finance records for any  
21 of the campaigns that were in effect in 2020 for  
22 Mr. Taylor?

23 A. We did.

24 Q. Okay. Did you look through those finances?

25 A. Yes.

1 Q. Was the campaign for House of Representative paying  
2 voters as best you could tell?

3 A. Excuse me, sir? Can you repeat that?

4 Q. Was the Jeremy Taylor for House of Representatives  
5 campaign fund being used in any way to pay possible  
6 eligible voters?

7 A. I did not identify any transactions that were overly  
8 suspicious.

9 Q. All right. Thank you. And then during the course  
10 of the investigation, you knew that, of course,  
11 Mr. Taylor was on the Board of Supervisors; correct?

12 A. Correct.

13 Q. Did you watch any of the Board of Supervisors  
14 meetings?

15 A. I think I caught some news footage.

16 Q. Are you aware that the Woodbury County Board of  
17 Supervisors posts all their board meetings on YouTube?

18 A. I was not aware of that, but I know the city of  
19 Omaha as well as other municipalities in our area do post  
20 their minutes in publicly available places.

21 Q. Have you ever read any board minutes for the  
22 Woodbury County supervisors since Mr. Taylor's been --  
23 was reelected to the board in 2021?

24 A. Not during the investigation.

25 Q. And when did the investigation end?

1 A. Well, we continued to investigate the case leading  
2 up to today.

3 Q. Okay. That's what I'm getting at. Did you review  
4 reciprocal discovery that I forwarded to the government  
5 obtained from a FOIA request to the city of Woodbury --  
6 Woodbury County?

7 A. Yes, sir.

8 Q. All right. That had board minutes in there, that  
9 kind of material, did it not?

10 A. Yes.

11 Q. And as part of your investigation, you talked to  
12 other present and past county officials. Is that not  
13 true?

14 A. That is true.

15 Q. And we may or may not hear from any more of those  
16 officials, but you are generally aware that Mr. Taylor in  
17 his position as a supervisor has to make annual decisions  
18 regarding the compensation and pay of other elected  
19 officials of Woodbury County; is that right?

20 A. Yes, sir.

21 Q. Did you watch any YouTube videos of any board  
22 meeting regarding matters relating to the executive pay  
23 of the sheriff?

24 A. No, sir.

25 Q. Or the auditor?

1 A. No, sir.

2 Q. After Ms. Taylor was indicted, Patrick Gill gave a  
3 press conference, did he not?

4 A. I believe he did.

5 Q. And is that -- did he post that press conference on  
6 YouTube?

7 A. I don't know if it was posted on YouTube, but I did  
8 watch it.

9 Q. Was that done with your authorization?

10 A. No. I don't know -- I don't believe Mr. Gill needs  
11 my authorization to give a press conference.

12 Q. But you watched the press conference; correct?

13 A. I believe I watched most of it, yes.

14 Q. All right. Would you say that the press conference  
15 fell in the category of spiking the football on his  
16 political rival?

17 MR. TIMMONS: Objection, Your Honor. Calls for  
18 opinion evidence.

19 THE COURT: That's overruled. The witness can  
20 answer.

21 A. I don't know -- I don't know what I think about  
22 Mr. Gill doing the press conference.

23 Q. Fair enough. Now, as part of this inquiry, you  
24 certainly did some investigation into the background of  
25 the various possible witnesses that you came across; is

1 that true?

2 A. Yes.

3 Q. Looked into -- well, let me ask it this way. Did  
4 you acquire the social media presence of any of the  
5 people who have testified to date at this trial so far  
6 because you've sat here; right?

7 A. I think we -- I think we did.

8 Q. Do you remember whose?

9 A. It may have been Huong Nguyen.

10 Q. Did you look at the Facebook of Huong Nguyen,  
11 H-u-o-n-g?

12 A. I didn't look at it.

13 Q. Okay. Do you know what pictures she's posted on her  
14 Facebook?

15 A. No.

16 Q. Who she's Facebook friends with?

17 A. I do not.

18 Q. Don't care?

19 A. Well, when we were conducting the investigation, we  
20 were trying to obtain information about voting materials.

21 Q. I understand. At the same time, while you were  
22 conducting investigation into concerns regarding voting  
23 activity, the investigation did involve the relatively  
24 small community of Vietnamese Americans in the Sioux City  
25 area. Would you agree with that?

1 A. Yes.

2 Q. By -- approximately 500 to 700 adults according to  
3 the last sentence -- census? Is that about right?

4 A. That sounds about right.

5 Q. So as a kind of a -- as a kind of a specific ethnic  
6 group, did you make any inquiry as to -- to see which of  
7 the adults may have had some either family or friendship  
8 nexus to the other? Do you understand my question?

9 A. No. Can you ask it again?

10 Q. Yes, sir.

11 A. Sorry, sir.

12 Q. As part of your inquiry into this matter, you  
13 started getting names of potential voters involved in  
14 this case; right?

15 A. Yes.

16 Q. Once you got those names, did you attempt to see if  
17 any of these people were networked or intertwined  
18 together?

19 A. Well, I think we attempted to locate and identify  
20 any relatives related to the names that we received or  
21 related to the election documents that were questionable.

22 Q. All right. So is the answer to my question in terms  
23 of mere relationship between the people who have been  
24 identified, you didn't make any specific inquiry as to  
25 whether or not they're even friends with one another?

1 A. Did I ask the voters or the individuals that I  
2 interviewed if they knew everyone in the Vietnamese  
3 community?

4 Q. Yeah.

5 A. It would take a long time to ask about five to seven  
6 hundred people.

7 Q. Right. But most of these adults worked at Tyson, do  
8 they not?

9 A. I don't know where all 500 -- 500 to 700 worked.

10 Q. How many of these Vietnamese adults do work at Tyson  
11 that live in the -- that are Woodbury County registered  
12 voters? Do you have any idea?

13 A. I don't know the exact number, sir.

14 Q. You don't -- if I picked a couple of names out of  
15 here like Huong Nguyen and My Do, you don't know whether  
16 they're friends or not, do you?

17 A. I do not.

18 Q. But you do know that there's an employee at the  
19 auditor's office named Erica Tuttle; right?

20 A. I don't know if she's an employee of the auditor's  
21 office, but I do know of her, yes.

22 Q. Well, she's a person who was interviewed in this  
23 matter; correct?

24 A. Correct.

25 Q. She was a person who was employed at least under a

1 subcontract basis by the auditor's office to work in the  
2 elections; right?

3 A. Yes.

4 Q. Did you conduct any background investigation into  
5 Erica Tuttle?

6 A. I conducted, I think, two interviews of Erica.

7 Q. Did you know that she'd been terminated from her  
8 previous position as an employee of Woodbury County at  
9 the treasurer's office in about 2019?

10 A. I didn't know that until, Mr. Brown, you had sent  
11 the reciprocal discovery. And I think the document said  
12 separation if I remember correctly.

13 Q. Well, you heard what she said yesterday, that she  
14 got fired for whatever misconduct she admitted. Is that  
15 the first time you knew that?

16 A. I think so.

17 Q. Okay. Did you know that she's a Holden?

18 A. Yes.

19 Q. When did you learn that?

20 A. We interviewed -- or I interviewed Tom Holden who I  
21 think is a relative of hers.

22 Q. A brother-in-law; right?

23 A. Right.

24 Q. I read your 302. What's a 302?

25 A. It's a document in which FBI agents write reports

1 on.

2 Q. Did you document in the 302 that Tom Holden had some  
3 nexus to this Erica Tuttle?

4 A. Yes, I believe so. I think it was in the first  
5 line.

6 Q. And then at some point in time you got that e-mail  
7 from Pat Gill where he told you about this Mimi Nguyen or  
8 Nguyen, did he not?

9 A. Yes.

10 Q. You interviewed Mimi Nguyen; right?

11 A. Yes.

12 Q. And who is Mimi Nguyen relative to Erica Tuttle, now  
13 known as Holden?

14 A. I don't know what the relationship is, sir.

15 Q. Well, who is Tom Holden's wife?

16 A. I didn't ask who his wife was.

17 Q. Who is -- do you know who Mai Holden is, M-a-i?

18 A. No.

19 Q. You're aware now that on Huong Nguyen's Facebook  
20 page there are photographs of her and Mimi and the  
21 Holdens cavorting together, are you not?

22 A. I didn't look at those pictures, sir.

23 Q. All right. You didn't look at the pictures that I  
24 supplied this morning?

25 A. No.

1 Q. Didn't care? Didn't care to look?

2 A. I didn't look, sir.

3 Q. All right. Don't want to know? What?

4 A. Well, sir, I just didn't look.

5 Q. Okay. Fair enough. Let's move on here.

6 Among the expertise you do hold from your degrees,  
7 one of those things is you're not an -- expertise in  
8 handwriting exemplars; is that right?

9 A. I am not.

10 Q. You're not a handwriting comparison expert; correct?

11 A. Correct.

12 Q. People who may so claim are employed by the Federal  
13 Bureau of Investigation in their criminalistics lab, are  
14 they not?

15 A. Are there handwriting experts with the FBI?

16 Q. Yes, sir.

17 A. I believe there are.

18 Q. Okay. Did you obtain a handwriting exemplar from  
19 Miss Taylor?

20 A. We did not.

21 Q. Did you obtain a handwriting exemplar from any  
22 person in this case?

23 A. No.

24 Q. Not Nguyen Huynh? No?

25 A. We did get -- he did sign his name once during an

1 interview, yes.

2 Q. Nhieu Huynh? That would be H-u-y-n-h. Did you get  
3 one from Nhieu?

4 A. I don't believe so. But if you have something where  
5 we did --

6 Q. I'm not trying to trick you. Just if you remember.

7 A. Yeah. I don't think we did, sir.

8 Q. What about Hai Nguyen, the older gentleman that was  
9 here today?

10 A. We did get it from Hai Nguyen.

11 Q. Okay. What about Anh or Anh Nguyen which we haven't  
12 seen yet but we've heard about?

13 A. I don't believe so.

14 Q. Okay. What about Nhan Nguyen, N-h-a-n, Nguyen?  
15 Have we got handwriting from that person?

16 A. No.

17 Q. And you think you got something from Phong?

18 A. No. I misspoke. I believe the only individual that  
19 we got a handwriting sample from was Hai.

20 Q. Hai, okay. Fair enough. Well, what'd you do with  
21 that one?

22 A. I put it into our case file.

23 Q. Okay. Did you have anybody at the forensic lab  
24 in -- where's the main FBI there? Virginia or  
25 Washington? Where is it?

1 A. I believe it's in Quantico.

2 Q. Okay. Did you have that sample sent to Quantico to  
3 have it examined to any of that Nguyen family group  
4 voting-related documents?

5 A. We didn't because we got their driver's license  
6 signatures from the DMV.

7 Q. Well, in addition to -- in addition to ascertaining  
8 whether Mr. Hai Nguyen signed his own documents, would  
9 you not also be interested in attempting to exclude  
10 whether or not Mr. Hai was the source of any other  
11 signature on any other family-related voting document?

12 A. Can you reask that?

13 Q. Yes, sir. Well -- so you got Hai's signature from  
14 his driver's license; right?

15 A. Yes.

16 Q. Anh Nguyen's from her driver's license; right?

17 A. Yes.

18 Q. Phong Nguyen's from his driver's license; right?

19 A. Yes.

20 Q. Yen Nguyen's from her driver's license; right?

21 A. Yes.

22 Q. And with those known samples of handwriting, did you  
23 send any of those known samples including the sample  
24 requested from Hai to the lab to conduct any analysis on  
25 any of the documents?

1 A. No. I think we just asked the witnesses if they  
2 signed the voting documents.

3 Q. You're basically just -- you're just relying on  
4 whether or not -- I'll rephrase the question.

5 So no forensic evidence that any of the Hai family  
6 documents' signature lines were signed by Kim Taylor.

7 A. You're asking if there was any forensic evidence?

8 Q. Any forensic evidence from a qualified exemplarist  
9 expert.

10 A. We don't have a handwriting analysis, sir.

11 Q. You could have requested one, could you have not?

12 A. We could have. But we thought that the witness  
13 testimony or the witness statements were sufficient.

14 Q. Do you know what a cell phone simulator is?

15 A. I'm not sure, sir.

16 Q. Like it's called Stingray?

17 A. I'm not sure.

18 Q. Was any cell phone simulator device used to  
19 impersonate a cell phone tower to attract the whereabouts  
20 of Miss Taylor during the course of this investigation?

21 A. I don't believe so. The FBI did conduct  
22 surveillance on Miss Taylor shortly before the arrest.

23 Q. We'll get to that. But that was in person and --  
24 surveillance. To your knowledge was any electronic cell  
25 phone simulator evidence used in this case also known as

1 Stingray or Triggerfish-type devices?

2 A. Not to my knowledge.

3 Q. You did obtain Ms. Taylor's cell phone records, did  
4 you not, by subpoena?

5 A. We did.

6 Q. From her carrier; correct?

7 A. Yes.

8 Q. And from Apple?

9 A. Yes.

10 Q. Because she had an iPhone?

11 A. Yes.

12 Q. Did you analyze those cell phone records?

13 A. I reviewed them, sir.

14 Q. What's that?

15 A. I reviewed them.

16 Q. What does that mean?

17 A. I looked at them and evaluated them.

18 Q. About 11,000 pages from the cell phone provider;  
19 right?

20 A. I don't know if there were 11,000 pages of -- are  
21 you saying from her cell phone provider?

22 Q. Yes, sir.

23 A. I don't know if there were that many pages, but I  
24 think there were a lot of pages.

25 Q. Okay. When you analyzed or looked at the cell phone

1 records for Ms. Taylor, what were you looking for?

2 A. We did look to see if she had communicated with any  
3 of our voters or individuals who had alleged that they  
4 had interacted with her about voting documents.

5 Q. I appreciate the alleged there. The answer is she  
6 had; right?

7 A. Excuse me, sir?

8 Q. The answer is she had interacted by cell phone with  
9 persons associated with your inquiry; correct?

10 A. Correct. But there was no content in those records.  
11 It just indicates an incoming and outgoing call.

12 Q. Well, that -- don't you agree that that can tell an  
13 investigatory agent useful information even without the  
14 content?

15 A. It can, but I'm not sure it was particularly useful  
16 in this case.

17 Q. Well, did you evaluate the defendant's exhibits that  
18 were submitted as proposed Exhibit I1 through I5 of  
19 various blocks of cell phone usage by Miss Taylor?

20 A. Yes.

21 Q. Okay. Find nothing useful in those?

22 A. I think the records were substantiated, the  
23 statements made by the voters.

24 Q. What did the records reflect her contacts were with  
25 Ms. Huong Nguyen at 712-204-1769 indicate? Do you

1 remember?

2 A. I don't know off the top of my head, sir.

3 Q. Which of the interested witnesses in this matter had  
4 712-301-0871? Do you know?

5 A. I don't, sir.

6 Q. What about 712-203-8675? Do you know who that is?

7 A. Probably like to see the records, but that does not  
8 specifically sound familiar.

9 Q. Ms. Huong Nguyen is the 1769 number, is it not?

10 A. I don't want to testify to that without seeing the  
11 records.

12 Q. Well, you were generally trying to find out the  
13 circumstances in which Ms. Taylor showed up at these  
14 people's homes; correct?

15 A. Yes.

16 Q. Did it even matter to you if a target voter  
17 solicited the contact? Does it even matter to you?

18 A. I think just phone records, it's difficult to  
19 determine what transpired with just the incoming and  
20 outgoing calls. Without the content, it's -- again, it's  
21 difficult to determine what transpired.

22 Q. Well, being an investigator is difficult; right?

23 A. Sometimes.

24 Q. And particularly white collar -- so-called white  
25 collar crime matters are complex and require painstaking

1 analysis of all relevant evidence; correct?

2 A. I would say yes.

3 Q. Like putting together a complicated puzzle; right?

4 A. Yes. Some of our cases, yes, do feel like a  
5 complex, complicated puzzle.

6 Q. And as part of the puzzle, analysis of the cell --  
7 of Miss Taylor's cell phone records may have -- I said  
8 may -- provided some evidence as to whom called whom  
9 first during this relevant period of time from about  
10 April of 2020 to November 7, 2020, perhaps?

11 A. Perhaps.

12 Q. And -- but you're saying you didn't drill down --  
13 you didn't drill down on all that?

14 A. We talked to the witnesses. We determined that that  
15 was the most prudent and useful investigative technique.

16 Q. Did you get a -- did you apply for or ask the  
17 supervising assistant U.S. attorney to get a grand jury  
18 subpoena for at least a snapshot few months of any of  
19 these witnesses' cell phones, particularly -- or any  
20 witnesses' cell phones?

21 A. Not the witnesses, sir, no.

22 Q. Not Huong Nguyen or My Do or -- no?

23 A. No, sir.

24 Q. Okay. Am I correctly inferring from this  
25 relying-on-witness-interview emphasis that you thought

1 the content of the witness interviews was more valuable  
2 than documentary evidence like cell phone records?

3 A. Yes. In my experience if -- witness statements are  
4 more valuable than document evidence.

5 Q. But aren't you generally aware that there's  
6 substantial criticism at times of eyewitness witness  
7 testimony?

8 A. What criticism are you referring to, sir?

9 Q. Well, does not the -- does not the FBI have a  
10 standard operating protocol for the use of photo arrays  
11 and their presentation to witnesses?

12 A. Photo what?

13 Q. Array? You didn't -- you didn't learn --

14 A. No, I'm not -- I'm not --

15 Q. -- that word at Northwestern?

16 A. Right. I'm not familiar with that --

17 THE COURT: Wait a minute. You guys are  
18 talking over each other, and the last part is stricken.  
19 That was argumentative. Just ask him the question again.

20 Q. Photo array, a-r-r-a-y, not familiar with that  
21 phrase?

22 A. I don't know if there is a policy, sir. I would not  
23 think so.

24 Q. So you have no familiarity with the -- if there is  
25 one, of the growing branch of science relating to the use

1 of sequential photo lineups versus a single photo? You  
2 don't know anything about that?

3 A. No, sir. Most of our white collar crime cases do  
4 not involve identifying individuals.

5 Q. In any event, you didn't use a lineup in this matter  
6 at any time. You just showed people whose homes you  
7 visited Kim Taylor's picture; right?

8 A. Yes.

9 Q. Let's talk a little about this -- the chronology of  
10 events here. When is it that you recall the first of  
11 these witnesses started being subpoenaed to the grand  
12 jury if you recall?

13 A. I think it was approximately February of 2021.

14 Q. And when they came in to testify on their specific  
15 date, did you get to go inside into the grand jury with  
16 them?

17 A. No.

18 Q. Did you and a linguist meet with them first?

19 A. I may have met with them, but I did not ask any  
20 questions.

21 Q. So if I have notes of various supposed interviews of  
22 witnesses from you on, say, for example, February 24,  
23 2022, where are these interviews taking place?

24 A. Which interview are you referring to?

25 Q. Did you talk to Ngoc Thi -- Thi with a linguist on

1 2-22 at 721 West Sixth Street Southeast or -- yeah,  
2 Southeast, Sioux City?

3 A. Yes.

4 Q. Did you talk to Men Thi Pham the same day at 3:54  
5 p.m. at Rebecca Street location?

6 A. If that's what my notes say, sir, yes.

7 Q. Han Thi Tran, same day?

8 A. I believe that is one of the individuals we  
9 interviewed.

10 Q. Okay. Is it true that, like, for example, on  
11 February 24 basically you and a linguist are driving  
12 around town trying to find as many -- trying to find as  
13 many of these people to talk to as you could?

14 A. It was a linguist -- an FBI linguist and a postal  
15 inspector, Paul B. Geisen.

16 Q. So there was three of you.

17 A. Correct.

18 Q. And did this also go on, this canvass of the  
19 Vietnamese Asian community, on February 25, 2022? Did  
20 that go on?

21 A. I'm not sure I would characterize it as a canvass,  
22 and I don't know if that date is correct. You said it  
23 was February 25? Do you have a 302 to help me with my  
24 memory?

25 Q. I haven't marked it as an exhibit.

1 MR. BROWN: But perhaps with the Court's  
2 permission I can show him the page I'm referring to, see  
3 if that refreshes his testimony.

4 THE COURT: Sure.

5 MR. BROWN: May I approach, please?

6 Q. Having reviewed that handwritten note, is that your  
7 handwritten note?

8 A. It is not.

9 Q. Whose handwritten note is that?

10 A. That's Paul B. Geisen. He was the postal inspector  
11 who conducted the interviews with me.

12 Q. Were you present that day?

13 A. Yes.

14 Q. On February 25?

15 A. Yes.

16 Q. All right. So setting aside the word canvass, were  
17 you and the postal inspector and the linguist attempting  
18 to locate people to interview on February 24 and February  
19 25, 2022?

20 A. I believe those dates sound right.

21 Q. And then it's your recollection that either some  
22 time in the same month or simultaneously the grand jury's  
23 meeting with other witnesses if you know?

24 A. I don't know about simultaneously, but I think there  
25 were several sessions where witnesses appeared before the

1 grand jury.

2 Q. So as we said earlier, you were generally aware that  
3 the total population of Vietnamese American descent  
4 adults is less than a thousand; correct?

5 A. Again, I don't know the precise number, sir.

6 Q. Did you ever request from the auditor's office those  
7 voter assistance forms that had been discussed in this  
8 trial?

9 A. Do you mean the ones -- we did -- we did request  
10 blank voter assistance forms.

11 Q. What about the ones that were not blank that may  
12 have been executed by Ms. Taylor? Did you get those?

13 A. We did not.

14 Q. Why not?

15 A. We didn't need them.

16 Q. Did you know they were in existence when you decided  
17 you did not need them?

18 A. We interviewed Erica Tuttle, I believe, in December  
19 of 2022, and that was the first I had heard of the voter  
20 assistance forms. Those voter assistance forms were  
21 completed in person by in-person voters.

22 Q. At an absentee ballot early voting station per Erica  
23 Tuttle; right?

24 A. I believe so.

25 Q. That's what she said; right?

1 A. I believe so.

2 Q. Do you know if that's even true?

3 A. I have no reason to believe it's not true.

4 Q. Other than she got fired from her job for misconduct  
5 in 2019.

6 MR. TIMMONS: Objection, Your Honor. He's  
7 misstating the record.

8 THE COURT: Regardless, it's argumentative.  
9 It's stricken. The objection is sustained.

10 Q. Well, you did hear her testimony, did you not,  
11 yesterday that those voter assistance forms that Kim  
12 Taylor signed were attached to absentee ballot and  
13 corresponding votes thereof; right?

14 A. I don't remember hearing her testify to that.

15 Q. In any event, are you saying -- are you saying that  
16 you had no knowledge of the existence of these forms  
17 prior to your interview of Erica Tuttle in -- what did  
18 you say? September or December of 2022?

19 A. I think it was December of 2022.

20 Q. And when did you learn that they, these voter  
21 assistance forms, had been destroyed after 22 months?

22 A. I think Mr. Gill had indicated that at some point  
23 during our investigation that election materials were  
24 required to be maintained for 22 months.

25 Q. Did you even know before that 22-month period had

1 expired that such a voter assistance form existed?

2 A. No.

3 Q. So up to the point in time that that voter -- or  
4 excuse me, up to the point in time that 22 months had  
5 expired, had you read the Voting Rights Act of 1965?

6 A. The Iowa or the --

7 Q. Federal.

8 A. The federal. I probably learned about it in school.

9 Q. I thought you were the chief of the election crimes  
10 division at the office in Omaha that covers Nebraska and  
11 Iowa.

12 A. Sir, I'm not the chief of anything. But we did get  
13 training on the Voting Rights Act.

14 Q. Were you generally aware during that 22 months  
15 before those records got destroyed that the Voting Rights  
16 Act and various regulations under Title 52 of the United  
17 States Code permitted various get out the vote  
18 activities?

19 A. I wasn't aware of that, sir.

20 Q. What about that various provisions of Title 52 and  
21 other provisions of the federal regulations permitted  
22 voter assistance? Were you aware of that?

23 A. Generally. The state's, though -- the state's the  
24 primary administrators of elections, and that's where  
25 state regulations inherently govern how elections are

1 run.

2 Q. So did you find any state regulations in the Code of  
3 Iowa that prohibited voter assistance?

4 A. No.

5 Q. Did you go out to the Secretary of State's page and  
6 see if Mr. Pate at the Secretary of State's office had  
7 anything to say about, you know, language-deficient  
8 people being able to have help or not?

9 A. I think that's one of the exemptions for receiving  
10 help or assistance.

11 Q. Language deficiency; correct?

12 A. Correct.

13 Q. When you started this investigation, were you under  
14 the belief that it was illegal for any person other than  
15 the voter to fill out the absentee ballot request?

16 A. Can you repeat the question, sir?

17 Q. Yes, sir. When you began this investigation, did  
18 you believe it was illegal for any person other than the  
19 voter to fill out the absentee ballot request form?

20 A. Did I believe it was illegal?

21 Q. Yes, sir.

22 A. I believe it was illegal -- at the time I believed  
23 it was illegal to vote in somebody else's name without  
24 their knowledge or consent.

25 Q. What about just filling out the form part, though,

1 excluding this signature line problem? What was your  
2 understanding about whether or not some third person  
3 could help somebody else fill out the identifying  
4 information part?

5 A. Right. My understanding was that filling out that  
6 information was allowed, just not signing it in somebody  
7 else's name.

8 Q. Now, that Facebook post that you mentioned about --  
9 where Kim Taylor talked about this prepopulated absentee  
10 ballot issue, you remember that one?

11 A. Yes.

12 Q. Now, have you ever read any of the -- any of the  
13 petitions brought by the Trump campaign and the RNC  
14 against Mr. Gill and what they alleged?

15 A. I have not.

16 Q. Did you read the Woodbury County judge's ruling on  
17 the eventual injunction of Mr. Gill's conduct?

18 A. I did not read that, sir.

19 Q. And the factual findings thereof?

20 A. I did not read it, sir.

21 Q. So in the absence of any knowledge whatsoever as to  
22 what it is that the plaintiffs complained of and what the  
23 Secretary of State found fault with and what the judge  
24 decided, you're not in a position to say whether or not  
25 her Facebook page was wrong or not, are you?

1 A. I don't think, sir, I'm telling or I was testifying  
2 to whether it was right or wrong.

3 Q. Her representations may well have been right in the  
4 context of what the actual litigation was about; correct?

5 A. Right. I think I testified, sir, to the fact that  
6 she had acknowledged that consent was required of the  
7 voter to fill out information on behalf of the voter.

8 Q. But the litigation was about the use of the driver's  
9 license and specific voter ID number that was  
10 prepopulated on the ballot by the Woodbury County auditor  
11 and not all the other information; right?

12 A. I'm not aware of the specifics of the litigation,  
13 sir.

14 Q. That's because you didn't go and read any of the  
15 petitions; right?

16 A. The petitions by the Trump campaign?

17 Q. Yes, sir.

18 A. I did not read those, no.

19 Q. You didn't read the FOIA information that I sent to  
20 the government that contained all that information from  
21 the Secretary of State that they wanted to know about --

22 A. I read --

23 Q. -- Gill's -- Gill's prepopulation gambit.

24 A. I read that information, sir.

25 Q. All right. There was a lot of information in the

1 FOIA materials; right?

2 A. Yes.

3 Q. Now, you're generally -- generally aware that in  
4 2020 the voter turnout in Iowa was near record; correct?

5 A. I think the use of absentee ballots was  
6 significantly higher than in past elections.

7 Q. In part due to government encouragement of using  
8 absentee ballots during the COVID pandemic; true?

9 A. Yes, sir.

10 Q. Do you claim any expertise in Vietnamese language?

11 A. No, sir.

12 Q. So when you were out with the postal inspector  
13 conducting these interviews with the linguist, the  
14 linguist was speaking to these witnesses in --  
15 purportedly in Vietnamese; correct?

16 A. Yes, she was a Vietnamese linguist.

17 Q. You have no idea what these people were saying  
18 between -- back and forth. Is that a fair statement?

19 A. I was relying on what the translator told me.

20 Q. And the translator when tells you what was said, is  
21 it word for word or just a summary of what the witness  
22 supposedly said?

23 A. My understanding is that it's word for word. But  
24 I -- whatever the linguist told me I documented in 302s.

25 Q. In handwriting; right?

1 A. In handwriting?

2 Q. In handwriting. You're writing down your notes in  
3 hand; right?

4 A. Our notes, right. But I would document in a  
5 substantive 302.

6 Q. Then you go and put it -- your substantive notes  
7 into a typed, computerized report; right?

8 A. Correct.

9 Q. So you're asking the question. It goes to the  
10 linguist. They converse in Vietnamese. And then  
11 linguist gives you an answer back, and then you write it  
12 down in your handwriting. Then you type up a report.

13 A. Yes, sir.

14 Q. To your knowledge are there any linguistic problems  
15 between -- in words and phrases and phonetics between  
16 Vietnamese and English? Do you know anything about that?

17 A. I don't, sir.

18 MR. BROWN: May I have one minute, Your Honor,  
19 please?

20 THE COURT: Sure.

21 MR. BROWN: I'm not trying to hold out till the  
22 next break here.

23 THE COURT: You got five minutes yet.

24 MR. BROWN: Thank you.

25 Q. All right. One last subject matter I want to talk

1 to you about. Let's talk about the days leading up to  
2 Ms. Taylor's arrest; okay?

3 A. Yes, sir.

4 Q. So it's my understanding that you authorized and  
5 obtained approval from Assistant SAC John Hallock  
6 surveillance that began on January 6, 2023, and ended on  
7 January 12, '23; is that right?

8 A. Yes, sir.

9 Q. And the objectives were to determine daily patterns.  
10 Is that one of them?

11 A. Yes.

12 Q. Identify associates?

13 A. Yes.

14 Q. Workplace location?

15 A. Yes.

16 Q. You didn't know where she worked by that point in  
17 time?

18 A. We thought -- we thought we did, but there was  
19 social media posts about her possibly moving.

20 Q. What about her husband? Where did he work back in  
21 2023 January?

22 A. I believe he worked for the school system.

23 Q. Get photographs and video and other photos of  
24 residence, vehicle, those other objectives?

25 A. Yes. The overarching objective was to determine a

1 pattern of life so we could execute an arrest safely.

2 Q. Well, you knew where she lived; right?

3 A. We did, but we wanted to confirm it.

4 Q. You could have just driven by her house at 5202  
5 Christy Road and seen the 2 minivans out there; right?  
6 Right?

7 A. We could have, but we took an extra step to ensure  
8 when she was going to be home so we could execute the  
9 arrest safely.

10 Q. And the business, Green Tea Beauty Salon, was  
11 located at 109 East 22nd Street, South Sioux City, right,  
12 so you knew where her place of employment was; right?

13 A. Yes. Again, we do these surveillance to validate  
14 where we think people reside and where people work.

15 Q. Well, by that day she already had a lawyer; right?

16 A. Based on my knowledge, yes, sir.

17 Q. Okay. Well, you could have called the lawyer and  
18 said, Hey, you know, time for Kim to come on down here.  
19 But you didn't do that, did you?

20 A. I don't call attorneys, sir.

21 Q. So in that five-day window, we have how many people  
22 engaging in home surveillance of the Taylor family?

23 A. I don't know the exact number, sir, but I think they  
24 only conducted surveillance for a few hours in the  
25 morning every day to determine when she was leaving to

1 take her kids to school and when she was going to work.

2 Q. So it was you, Special Agent Rachel Sullivan, and  
3 Special Agent Anthony Eason; right?

4 A. Those are two of our agents -- two of the agents  
5 that I supervised when I was the white collar crime  
6 supervisor.

7 Q. And were they involved in the prearrest  
8 surveillance?

9 A. I'm not -- I don't think so, sir.

10 Q. Okay. Well, who was involved in the prearrest  
11 surveillance?

12 A. It was our surveillance team.

13 Q. And how many people were in the team?

14 A. I don't know that, sir. They tried to maintain as  
15 much confidentiality as possible.

16 Q. Well, who was flying the drone?

17 A. We do have a pilot. We do have a pilot that flies a  
18 plane.

19 Q. Was there a drone used in those five days to circle  
20 the Taylors' neighborhood?

21 A. I'm not aware of that, sir.

22 Q. What about an airplane?

23 A. There was an airplane, yes, sir.

24 Q. Okay. How many people -- how many people did you  
25 authorize get in an airplane and fly around Miss Taylor's

1 house?

2 A. We authorized a surveillance operation. I left that  
3 to the team leader.

4 Q. Well, how many people had to get in the air in the  
5 airplane to conduct the air surveillance part of the --  
6 this program?

7 A. I don't know how many people were in the air, sir.  
8 I was not one of them.

9 Q. Did anything useful come out of the ground  
10 surveillance by this unknown team of FBI agents?

11 A. We confirmed that she was there, sir, that she  
12 resided at that location.

13 Q. Confirmed that her husband went to work at his job  
14 at the school district; right?

15 A. I believe so, yes, sir.

16 Q. She took her kids to Nodland Elementary School,  
17 Sunnyside Elementary School, and Sonshine Elementary  
18 School; right?

19 A. Again, without seeing the reports, I don't want to  
20 say definitively, but that sounds about right, sir.

21 Q. That she drove a minivan and went to Sam's Club.  
22 They saw that; right?

23 A. That sounds right, sir.

24 Q. Were pictures taken of the neighborhood from the air  
25 that you put into the discovery?

1 A. I believe so.

2 Q. Anything to confirm voter fraud or voter  
3 registration fraud observed in this air surveillance in  
4 which at least one pilot had to leave the bounds of the  
5 earth to engage in flight?

6 A. Sir, we confined our request to a few -- a couple of  
7 days leading up to the arrest for a few hours each day.

8 Q. And then the team itself to arrest her, they  
9 assembled at a motel; right?

10 A. Yes, sir.

11 Q. At government expense; right?

12 A. Yes.

13 MR. TIMMONS: Your Honor, I'm going to object  
14 at this point to this line of questioning on the grounds  
15 of relevance.

16 THE COURT: At this point the objection's  
17 overruled. If Mr. Brown wants to continue, he may. And  
18 the answer was already in, so you can ask another  
19 question.

20 Q. Then I assume there was a target time for the team  
21 to go to the Taylors' house to arrest her on this  
22 indictment; right?

23 A. The time was set for 7 a.m.

24 Q. She had no criminal history; true?

25 A. She did not have a criminal history.

1 Q. No history of violence or weapons; true?

2 A. No, sir.

3 Q. No, she had --

4 A. She had no history of violence or using weapons.

5 Q. There was no concern that her husband, even though  
6 he was a member of the military, would react in a  
7 malicious sort of way; right?

8 A. There was no indication of that, no, sir.

9 Q. He's a pastor in the National Guard; right?

10 A. I believe he is, yes, sir.

11 Q. So then the team of, what, five went to the house at  
12 about 7 a.m.; right?

13 A. I think we had six special agents.

14 Q. Then arrested her in front of her six children. Is  
15 that what happened?

16 A. The arrest occurred at 7 a.m. And based on the  
17 timing, we wanted to ensure that Miss Taylor could see a  
18 federal judge before the next day. And so we wanted to  
19 execute the arrest as early as we possibly could to allow  
20 her to see a judge in that morning.

21 Q. Could have done that by sending her and her lawyer a  
22 summons in the mail saying appear in front of court  
23 before Judge Mahoney at so and so time and place on this  
24 new indictment. That would accomplish the same mission,  
25 would it not?

1 A. Not necessarily, sir.

2 Q. Wouldn't have been as much fun, would it?

3 A. Sir, I take no joy in arrests.

4 MR. BROWN: No further questions.

5 THE COURT: All right. Let's go ahead and take  
6 our second break of the day before we get into redirect.  
7 It's about 12:25, a little after that. Let's come back  
8 at 12:50. The jury is excused until 12:50.

9 (The jury exited the courtroom.)

10 THE COURT: The jury has left the courtroom.  
11 Anything to take up before we have a break? Mr. Timmons?

12 MR. TIMMONS: No, Your Honor.

13 THE COURT: Mr. Brown?

14 MR. BROWN: No thank you.

15 THE COURT: And, Mr. Timmons, I see the jurors  
16 left the originals there on the ledge. You can go ahead  
17 and grab those. We'll be in recess.

18 MR. TIMMONS: Will do.

19 THE COURT: We'll be in recess until 12:50.

20 (Recess at 12:27 p.m.)

21 THE COURT: Are we ready for the jury,  
22 Mr. Timmons?

23 MR. TIMMONS: Your Honor, I just want to alert  
24 the Court that once the jury gets back the government  
25 intends to rest.

1 THE COURT: Okay.

2 MR. TIMMONS: If you want to take care of some  
3 things before we have them sit down and talk about how we  
4 plan to proceed . . .

5 THE COURT: Let's just go ahead and have the  
6 jury come in and hear that first. Then we'll take up  
7 issues.

8 Anything before we bring the jury in, Mr. Brown?

9 MR. BROWN: I'm surprised. I have to think  
10 about it, but I have nothing at this very momento, Your  
11 Honor.

12 THE COURT: Sure. Well, let's go ahead and  
13 bring the jury in and then go from there, so thank you.  
14 While we wait, I -- do you have any witnesses available  
15 today? I . . .

16 MR. BROWN: No, sir. I'm sorry. I was  
17 planning on, like, Monday or Tuesday. I have to --

18 THE COURT: No, I totally get it. I just  
19 wanted to make sure because I'll probably just send them  
20 home.

21 (The jury entered the courtroom.)

22 THE COURT: Please be seated. Welcome back,  
23 everyone. When we took our break, the cross-examination  
24 of Agent Murphy had ended.

25 Mr. Timmons, any redirect?

1 MR. TIMMONS: No, Your Honor.

2 THE COURT: Okay, sir. You are excused. You  
3 may step down.

4 Any further evidence from the United States?

5 MR. TIMMONS: No further evidence, Your Honor.  
6 I wanted to address whether or not Mr. Murphy intends to  
7 be recalled.

8 THE COURT: He's the case agent anyway; right?

9 MR. TIMMONS: Oh, that's correct.

10 THE COURT: So he can remain in the courtroom  
11 either way. So no further evidence then? Is that . . .

12 MR. TIMMONS: No further evidence, Your Honor.

13 THE COURT: Government rests?

14 MR. TIMMONS: Yes, Your Honor.

15 THE COURT: Okay. Members of the jury, the  
16 government has rested its case. That means the United  
17 States has presented all of the evidence it intends to  
18 present at this stage. Whenever that happens, I do have  
19 to excuse the jury, so we all just kind of figured this  
20 out at the same time. So I'm sorry to bring you back up  
21 here just to send you back downstairs again. It's my  
22 understanding that we may be done for the day early  
23 again. Is that your understanding, Mr. Brown?

24 MR. BROWN: Yes, Your Honor. There was one  
25 topic I will recall Agent Murphy for, but we can do that

1 at the time to be determined later.

2 THE COURT: Okay. Folks, what I'm going to do  
3 is excuse you for a moment but not yet for the day  
4 because I do want to talk to the lawyers about the  
5 schedule a bit. So if you can just bear with us for a  
6 few minutes in the jury room, and then we'll bring you  
7 back up one more time so I can talk to you about what the  
8 schedule's going to be going forward. So I apologize for  
9 that. Like we talked about yesterday, things have moved  
10 faster than anybody expected. I'm going to excuse you  
11 now probably for five or ten minutes is all just so I can  
12 talk with the lawyers. We'll bring you back upstairs,  
13 and I can give you an update about the schedule. But at  
14 this point the jury is excused.

15 (The jury exited the courtroom.)

16 THE COURT: Please be seated. The jury has  
17 left the courtroom. Parties and counsel are still  
18 present. The government has rested. I know there will  
19 be record to be made and motions to discuss, but before  
20 we get to that, I want to be able to give the jury an  
21 idea of what the schedule's going to be so I can bring  
22 them back and then excuse them for the rest of the day.

23 With the government resting, Mr. Brown, do you think  
24 you'll have any witnesses available tomorrow? And I'm  
25 not -- I understand completely that this happened fast.

1 I'm not going to hold it against you if you aren't  
2 available to present witnesses immediately. But what's  
3 your situation witnesswise?

4 MR. BROWN: I would say that the answer to that  
5 is probably no as to all of them for tomorrow. If the  
6 Court's expectation is we get them all done in one day,  
7 tomorrow's not the day.

8 THE COURT: Sure. And I really don't have an  
9 expectation. So if you knew you had some people  
10 available tomorrow, that would be fine. If it makes more  
11 sense to just give everyone tomorrow off and come back on  
12 Monday with the defense case, I'm happy to do that too  
13 because this happens. You know, sometimes we go long.  
14 Sometimes it's short. And I know you have to adjust now  
15 to the current situation. So does it make more sense to  
16 just take tomorrow off and come back Monday morning for  
17 the defense case?

18 MR. BROWN: Yes, Your Honor. Thank you.

19 THE COURT: Okay. Any objection from the  
20 government?

21 MR. TIMMONS: No, Your Honor.

22 THE COURT: Okay. That's what I'll tell the  
23 jury then. I'll bring them back here for a few minutes.  
24 I'll just tell them that because of the speed at which  
25 things have moved we won't have any additional evidence

1 until Monday morning. Hopefully they won't be angry  
2 about having a three-day weekend, but we'll wait and see.  
3 But that's the plan. I'll just tell them to be back here  
4 8:30 Monday morning, and we'll continue with the  
5 presentation of evidence at that time.

6 Anything else we should take up before I bring the  
7 jury back and give them an update? Mr. Timmons,  
8 anything?

9 MR. TIMMONS: Nothing from me, Your Honor.

10 THE COURT: Mr. Brown?

11 MR. TIMMONS: One moment, Your Honor.

12 THE COURT: Oh. Sure. Mr. Evans?

13 MR. EVANS: Sorry, Your Honor. I'm just trying  
14 to determine. Mr. Brown says he anticipates being able  
15 to do all his witnesses in one day. Is he then saying to  
16 the Court and the government today that he would  
17 anticipate having all of his witnesses for Monday?

18 THE COURT: I'm not sure I heard it that way.  
19 But, Mr. Brown, do you know yet?

20 MR. BROWN: I'd say the answer to that is yes.  
21 All Monday, maybe by the same -- this time Monday.

22 THE COURT: And then, of course, we would get  
23 into whether there's going to be a rebuttal case. I  
24 would have some concerns, I guess, about giving the jury  
25 this case on Tuesday at least if it's later in the day

1 Tuesday because it would be awfully easy for some folks  
2 to feel pressure to just get a decision out and not have  
3 to come back the week after Thanksgiving. I guess we're  
4 just going to have to play that by ear. But at least it  
5 sounds for Mr. Brown like there's a possibility that the  
6 defense case will start and end at some point Monday  
7 then. Is that correct, Mr. Brown?

8 MR. BROWN: Yes, yes, Your Honor.

9 THE COURT: Sure. Does that answer your  
10 question, Mr. Evans?

11 MR. EVANS: It does, Your Honor.

12 THE COURT: Okay. So I don't think I'm going  
13 to say much, if anything, to the jury about long-range  
14 planning at this point because we just don't know. I  
15 don't want to promise them that we're not going to come  
16 back after Thanksgiving. I think I'll just tell them for  
17 now all we know is they do not have to come here tomorrow  
18 and they should plan on coming back at 8:30 on Monday  
19 morning and we'll go from there.

20 Does that make sense to everyone? Mr. Timmons or  
21 anyone else?

22 MR. TIMMONS: Yes, Your Honor.

23 THE COURT: Mr. Brown?

24 MR. BROWN: Yes, Your Honor. I do intend to  
25 make a Rule 29(a) motion, but I'd like to write up more

1 than the usual narrative, not a manifesto but a little  
2 bit more detailed Rule 29(a) motion, and give that some  
3 time on Monday.

4 THE COURT: Sure. From the government, what's  
5 the thought?

6 MS. CASTALDI: Your Honor, the government would  
7 object to a Rule 29 on Monday. We have a whole day  
8 tomorrow where the defendant can make such a motion.  
9 We're already facing pressure from the Thanksgiving  
10 holiday and the jury having a long break from this  
11 evidence. And to further push Rule 29 and the  
12 defendant's witnesses could substantially prejudice the  
13 government.

14 THE COURT: Mr. Brown, any chance you could  
15 come back tomorrow morning and present the motion?

16 MR. BROWN: Sure, Your Honor.

17 THE COURT: Okay. Let's do that. I do share  
18 that concern. The government has rested. I certainly  
19 want to give Mr. Brown time to organize his thoughts and  
20 prepare his Rule 29 motion. But let's all of us get back  
21 together at 8:30 tomorrow morning just as we had been  
22 doing all week. And at that time we'll take up defense  
23 motions and the government's response and go as long as  
24 we need to tomorrow and then plan on the jury being back  
25 Monday. I won't even tell the jury that. I'll just tell

1 them to come back Monday. But the rest of us will get  
2 back together tomorrow morning at 8:30 then for any  
3 record that needs to be made.

4 Anything else at this point from the United States?

5 MR. TIMMONS: No, Your Honor.

6 THE COURT: From the defense?

7 MR. BROWN: No, Your Honor.

8 THE COURT: Okay. We'll go ahead and bring the  
9 jury back and tell them the schedule.

10 (The jury entered the courtroom.)

11 THE COURT: Please be seated. Welcome back,  
12 everyone.

13 So, members of the jury, in talking with the  
14 attorneys, I'm going to tell you what the schedule is.  
15 I'm going to let you go pretty soon here for the rest of  
16 the day. We don't have any witnesses available today.  
17 And we're going to take tomorrow off as well. Things  
18 have truly moved that quickly, and this happens. I've  
19 had it happen the other way, and I like this way a lot  
20 better, frankly, where things go faster than planned.

21 But what we will do is have you come back at 8:30  
22 Monday morning. So we'll have tomorrow off as far as any  
23 presentation of evidence. I will ask you to come back  
24 then and we'll do an 8:30-to-2:30 day on Monday. And  
25 then by the end of the day Monday, I think I'll have a

1 pretty good idea of how the future's going to look. But  
2 I don't want to give you any thoughts or promises right  
3 now.

4 So at this point all I can tell you is I will ask  
5 you to come back Monday morning, and we'll plan on an  
6 8:30-to-2:30 schedule on Monday.

7 Now that you're going to be gone for a few days, I  
8 do want to reiterate and stress again how important it is  
9 that you keep following the rules. Don't talk to anyone  
10 about the case. Don't do any research. Don't listen to  
11 or read any news accounts about the case. Keep an open  
12 mind. You still have only heard some of the evidence.  
13 You haven't heard all of the evidence yet. And it's very  
14 important to keep an open mind until you have a chance to  
15 deliberate with your fellow jurors at the end of the  
16 case.

17 But with that, I will excuse the jury, and we'll see  
18 everybody at 8:30 Monday morning. Have a great weekend.

19 (The jury exited the courtroom.)

20 THE COURT: Please be seated. Jury has left  
21 the courtroom for the day. Parties and counsel are still  
22 present.

23 I have a question or a thought I'm going to just  
24 throw out there now. We don't have to answer it today.  
25 But as I've been going through the jury instructions and

1 the verdict form, I guess I have a question of what the  
2 government intends to do to connect individual counts to  
3 the verdict form. There's -- obviously there's a summary  
4 in the indictment. Frankly, if it wasn't in the  
5 indictment, I wouldn't even be raising this because I  
6 think that'd be a defect in the indictment.

7 But both the government and the defense in their  
8 sentencing (sic) materials and certainly in the  
9 indictment have itemized which documents go to each count  
10 and which alleged voter situation goes to each count. We  
11 currently don't have that in either the instructions or  
12 the verdict form.

13 So I don't know if there's an easy answer. But  
14 what's the government's thought on how we're going to tie  
15 the specific counts in the indictment to the verdict form  
16 so the jurors know Count 2 involves this alleged  
17 situation, Count 3 involves that alleged situation,  
18 et cetera?

19 MR. TIMMONS: Off the top of my head, I think  
20 the best solution would be a demonstrative exhibit that  
21 lays it out in a chart on one page. I could work with  
22 Mr. Brown to put something together that both parties  
23 find acceptable.

24 THE COURT: Sure. I think it's going to be  
25 important for them to have a key so they know when

1 they're deliberating on a particular count what the  
2 specific allegation in the indictment is that relates to  
3 that count. So if the attorneys can work together on  
4 that, that's fine. It's been bugging me since about  
5 Tuesday as I've realized listening to witness testimony  
6 that the way the verdict form itself is laid out it  
7 doesn't tell the jury that this individual document from  
8 this individual voter is the basis of Count 3, for  
9 example, and they need to know that.

10 MR. TIMMONS: We could actually tie it to the  
11 specific government exhibit on the verdict form itself.

12 THE COURT: And that might even be more  
13 helpful, frankly.

14 But, Mr. Brown, any thoughts on how to approach  
15 that?

16 MR. BROWN: I concur with counsel's excellent  
17 idea. Counsel did that with the grand jury exhibits  
18 relative to the counts in the indictment, and that's the  
19 only way I figured this whole thing out, frankly, looking  
20 at what they did so . . .

21 THE COURT: Sure. And I'll just at this point  
22 leave it to the lawyers. I think it's a problem we have  
23 to solve one way or the other. It doesn't seem like it's  
24 that difficult. It's just something that has to be  
25 worked out so the jury can understand during

1 deliberations what they're talking about for each count.  
2 So I'll leave that to the attorneys to see if they can  
3 reach agreement.

4 And then we'll -- again, we'll come back at 8:30  
5 tomorrow morning for motions and other record the parties  
6 would like to make at the close of the government's case.

7 Anything else to take up right now? Anything from  
8 the government?

9 MR. TIMMONS: No, Your Honor.

10 THE COURT: Mr. Brown, anything from the  
11 defense?

12 MR. BROWN: No, Your Honor. Thank you.

13 THE COURT: All right. We will be in recess  
14 until 8:30 tomorrow morning. Again, that will be outside  
15 the presence of the jury. Have a good evening, everyone.

16 (The foregoing trial was  
17 adjourned at 1:07 p.m.)

18

19

20 CERTIFICATE

21 I certify that the foregoing is a correct  
22 transcript from the record of proceedings in the  
23 above-entitled matter.

24 S/Shelly Semmler 12-9-23  
25 Shelly Semmler, RDR, CRR Date

INDEXWITNESS :PAGE :

MINH NHAT PHAM	DIRECT EXAMINATION	596
	BY MS. CASTALDI	
	CROSS-EXAMINATION	604
	BY MR. BROWN	
	REDIRECT EXAMINATION	613
	BY MS. CASTALDI	
MINH TAN DO PHAM	DIRECT EXAMINATION	614
	BY MS. CASTALDI	
	CROSS-EXAMINATION	622
	BY MR. BROWN	
HAI NGUYEN	DIRECT EXAMINATION	628
	BY MR. EVANS	
	CROSS-EXAMINATION	641
	BY MR. BROWN	
YEN NGUYEN	DIRECT EXAMINATION	647
	BY MR. EVANS	
	CROSS-EXAMINATION	659
	BY MR. BROWN	
MATTHEW MURPHY	DIRECT EXAMINATION	665
	BY MR. TIMMONS	
	CROSS-EXAMINATION	685
	BY MR. BROWN	

\*\*\*\*\*

EXHIBIT :PAGE :

85	598
86	603
82	631
84	652

\*\*\*\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 17, 2023

8:30 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 5 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:      RON TIMMONS, ESQ.  
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For the Defendant:    F. MONTGOMERY BROWN, ESQ.  
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West Des Moines, IA 50265

Also present:            Matthew Murphy

Reported by:            Shelly Semmler, RDR, CRR  
320 Sixth Street  
Sioux City, IA 51101  
(712) 233-3846

1           (Proceedings reconvened outside the presence of the  
2 jury.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004,  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MR. TIMMONS: Good morning, Your Honor. Ron  
8 Timmons on behalf of the United States. Seated with me  
9 at counsel table is Lauren Castaldi and Richard Evans.

10          THE COURT: All right. Good morning.

11          MR. BROWN: F. Montgomery Brown for the  
12 defendant, Your Honor.

13          THE COURT: All right. Good morning to both of  
14 you. And Ms. Taylor is present. We are here this  
15 morning outside the presence of the jury. Parties and  
16 counsel are present. At the end of the day yesterday the  
17 government rested.

18          Mr. Brown, are there motions from the defense?

19          MR. BROWN: Yes, Your Honor. Thank you.

20          THE COURT: Sure.

21          MR. BROWN: May it please the Court, counsel.  
22 Comes now the defendant pursuant to Federal Rule of  
23 Criminal Procedure 29(a) and the due process clause of  
24 the Fifth Amendment hereby moves for judgment of  
25 acquittal on Counts 1 through 52 individually and

1 inclusive for the following reasons:

2           The defendant submits that even if the Court and as  
3 the Court should take the evidence in the light most  
4 favorable to the government, the government has failed to  
5 submit sufficient evidence that could convince a rational  
6 trier of fact that the government has proved each and  
7 every element of the offenses charged in Counts 1 through  
8 52 grouped by -- grouped by U.S.C. 52, 10307(c); 52  
9 U.S.C. 20511(2)(A); and 52 U.S.C. 20511(2)(B).

10           The defendant asserts that utilizing the Court's  
11 present instructions as to the elements in preliminary  
12 instruction number 5, 6, and 7, the government has failed  
13 to prove beyond a reasonable doubt each and every element  
14 of those offenses.

15           In addition, the defendant contends specifically  
16 with regard to the group I will refer to as the Huong  
17 Nguyen group which is Counts 1 through 9, 29, 30 through  
18 37, the so-called Doan children, we submit that in the  
19 light most favorable to the government the evidence shows  
20 merely a complicated and internal family  
21 misunderstanding.

22           The three family members gave what defense contends  
23 at best what could be described as a Rashomon-type  
24 account from three different perspectives with three  
25 different evaluations of the facts and circumstances.

1 None are mutually cohesive, and there is evidence in the  
2 record to support a reasonable belief by the defendant of  
3 a agency in fact or implied agency on behalf of the  
4 mother, Huong Nguyen, to engage in activities on behalf  
5 of the children with regard to the respective counts.  
6 And there's additional evidence that, in fact, the  
7 daughter, Tam Doan, did effectively the same thing on  
8 behalf of her brother on a more limited basis.

9         With regard to what I call the second group, the My  
10 Do group, involving the Pham sons, Counts 10 through 15  
11 and 38 through 43, we contend the evidence clearly shows  
12 that My Do acted as agent for the sons, and there's  
13 simply no evidence the defendant knew that she lacked  
14 authorization with regard to what I refer to as the Hai  
15 Nguyen group, Counts 16 through 19, 28, 44 through 46.

16         The evidence is mercurial at best. We believe the  
17 evidence shows that the family was -- all times material  
18 thereto had a fully competent translator daughter in and  
19 about the home. We have multiple signature forms. No  
20 evidence has been provided that the defendant is the  
21 author of any of those multiple different versions of  
22 signatory behavior. Some are in print. Some are in  
23 cursive. There's simply no evidence that the defendant  
24 wrote those -- wrote those signatures, no evidence the  
25 defendant knew that they had not been executed by the

1 person to which they were purported to belong.

2 And then with -- and simply no evidence the  
3 defendant signed them or aided and abetted someone else  
4 signing them other than her mere possession.

5 And similarly with the Huynh group in 20 through 21  
6 and 47 through 48 and the Luu group in 22 through 27 and  
7 50 through 52, the defendant makes essentially identical  
8 arguments.

9 Lastly, the defendant contends that there's --  
10 nothing has been presented, no facts or legal principles  
11 have been presented, to establish that any provision of  
12 the Voting Rights Act or Iowa law requires that a  
13 specific person who is engaged in the process of helping  
14 or assisting a language-deficient or deficit person must  
15 be a qualified language interpreter or that that same  
16 assisting person or helper had a duty to perform a full  
17 and complete and accurate translation of the documents  
18 the voter is purportedly exercising or that they're --  
19 somehow the helper or assistant has some fiduciary duty.

20 In fact, the evidence that we do have is that to the  
21 extent such -- any such implied form was required for  
22 other voting-related purposes, those have been destroyed.  
23 And the undisputed evidence is that the defendant on  
24 those occasions did sign those, but the Voting Right Act  
25 did not require those for any of the counts related to

1 this case in 1 through 52.

2       There's no evidence, the defendant contends,  
3 specifically as to the knowingly and willful elements  
4 involved in all three of these groups which I've  
5 outlined. The Court's instructions are presently the law  
6 of the case. We contend for the reasons I previously  
7 asserted that knowingly means an additional phrase which  
8 I've articulated and previously proposed. There's no  
9 evidence the defendant acted knowingly and willfully with  
10 even minor knowledge that there was some law that was  
11 being violated in the Voting Rights Act or Iowa law. In  
12 fact, there's been no reference to really any specific  
13 Iowa law at all at the trial, and Agent Murphy had some  
14 training in the Voting Rights Act but didn't specify any  
15 particular provision.

16       So thus, in the absence of a legal duty and absence  
17 of specific evidence that I think should be given strict  
18 scrutiny because these are get out the vote activities  
19 and involve core political speech that if the Court  
20 strictly scrutinizes the evidence, the absence of a legal  
21 duty, absence of proof of a legal duty or fiduciary duty,  
22 the law cannot criminalize nonperformance of an act which  
23 may be at best ministerial.

24       And so for those reasons we ask that the Court  
25 dismiss each and every count in this matter, Counts 1

1 through 52, Your Honor. Thank you very much.

2 THE COURT: Thank you, Mr. Brown.

3 Response from the United States?

4 MR. TIMMONS: Yes, Your Honor. Your Honor, the  
5 Court should deny the defendant's motion. The  
6 government's exhibits and the witness testimony support  
7 the accusations the government's made in its indictment,  
8 specifically that the defendant knowingly and willfully  
9 violated 52 different counts, the 3 groups that Mr. Brown  
10 was referring to.

11 I'd emphasize for the Court the government's  
12 exhibits which came in, 1 through 26. Those are the core  
13 documents of our victim voters at issue. Each of those  
14 documents share one of two qualities. Most of those  
15 documents contain handwriting that is consistent with the  
16 defendant's that the jury is free to compare to Exhibit  
17 102 which was also submitted, admitted at trial, the  
18 defendant's own handwriting.

19 For those that don't have handwriting, among  
20 Exhibits 1 through 26, those documents were the  
21 witness -- as the witnesses testified, those documents  
22 were all either completed at the defendant's direction by  
23 relatives of voters, and those voters were not present  
24 and did not consent -- as they stated in trial testimony,  
25 did not consent to anyone else signing their signature or

1 those witnesses testified that -- the parent witnesses  
2 testified that they gave the defendant the blank forms,  
3 and she walked away with them. That's sufficient  
4 evidence that the defendant knowingly and willfully  
5 violated the law in all 52 counts.

6 Looking at the specifics of the individual families,  
7 with the Luu children, Anthony and Andy, the testimony  
8 proved that Miss Taylor came to the house and helped  
9 their father fill out forms for him and the kids. And  
10 those kids, the victims, say they did not sign those  
11 documents. The evidence proved that the forms were  
12 mailed to the Luu household. Again, the kids said they  
13 didn't sign it. And Miss Taylor's the one that left with  
14 the ballots.

15 The standard here, Your Honor, as I'm sure the  
16 Court's aware, in order for this Court to grant a Rule 29  
17 motion for judgment of acquittal, it should only be  
18 granted if no reasonable jury could find the defendant  
19 guilty beyond a reasonable doubt. As the Court is aware,  
20 that analysis must entail viewing the evidence in a light  
21 most favorable to the guilty verdict (sic) granting all  
22 reasonable inferences that are supported by that  
23 evidence.

24 And notably, a conviction may be based on  
25 circumstantial as well as direct evidence. The evidence

1 need not exclude every reasonable hypothesis except guilt  
2 as well. So that leaves an exceptionally high bar that's  
3 required for this Court to take the indictment charges  
4 out of the hands of the fact finder.

5 In light of all the evidence that's gone in during  
6 the government's case in chief, it's simply a question  
7 for the jury, and any reasonable jury could find beyond a  
8 reasonable doubt that the defendant was guilty of all 52  
9 counts. Thank you, Your Honor.

10 THE COURT: Thank you, Mr. Timmons.

11 Mr. Brown, anything further on the defense motion?

12 MR. BROWN: No, Your Honor.

13 THE COURT: All right. The defense has moved  
14 under Federal Rule of Criminal Procedure 29(a) for a  
15 judgment of acquittal and has also incorporated the due  
16 process clause of the United States Constitution among  
17 other arguments relating to the sufficiency of the  
18 evidence.

19 Under Rule 29(b), the Court is allowed to reserve  
20 ruling on a Rule 29(a) motion, allow the case to proceed,  
21 ultimately submit the case to the jury, and then  
22 depending, of course, on the jury's verdict, if the jury  
23 returns any verdicts of guilt on any counts, the Court  
24 can then re -- or actually consider the motion at that  
25 time when renewed. The Court would consider the evidence

1 in the record as of this moment in deciding whether to  
2 grant relief under Rule 29(a).

3 But that is the course I'm going to take here. I do  
4 find it appropriate to allow the case to continue at this  
5 point. I am reserving ruling on the Rule 29(a) motion.  
6 Once the case is submitted to the jury on these 52 counts  
7 and we find out what the verdict is, the motion can be  
8 renewed if necessary at that time, and then the Court  
9 would consider and ultimately rule on the Rule 29(a)  
10 motion.

11 But again, at this point I am reserving ruling.  
12 This case will continue and ultimately be submitted to  
13 the jury on all 52 counts.

14 Any further record at this time on the Rule 29  
15 motion? Mr. Brown?

16 MR. BROWN: No, Your Honor.

17 THE COURT: Mr. Timmons?

18 MR. TIMMONS: No, Your Honor.

19 THE COURT: All right. Thank you. Moving on  
20 to a couple of other issues that I have -- and then I'll  
21 certainly open the floor to any questions or issues the  
22 parties might have this morning -- after our discussion  
23 yesterday, Mr. Timmons circulated a proposed amended  
24 verdict form that specifies for each count -- it  
25 basically ties -- in the description under each count, it

1 ties it back to the indictment and the specific  
2 government exhibit.

3           And I have been reviewing that. I want to spend  
4 some more time today just cross-referencing for accuracy,  
5 and I'd ask everyone else to do the same so when we get  
6 to the point where I'm reading this to the jury, we're  
7 all satisfied that the correct government exhibit and  
8 name and date and type of document is being referenced  
9 under each count. But I have started that process. It  
10 seems like it makes sense to me, and I know Mr. Brown  
11 submitted a -- an e-mail response last night indicating  
12 that he's inclined to agree with the proposal. Is that  
13 correct, Mr. Brown?

14           MR. BROWN: Yes, Your Honor.

15           THE COURT: Okay. So I think what I will do is  
16 after we're done here today, I'm going to have the old  
17 verdict form detached from each of the jurors' packets so  
18 there's no confusion. I've had this come up in the past,  
19 and it seems to be a good way to do it. We'll simply  
20 pull the verdict form off the jury's packets. And then  
21 when we get to the appropriate time in the trial, I'll  
22 hand out the new version of the verdict form and, again,  
23 making sure we've all had a chance to review it and  
24 satisfy ourselves that it's accurate. But any concerns  
25 about that process, Mr. Timmons?

1 MR. TIMMONS: No, Your Honor.

2 THE COURT: Mr. Brown?

3 MR. BROWN: No, Your Honor.

4 THE COURT: Okay. We will proceed that way.

5 Mr. Timmons also circulated a five-page  
6 demonstrative-type exhibit that would, again, presumably  
7 be available for both parties to use in closing arguments  
8 or otherwise as far as, again, tying specific counts to  
9 the specific trial exhibit type of document, date of  
10 document, and name of the individual voter.

11 And, Mr. Timmons, is it correct that that's being  
12 proposed as a demonstrative exhibit just for use during  
13 argument?

14 MR. TIMMONS: Yes, Your Honor.

15 THE COURT: All right. Mr. Brown, any  
16 objection to that document?

17 MR. BROWN: Of course not, Your Honor.

18 THE COURT: Okay. Well, I never know.  
19 Sometimes I ask and I find out there is one so -- but no,  
20 I appreciate your thoughts on that.

21 So as far as I'm concerned then, again, assuming  
22 everyone is comfortable that it's accurate, the  
23 demonstrative exhibit proposed by the United States may  
24 be displayed by both parties to the jury during their  
25 closing arguments.

1 I wanted to make a quick record about the government  
2 trial exhibits now that the government's rested. And I  
3 checked with Audrey as well. I believe all of the  
4 exhibits on the government's list have come in either by  
5 stipulation or over the defense objections that have been  
6 noted throughout the week except Exhibits 89 and 92 I  
7 don't believe were ever offered. Does that sound right  
8 to the government? I think those might both be driver's  
9 license exhibits.

10 MR. TIMMONS: That seems accurate, Your Honor.

11 THE COURT: Mr. Brown, do you have anything  
12 different in your notes as far as which government  
13 exhibits are in evidence?

14 MR. BROWN: No, Your Honor.

15 THE COURT: Okay. So at this point then  
16 everything on the government's exhibit list is in  
17 evidence except 89 and 92 which were not offered.

18 Then I know some of the defense exhibits so far have  
19 been received, but we'll -- I'm not going to make any  
20 additional record on that subject to potential additional  
21 defense exhibits being offered when we get back together  
22 on Monday.

23 And then we did ask the jury to be ready to go at  
24 8:30 Monday morning. And, Mr. Brown, any thoughts at  
25 this point? I'm not holding you to it, of course, but

1 any thoughts as of this morning as to how long the  
2 defense case might take?

3 MR. BROWN: We'll be done by noon.

4 THE COURT: All right. And, of course, there's  
5 the chance of rebuttal evidence then. We'll see how that  
6 goes. But I do think it's prudent for the parties to be  
7 prepared to make closing arguments on Monday if things go  
8 quickly and we are able to get closing arguments  
9 presented on Monday. It would be a good idea to be ready  
10 to do that at least. It may turn out -- I think we  
11 talked about having additional time for closing  
12 arguments. So perhaps it won't work out to do them  
13 Monday afternoon. But I think it's best to be prepared  
14 just in case. Things have moved quicker than expected  
15 throughout this trial. So let's just assume there's a  
16 possibility at least that we'll be presenting closing  
17 arguments on Monday.

18 I think we've covered everything on my list at this  
19 point. Are there any issues or questions from the United  
20 States at this time?

21 MR. TIMMONS: Your Honor, in light of the  
22 potential to get to closing arguments on Monday, I just  
23 wanted to ask the Court if they would consider maybe  
24 giving an extended day on Monday if need be. I know we  
25 can cross that bridge when we get to it. But I'm curious

1 to hear your thoughts ahead of time.

2 The government's main concern -- it would be great  
3 if we could wrap up, do closing arguments on Monday, and  
4 give them their instructions so that they can start  
5 deliberating. But as you pointed out yesterday, we want  
6 to avoid the pressure cooker of looking as if the jury  
7 is, you know, influenced to get their deliberations over  
8 with in one way or another. And the government's concern  
9 and maybe the defendant's concern as well is having a  
10 large gap in time between closings and instructions  
11 before they start to deliberate could be problematic.

12 THE COURT: Sure. I'm wishing now I wouldn't  
13 have told the jury 8:30 to 2:30 on Monday. I should have  
14 just told them 8:30 until whenever. I think we might be  
15 able to get word through our jury coordinator -- I don't  
16 want the jury coming in here at Monday assuming they're  
17 going to be done at 2:30. We may be able to get word  
18 through our jury coordinator to the jurors that they  
19 should plan on being -- the possibility at least of being  
20 here later on Monday. I'm available all day Monday. I  
21 have no hearings late in the afternoon. If we get to  
22 that point and it makes sense to argue the case Monday  
23 afternoon, I'm certainly in favor of trying to get that  
24 done even if it goes beyond 2:30.

25 Mr. Brown, any concerns from the defense on that?

1           MR. BROWN: No, Your Honor. I was going to  
2 request an additional half hour for my closing argument,  
3 though.

4           THE COURT: Sure. Any thoughts on 90 minutes  
5 per side for closing? What's the government's position  
6 on that?

7           MR. TIMMONS: Does that include rebuttal time,  
8 Your Honor?

9           THE COURT: It would include rebuttal.

10          MR. TIMMONS: That's fine, Your Honor.

11          THE COURT: Okay. I do think it makes sense to  
12 extend the time limits for closing arguments. So both  
13 sides will have 90 minutes to close, and that will  
14 include for the government both the initial closing and  
15 the rebuttal closing. And again, that could be a factor  
16 as we decide whether to go forward with arguments on  
17 Monday afternoon or wait until Tuesday morning. But  
18 we're just going to have to see where we're at timewise.

19          So I will try to see if our jury coordinator can get  
20 word to the jurors that they may be here later than 2:30  
21 on Monday, perhaps as late as 5:00 if necessary, so they  
22 don't have any surprises when they show up Monday.

23          Any other thoughts or questions from the United  
24 States at this time?

25          MR. TIMMONS: Your Honor, one issue, one more

1 issue I wanted to flag. We uncovered a few typos in the  
2 jury instructions. I can put them on the record or work  
3 it out with your law clerk and Mr. Brown.

4 THE COURT: Let's go ahead. If you have -- as  
5 I was reading, I found a couple, I think, "ors" that  
6 should have been "ons."

7 MR. TIMMONS: Yes.

8 THE COURT: And I kind of made note of them and  
9 then promptly forgot to say anything later. But why  
10 don't you go ahead and give me your list, Mr. Timmons,  
11 and we'll go from there.

12 MR. TIMMONS: Yes. Looking at page 9 of the  
13 instructions -- this is document number 60-1 -- the last  
14 full paragraph on that page, first sentence, only  
15 sentence, second line of that is "an impact or any  
16 particular" should be "on any particular race for federal  
17 office."

18 THE COURT: Yep. I've got that one.

19 MR. TIMMONS: Looking at page 12, top of the  
20 page, second line, does not depend on whether person,  
21 should be an "a" in there, a, whether a person.

22 And lastly on the next page, page 13, second to last  
23 full paragraph, it starts "the government does." The  
24 second line, "an impact on any particular race."

25 THE COURT: All right. And those are ones I

1 noted as I was reading and meant to flag earlier. So  
2 thank you for reminding me of that.

3 Mr. Brown, any objection or concern about correcting  
4 those typos?

5 MR. BROWN: No, Your Honor.

6 THE COURT: Have you noted any others, because  
7 there could always be more?

8 MR. BROWN: No, Your Honor.

9 THE COURT: Okay. Thank you. What I typically  
10 do if they're minor typos -- I'll just run this by  
11 everyone -- is I just ask the jurors to literally make  
12 the corrections on their own packet, to take their pen,  
13 cross out the word "or" on page 9, write "on" instead.  
14 I'll certainly correct them for the docket. But as far  
15 as the 14 sets of instructions that the jurors have,  
16 since these are all relatively minor, they aren't  
17 substantive at all, I think I'll just ask them to  
18 actually make the correction on their own set. Any  
19 objection to that process from the government?

20 MR. TIMMONS: No, Your Honor.

21 THE COURT: From the defense?

22 MR. BROWN: No, Your Honor.

23 THE COURT: Okay. We'll do that at some  
24 appropriate point. I'll both explain to the jurors why  
25 their verdict forms vanished and also ask them to make

1 those notations on their sets of instructions. And  
2 again, we will file ultimately the final set of  
3 instructions that includes correcting those typos. The  
4 final version of the verdict form as well will all end up  
5 going on the docket.

6 Anything else from the United States at this time,  
7 Mr. Timmons?

8 MR. TIMMONS: Your Honor, do you intend to add  
9 the 404(b) instruction at this time?

10 THE COURT: I do -- I was trying -- I thought I  
11 had it handy. But I will circulate -- I do intend to  
12 give a 404(b) instruction given that there was 404(b)  
13 evidence presented. But I'll ask Mr. Brown. Any  
14 objection to giving a 404(b) instruction at this point?

15 MR. BROWN: No, Your Honor. I wanted to talk  
16 to you about that as well.

17 THE COURT: Sure. What are your thoughts,  
18 Mr. Brown?

19 MR. BROWN: Well, often, not always, at the  
20 time the 404(b) is offered, the defense is supposed to  
21 request a 404(b) instruction at the time. I didn't,  
22 overlooked that.

23 THE COURT: And to be fair, I think I said on  
24 Monday that I planned on giving one assuming 404(b)  
25 evidence came in. So I'm not going to fault you for

1 that.

2 MR. BROWN: All right. So my concern is that I  
3 want the Court to give one. I think perhaps the Court  
4 should articulate what the 404(b) evidence is generally  
5 so that the jury can make a distinction. I'm not sure a  
6 layperson, unless it's enunciated by the Court, can,  
7 frankly, figure it out. It's quite the task to go  
8 through those exhibits and independently say, okay, these  
9 exhibits are -- even with the government's excellent  
10 chart, it's not that easy to go figure out what's  
11 supposed to be 404(b) and what's not.

12 So I'm not talking about a large, long summary, but  
13 I think it's advisable that given my failure to request  
14 one at the time contemporaneously and the nature of the  
15 case, the number of documents involved, and other factors  
16 the Court's aware of, maybe this is some -- a case where  
17 we have to have a little bit more elaborate recitation of  
18 what it is.

19 Obviously, you know, in a gun case the Court has  
20 said or courts have said, you know, evidence is about to  
21 be received about an event that occurred on another  
22 occasion relating to, you know, alleged gun possession or  
23 something like that. We might have to be more specific  
24 in this matter.

25 THE COURT: Sure. Any thoughts from the United

1 States on specifying at the time of the 404(b)  
2 instruction what the 404(b) evidence was so the jury has  
3 a better understanding of that?

4 MR. TIMMONS: I think we could come up with  
5 some language that describes it in general terms, put  
6 that in the instruction, and it should be sufficient for  
7 them; even a layperson can understand. If some lawyers  
8 can find a way to put it in simple terms for them, we  
9 should be -- should be sufficient.

10 THE COURT: All right. I'm certainly open to  
11 suggestion on that if the parties want to try to work  
12 together and come up with some proposed language. But  
13 again, there was 404(b) evidence received, and I do  
14 intend to give the jury some instruction about the uses  
15 they can and can't make of that evidence. And if  
16 specifying exactly what that evidence is might be  
17 helpful, which I think seems like a good idea, then I'll  
18 allow the parties to work on that and present something  
19 by Monday morning that I can consider and ultimately give  
20 to the jury.

21 Any other issues from the United States at this  
22 time?

23 MR. TIMMONS: No, Your Honor.

24 THE COURT: All right. Mr. Brown, any issues,  
25 questions, concerns from the defense at this point?

1 MR. BROWN: No, Your Honor.

2 THE COURT: All right. I don't have anything  
3 else on my list. Again, as we go through the day today,  
4 I'm going to be going through the new proposed verdict  
5 form and the government's demonstrative chart. If I find  
6 any errors, I'll alert the parties to that.

7 And then we'll come back Monday morning and have the  
8 presentation of the defense case and go from there.

9 MR. BROWN: One more thing --

10 THE COURT: Sure.

11 MR. BROWN: -- when the Court pleases. Defense  
12 has been kind of going through a laundry list of trying  
13 to find some people to identify people in those  
14 photographs. It appears we've settled on a replacement  
15 for Mr. Chu. I e-mailed the government last night the  
16 woman's name as well as my recorded interview of her. So  
17 we're going to be replacing Mr. Chu on the amended  
18 witness list with a woman by the name of Kathy Flaugh,  
19 F-l-a-g-h (sic). She speaks English and so won't require  
20 an interpreter. And she's going to be my attempted, at  
21 least of Exhibit N1 through N8, witness.

22 THE COURT: All right. And I believe the  
23 government had an objection -- regardless of who the  
24 witness is but an objection to those proposed new  
25 exhibits and any testimony about them. Is that correct?

1 MR. TIMMONS: Yes, Your Honor.

2 THE COURT: Any record you want to make at this  
3 time about the objection?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: All right. Mr. Brown, you kind of  
6 alluded at one point I think on cross-examination of  
7 Agent Murphy yesterday, but the purpose of the N series  
8 of exhibits is to demonstrate that certain individuals  
9 were socializing together, something of that nature; is  
10 that --

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: And can you elaborate just a bit  
13 more so I have a better idea of relevance?

14 MR. BROWN: Of course, Your Honor. It's  
15 essentially a three-part thing here. I asked -- I asked  
16 Ms. Huong Nguyen, the group 1 mother, whether she was  
17 familiar with various individuals in the Vietnamese  
18 American community including Mai, M-a-i, Holden, Mimi  
19 Nguyen. Mimi Nguyen's referenced in the e-mail that  
20 Patrick Gill sent to the FBI agent. We referenced in  
21 question of Ms. Nguyen a woman by the name of Muoi,  
22 M-u-o-i, Nguyen as well. We presented some evidence in  
23 the testimony of the contract auditor that Miss Tuttle,  
24 also now known as Holden -- that there's a nexus between  
25 her husband and Tom Holden who is Mai, M-a-i, Holden's

1 wife.

2 We believe the photographs show a more-than-minimal  
3 familiarity if not best-friend relationship between Mai  
4 Holden and Huong Nguyen. Mai Holden, my witness would  
5 testify, previously worked together with the defendant  
6 and runs a competing hair salon not far from downtown on  
7 the way out of town on the road that leads to Highway 20.

8 The witness is in a position to identify others in  
9 the photograph including Ivy Tran who's the mother of  
10 Mimi Nguyen and who, as I said, was referenced in the  
11 e-mail to Agent Murphy from Patrick Gill and the nexus  
12 between Ivy Tran to Mai Holden and Huong Nguyen.

13 So essentially the proposed testimony is kind of  
14 showing the network, as it were, between some of the  
15 people involved, you know, and we've challenged under  
16 Davis versus Alaska the credibility of Miss Huong Nguyen,  
17 and I asked her about these people. She denied knowing  
18 them. We don't think it's true. And I don't know why  
19 she denied that.

20 But in any event, we believe that it's within the  
21 Sixth Amendment right to confront and cross-examine and  
22 it bears upon her credibility even if it may be somewhat  
23 collateral. There's a reason people don't always tell  
24 the truth about things, and that reason matters to them,  
25 and it appears at least from our perspective it mattered

1 to her that she not admit that she knows these people.  
2 Particularly Mai Holden is the defendant's direct  
3 competitor and is related to Miss Holden Tuttle from the  
4 auditor's office.

5 So we think it's relevant, material, and Sixth  
6 Amendment competent evidence. And so for those reasons  
7 we're going to be -- I can at least make an offer of  
8 proof through that witness what she has to say about  
9 essentially what I've just said.

10 THE COURT: Okay. Thank you for that  
11 explanation.

12 Any further record or thoughts from the United  
13 States about the witness testimony or the N series of  
14 defense exhibits at this time?

15 MR. TIMMONS: Yes, Your Honor. That evidence I  
16 don't think is relevant. Huong -- or Huong it's  
17 pronounced Nguyen testified that she did not know a Mai  
18 or a Mi in the way that Mr. Brown asked her the question.  
19 To my knowledge and recollection, he did not ask her  
20 about a Mai Holden. There are a number of -- it appears  
21 that the name Mai and Mi or perhaps even Muoi, M-u-o-i,  
22 are common names within the Vietnamese community, and so  
23 there's quite a bit of room for confusion there.

24 But the bottom line is he had the chance to  
25 cross-examine that witness on her memory. And that's

1 when he should have presented photos to her for her to  
2 explain herself. To bring in somebody else to verify  
3 that Miss Nguyen is in a photo with somebody is not a  
4 sufficient foundation. That leaves the witness who's  
5 already been called not to be confronted with something  
6 that the defendant alleges is contrary to her testimony.  
7 That should have been cured in the moment, and it  
8 shouldn't be cured with another witness.

9 Miss Nguyen was never confronted with this  
10 accusation, and she needs to be able to deny or explain  
11 it herself. He can't do it now. He never asked many  
12 witnesses about the Holden family and asked a lot of them  
13 about My Do and used a lot of first names. And that  
14 created -- perhaps created some confusion among the  
15 witnesses. But the remedy is for him to confront those  
16 witnesses with the photographs he seeks in the N series  
17 to admit now.

18 THE COURT: Okay. Thank you.

19 Mr. Brown, any response to the government's  
20 position?

21 MR. BROWN: Yes, Your Honor. It's more than  
22 mere impeachment evidence. This is theory of defense  
23 evidence that we enunciated in our opening statement that  
24 one or more of these people know each other. They're  
25 certainly -- based upon the way the FBI investigation was

1 conducted although certainly not illegal but multiple  
2 witnesses testified that certain witnesses were scared  
3 based upon the FBI investigation or their culpability  
4 therein, that these people know each other. There's  
5 certainly been talk in the community about it, and that  
6 the finger's been pointed by one or more of these  
7 witnesses as Kim Taylor as the culprit versus their own  
8 culpability whether criminal or not. So it's more than  
9 mere impeachment evidence.

10 THE COURT: All right. I'll give that some  
11 more thought. Go ahead and plan on having your witness  
12 present Monday. If nothing else, we'll make an offer of  
13 proof outside the presence of the jury with her  
14 testimony. But I'm going to leave that open for now and  
15 give it some additional thought.

16 You have a witness listed, Marita Turner, and you  
17 indicate impeachment of Mr. Gill. Are you planning on  
18 calling Miss Turner?

19 MR. BROWN: I -- I didn't -- I apologize.  
20 Ms. Marita Turner we intend to call. She's a doctor of  
21 chiropractic. I apologize. Yes. She is going to  
22 testify that in -- either on the week of the -- the  
23 second weekend of June or the third she was at a Fareway  
24 in Sioux City area. She knows who Patrick Gill is. She  
25 was -- claims she was minding her own business and

1 Patrick Gill was conversing with another person, and  
2 Patrick Gill, she claims, was making statements to him  
3 that she interpreted and heard suggesting or indicating  
4 that he was interested in or intending to run for a Board  
5 of Supervisor position in Woodbury County. I asked  
6 Mr. Gill about that. He denied making the statement. He  
7 admits to shopping at Fareway. So I intend to call  
8 Dr. Marita Turner to testify to that.

9 THE COURT: Why isn't that the classic  
10 extrinsic evidence on a collateral matter? I mean, that  
11 seems so clearly inappropriate. Why should that be  
12 allowed?

13 MR. BROWN: Well, I think under Davis versus  
14 Alaska Mr. Gill's credibility is integral to the case.  
15 It's clear -- it's clear to the jury that there's a close  
16 nexus between Mr. Gill and the defendant's husband.  
17 Mr. Gill testified as to what would happen if a --  
18 Mr. Taylor were to leave for whatever reason the  
19 supervisor's office.

20 And now it appears that whether the government  
21 thinks I've proven they have some adversarial  
22 relationship or not that Mr. Gill may have eyes on the  
23 prize of Jeremy Taylor's seat. So I don't think it's  
24 collateral at all. I think it goes to his credibility as  
25 a relatively important government witness.

1           THE COURT: That's the definition of collateral  
2 matter is if it goes only to credibility, it doesn't go  
3 to a substantive issue about the elements of the case or  
4 any theory of defense. That's exactly what the law is.  
5 You can't bring in extrinsic evidence and have mini  
6 trials. I mean, if you ask him what cereal he eats in  
7 the morning and he says Wheaties and you have a witness  
8 who says he eats Cheerios, we're not going to have that.

9           MR. BROWN: Bias, motive.

10          THE COURT: It's collateral. It's all  
11 collateral. It doesn't go to the substantive issues of  
12 the case. This is just clearly out of bounds, and even  
13 your attempt to try to tie it to something is so  
14 ridiculously speculative that I'm not going to allow it.  
15 So I suppose -- I mean, was the government going to  
16 object on that basis?

17          MR. TIMMONS: No, Your Honor.

18          THE COURT: What's that?

19          MR. EVANS: Yes, we --

20          MR. TIMMONS: Well, I'm sorry.

21          THE COURT: Yeah.

22          MR. TIMMONS: I'm sorry. I thought you meant  
23 to you, what you are saying.

24          THE COURT: No, to the -- I assumed the  
25 government was going to object to that evidence

1 because --

2 MR. TIMMONS: Yes, Your Honor, absolutely.

3 THE COURT: -- it's just the classic extrinsic  
4 evidence of a collateral matter that goes nothing to the  
5 elements of the case or any affirmative theories of  
6 defense.

7 So if you want to bring her in, feel free. She's  
8 not going to testify in front of the jury. That's  
9 just -- that is like the textbook law school definition  
10 of what you can't do to attack a witness's credibility is  
11 to bring in witnesses to provide extrinsic evidence on  
12 collateral matters such as credibility. So that's not  
13 going to happen in front of the jury. If you want to  
14 bring her in or just use the statement and description  
15 you've just given me as an offer of proof, that's fine.  
16 If you want to have her come in and testify to make a  
17 full record, that's fine as well, but it's not going to  
18 be in front of the jury.

19 Are there other concerns from the government about  
20 any of the defense witnesses?

21 MR. TIMMONS: Your Honor, I think we have a  
22 similar issue. We'd like to hear Mr. Brown elaborate on  
23 Miss Keane's testimony upcoming. Apparently our  
24 understanding is she intends to testify about a shared  
25 immigration story of some sort?

1           THE COURT: Sure. Mr. Brown, can you tell us  
2 what that's about?

3           MR. BROWN: Yes, Your Honor. Miss Keane's  
4 immigration story, they've mutually shared between  
5 Miss Keane and the defendant. In addition to testifying,  
6 giving opinion as to her reputation in the community for  
7 truthfulness and honesty, she would enunciate her own  
8 story of government coming and taking away her father in  
9 the same and similar manner as the Vietnamese government,  
10 the winning side, came and took away the defendant's  
11 father. Her father died in prison as well and that this  
12 relates to the mutual between the defendant and Ms. Keane  
13 of hyper anti-communism, anti-authoritarianism-type  
14 feelings and thus the conservatism and their voting  
15 interests in the United States, Your Honor.

16           THE COURT: So it's two parts. It's going to  
17 be some general character evidence concerning  
18 Miss Taylor?

19           MR. BROWN: Yes, Your Honor.

20           THE COURT: And then you also want her to get  
21 into her own story about her father and his situation and  
22 why that might make certain individuals anti-Communist,  
23 for example?

24           MR. BROWN: Yes, Your Honor. And that they  
25 have affinity between each other in their back stories of

1 before coming to the United States, yes.

2 THE COURT: All right. Thoughts from the  
3 government as to either of those purposes for  
4 Miss Keane's testimony?

5 MR. TIMMONS: Your Honor, general character  
6 evidence, of course, is admissible within reason, but the  
7 shared immigration story lacks relevance. It certainly  
8 involves hearsay from the defendant and is extrinsic  
9 evidence of a collateral matter. There's also been --  
10 you know, in terms of the character evidence, there's  
11 been no evidence offered on anti-Communism, et cetera, so  
12 that's -- that's all a sideshow of sorts and grounds  
13 for -- ripening the grounds for another mini trial on  
14 something that is completely irrelevant.

15 THE COURT: Mr. Brown, any response?

16 MR. BROWN: No, Your Honor. I think the  
17 evidence is relevant material to her theory of defense,  
18 doesn't involve hearsay. It involves to the extent the  
19 defendant communicated her story to her, it's -- there's  
20 some state of mind ev -- state of mind and historical  
21 family information is not hearsay under Rule 803.

22 THE COURT: Ms. Keane may testify about general  
23 character under Rule 608(a). I'm not going to have her  
24 getting into her own personal story. That seems  
25 completely irrelevant to any disputed issues in this

1 case. Whether her and Ms. Taylor have shared experiences  
2 as far as the suffering of their families or their  
3 fathers, it's all, frankly, interesting in a lot of ways,  
4 but it has nothing to do with this case.

5 So if Miss Keane testifies, I will limit her  
6 testimony to the jury to the character-type evidence  
7 under Rule 608(a) that Mr. Brown has described. But her  
8 own individual story or her family's story is irrelevant;  
9 and, therefore, the government's Rule 401 and 402  
10 objection is sustained.

11 Other potential objections at this point from the  
12 United States with regard to the defense witnesses?

13 MR. TIMMONS: No, Your Honor.

14 THE COURT: All right. Anything else we should  
15 take up this morning? Does the government know of  
16 anything?

17 MR. TIMMONS: I do not, Your Honor.

18 THE COURT: Mr. Brown, anything from the  
19 defense?

20 MR. BROWN: No, Your Honor.

21 THE COURT: All right. We will be in recess  
22 then until 8:30 on Monday morning. Again, I'll plan on  
23 coming in about 8:25 just to see if there's anything to  
24 talk about. And if issues do come up that would make it  
25 a good idea for us to get together earlier than that,

1 just let's communicate by e-mail on that. But if not,  
2 I'll be back in here at 8:25 on Monday. Have a good  
3 weekend, everyone. We'll see you on Monday.

4 MR. BROWN: Thank you, Your Honor.

5 (The foregoing trial was  
6 adjourned at 9:21 a.m.)  
7  
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CERTIFICATE

21 I certify that the foregoing is a correct  
22 transcript from the record of proceedings in the  
23 above-entitled matter.

24 S/Shelly Semmler  
25 Shelly Semmler, RDR, CRR

12-9-21  
Date

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 20, 2023

8:29 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 6 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:       RON TIMMONS, ESQ.  
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For the Defendant:     F. MONTGOMERY BROWN, ESQ.  
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Also present:           Matthew Murphy

Reported by:           Shelly Semmler, RDR, CRR  
320 Sixth Street  
Sioux City, IA 51101  
(712) 233-3846

1           (Proceedings reconvened outside the presence of the  
2 jury.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004, the  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MR. TIMMONS: Good morning, Your Honor. Ron  
8 Timmons on behalf of the United States. Seated with me  
9 at counsel table is Lauren Castaldi and Richard Evans.

10          THE COURT: Good morning to all of you.

11          MR. BROWN: F. Montgomery Brown for the  
12 defendant, Your Honor.

13          THE COURT: All right. Good morning to both of  
14 you. Ms. Taylor is present.

15          We are gathered outside the presence of the jury at  
16 the moment. I had a few things I wanted to take up, but  
17 I don't like to keep the jury waiting, frankly, so some  
18 of it such as the proposed 404(b) instruction we'll find  
19 time to talk about later.

20          I did want to note -- I've given more thought --  
21 Mr. Brown had mentioned a witness named Miss Flaugh,  
22 F-l-a-g-h (sic).

23          Mr. Brown, do you still intend to call her to  
24 testify?

25          MR. BROWN: Yes, Your Honor.

1           THE COURT: All right. I am going to allow the  
2 testimony. And depending on if she's able to establish  
3 foundation for the N series of defense exhibits, I would  
4 allow those to come in assuming there are sufficient  
5 foundational information, I guess, provided by that  
6 witness. But at this time I will allow her testimony.

7           Mr. Brown, what else this morning -- as far as your  
8 schedule, what are you intending to do?

9           MR. BROWN: I intend to call three other  
10 character witnesses and then recall Agent Murphy, Your  
11 Honor, and then make a further offer of proof regarding  
12 the other witness regarding the impeachment statement of  
13 Mr. Gill, but that will just be an oral offer of proof.

14           THE COURT: Okay. And then at some point we'll  
15 need to make a record on whether Ms. Taylor is going to  
16 testify. Again, we don't have to do that now, but let's  
17 do that certainly before we get to the point where the  
18 defense is considering resting. But we'll maybe over the  
19 first break this morning give the jury a little  
20 additional time so we can take up some of these issues.

21           Anything else to talk about before we bring the jury  
22 in? Anything from the government?

23           MR. TIMMONS: Yes, Your Honor. We have a few  
24 concerns about the three other character witnesses after  
25 having interviewed them yesterday. We have some concerns

1 we'd like to bring to the Court's attention, and for that  
2 I will let Miss Castaldi address the issues.

3 THE COURT: All right.

4 MS. CASTALDI: Thank you, Your Honor.

5 Yesterday the government interviewed Defense Witness  
6 Marilyn Johnson and Joanne Keane. Both of these  
7 witnesses indicated that they know the defendant because  
8 they are patrons of her hair salon and that her  
9 reputation is to be a hard worker and a good mother.

10 The government objects to this type of character  
11 evidence as it does not pertain to any relevant factors  
12 of the charges before the Court. And there's  
13 insufficient foundation from that limited relationship to  
14 testify as to the defendant's character.

15 THE COURT: Mr. Brown, any thoughts on those  
16 objections?

17 MR. BROWN: Well, Your Honor, I don't think the  
18 government FBI asked the right questions, but I intend to  
19 get into the -- lay a foundation for each one of these  
20 witnesses' knowledge of the defendant in the community  
21 and lay a foundation that they do have an opinion as to  
22 her reputation in the community for being truthful and  
23 honest and of good character.

24 THE COURT: All right. At this time I don't  
25 have enough information to rule, so if the government

1 believes the questions or the testimony is out of bounds  
2 under Rule 608(a), it can object at the proper time.

3 What else from the government?

4 MR. TIMMONS: Nothing at this time, Your Honor.

5 THE COURT: All right. Any other issues from  
6 the defense, Mr. Brown?

7 MR. BROWN: No, Your Honor.

8 THE COURT: Let's bring in the jury.

9 (The jury entered the courtroom.)

10 THE COURT: Please be seated. Welcome back,  
11 everyone. Thank you for all being back promptly. I'm  
12 sorry we're running a couple of minutes late, but I think  
13 we are about ready to proceed.

14 Just a few things for your information. First of  
15 all, if you pick up your jury instruction packets, you  
16 might notice they're a little thinner than they were  
17 earlier in the trial. We have made some changes to the  
18 verdict form in this case, so on Friday we detached the  
19 prior verdict form from the back of your instructions,  
20 and we'll be handing out a updated final version of the  
21 verdict form before the closing arguments in this case.  
22 So I just wanted to point that out.

23 As far as the schedule, I know our clerk's office  
24 reached out to everyone on Friday. You figured out by  
25 now that none of us are that great at predicting the

1 future and determining how long things are going to take.  
2 There is at least a chance that we would get to the point  
3 in this trial today of having the closing arguments.

4 We don't know that for sure. I don't want to  
5 promise that. But if that were to happen, that's why I  
6 had our clerk's office let you know that we might be here  
7 later than 2:30 today. Again, I don't know. We'll just  
8 have to see how things go. I'm starting on the  
9 assumption that we're on the 8:30-to-2:30 schedule, and  
10 so we'll plan on around 10:20 for our first break. But  
11 depending on how things go today, that schedule might  
12 change. So we wanted you all to know that there might be  
13 some flexibility required today.

14 When we stopped on Thursday, the government had  
15 rested its case, and the next step of the trial is for  
16 the defense to present any evidence it would like to  
17 present keeping in mind, of course, as we discussed I  
18 guess it was a week ago now this morning that the defense  
19 never has a burden or obligation to present any evidence  
20 during a trial. But at this time I will check with  
21 Mr. Brown.

22 Mr. Brown, would the defense like to call witnesses?

23 MR. BROWN: Yes, Your Honor. Thank you.

24 THE COURT: And who will the first witness be?

25 MR. BROWN: Kathy Flaugh. May I retrieve?

1 THE COURT: Sure.

2 Good morning, ma'am. If you'll come up into the  
3 middle of the room for a minute and stop, I'll swear you  
4 in. Would you please raise your right hand.

5 KATHY FLAUGH, DEFENDANT'S WITNESS, SWORN

6 THE COURT: Okay. And you can have a seat to  
7 your right there in the witness box. And please try to  
8 stay pretty close to those microphones, and you can  
9 adjust them if you need to.

10 THE WITNESS: Okay.

11 THE COURT: Ma'am, would you tell us your full  
12 name, and spell your last name.

13 THE WITNESS: My name is Kathleen Flaugh. My  
14 last name is F, like in farmer, l-a-u-g-h.

15 THE COURT: Okay. Thank you, ma'am.

16 Mr. Brown, you may proceed.

17 MR. BROWN: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. BROWN:

20 Q. Good morning. Could you state and spell your last  
21 name for the record, please.

22 A. My last name is Flaugh, F-l-a-u-g-h.

23 Q. And where do you live, ma'am?

24 A. I live in Sioux City, Iowa.

25 Q. And how long have you lived in the Sioux City, Iowa,

1 area?

2 A. All my life.

3 Q. What is your profession?

4 A. My profession right now is I am a lay pastor. My  
5 profession prior to that was 30 years as a cosmetologist.  
6 I was an instructor at the beauty school. I was also the  
7 director. I've worked in the salon, and then in February  
8 I broke my femur, and I had to quit.

9 Q. And what was the name of the beauty school that you  
10 were the director of?

11 A. Iowa School of Beauty.

12 Q. In that capacity did you have opportunity to meet  
13 Ms. Kim Taylor?

14 A. Yes, I taught Kim when she went through the beauty  
15 school. I taught her for a year.

16 Q. And do you know when that was approximately?

17 A. Well, it was the same year she had her first baby.

18 Q. Okay. Over the years, have you kept professional  
19 contact with Ms. Taylor?

20 A. Yes.

21 Q. And do you have a separate -- any significant  
22 personal relationship with Ms. Taylor?

23 A. No.

24 Q. Did you ever work with Ms. Taylor?

25 A. In the capacity of me being her instructor, yes.

1 Q. Okay. But you were never her employee or anything  
2 like that?

3 A. No.

4 Q. All right. And I presume as a -- perhaps I'm wrong,  
5 but I presume as the director of the school of  
6 cosmetology that from time to time you keep track of your  
7 students?

8 A. Yes, a lot.

9 Q. And do you have awareness that Miss Taylor has  
10 operated a beauty salon or a hair salon in the South  
11 Sioux City area?

12 A. Yes.

13 Q. Now, do you know a woman by the name of Mai Holden?

14 A. Yes, I taught her in beauty school also.

15 Q. And how do you spell her first name?

16 A. M-a-i.

17 Q. And so you were her instructor as well?

18 A. Yes.

19 Q. And who is Mai Holden?

20 A. Mai Holden is -- she is a cosmetologist. She owns a  
21 salon over on Gordon Drive. And when I quit the school,  
22 I went to work in Mai Salon, so for the last seven years,  
23 I worked in her salon up until last February.

24 Q. When you got hurt?

25 A. Yes.

1 Q. As her employee?

2 A. Self-employed.

3 Q. Okay. So you kind of, like, rent a chair?

4 A. Right, yes.

5 Q. Okay. So with respect to Kim Taylor's business,  
6 would Mai Holden be a competitor?

7 A. In the capacity that she's in now, yeah.

8 Q. And is Mai Holden of a particular ethnicity or  
9 nationality?

10 A. She's Vietnamese.

11 Q. Okay. Does she speak English?

12 A. Yes.

13 Q. And do you know what her maiden name was before  
14 Holden?

15 A. No.

16 Q. Do you know if over -- at any point in time over the  
17 years Miss Taylor and Ms. Holden had any professional  
18 relationship?

19 A. Mai worked with Kim for a while.

20 Q. And I think I asked you this, but Ms. Mai Holden  
21 presently owns her own salon; is that right?

22 A. Yes.

23 Q. Now, in your -- in your capacity as renting a chair  
24 at Mai Holden's beauty salon, did there come a time when  
25 you would become familiar with one or more of

1 Ms. Holden's acquaintances?

2 A. Yes.

3 Q. Do you know Ms. Holden's husband?

4 A. Yes.

5 Q. Who is Mai Holden's husband?

6 A. Tom Holden.

7 Q. Mr. Tom Holden have any other brothers or sisters?

8 A. Yes.

9 Q. And what do you know about that?

10 A. Nothing.

11 Q. You know what their names are?

12 A. No.

13 Q. Did you ever see Mr. Holden in the hair salon?

14 A. Yes.

15 Q. Did you ever socialize with Mai Holden outside of  
16 the -- renting the chair in her business?

17 A. The only time I socialized with Mai was when her son  
18 graduated from high school, and we went to his party.

19 Q. And what year was that?

20 A. That was three years ago.

21 Q. Did Mai Holden -- does she have -- to the best of  
22 your knowledge have friends in the Vietnamese community?

23 A. Yes.

24 Q. Do you know their names?

25 A. I know some. I just know Ivy Tran. Her and Mai are

1 like sisters. And the rest of them, they don't really  
2 ever tell you their name when they come in the salon  
3 because then most of the time they'll speak Vietnamese.

4 Q. Do you know some of these people by sight?

5 A. Yes, by sight I could tell you some.

6 Q. And you said -- you mentioned a woman by the name of  
7 Ivy Tran. Who is Ivy Tran?

8 A. Ivy Tran and Mai are, like I said, just about like  
9 sisters, and she owns the nail salon over on Lakeport.

10 Q. Do you know a woman by the name of Mimi Nguyen?

11 A. That would be Ivy's daughter.

12 Q. Have you ever looked at Mai Holden's Facebook page?

13 A. Yes.

14 Q. And are there photographs on Mai Holden's Facebook  
15 page of people she associates with?

16 A. Yes.

17 Q. Are there pictures of Ivy Tran?

18 A. Yes.

19 Q. Was there a particular woman that you thought that  
20 Ms. Holden associated with more than others, at least in  
21 the salon?

22 A. There was a picture and there's a girl sitting next  
23 to Mai, and she comes in the salon quite a bit.

24 Q. Do they appear friendly with one another?

25 A. Oh, yes.

1 Q. I'm going to show you what I've had premarked as  
2 Defendant's Exhibit N1 for identification. It should  
3 come up on the screen here just for you at the moment.

4 THE COURT: Counsel, why don't you approach the  
5 witness with a hard copy. I don't know what's going on.

6 Members of the jury, we've had some technology  
7 issues during the trial, and I apologize for that, but at  
8 the moment our system's not working. So Mr. Brown can  
9 approach the witness and show the witness a physical copy  
10 of the exhibit.

11 MR. BROWN: My apology, Your Honor. User  
12 error.

13 Q. All right. I'm showing you what I've had premarked  
14 as Defendant's Exhibit N1 for identification. Can you --

15 THE COURT: Mr. Brown, would you pull that  
16 microphone there to you? And you can use that, and then  
17 the witness can use the other one.

18 Q. Can you tell me what N1 for identification is?  
19 What's this document?

20 A. It's a picture of Mai Tran and some of her friends.

21 Q. Do you recognize any of those friends?

22 A. This one right here.

23 Q. Okay. Is Mai Tran or Mai Holden in the photograph?

24 A. Yes.

25 Q. What does she look like?

1 A. She has short blond hair, and she's wearing a black  
2 top.

3 Q. And you recognize one of the individuals in the  
4 photograph?

5 A. Right.

6 Q. What does that woman look like?

7 A. She has dark longer hair, and she's wearing a black  
8 and white blouse.

9 Q. All right. How often would you see that woman?

10 A. She came into the salon probably once a month.

11 Q. And were they -- did they -- what was the nature of  
12 the relationship as best you could determine?

13 A. They were good friends. They talked all the time,  
14 and then Mai did her hair.

15 Q. I'm going to show you what I've had premarked as  
16 Defendant's Exhibit N2 for identification. Can you tell  
17 me what N2 is, please?

18 A. N2 is a picture of Mai Holden and several other  
19 Vietnamese girls.

20 Q. And do you rec -- is Mai Holden in and to -- looking  
21 the same as she does in N1?

22 MS. CASTALDI: Your Honor, objection to this  
23 line of questioning. The relevance between Mai Holden  
24 being in photographs with anyone has no relevance to this  
25 matter.

1 THE COURT: It's overruled. You can continue,  
2 Mr. Brown.

3 Q. Just -- is Mai Holden -- does she look the same in  
4 N2 as she looks in N1?

5 A. No.

6 Q. What's different about --

7 A. Her hair. In this photo her hair's purple. In the  
8 other photo her hair's blond.

9 Q. All right. Now, do you recognize in N2 any other  
10 people?

11 A. The girl that is -- that would be to Mai's -- if I'm  
12 sitting this way to Mai's left, she's been in the salon  
13 several times also.

14 Q. All right. Is -- looking at N2, is the woman to the  
15 left of the photograph or Mai Holden's right, is that the  
16 same woman who's in N1?

17 A. It could be. They look an awful lot alike. But the  
18 one in the first exhibit has darker hair than this girl,  
19 but that doesn't mean anything. In our business you  
20 could have purple hair today and blond hair tomorrow.

21 Q. I'm going to show you what I've had premarked as  
22 Defendant's Exhibit N3 for identification. Can you tell  
23 me what N3 is if you know?

24 A. N3 is a picture of Mai and Tom's son's graduation.

25 Q. And do you recognize any of the people in that

1 photograph?

2 A. No.

3 Q. Were you at that graduation?

4 A. Yes.

5 Q. I'm going to show you N4 for identification. Do you  
6 recognize any of the people in N4?

7 A. The one with the glasses looks like Kim, but I can't  
8 be sure.

9 Q. Fair enough. So going back to N3, how do you know  
10 that this is a photograph taken at the -- Mai Holden's  
11 son's graduation?

12 A. Because I was there.

13 Q. And if the woman in the red dress was there, you  
14 don't know who she is.

15 A. No.

16 Q. Okay. I'll show you N5 and see if you recognize any  
17 of the people in N5.

18 A. Now, again, on the far right, it almost looks like  
19 Kim, but the rest of them, no.

20 Q. What about N6 for identification? Do you -- what is  
21 N6?

22 A. N6 is also at Taylor's graduation.

23 Q. And you said Taylor?

24 A. Taylor. That's Tom and Mai's son.

25 Q. And do you recognize any of the people in the

1 photograph in N6 for identification?

2 A. Tom and Mai are both there, and the little girl, the  
3 lady on Mai's right, would be the girl that comes to the  
4 salon quite a bit. The other two, no.

5 Q. Okay. The girl you're referencing, is that -- does  
6 N6 appear to show the same woman who is in N1 and N2?

7 A. Yes, yes.

8 Q. And then what is N7 for identification?

9 A. N7 is -- the top picture is Mai. The picture to the  
10 right of that picture is Mai and Tom both. The picture  
11 at the bottom is Tom and Mai both. And the other picture  
12 is -- the only one that I can recognize is Mai.

13 MS. CASTALDI: Objection, Your Honor. What is  
14 the relevance to any of these?

15 THE COURT: The objection's overruled. You can  
16 continue, Mr. Brown.

17 Q. And then lastly, N8, what is N8?

18 A. N8 is a picture of Mai and a picture of Tom and a  
19 picture of Mai and a picture of Mai with another girl.  
20 And I don't know what this one is.

21 Q. Fair enough. It's a block of five pictures. And  
22 you ever seen that photograph before?

23 A. No.

24 Q. But did you say that you were aware Mai Holden had a  
25 Facebook page?

1 A. Yes.

2 Q. And once again, what was the relationship between  
3 Mai and Ivy Tran?

4 A. They're just very, very close. If you looked at a  
5 picture of Mai Holden and a picture of Ivy Tran, it's  
6 real hard to tell them apart.

7 Q. Now, during the time that you worked there at Mai's  
8 place before you got injured, did the subject of Kim  
9 Taylor ever come up? I'm just asking for a yes-or-no  
10 answer.

11 A. No.

12 MR. BROWN: I don't have any further questions  
13 from this witness, Your Honor.

14 THE COURT: All right. Any cross-examination?

15 MS. CASTALDI: No, Your Honor.

16 THE COURT: All right. Ma'am, you are excused.  
17 Thank you.

18 MR. BROWN: The defense at this time would  
19 recall Agent Matthew Murphy from the FBI.

20 THE COURT: Good morning, sir. You can just go  
21 ahead and retake the witness stand.

22 MATTHEW MURPHY, DEFENDANT'S WITNESS, PREVIOUSLY SWORN

23 THE COURT: Agent, do you understand that you  
24 are still under oath in this case?

25 THE WITNESS: Yes, Your Honor.

1 THE COURT: Okay. Thank you.

2 Mr. Brown, you may proceed.

3 DIRECT EXAMINATION

4 BY MR. BROWN:

5 Q. Restate your full name, please.

6 A. Matthew Murphy.

7 Q. You're a special agent with the FBI?

8 A. Yes, sir.

9 Q. All right. In that capacity have you become  
10 familiar with various members of the Sioux City area  
11 Vietnamese American community?

12 A. Yes.

13 Q. And during the course of this investigation,  
14 approximately how many interviews of Vietnamese Americans  
15 did you participate in or conduct by yourself?

16 A. I think during the course of the investigation we  
17 interviewed 50 individuals total. Some of them were  
18 members of the Vietnamese American community in Sioux  
19 City.

20 Q. Is one of the individuals that you interviewed Tom  
21 Holden?

22 A. Yes.

23 Q. Did you interview a person by the name of Mimi  
24 Nguyen?

25 A. Yes.

1 Q. Do you know who Ivy Tran is?

2 A. I did not until just a few minutes ago, sir.

3 Q. Did you -- what was your knowledge with respect to  
4 who Mimi Nguyen was in relation to, for example, Mai  
5 Holden, if any? Did you know?

6 A. I did not, sir.

7 Q. Did you know that Mimi Nguyen's mother Ivy was  
8 friends with Mai Holden?

9 A. I did not, sir.

10 Q. Fair enough.

11 MR. BROWN: May I approach and show the witness  
12 these photographs, Your Honor?

13 THE COURT: Sure.

14 Q. Special Agent, I'm going to show you what I've had  
15 premarked as Defendant's Exhibit N1 for identification.  
16 Do you recognize any of the people in N1?

17 A. I'm not sure, sir.

18 Q. You know what Huong Nguyen looks like, do you not?

19 A. Yes, sir.

20 Q. Okay. What about N2 for identification? Do you  
21 know any of the people in N2 for identification?

22 A. I'm not sure, sir.

23 Q. But N4 for identification, do you recognize any of  
24 the people in N4 for identification?

25 A. No, sir.

1 Q. What about N3 for identification? Do you recognize  
2 any of the people in N3 for identification?

3 A. I don't think so, sir. It's a little blurry.

4 Q. And then N5 for identification, do you recognize any  
5 of the people in that?

6 A. I don't think so, sir. Again, this one looks a  
7 little blurry.

8 Q. You know who Huong Nguyen is, do you not?

9 A. I do, sir.

10 Q. And she's the mother of Tam and Thien Doan; correct?

11 A. Yes, sir.

12 Q. And you know what she looks like.

13 A. Yes, sir.

14 Q. Correct? And you've seen these photographs before;  
15 is that right?

16 A. I don't think I've seen all of them, sir.

17 Q. What about N6? You ever seen N6 before?

18 A. No, sir.

19 Q. Is Huong Nguyen in that photograph, N6?

20 A. That could be. That could be Huong Nguyen, sir.

21 Q. Okay. What about N2 again? The woman on the left  
22 in the black dress, could that be Huong Nguyen?

23 A. That could be, sir.

24 Q. What about N1? Is -- the woman on the left in the  
25 black and the little white thing on the front, is that

1 Huong Nguyen?

2 A. It could be, sir.

3 Q. What about N3? On the Facebook page it says Huong  
4 Nguyen. Is that Huong Nguyen?

5 A. Yeah, it's -- that could be her in the picture, but  
6 this says Nguyen Huong.

7 Q. Once again, you're not a linguistic expert in the  
8 Vietnamese language; correct?

9 A. Correct, sir.

10 Q. In terms of how the Vietnamese Americans put their  
11 name, first name last, last name first, do you have any  
12 understanding how they decide to do that?

13 A. Not specifically, sir.

14 Q. Okay. Can you exclude looking at N3 the likelihood  
15 that that woman in the red dress is on a Facebook page  
16 Nguyen Huong that that's her?

17 A. Can I exclude?

18 Q. Yeah.

19 A. I'm not sure if it is her, sir.

20 Q. Okay. Did you go back and interview her to look --  
21 show her the photographs after you had an opportunity to  
22 acquire them in discovery?

23 A. No, sir.

24 Q. Why not?

25 A. Well, sir, I didn't know -- excuse me. One, I don't

1 know if that is her, sir. And I did not interview her.

2 Q. Okay. Same with N1. I assume you didn't go back  
3 and show Ms. Nguyen that photograph and see if that was  
4 her next to Mai Holden.

5 A. I did not go back and interview her about the  
6 photos, any of the photos, sir.

7 Q. Any of them, okay. Couple more things. As an FBI  
8 agent, from time to time have you received in cases  
9 subpoenaed cell phone records?

10 A. Yes.

11 Q. And do you know whether or not cell phone providers  
12 sometimes also have global positioning satellite data  
13 with respect to their customers?

14 A. I think they might.

15 Q. And when the providers have global positioning or  
16 GPS data with respect to their customers, what does it  
17 typically look like?

18 A. Based on my memory, we get specific coordinates of  
19 location where the cell phone is locate -- where the cell  
20 phone is at.

21 Q. And the providers, do they not also commonly provide  
22 tower location for their users as well?

23 A. I believe so. I -- we have a cell phone analysis  
24 expert at FBI Omaha, and I refer specific questions about  
25 cell phone location data to that individual.

1 Q. As part of your investigation in this case, did you  
2 inquire either the tower or GPS location data for Kim  
3 Taylor in the year 2020?

4 A. No, sir.

5 Q. Why not?

6 A. I think we subpoenaed the incoming and outgoing  
7 calls.

8 Q. So as far as you know, who is Kim's provider?

9 A. AT&T.

10 Q. Could you have attempted to acquire her GPS location  
11 information for the year 2020, Agent Murphy?

12 A. We could have attempted to, yes, sir.

13 Q. And if that information would have been acquired,  
14 what would you have done with it?

15 A. We could have seen where she went, but we focused on  
16 the incoming and outgoing calls that she made.

17 Q. Well, did you analyze those incoming and outgoing  
18 calls?

19 A. I reviewed them, yes, sir.

20 Q. Well, is review the same as analyze?

21 A. I don't know if they're synonyms, sir, but I did  
22 review them.

23 Q. Okay. Did you attempt to ascertain who was  
24 contacting whom on a particular date in 2020?

25 A. Yes, sir. I believe the phone records showed that.

1 Q. And with respect to this unobtained GPS device -- or  
2 GPS information, could that also have told you when Kim  
3 Taylor was in the vicinity of a particular residence in  
4 this area?

5 MR. TIMMONS: Objection, Your Honor.  
6 Speculation.

7 THE COURT: It's overruled. The witness can  
8 answer.

9 A. It could have, sir, but based on my knowledge of  
10 cell phone geolocation data, sometimes that data isn't  
11 precise to the specific location. It's close sometimes,  
12 but sometimes it's not precise. So that's one of the  
13 reasons why I didn't -- we didn't obtain that information  
14 and why I didn't want to rely on that information.

15 Q. But that's not your specialty. There's a FBI guy  
16 that -- in Quantico that evaluates that; correct?

17 A. We have a -- we have an expert in the Omaha  
18 division.

19 Q. Now, if a person stops, however, for an extended  
20 period of time at a particular location, the GPS data may  
21 show more detail regarding the approximate time a person  
22 was in a geographic area; is that true?

23 A. It could if they had their phone on. And again,  
24 that data -- on the data that I've seen and the search  
25 warrants that I've executed, sometimes that data isn't

1 precise.

2 Q. Now, as part of your investigation in this matter, I  
3 assume you look through all the voter registration  
4 absentee ballot requests and other voting documents that  
5 are part of this case; is that true?

6 A. Yes.

7 Q. And of the witnesses that you interviewed, how many  
8 of them lived on Virginia Street?

9 A. I would say several. I don't know the exact number,  
10 sir.

11 Q. Several different homes or just several different  
12 people?

13 A. There were several different homes and several  
14 different people that lived on Virginia Street that I  
15 talked to during this investigation.

16 Q. Including Huong Nguyen; correct?

17 A. Yes, sir.

18 Q. Do you remember the names of any other potential  
19 witnesses or interviewees that also lived on Virginia  
20 Street in Sioux City, Iowa?

21 A. I believe Hai Nguyen lived on Virginia Street.

22 Q. Anybody else?

23 A. Not that I can remember right now, sir.

24 Q. And as we discussed the other day, the size of the  
25 Vietnamese American population in the Sioux City area is,

1 would you agree, relatively small?

2 A. Yes, sir.

3 Q. All right. Let's move on to another topic here.

4 Remind me who Anh or Anh Nguyen is.

5 A. She's the daughter of Hai Nguyen.

6 Q. And she's a translator at a hospital?

7 A. Yes.

8 Q. Was she here last week?

9 A. Was she here in the courtroom?

10 Q. In this building.

11 A. Yes, sir.

12 Q. And she was a woman who apparently visited the home  
13 of Hai frequently?

14 A. I didn't specifically -- I don't remember  
15 specifically asking Miss Nguyen about that, but I believe  
16 someone may have said that during testimony.

17 Q. Fair enough. Have you ever seen a picture of Hai  
18 and Anh Nguyen together?

19 A. Yes, sir.

20 Q. You ever seen a picture of Hai and Anh Nguyen in Kim  
21 Taylor's house?

22 A. Not inside their house, sir.

23 Q. Have you ever seen a picture of Hai and Anh Nguyen  
24 posed with Jeremy Taylor and a Jeremy Taylor for Congress  
25 sign?

1 A. Yes, sir.

2 Q. Is it fair to say that it appears Anh Nguyen knows  
3 who Jeremy Taylor and Kim Taylor are?

4 A. I would say yes based on the picture.

5 Q. And same with Hai Nguyen? He knows who Kim Taylor  
6 and Jeremy Taylor are?

7 A. He was in the picture too, sir.

8 Q. With the Jeremy Taylor for Congress sign.

9 A. Yes, sir.

10 Q. All right. One other thing here. Now, as part of  
11 your investigation, is it fair to say that you were  
12 tasked with attempting to determine whether or not there  
13 were violations of federal and Iowa law relating to  
14 voting-related activities?

15 A. Federal law, yes, sir.

16 Q. All right. Now, there's been some discussion in  
17 this trial about the right of registered voters to  
18 utilize the services of a helper or an assistant. You've  
19 heard some of that testimony; correct?

20 A. Yes, sir.

21 Q. And do you understand that a language-deficient  
22 person can utilize the services of a third person to help  
23 them complete, fill out, or deliver voting-related  
24 materials?

25 A. I'm not an expert on Iowa law, sir, but that's my

1 understanding.

2 Q. All right. Fair enough. Well, let me ask you this,  
3 agent. Have you identified any federal rule or  
4 regulation that requires that such helper or assistant  
5 fully or completely and accurately translate a  
6 voting-related document to the person they are helping?

7 A. I'm sorry, sir. Can you ask that again?

8 Q. Yes, sir. Are you aware of any federal rule or  
9 regulation that requires that the helper or assistant  
10 must fully and completely or accurately translate a  
11 complete voting document to the person they're helping?

12 MR. TIMMONS: Objection, Your Honor. Calls for  
13 a legal conclusion.

14 THE COURT: The objection's overruled. The  
15 witness can answer if he knows.

16 A. Sir, I don't know if there's any federal law  
17 regarding your question. We investigated whether there  
18 was fraud or misrepresentations on the documents that  
19 were submitted.

20 Q. And then the same question with respect to the Iowa  
21 laws related to any helpers or assistants. Are you aware  
22 of any Iowa rule or regulation that creates a duty on the  
23 part of the helper or assistant to fully and completely  
24 or accurately translate a voting document to the person  
25 they're helping? Yes or no.

1 A. I'm not an expert in Iowa law, sir. But I'm not  
2 aware of anything like that.

3 Q. And is there -- are you aware of either a federal or  
4 a state law that requires the helper or assistant to be a  
5 certified or qualified interpreter at all?

6 A. No, sir, I'm not aware of anything like that.

7 MR. BROWN: Your Honor, at this time I'd like  
8 what I've had premarked as Defendant's Exhibit N1, N2,  
9 N3, N5, and N6 admitted as those exhibits in that  
10 sequence.

11 \* \* \* \*

12 (Defendant Exhibits N1, N2, N3, N5, and N6 were  
13 offered.)

14 \* \* \* \*

15 THE COURT: That's N1, N2, N3, N5, and N6?

16 MR. BROWN: Yes, Your Honor.

17 THE COURT: Objections from the government?

18 MR. TIMMONS: Yes, Your Honor. Relevance, lack  
19 of foundation, and to the extent that it could be deemed  
20 relevant or that a foundation was properly laid, it's  
21 extrinsic evidence of a collateral matter.

22 THE COURT: I am going to allow -- and this is  
23 based primarily on Ms. Flaugh's testimony. I'm going to  
24 allow N1, N2, and N6. I find the relevancy objection  
25 with regard to the others is an appropriate objection.

1 And, therefore, I'm sustaining the government's  
2 objections as to N3 and N5. Again, N1, N2, and N6 are  
3 received.

4 \* \* \* \*

5 (Defendant Exhibits N1, N2, and N6 were  
6 admitted.)

7 \* \* \* \*

8 BY MR. BROWN:

9 Q. One last set of questions here, Special Agent  
10 Murphy. At any point in time did you make a request of  
11 the Woodbury County Auditor's Office to secure all  
12 evidence and voting-related documents relating to any of  
13 the two federal elections in 2020?

14 A. Yes, I did make a request.

15 Q. And what steps did you take to ensure that that  
16 request was followed and -- by the auditor's office?

17 A. At one point during the investigation, I physically  
18 examined those records, the originals. And then I  
19 requested that the auditor's office sent me -- send me  
20 those records as well as then retain the originals.

21 Q. Did those records including -- include the voting  
22 assistance forms?

23 A. No, sir. At the time I did not know that voter  
24 assistance forms existed.

25 MR. BROWN: No further questions, Your Honor.

1 Thank you.

2 THE COURT: Any questions from the United  
3 States?

4 MR. TIMMONS: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. TIMMONS:

7 Q. Agent Murphy, Mr. Brown just asked you about the  
8 voting assistance forms. You recall that?

9 A. Yes.

10 Q. Those voting assistance forms have anything to do  
11 with absentee ballots?

12 A. They don't have anything to do with in-person early  
13 voting -- or they don't have anything to do with absentee  
14 ballots that are voted not in person.

15 Q. Mr. Brown also asked you some questions about a  
16 photograph of Anh and Hai. I believe he said it was  
17 outside Mr. and Mrs. Taylor's house; is that right?

18 A. He didn't show me the photo, but based on what he  
19 asked me, I think it was outside their house.

20 Q. The photo you're thinking of, when did you first see  
21 this photo?

22 A. Yesterday.

23 Q. And what was the source of that photo?

24 A. It was provided by the defense.

25 Q. Mr. Brown also asked you a series of questions about

1 GPS tracking and following somebody's location. You  
2 didn't do that in this case; right?

3 A. No, sir.

4 Q. Why not?

5 A. Well, as I explained, we didn't necessarily -- we  
6 relied, one, on the witness statements, and those --  
7 typically those coordinates are not going to be  
8 incredibly precise to determine the specific location of  
9 the phone that we're following.

10 Q. In order to get the GPS tracking data, do you have  
11 to physically seize the cell phone from an individual?

12 A. Not necessarily I don't think, sir.

13 Q. So it's possible you could just simply request the  
14 records from the provider?

15 A. We would have to get a search warrant.

16 Q. Tracking an individual's data over the course of a  
17 year to determine their location throughout that time  
18 period, is that a resource-intensive process?

19 A. It would have been -- it would have been extremely  
20 high resource-intensive process.

21 MR. TIMMONS: No further questions, Your Honor.

22 THE COURT: Mr. Brown, additional questions?

23 MR. BROWN: No thank you, Your Honor.

24 THE COURT: Okay, sir. You are excused. Thank  
25 you.



1 now.

2 Q. Where did you -- where were you born?

3 A. I was born in Vietnam and move here 1990.

4 Q. And what year were you married?

5 A. I have two marriages.

6 Q. My apologies. Your most recent marriage with your  
7 two children, what's your husband's name?

8 A. My husband name is -- with my two children is -- my  
9 husband name is Charles Vanle.

10 Q. And what was your profession before you retired?

11 A. I do nails as a nails tech -- yeah, technician.

12 Q. And how long have you lived in the Sioux City area?

13 A. I have been here for 32 years.

14 Q. Are you a U.S. citizen?

15 A. Yes, I am.

16 Q. Having lived here in Sioux City for 32 years, have  
17 you met Kim Taylor?

18 A. I have been here for 32 years, and I came to Kim to  
19 have my hair done. She cut my hair. I think I started  
20 to go to her 2003.

21 Q. Since 2003, have you become familiar with Kim Taylor  
22 outside of her employment as a hair stylist?

23 A. You know, I come to her hair -- I comed, and she cut  
24 my hair. We have exchange conversation, and yeah, so  
25 just regular conversation in that time. I think she had

1 their first boy, so yeah, pretty much talk about life, as  
2 you know, in a salon and know who she is, and yes.

3 Q. Are you friends?

4 A. Kind of, yes.

5 Q. Are you an author?

6 A. I am writing a book.

7 Q. And what's the book about?

8 A. The book about the price of freedom.

9 Q. Your immigration story?

10 A. Yes.

11 Q. All right. So over the years have you attended any  
12 social events with Kim Taylor?

13 A. Yes. You know, usually in Vietnam, a community,  
14 Vietnamese community, we have -- they're called Tet.  
15 T-e-t is Tet. It's New Years, celebrate the culture and  
16 stuff. And Kim always helping to -- to have that event  
17 and to have the people, you know, Vietnamese community,  
18 come gather together celebration, Tet celebration.

19 Q. This was the -- this is the Tet celebration?

20 A. Tet is a T-e-t, like a Lunar -- we count a lunar  
21 calendar, Lunar New Year for Vietnamese, yes.

22 Q. What part of the year is that?

23 A. The lunar calendar, like base on a lunar calendar.

24 Q. January or February?

25 A. Some time fall into the end of January, sometime is

1 early in February, so depend on the lunar, yes.

2 Q. And as you've lived here for 32 years, have you been  
3 personally involved in the Vietnamese community?

4 A. Yes.

5 Q. What kind of involvement have you had?

6 A. Involvement, I help to interpret for the doctors,  
7 also is the MC for the -- any program, and yes.

8 Q. Over the years have you witnessed Kim providing  
9 assistance to the Vietnamese American community?

10 MR. EVANS: Objection, Your Honor. Calls for  
11 specific conduct.

12 THE COURT: Yeah, the objection's sustained.  
13 This is outside the bounds of 608.

14 Q. Based upon your knowledge of Kim, your presence in  
15 the Sioux City area for 32 years, your attendance of  
16 Vietnamese American social events, do you have an opinion  
17 as to what Kim Taylor's reputation in the community is  
18 for being truthful or an honest person?

19 A. Yes.

20 Q. What is that opinion?

21 A. She is a wonderful mother, would have six children,  
22 working hard. She has -- I remember one of the  
23 experience that she come to cut the hair for the  
24 customers, even me, my appointments.

25 MR. EVANS: Objection, Your Honor.

1 Nonresponsive.

2 THE COURT: This is. This is not an answer to  
3 the question that was asked. I'm going to strike the  
4 witness's answer. And you can ask the question again.

5 Q. So the specific question, Ms. Keane, is I'm asking  
6 you whether you have an opinion as to whether or not Kim  
7 Taylor has a reputation in the larger community for any  
8 character trait including truthfulness or honesty.

9 A. She is working hard woman.

10 MR. EVANS: I'll renew my objection, Your  
11 Honor.

12 THE COURT: That's sustained. That answer is  
13 stricken.

14 Ma'am, he's asking about an opinion that you might  
15 have or might not have about whether Ms. Taylor is  
16 truthful and honest. Other things that you've been  
17 talking about, that's not what he's asking. So I'm going  
18 to have Mr. Brown ask the question again, and you can  
19 give an answer, but listen to his question, and limit  
20 your answer to his question, please.

21 Q. Miss Keane, do you have an opinion as to  
22 Ms. Taylor's reputation for truthfulness or honesty?

23 A. In my opinion Kim is a trustworthy person.

24 MR. BROWN: No further questions, Your Honor.

25 THE COURT: Cross-examination?

1 MR. EVANS: No, Your Honor.

2 THE COURT: Okay. Ma'am, you are excused.  
3 Thank you.

4 MR. BROWN: Your Honor, the defense calls  
5 Marilyn Johnson.

6 THE COURT: All right, ma'am. If you come up a  
7 little farther, I'll go ahead and swear you in. Please  
8 raise your right hand.

9 MARILYN JOHNSON, DEFENDANT'S WITNESS, SWORN

10 THE COURT: Okay. Thank you. And the witness  
11 box is right over there to your right. You can go around  
12 and sit in that chair in the witness box. And adjust  
13 those microphones if you need to. It's important that we  
14 be able to hear you.

15 THE WITNESS: Turn this way or this way?

16 THE COURT: Well, just as long as you're close  
17 to the microphone. And maybe try to face the jury if you  
18 can so they can see you while you testify. Would you  
19 please tell us your full name, and spell your last name.

20 THE WITNESS: Yes. My full name is Marilyn  
21 Ruth Johnson, J-o-h-n-s-o-n.

22 THE COURT: Thank you, ma'am.

23 Mr. Brown, you may proceed.

24 DIRECT EXAMINATION

25 BY MR. BROWN:

1 Q. Thank you, Ms. Johnson.

2 Where'd you grow up?

3 A. I was born in West Point, Nebraska, but I grew up --  
4 my -- most of my life in Pender, Nebraska.

5 Q. And what was your profession?

6 A. My lifetime profession was -- was a professional  
7 photographer for 32 years.

8 Q. What'd your husband do?

9 A. My husband was a farmer.

10 Q. Where was your farm?

11 A. Our farm ground was north of Thurston, Nebraska.

12 Q. Where's Thurston, Nebraska?

13 A. It's about 28 miles from Sioux City.

14 Q. At some point in time in your life did you meet Kim  
15 Phuong Taylor?

16 A. Yes.

17 Q. How'd that come about?

18 A. It was quite by accident actually. My grandson was  
19 needing a haircut, and we drove by this little shop that  
20 said haircuts, children's haircuts, the cost is their  
21 age. And so we walked in, and Kim was just starting her  
22 business, and so it was just a little station and two  
23 chairs, and she did what she needed to do for us that  
24 day, and I never switched hairdressers after that. I  
25 stayed with her.

1 Q. Are you friends with Kim Taylor?

2 A. Absolutely.

3 Q. So how many years have you known her then?

4 A. I believe it's over 20 years. I believe it's  
5 probably 22.

6 Q. Do you know her husband?

7 A. I know him. I recognize him. I don't -- it's not  
8 like a personal friendship like Kim, but I do know him,  
9 yes.

10 Q. And do you know he's held a political office from  
11 time to time?

12 A. Yes, I -- you know, through newspapers, I followed  
13 his political career, and I know that just through  
14 visiting with Kim, you know, what his ambitions were.

15 Q. Over the years have you spoke with others in the  
16 community about Kim Phuong Taylor?

17 A. Yes, always good things.

18 Q. Well, we'll get to that.

19 A. Okay.

20 Q. What I'm trying -- what I'm trying to narrow down is  
21 over the time that you've known her, have you had  
22 opportunity to discuss her with other citizens of the  
23 Woodbury County area?

24 A. Yes, I think so, yes.

25 Q. Have you ever attended any community events where

1 Kim Taylor was present?

2 A. No, no, I did not.

3 Q. You able to converse with Kim Taylor in English?

4 A. Yes. She -- she had her own style of English, but  
5 we -- as she would do my hair, we would visit.

6 Q. When you say she has her own style with English, can  
7 you elaborate on that?

8 A. Yes. I guess, you know, learning a second language  
9 is difficult. Sometimes when she would say things, she  
10 would finish her sentence with, Do you understand what  
11 I'm saying? And most of the time I did understand what  
12 she was saying, but sometimes I did not understand, and  
13 I'd say, You're going to have to run that past me again,  
14 Kim, or just -- I would just say, Say it again, Kim,  
15 because sometimes what she said, what she intended to say  
16 didn't always come out as the words that came out of her  
17 mouth, I guess.

18 Q. What do you know about Kim Taylor's presence in the  
19 Vietnamese American community?

20 A. That's an easy question. I just know that she was  
21 well known in the Vietnamese community. I feel like she  
22 did a lot to help probably the newer citizens that came  
23 into the United States.

24 MR. TIMMONS: Objection, Your Honor. This is  
25 improper character evidence.

1 THE COURT: I'm going to stop the answer at  
2 this point. The objection is sustained. I'll ask  
3 Mr. Brown to ask another question.

4 MR. BROWN: Yes, Your Honor.

5 Q. All right. One last series of questions,  
6 Ms. Johnson. Do you have an opinion as to what Kim  
7 Taylor's reputation, if any, is in the community for  
8 truthfulness or honesty?

9 A. Yes.

10 Q. And what is that opinion?

11 A. I would say highest regard.

12 MR. BROWN: No further questions, Your Honor.

13 THE COURT: Cross-examination?

14 MR. TIMMONS: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. TIMMONS:

17 Q. Good morning, Miss Johnson.

18 A. Morning.

19 Q. My name's Ron Timmons. I represent the government  
20 in this matter.

21 A. Okay.

22 Q. I'm going to ask you a couple questions.

23 A. Sure.

24 Q. Outside of Miss Taylor's hair salon, do you know  
25 Miss Taylor?

1 A. Through Facebook. We communicate a lot.

2 Q. So other than Facebook and in the hair salon, you  
3 don't have any communications with Miss Taylor?

4 A. Yes, I did. As her husband was gone to the service,  
5 she was struggling to keep up with her family life, her  
6 children. And I occasionally brought food to her house  
7 to help her out. After you work all day, it's hard to  
8 feed six children at night, you know, so I made  
9 casseroles or spaghetti or not a whole lot, but I tried  
10 to help her, I guess.

11 Q. Okay. Thank you.

12 A. Uh-huh.

13 Q. You mentioned you've talked to people in the  
14 community about Miss Taylor to get a sense of her  
15 reputation.

16 A. Yes.

17 Q. Who in the community have you talked to about her  
18 reputation?

19 A. It would be just probably friends who are also  
20 friends of Kim through her business probably.

21 Q. Anyone in the Vietnamese community?

22 A. I -- I know -- I have met several people from the  
23 Vietnamese community. But as far as knowing them  
24 personally, I can't say that, you know, I communicated  
25 with them. But I just know that through my

1 communications with her that the people who would respond  
2 like possibly on Facebook responded positively.

3 MR. TIMMONS: No further questions, Your Honor.

4 THE COURT: Redirect?

5 MR. BROWN: No, Your Honor. Thank you.

6 THE COURT: Okay, ma'am. You are excused.

7 Thank you.

8 THE WITNESS: Yes.

9 MR. BROWN: Your Honor, I have one more witness  
10 possibly. I had some information that there was a  
11 medical matter that had to be taken care of first -- the  
12 thing in this morning. So can I have some time -- I  
13 apologize -- to see where she may be?

14 THE COURT: Yeah. Let's go ahead and take a  
15 bit of a break here and give Mr. Brown a chance to check  
16 on his witness.

17 It's almost 9:45. Let's just be in recess until  
18 10:00. And we'll come back and see where things are at  
19 that time. So the jury is excused until 10:00.

20 (The jury exited the courtroom.)

21 THE COURT: Please be seated. The jury has  
22 left the courtroom.

23 And before we all take a bit of a break, Mr. Brown,  
24 who is the witness you're talking about?

25 MR. BROWN: Your Honor, her name is Lynn

1 Stolze, S-t-o-l-z-e, from Dakota City. So I just need to  
2 see if I can call her and see if she's going to be able  
3 to make it here.

4 THE COURT: Sure. Is this a good time to talk  
5 about whether Ms. Taylor's going to testify, or do you  
6 need additional time to confer with her about that?

7 MR. BROWN: I'd like to talk to Kim and her  
8 husband about that. I'm sorry. I'm not quite ready to  
9 make a record about that quite yet.

10 THE COURT: Sure. No. And I'm not trying to  
11 rush you on that. I just thought if you already knew the  
12 answer we could do that now. We'll take that up once  
13 we're all back together without the jury.

14 Let's go ahead and take our break. Let's plan on  
15 coming in a few minutes before ten. Hopefully that will  
16 give Mr. Brown time to check on Miss Stolze, and we'll  
17 see where things are at. And if we have to leave the  
18 jury out a little longer than expected, that's fine too.  
19 But let's try to come back in about ten minutes. That  
20 would be 9:55, and we'll check in then and see where  
21 things stand.

22 Anything from the government at this point?

23 MR. TIMMONS: No, Your Honor. Thank you.

24 THE COURT: Mr. Brown, anything else at this  
25 point?

1 MR. BROWN: No, sir.

2 THE COURT: All right. We'll be in recess  
3 until 9:55.

4 (Recess at 9:44 a.m.)

5 THE COURT: Please be seated. We are back in  
6 session outside the presence of the jury. I did send  
7 word to the jurors that we are running a little behind  
8 here. I know we had to reboot some technology again.

9 Mr. Brown, any update on Miss Stolze?

10 MR. BROWN: Yes, Your Honor. It doesn't appear  
11 she's going to make it, so we need to make a record  
12 with -- make a record with Ms. Taylor about testifying.

13 THE COURT: Sure.

14 MR. BROWN: Have an additional offer of proof  
15 about Marita Turner, but in front of the jury I want to  
16 publish those three exhibits the Court admitted on the  
17 ELMO.

18 THE COURT: Sure. Go ahead and make your offer  
19 of proof concerning Miss Turner.

20 MR. BROWN: May it please the Court. Marita  
21 Turner is a doctor of chiropractic in the Sioux City  
22 area. She would testify substantially as follows:

23 That she witnessed a conversation that occurred at  
24 the meat counter at the Fareway grocery store in Sergeant  
25 Bluff, Iowa. She knows it was a Saturday because it was

1 early afternoon when she was there. And it would have  
2 been the only day she'd have been off work in the  
3 afternoon which was a Saturday. She would testify that  
4 her sister was coming from Colorado in June leaving one  
5 of the possible dates as June 3, 10, or the 17th with the  
6 most likely date the June 17, 2023. As her sister was  
7 arriving, she needed a larger roast than usual.

8 She was at the meat counter. Two men were carrying  
9 on a conversation by the hamburger. The men -- one of  
10 the men was slightly behind her and to her right by the  
11 chicken meat section. And she saw the man that she knew  
12 as Pat Gill by the chicken section as well.

13 The man Mr. Gill was speaking with asked him what he  
14 was up to, and Mr. Gill said he was running for county  
15 supervisor which prompted her to turn her head as she was  
16 interested in wanting to know who the next possible  
17 Woodbury County supervisor would be, and she recognized  
18 Mr. Gill.

19 If permitted, she would testify that the man replied  
20 that he would do anything he could to help Mr. Gill. She  
21 then ascertained that the position Mr. Gill would be  
22 theoretically filling would not be the position held by  
23 Keith Radig, R-a-d-i-g, but rather Mr. Gill's district  
24 would be Jeremy Taylor's district.

25 THE COURT: How did she ascertain that? I

1 mean, what would you ask her that would allow her to  
2 testify in front of this jury that she made that kind of  
3 assumption? I don't normally interrupt an offer of  
4 proof, but that seems like you've just jumped yet another  
5 logical link down the chain. How would she ascertain  
6 which seat Mr. Gill was supposedly talking about running  
7 for?

8 MR. BROWN: I understood that she knew that a  
9 person who runs has to run in the district they reside,  
10 and so in discussions with her husband, she figured out  
11 he would have to be in the same district as Jeremy  
12 Taylor. That's the answer.

13 THE COURT: All right. Anything further from  
14 the offer of proof?

15 MR. BROWN: No.

16 THE COURT: Any response from the government to  
17 the offer of proof?

18 MR. TIMMONS: No, Your Honor.

19 THE COURT: Okay. The ruling I made Friday  
20 stands, but the offer of proof is now in the record.

21 And then for the defense, Miss Stolze apparently  
22 unfortunately is not available. Would there be any other  
23 witnesses, Mr. Brown, except potentially Ms. Taylor?

24 MR. BROWN: No, Your Honor.

25 THE COURT: Okay. Have you had an opportunity

1 now to talk with Ms. Taylor and her husband, or would you  
2 like additional time?

3 MR. BROWN: We've had that opportunity, Your  
4 Honor.

5 THE COURT: Okay. And what is your  
6 understanding, Mr. Brown, as far as Ms. Taylor's  
7 decision?

8 MR. BROWN: She declines to testify, would ask  
9 the Court to instruct the jury that they cannot hold that  
10 against her in the appropriate language.

11 THE COURT: And that's already been instructed  
12 to the jury, so I'm not going to instruct them again.  
13 I'll simply -- I may remind them that the defendant never  
14 has an obligation to testify, but the jury instructions  
15 already contain that information.

16 I do have to ask Ms. Taylor. And can we pull a  
17 microphone, ma'am, close to you? Good morning.

18 THE DEFENDANT: Morning, Your Honor.

19 THE COURT: Ms. Taylor, do you understand that  
20 you have the absolute right under the United States  
21 Constitution to testify in this case?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you also understand that you  
24 have the absolute right under the United States  
25 Constitution not to testify?

1 THE DEFENDANT: Yes.

2 THE COURT: And do you understand that even  
3 though you can confer with other people including your  
4 lawyer about that decision, you get to make that decision  
5 yourself? Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you had all of the time you  
8 need to talk with your lawyer, Mr. Brown, about the  
9 decision to testify or to not testify?

10 THE DEFENDANT: Yes.

11 THE COURT: And have you made a final decision?

12 THE DEFENDANT: Yes.

13 THE COURT: And what is your decision, ma'am?

14 THE DEFENDANT: No, I'm not going to.

15 THE COURT: Okay. And so you've made the final  
16 decision not to testify in this case; is that correct?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. Thank you, ma'am.

19 Mr. Brown, any further record on that issue?

20 MR. BROWN: No, Your Honor.

21 THE COURT: Any record from the United States  
22 as to Ms. Taylor's decision?

23 MR. TIMMONS: No, Your Honor.

24 THE COURT: Okay. So at this point then if I  
25 understand correctly, once the jury comes back,

1 Mr. Brown, you want to just display the three photos that  
2 have been received because the technology wasn't working  
3 earlier?

4 MR. BROWN: Yes, please.

5 THE COURT: I will allow that. Other than  
6 identifying them, there shouldn't be any comment then  
7 because you're not going to have a witness on the stand.

8 MR. BROWN: No comment. Just display each one  
9 of them briefly, Your Honor.

10 THE COURT: Sure. And then, of course, they  
11 will go to the jury room as well, and they can obviously  
12 be used and talked about in closing arguments.

13 Once you are able to accomplish that publication of  
14 those photos, Mr. Brown, would the defense be resting  
15 then?

16 MR. BROWN: Yes, sir.

17 THE COURT: Okay. Does the government know at  
18 this point whether there will be any rebuttal evidence  
19 presented?

20 MR. TIMMONS: There will not, Your Honor.

21 THE COURT: Okay. So what I'll do, once we get  
22 the jury back in here, we'll go through the steps that we  
23 just talked about. And then the defense will rest. I'll  
24 ask the government if there's any rebuttal evidence. The  
25 government will say no I assume. If that changes, that's

1 fine. Just let me know. And then I will excuse the jury  
2 for some period of time. We still need to talk about a  
3 few issues including 404(b). I want to give the lawyers  
4 some time to set up as well.

5 So any thoughts once I send the jury back out as to  
6 how much time we should take before we have everybody  
7 come back for closing arguments? Any thoughts from the  
8 government?

9 MR. TIMMONS: Your Honor, I'll be giving the  
10 closing arguments. Mr. Evans will be giving the rebuttal  
11 closing. We do not need much time to prepare. We have a  
12 PowerPoint that we intend to display. So as much as it  
13 takes to set that up and move the podium in place, we'll  
14 be ready.

15 THE COURT: Okay. Mr. Brown, any thoughts of  
16 how much time we should take as sort of an intermission  
17 before we start closing arguments?

18 MR. BROWN: A couple things, Your Honor. I  
19 assume the Court has submitted the final jury  
20 instructions?

21 THE COURT: I don't know what means.

22 MR. BROWN: It's the same set as the Court  
23 provided us before the trial; right?

24 THE COURT: That's the current set. That's the  
25 set the jurors have. The question I want to talk about

1 at the appropriate time is we talked Friday about a  
2 404(b) instruction that could be added either as an oral  
3 instruction only or oral and in writing. There may be  
4 other instruction issues. I'll want to give the final  
5 verdict form to the jury before closing arguments. But  
6 are there other jury instruction issues to take up?

7 MR. BROWN: Well, I want to make a record about  
8 get out the vote instruction, the good faith instruction,  
9 and the language on the knowingly that I made objections  
10 to.

11 THE COURT: Sure. Let's do this. I want to  
12 give us plenty of time to talk about those kind of issues  
13 once everyone has rested. And I want to give time for  
14 everybody to set up and maybe the jurors a little time to  
15 get a snack or some food. So I think what I'll do is  
16 take an hour after everyone has rested. I'll just tell  
17 the jury we're going to take a recess for an hour. We'll  
18 spend some time making any record about instructions,  
19 finalizing -- if there's going to be a 404(b)  
20 instruction, talking about that. And presumably that  
21 won't take a full hour, so that will still give everyone  
22 here in the courtroom some time to set up and get ready.  
23 But that's what we'll do then.

24 I do want to give Mr. Brown the chance to make  
25 additional record as he feels might be necessary and,

1 again, to talk about the 404(b) instruction that is being  
2 proposed.

3 So at this point once everyone rests, I'll tell the  
4 jury it will be an hour, and if we end up needing more  
5 time than that, we'll let the jury know. But we'll plan  
6 on an hour break for the jury at least.

7 Anything else before we bring the jury back in then?  
8 Anything from the government?

9 MR. TIMMONS: No, Your Honor.

10 THE COURT: From the defense, Mr. Brown?

11 MR. BROWN: Yes, Your Honor. I believe the  
12 trial scheduling order local rules say that the parties  
13 have to share any demonstrative exhibits that they intend  
14 to use before they use them?

15 THE COURT: Right.

16 MR. BROWN: I'd like to see it before they do  
17 it.

18 THE COURT: Sure. Any thoughts from the  
19 government on the PowerPoint?

20 MR. TIMMONS: We did put together a  
21 demonstrative which was sent to the Court and to  
22 Mr. Brown. At this time I don't intend to use that  
23 demonstrative in the government's closing.

24 THE COURT: What about the PowerPoint?

25 MR. TIMMONS: Oh. I can give him a printout

1 copy of it.

2 THE COURT: Sure. And that's probably another  
3 reason to make sure we have some time with the jury out  
4 of the room. So I would like him to have the opportunity  
5 to review it and be able to object if there's any  
6 concerns.

7 Mr. Brown, do you plan on using any kind of  
8 PowerPoint or demonstrative that the government should  
9 see in advance?

10 MR. BROWN: No, sir.

11 THE COURT: Okay. We'll plan on that then.  
12 The government can provide Mr. Brown a copy of the  
13 PowerPoint slides before closing arguments.

14 Mr. Brown, any other thoughts or concerns from the  
15 defense at this point?

16 MR. BROWN: No, Your Honor.

17 THE COURT: All right. Let's go ahead and  
18 bring in the jury if they're ready.

19 (The jury entered the courtroom.)

20 THE COURT: Please be seated. Welcome back,  
21 everyone. Again, apologize for our delay. We have had  
22 some technical issues that go beyond operator error here  
23 today, but we did, I believe, get them resolved.

24 And during some prior testimony, once certain  
25 exhibits were received, Mr. Brown wanted to have the

1 chance to publish them for the jury. The system wasn't  
2 working at the time. But at this point he is going to  
3 show you the three photos from the N series that have  
4 been received into evidence.

5 And, Mr. Brown, you may proceed.

6 MR. BROWN: Thank you, Your Honor. I'm  
7 publishing N1 at this time.

8 Publishing N2 at this time.

9 And publishing N3 at this time, Your Honor.

10 THE COURT: N6 actually.

11 MR. BROWN: Excuse me. N6. My apologies.  
12 Your Honor, at this time the defendant rests.

13 THE COURT: Okay. Thank you.

14 Members of the jury, the defense has now rested.  
15 That means it has presented all of the evidence it  
16 intends to present at this stage of the case. And keep  
17 in mind as we discussed multiple times last week, the  
18 defendant never has any duty or obligation to testify,  
19 and you can't consider that fact or hold it against  
20 Ms. Taylor that she is not testifying in this case.

21 The next step is to determine then if the United  
22 States would like to present any rebuttal evidence.

23 Will there be any rebuttal evidence?

24 MR. TIMMONS: No, Your Honor.

25 THE COURT: Okay. Folks, that means you have

1 now heard all of the evidence in this case. Whenever we  
2 get to this stage, things get a little choppy. You end  
3 up walking up and down the stairs a lot. And I do  
4 apologize for that. I have some legal issues to take up  
5 with the lawyers now that all of the evidence has been  
6 in. And then I want to give them the chance to get  
7 organized for their closing arguments.

8       So I'm going to take -- at this point I'm going to  
9 call it a one-hour break. If it's going to be longer  
10 than that, we will let you know. But I'm going to assume  
11 we'll be ready to come back at 11:15 for the closing  
12 arguments. It's just about 10:15 now. So it could be a  
13 little early to eat lunch or to do much else. But if you  
14 want to take advantage of that opportunity -- because  
15 once we come back, I'll tell you what the rest of the day  
16 I think is going to look like.

17       Both sides have up to 90 minutes to make closing  
18 arguments. So that's an hour and a half each. The  
19 government goes first and then also has the chance to  
20 have the last word. So they get -- we call it two  
21 closing arguments basically. They have to use -- they  
22 get 90 minutes for both of their arguments total. So  
23 whatever they don't use in the first round they have left  
24 for the second round. Then the defense has up to 90  
25 minutes to make a closing argument. And then the

1 government would have the chance to make the final  
2 rebuttal argument.

3       There's no law that says either side has to take the  
4 full 90 minutes. But we wanted to give both sides plenty  
5 of time to address you about the evidence. So if that  
6 happens in that order and they use the full amount of  
7 time, that's roughly three hours. And then I have final  
8 instructions to read to you. The amended and final  
9 verdict form I am required to read as well. That will  
10 take some time.

11       So if we do get started at about 11:15, we'll  
12 probably be midafternoon by the time we're ready to have  
13 the jury start deliberating, and I would -- at this point  
14 since we did have everyone advised that it could take --  
15 you could be here until 5:00 today -- the building does  
16 close at 5, so if you do start deliberating this  
17 afternoon, we would have you stop at 5:00 and come back  
18 tomorrow as necessary.

19       So that's just kind of what the rest of the day  
20 looks like. I will take some breaks in there. I don't  
21 like to go more than an hour and a half or an hour and 45  
22 minutes, so we could have a couple of short breaks during  
23 that process. But that's what I think the rest of the  
24 day will look like.

25       But at this point I will excuse the jury until

1 11:15. And again, if we're going to be much longer than  
2 that, we'll let you know. The jury is excused.

3 (The jury exited the courtroom.)

4 THE COURT: Please be seated. The jury has  
5 left the courtroom. Parties and counsel are still  
6 present.

7 Mr. Brown, for the record, would you like to renew  
8 the Rule 29 motion at this time?

9 MR. BROWN: Yes, Your Honor. Comes now the  
10 defendant pursuant to Rule 29(a) and due process clause  
11 of the Fifth Amendment and hereby moves for judgment of  
12 acquittal on Counts 1 through 52 individually and jointly  
13 and severally, that defendant incorporates by reference  
14 the arguments made on defendant's behalf at the close of  
15 the government's case, reasserts them and incorporates  
16 them fully by reference.

17 In addition, the defendant asserts that Court should  
18 grant judgment of acquittal taking in light not only the  
19 evidence but the defense evidence presented including the  
20 defense evidence both in the trial and proposed jury  
21 instructions regarding get out the vote activities,  
22 defendant's First Amendment rights.

23 Although we do not contend that either of these  
24 three groups of statutes violate any of the Voting Rights  
25 Act provisions or the First Amendment right to free

1 political speech, we do contend that free speech rights  
2 are implicated in this matter as are rights embodied by  
3 the Voting Rights Act and that any attempt to criminalize  
4 such conduct should be subject to a strict scrutiny  
5 analysis.

6 So for those reasons, we ask that the Court grant  
7 judgment of acquittal on Counts 1 through 52 at this  
8 time.

9 THE COURT: Okay. Thank you.

10 And any additional response from the government  
11 beyond the arguments that were presented on Friday?

12 MR. TIMMONS: Your Honor, the government renews  
13 its response from Friday and would just note that the  
14 evidence the defendant has presented thus far does not  
15 change anything. Still looking at the facts, the  
16 defendant's motion should be denied because the  
17 government has presented enough evidence that is  
18 sufficient to support a guilty verdict on all counts.

19 THE COURT: Okay. Anything else on the Rule 29  
20 motion, Mr. Brown?

21 MR. BROWN: No, Your Honor.

22 THE COURT: All right. As I did on Friday,  
23 again, under Rule 29(b), I will reserve ruling on the  
24 defense Rule 29 motion both as originally made Friday and  
25 as renewed at the close of all evidence. And we'll have

1 this case proceed at this time to the jury on all 52  
2 counts.

3 With regard to jury instruction issues,  
4 Miss Castaldi did send out a proposed Rule 404(b)  
5 instruction which I took a look at. I think it's pretty  
6 similar or almost identical to the ones the parties had  
7 submitted with the first set of instructions earlier this  
8 month.

9 Mr. Brown, any thoughts on the government's proposed  
10 404(b) instruction?

11 MR. BROWN: I don't have any objection to it.

12 THE COURT: Okay. One thing I am going to  
13 do -- this is purely -- I think it's purely stylistic.  
14 First of all, I'm going to call it number 17 because I  
15 think our current instructions go through 16. And at the  
16 top of the instruction which I know is just the model  
17 instruction, it had quite a bit of language and talking  
18 about when defendant's prior similar acts were  
19 introduced to prove identity and other issues and it  
20 cites to Rule 404(b), I would just propose calling it  
21 prior similar acts and not confuse the jury with the rest  
22 of that title. Any objection to that from the  
23 government?

24 MR. TIMMONS: No, Your Honor.

25 THE COURT: Anything, Mr. Brown? Any concern

1 about that?

2 MR. BROWN: No, Your Honor.

3 THE COURT: So what I would do -- I guess the  
4 next question is I do have it typed out and can print it  
5 so every juror has a copy, or in some trials everyone has  
6 just agreed to have the 404(b) instruction be an  
7 additional oral instruction. Any preference from the  
8 United States?

9 MR. TIMMONS: Your Honor, I would prefer that  
10 it be a written instruction included in the jurors'  
11 packets.

12 THE COURT: Okay. Mr. Brown, any thoughts on  
13 written versus oral?

14 MR. BROWN: Written, please.

15 THE COURT: Sure. I will read it, of course,  
16 and I'll have it handed out to the jury then as number 17  
17 as a -- it will be a separate document. We're not going  
18 to try to reattach it. But they will have it. And then  
19 they'll also have the verdict form which I wanted to talk  
20 about quickly.

21 I took the verdict form that we talked about Friday.  
22 I made it look like -- as far as font and other style  
23 methods made it look like the other instructions. But I  
24 have not made any substantive or typo-type changes. We  
25 tried to all read it carefully, and it seemed to be

1 accurate. Did anybody note any typographical issues or  
2 other errors in the current verdict form? Anyone from  
3 the government?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: Mr. Brown, any errors you know of  
6 in the verdict form?

7 MR. BROWN: No, Your Honor.

8 THE COURT: All right. So other than making it  
9 look like the other instructions as far as the font and  
10 font size, it's identical to what was submitted to the  
11 Court -- I think it was Thursday night and that we talked  
12 about on Friday. I'll have copies made and handed out to  
13 the jury. So they'll have both the prior similar acts  
14 instruction and the verdict form in their hands before  
15 closing arguments, so the attorneys are free to talk  
16 about both the verdict form and the prior similar acts  
17 instruction in closing argument.

18 And, Mr. Brown, you indicated you wanted to renew  
19 some objections or make some record about some  
20 instructions the Court has not given; is that correct?

21 MR. BROWN: Yes, Your Honor.

22 THE COURT: Sure.

23 MR. BROWN: Your Honor, the defendant reasserts  
24 that the proposed language that was submitted regarding  
25 the definition of knowingly, we ask that the Court so

1 instruct the jury that knowingly includes that the  
2 defendant knew she was violating federal voting and/or  
3 state of Iowa voting laws in the definition of knowingly.  
4 We believe that under rules of construction, of statutory  
5 construction, knowingly and willfully for all three  
6 groups modifies all provisions of each of the three  
7 statutes. And so we believe that that's required under  
8 Rehaif in this matter. So we ask that the Court so  
9 instruct that the definition of knowingly be amended.

10 THE COURT: All right. Any response from the  
11 United States?

12 MR. TIMMONS: Your Honor, I believe the  
13 government's position on this matter is detailed in the  
14 joint proposed instructions, and we don't have anything  
15 to add. I think the jury instructions as currently  
16 drafted address the elements appropriately.

17 THE COURT: All right. I am going to overrule  
18 the defense objection. It is noted, again, for the  
19 record. I covered this in the final jury instructions  
20 order, and I've not been persuaded otherwise.

21 So I acknowledge and recognize the defense is asking  
22 me to add that language back in. But I am standing by  
23 the original ruling. So this would affect instructions  
24 5, 6, and 7, the elements instructions of the various  
25 groups of offenses.

1           The objection and the request to add the additional  
2 language concerning knowing is overruled.

3           And, Mr. Brown, you mentioned -- I know the defense  
4 had submitted a proposed instruction about the Voting  
5 Rights Act. And I did earlier decline to give that  
6 instruction. Are you renewing that request?

7           MR. BROWN: Yes, Your Honor.

8           THE COURT: Any further argument on that issue,  
9 Mr. Brown?

10          MR. BROWN: I stand by what we submitted in  
11 objection number 2 relative to that proposed instruction,  
12 Your Honor.

13          THE COURT: Sure. Any additional thoughts from  
14 the government on that proposed instruction?

15          MR. TIMMONS: No, Your Honor.

16          THE COURT: Okay. I am, again, standing by my  
17 original ruling on that. I don't believe the instruction  
18 is appropriate or necessary under the law and the facts  
19 of this case. So again, I note for the record the  
20 defense has again requested the instruction which is  
21 fine. But I am overruling that request and the  
22 objection, and I won't be giving that additional  
23 instruction.

24          There was also a good faith instruction that I  
25 reserved ruling on. I needed to hear the evidence before

1 I could make a ruling on that.

2 Mr. Brown, what are your current thoughts on a good  
3 faith instruction?

4 MR. BROWN: Yes, Your Honor. A couple points  
5 on that. First, to the extent that the two character  
6 witnesses had any value, I believe that to the extent  
7 that they did testify as to their opinion as to her  
8 reputation for general truthfulness in the community, I  
9 think a jury -- the jury is entitled to find that the  
10 defendant acted in conformity with that reputation of  
11 character and truthfulness. We believe that good faith  
12 under United States versus Benton is an appropriate way  
13 and is appropriate in this matter given all of the  
14 evidence including the rights that were exercised under  
15 the Voting Rights Act, her First Amendment rights to  
16 advocate, to encourage to vote, and even advocate on  
17 behalf of her husband and any other candidate.

18 So we ask that the Court grant the proposed good  
19 faith instruction from uniform instruction 9.08A and as  
20 set forth in objection number 5 to the Court's  
21 instructions.

22 THE COURT: Okay. Thank you. And what is the  
23 government's current position concerning a potential good  
24 faith instruction?

25 MR. TIMMONS: Your Honor, the government

1 objects to the use of a good faith instruction in the set  
2 of jury instructions for this case. There's been no  
3 evidence of good faith presented at trial. In fact, the  
4 opposite has been presented to this jury. There's  
5 evidence that she told people to sign and told people to  
6 lie. So for those reasons, a good faith instruction is  
7 not appropriate in this case, Your Honor.

8 THE COURT: Okay. Mr. Brown, any further  
9 thoughts on a good faith instruction?

10 MR. BROWN: Your Honor, the defendant has a due  
11 process right to a theory of defense instruction if  
12 there's even a modicum of evidence to support it. I  
13 believe there's more than a modicum of evidence to  
14 support it, and we believe that good faith is an  
15 appropriate way to instruct upon the heightened mental --  
16 mental state required to prove her guilt beyond a  
17 reasonable doubt, and in conformity with her due process  
18 right to defend, we ask that the Court give that jury  
19 instruction.

20 THE COURT: Okay. Thank you. This is one that  
21 I had not made a ruling on in advance of trial. I've  
22 been reviewing Eighth Circuit law on potential good faith  
23 instructions and, of course, have been listening to the  
24 evidence.

25 Among other things, the Eighth Circuit has indicated

1 in various cases that a good faith instruction, a  
2 separate good faith instruction, is not necessary if the  
3 elements of the offenses as described in the jury  
4 instructions already cover the concepts and make it clear  
5 to the jury what state of mind they must find in order to  
6 find a defendant guilty.

7 I also, having heard all of the evidence, find that  
8 the evidence does not support giving a separate good  
9 faith instruction in this case.

10 So my findings are with regard to the elements  
11 instructions, again, 5, 6, and 7, that they adequately  
12 describe for the jury the mental state or condition that  
13 they would have to find in order to find Ms. Taylor  
14 guilty on any of the charged offenses.

15 I further find that having heard the evidence  
16 there's not sufficient evidence to support a separate  
17 good faith instruction.

18 So I am declining the defense request for an  
19 additional instruction that would describe the concept of  
20 good faith. And I do find that the instructions as  
21 currently formatted do adequately tell the jury, again,  
22 what they would have to find in order to convict  
23 Ms. Taylor on any of these charges.

24 Were there any other issues concerning jury  
25 instructions from the defense, Mr. Brown?

1 MR. BROWN: I don't think so, Your Honor.

2 THE COURT: Okay. Any jury instruction-related  
3 issues from the United States?

4 MR. TIMMONS: No, Your Honor.

5 THE COURT: What I would plan to do then -- and  
6 I haven't yet gone through with the jury the couple of  
7 typos that we talked about last week -- when they do come  
8 back at around 11:15, I'll go through the current  
9 instructions, have them make the changes in their  
10 packets, couple of times changing "or" to "on," and then  
11 I think there was a word missing on page 12. I'll point  
12 those out to the jury.

13 I will read -- and I'll have this circulated so the  
14 lawyers have copies also. But I'll make copies of the  
15 prior similar acts instruction which I've numbered as  
16 number 17. I'll go ahead and read that to the jury. And  
17 then I'll also hand out the verdict form, but I'm not  
18 going to read the verdict form until the very end as I  
19 read the final couple of instructions in the Court's  
20 packet.

21 Any thoughts or objections to that procedure from  
22 the government?

23 MR. TIMMONS: No, Your Honor.

24 THE COURT: From the defense?

25 MR. BROWN: No, Your Honor.

1           THE COURT: All right. Is there anything else  
2 we need to take up at this time? Anything from the  
3 government?

4           MR. TIMMONS: No, Your Honor.

5           THE COURT: Anything from the defense?

6           MR. BROWN: I don't think so.

7           THE COURT: Okay. Well, let's come in at  
8 11:15. If anybody thinks of anything we need to talk  
9 about earlier, you can try to alert us. We can try to  
10 get back in here before 11:15. I'm guessing I'll take a  
11 short break after the government's initial opening  
12 because the defense gets up to 90 minutes, of course, and  
13 I don't want to interrupt Mr. Brown during his closing.  
14 So it will probably be prudent for me to take a short  
15 break after the government's initial opening, probably  
16 another one after -- I'm sorry, initial closing, probably  
17 another one after Mr. Brown's closing. All of the breaks  
18 from here on in will be relatively short, just quick  
19 restroom or refresh-type breaks.

20           And then once we get done with the arguments, I'll  
21 read the final instructions, the verdict form. I will --  
22 assuming we still have all 14 jurors, I always wait to  
23 the very last possible minute, but I'll excuse our two  
24 alternates if necessary at that point and then send the  
25 jury off to deliberate.

1           So let's plan on coming back at 11:15. Again, I'm  
2 around. If anything comes up between now and 11:15, let  
3 us know, and we can come back sooner without the jury.  
4 But otherwise we'll be in recess until 11:15.

5           (Recess at 10:32 a.m.)

6           THE COURT: Please be seated. All right. We  
7 are back in session outside the presence of the jury.  
8 Anything to take up before we bring the jury in?  
9 Anything from the government?

10          MR. TIMMONS: No, Your Honor.

11          THE COURT: From the defense?

12          MR. BROWN: No, Your Honor.

13          THE COURT: Okay. Please bring in the jury.

14          (The jury entered the courtroom.)

15          THE COURT: Please be seated. Welcome back,  
16 everyone. Before we get to the closing arguments, I just  
17 have a few things to do concerning jury instructions.  
18 You should all have a couple of new documents on your  
19 chairs, and I'll tell you more about those in a couple of  
20 minutes.

21          If you'll go back to your original packet of jury  
22 instructions, as we've been going through this trial,  
23 we've noticed a couple of minor typos. And rather than  
24 reprint all the instructions, when this happens, I just  
25 ask the jurors to use their own pens or pencils and make

1 the changes. There's three of them I'm going to point  
2 out and ask you to fix in your instructions.

3 The first one's on page 9 which is part of  
4 instruction number 5. And way down there toward the  
5 bottom -- it's the last full paragraph there -- there's  
6 a -- the second line of that paragraph talks about an  
7 impact or any particular race. That should have been "on  
8 any particular race." So if you can just cross out the  
9 word "or" and write the word "on" in, it makes a lot more  
10 sense when it's "on" instead of "or." And that's what we  
11 all intended. It just got put in there incorrectly.

12 On page 12, right at the top, the second line, that  
13 line starts, Whether person or entity was actually  
14 deceived. It should be, Whether a person or entity. So  
15 if you can just write in the word "a" there, again, that  
16 will make a lot more sense.

17 And then the last one is on the very next page, and  
18 it's basically the same typo we had on page 9. That  
19 second to last full paragraph, again, it talks about an  
20 impact or any particular race. That should have been "on  
21 any particular race." So if you can just cross out the  
22 word "or," write in the word "on," again, that should  
23 make more sense.

24 I can't tell you how many people read these in  
25 advance of a trial, and yet almost every trial we miss a

1 few things like that. So I apologize for those mistakes.  
2 But I'm glad they were all pointed out to me so I could  
3 have you fix them.

4 The two new documents you have, one of them is the  
5 new and final version of the verdict form. And I read  
6 that at the very end of the case just before I send the  
7 jurors off to deliberate. But I wanted you to have it  
8 now because the lawyers may talk to you about the verdict  
9 form in their closing arguments, so I wanted you to all  
10 have copies. This is the final and substituted version  
11 of the verdict form. Again, I'll read it a little bit  
12 later.

13 The other document you have is a new jury  
14 instruction. We numbered it number 17 because the last  
15 instruction in your packet was number 16. And I will  
16 read this instruction out loud to you right now. So if  
17 you have it handy, and I'll excuse Shelly from reading  
18 (sic) this instruction because I will be reading it word  
19 for word.

20 (Court's instruction number 17 read.)

21 THE COURT: That completes my reading of the  
22 new instruction number 17. As I mentioned last week, the  
23 order in which instructions are given doesn't matter.  
24 All of the instructions are of equal importance and value  
25 to the case. So the fact that I've given this one at

1 this time doesn't mean anything as compared to the other  
2 instructions that the Court has given.

3 We are about to move into the closing arguments now.  
4 As I mentioned, both sides get up to 90 minutes. I'm  
5 pretty certain that after the United States makes its  
6 first of its two arguments I'll take a short break  
7 because as we discussed, Mr. Brown would have up to 90  
8 minutes. I don't like to interrupt a lawyer in the  
9 middle of closing argument unless it's absolutely  
10 necessary. So rather than try to pick a time during his  
11 argument for a break, I think we'll go ahead and just  
12 take a short break after the government makes its initial  
13 argument.

14 The jury instructions note that the closing  
15 arguments are not evidence. You've already heard all the  
16 evidence in the case. But the closing arguments are the  
17 chance now for the lawyers to talk about the evidence  
18 with you and to tell you what they think it has or has  
19 not proven.

20 Is the United States ready to present its initial  
21 closing argument?

22 MR. TIMMONS: Yes, Your Honor.

23 THE COURT: Okay. Mr. Timmons, you may  
24 proceed.

25 MR. TIMMONS: May it please the Court, counsel.

1 Ladies and gentlemen of the jury, this great country  
2 values democracy. One of the pillars of democracy is  
3 voting in free and fair elections. One person gets one  
4 vote. Doesn't matter who you vote for. But you get to  
5 decide. Nobody else gets to decide who you vote for.  
6 There are laws protecting our right to vote here in Iowa.  
7 Without those laws being enforced, democracy will not  
8 survive.

9 This trial is about how Kim Taylor corrupted  
10 elections and stole votes in 2020. Why? To get her  
11 husband elected. Kim Taylor cannot be allowed to get  
12 away with subverting free and fair elections in the state  
13 of Iowa. In summary, she stole the votes of Americans  
14 who spoke English and never needed her help in the voting  
15 process. She infringed on their rights.

16 The evidence has established that Kim Taylor is  
17 guilty beyond a reasonable doubt of submitting fraudulent  
18 voter registration forms, fraudulent absentee ballot  
19 request forms, and fraudulent ballot affidavits.

20 We first heard from Huong Nguyen and the Doan  
21 children. Kim Taylor filled out forms and ballots, then  
22 convinced the mom to sign on behalf of her children.  
23 Huong, their mom, did not know exactly what she was  
24 doing. She didn't even know Jeremy Taylor was on any of  
25 the ballots. There were no translation services

1 provided.

2 Tam and Thien, Thien, never met Kim Taylor. No one  
3 in the family filled out forms or voted the ballots. Kim  
4 Taylor filled them out and told the mom it's okay, sign  
5 here. She did this to cast votes for her husband behind  
6 Huong's back. And when the FBI called, Kim Taylor found  
7 out about it, she told Huong to lie.

8 Kim Taylor completed the forms and ballots in  
9 Thien's name. Thien was clear. Not his handwriting, not  
10 his signature, never gave his mom permission to vote for  
11 him. Again, it's not a matter of how he would have  
12 voted, but Thien said he never would have voted  
13 Republican let alone vote in a primary election. Turns  
14 out he voted for Donald Trump and for Jeremy Taylor  
15 unbeknownst to him.

16 Thien didn't even know who Jeremy Taylor was. When  
17 he found out his ballot was falsified, this was so  
18 important to him that he drove back from Ames to Sioux  
19 City, taking the entire day to correct what had gone  
20 wrong. Most people can barely squeeze in voting the 15  
21 minutes it takes them in the morning before work or the  
22 15 minutes after they get off of work while the polling  
23 stations are still open. Thankfully, his false ballot as  
24 well as his sister's from the general election were not  
25 counted.

1           His sister Tam had a similar story. Her version of  
2 events from her perspective mirrored that of her brother.  
3 Like her brother, she was a registered Democrat, never  
4 would have voted for a Republican let alone in a  
5 Republican primary. The fact that the ballot was cast in  
6 her name without her permission caused a lot of strife in  
7 the family.

8           Tam testified was not her handwriting, not her  
9 signatures. Huong told her -- told you Kim Taylor told  
10 her it's okay, you can sign, just sign here. She did  
11 that without ever translating what was on the documents.

12           As you compare these documents, I want you to  
13 compare them with each other and then also with  
14 Government Exhibit 102, Kim Taylor's own registration  
15 form from 2020. An expert from Quantico is not required  
16 for you to see that this handwriting is consistent. The  
17 evidence shows that Kim Taylor filled out these forms and  
18 ballots.

19           You also heard from My Do and her two sons. Similar  
20 story, a mother and her two adult children. Her two  
21 children were away from home and had been away from home  
22 for quite some time. Kim Taylor filled out their voting  
23 materials and ballots, told Mom to sign. And Kim Taylor  
24 took everything with her.

25           Nhat Pham explained that's not my handwriting, not

1 my signature. In fact, he still had yet to vote, never  
2 discussed the issue with his mother, never gave her  
3 permission to vote on his behalf. How could he have done  
4 that if they'd never discussed the matter? He also had  
5 to explain that Do is not his first name.

6 As My Do testified, Kim Taylor never translated the  
7 language on the forms and ballots into Vietnamese for  
8 her. I draw your attention to the affirmation that's on  
9 the ballot request form where it says, I swear or affirm  
10 that I am the person named above. Every one of those  
11 absentee ballot request forms is false if it's not signed  
12 by the individual voter and, therefore, a violation of  
13 the law.

14 Nhat's brother Minh also testified. This  
15 firefighter told us a similar story about being away from  
16 home and having no knowledge that ballots and forms were  
17 submitted in his name. Currently living in West  
18 Des Moines, he too had to explain that his first name is  
19 not Do. He never voted, never registered as a  
20 Republican, never signed the forms, and never gave anyone  
21 else permission, including his mother, to sign on his  
22 behalf. All the while he's been living in South Dakota  
23 for over a decade. My Do didn't fill these forms and  
24 ballots out. Kim Taylor did. Otherwise the last names  
25 and first names would be right.

1           We also heard from the Nguyen family, two members of  
2 the family, grandfather and granddaughter. I doubt  
3 anybody will soon forget having met the likes of Hai  
4 Nguyen. This grandfather explained that he signed only  
5 his own forms and that Kim Taylor did what she wanted to  
6 do with the forms and ballots.

7           Kim Taylor's criminal activities take on a new  
8 dimension with this family. Instead of asking a relative  
9 to sign on behalf of their children, Kim Taylor was  
10 taking blank forms, filling them out, and then either  
11 signing them herself or getting somebody else to sign  
12 them that wasn't the registered voter.

13           Yen told you she never would have registered as a  
14 Republican. At this point Kim Taylor no longer bothered  
15 with the pretense of getting relatives to sign for the  
16 voters. She got it done on her own terms.

17           Yen explained not her handwriting, not her  
18 signature, never gave permission, and that this time, at  
19 least in the fall for the general election, she was  
20 deployed as a combat medic. She wasn't even home to fill  
21 out the paperwork.

22           I'd like to draw your attention to the language at  
23 the bottom of the voter registration forms where, again,  
24 it says, I swear or affirm under penalty of perjury  
25 that -- and the first bullet point -- I am the person

1 named above. Every single one of the voter registration  
2 forms that was submitted with a false signature is  
3 fraudulent and a violation of the law.

4 You also heard from the Huynh family. Same MO as  
5 with the Nguyen family. Kim Taylor walks away with blank  
6 forms from a parent of an adult child. The father,  
7 Nhieu, testified he gave those blank absentee ballots and  
8 related forms to Kim Taylor. He knew they were related  
9 to voting, but he didn't truly know what they were. He  
10 gave them to her blank. And where did they turn up?  
11 Cast in Nguyen's name.

12 You recall he said he was too busy to bother staying  
13 on top of voting. He had an interest but hadn't really  
14 followed, never signed the documents, never voted to his  
15 knowledge. And he doesn't really know the difference,  
16 the true difference, between a Republican and a Democrat.  
17 The evidence proves that Kim Taylor signed or had someone  
18 else sign those documents to get her husband elected.

19 Here I'd pause to note the language in the lower  
20 right-hand corner there, the voter's affidavit language.  
21 Again, I do solemnly swear or affirm by signing below  
22 that I am a qualified registered voter. Every ballot  
23 affidavit that was forged is a violation of the law.

24 You also heard from the Luu family. The evidence  
25 presented proves that Kim Taylor filled out forms and

1 ballots for members of this family. Kim Taylor had the  
2 grandfather and the father of the family sign their  
3 ballots and paperwork and left with all voting forms and  
4 ballots when she left.

5       Crucial here is Andy and Anthony Luu's testimony.  
6 They both said they've never voted. They never signed  
7 any documents or filled out a ballot. Andy, for his  
8 part, wanted to vote in person during the general  
9 election but was told don't bother. You recall he wanted  
10 to snap a photo of the "I Voted" sticker to his friends.  
11 He didn't get that chance. Kim Taylor's handwriting is  
12 all over their documents. Andy and Anthony, you'll  
13 recall, never even spoke with Kim Taylor about voting.

14       During your deliberations, you'll notice there were  
15 three ways to violate the law alleged here. The first  
16 group is Counts 1 through 26. The elements are detailed  
17 in instruction number 5. These are the false information  
18 in registering or voting. It's just like it sounds.  
19 There's false information either in a registration  
20 document or a voting document. Violation of the law when  
21 the elements are met. Counts 1 through 26 notably  
22 correspond to Government's Exhibits 1 through 26, Count  
23 1, Count 2, so on and so forth.

24       The first element, the defendant gave false  
25 information, none of these documents contain an accurate

1 signature. The person who it purports to be never signed  
2 the document. Some of them didn't even live at the  
3 address it says they were purporting to live at.

4 The second element, in an election for federal  
5 office, Pat Gill told you about the fact that federal  
6 officers were on the ballots. You also have the ballots  
7 for yourself to see. Federal candidates are listed.

8 And third, that the defendant did this knowingly or  
9 willfully, why else would Kim Taylor tell Huong to lie  
10 when the FBI came to talk?

11 Additionally she'd already worked as a legislative  
12 assistant and worked on campaigns since at least 2008.  
13 She also announced publicly on Facebook that consent of  
14 the voters was required in completing those forms and  
15 signing them.

16 One thing I'd like to highlight for you, instruction  
17 number 8 is an aiding and abetting instruction. You can  
18 consult that instruction as needed, but it effectively  
19 tells you Kim Taylor doesn't have to have forged the  
20 signatures herself to be guilty of providing false  
21 information or false registration or a false ballot.  
22 Causing someone else to do it knowing that it was  
23 inaccurate is sufficient.

24 Our second group of offenses -- these are detailed  
25 in instruction number 6 -- fraudulent registration.

1 There are only three of them. At this point we're  
2 repeating the same documents from Government's Exhibits 1  
3 through 26. 1 through 26 are violation, false  
4 information in registering or voting. 1 through 26 are  
5 equally a violation of another law because they're  
6 fraudulent. Same document, multiple ways of violating  
7 the law.

8 Count 27 corresponds with Exhibit 22; Count 28 with  
9 16; and 29, Count 29, corresponds with Government Exhibit  
10 2. That's going to be on the Exhibit -- or the verdict  
11 form, but I wanted to flag that for you.

12 Looking at the elements, that the defendant procured  
13 or submitted materially false voter registrations under  
14 Iowa law, again, materially false because they were not  
15 signed by the voter. And as Pat Gill testified, that's  
16 illegal under Iowa law.

17 Element two, that the defendant knew registrations  
18 were materially false. We know she knew they were false.  
19 She signed them for others or had people other than the  
20 voters sign them. How could they not be false?

21 Element three, that the registration was procured or  
22 submitted in a federal election, same reasons for the  
23 last element regarding federal election.

24 My apologies. She procured or submitted them in  
25 federal elections. We know she procured and submitted

1 them in the federal election for the same reason we  
2 talked about, but she submitted them herself. She walked  
3 away with them, took them to the ballot boxes.

4 Lastly, element four, she knowingly and willfully  
5 deprived or attempted to deprive the citizens of Iowa of  
6 a free and -- free, fair, and impartially conducted  
7 election.

8 The integrity of the election both were tarnished  
9 the first time she did this. She did it repeatedly.

10 And again, you know she knew she was doing it  
11 willfully. She asked others to lie about it, and she had  
12 been engaged in get out the vote matters considerably  
13 over the years.

14 Last group, these offenses are in Counts 30 through  
15 52, 23 remaining counts. Just like the last group we  
16 went over, instead of registrations, this one refers to  
17 ballots but has the same elements.

18 I'd call your attention to the verdict form at this  
19 point because it's the easiest way to connect the counts  
20 with the individual exhibits. You see in the highlighted  
21 language there it spells it out for you. Count 30 in  
22 this example from the indictment is an absentee ballot  
23 request form. Specific date corresponds to Government  
24 Exhibit 1, so on and so forth.

25 Back to the elements of this last group, again,

1 procured and submitted materials -- materially false  
2 ballots, false because they're not submitted by that  
3 voter, signed by someone else, that the defendant knew  
4 they were materially false for the reasons we've already  
5 talked about, procured and cast in a federal election for  
6 the reasons we already talked about, and that the  
7 defendant knowingly and willfully deprived or attempted  
8 to deprive citizens of Iowa of fair and impartially  
9 conducted election, again, for reasons we've already  
10 talked about.

11       Last thing I'm going to talk to you about in terms  
12 of jury instructions, Judge has already reminded you  
13 statements, arguments, questions, and comments by the  
14 lawyers are not evidence. What Mr. Brown says at trial  
15 during opening and during closing is not evidence. You  
16 have that in writing. It's instructed. Evidence is the  
17 testimony and the exhibits admitted.

18       Ladies and gentlemen of the jury, these are our  
19 eight victim voters. Calling these Americans victims  
20 doesn't feel quite right. These Americans are more than  
21 that, but they're victims nonetheless.

22       As Americans, they undoubtedly share many of our  
23 cultural values such as don't think of yourself as a  
24 victim, don't lie. Ladies and gentlemen of the jury, Kim  
25 Taylor lied, and she made them victims. The evidence has

1 shown that five separate families told their own story of  
2 criminal acts by Kim Taylor. The evidence proves beyond  
3 any reasonable doubt that Kim Taylor threatened the  
4 fabric of democracy. She forged signatures, eight  
5 Americans. This all leads to one inescapable conclusion:  
6 Kim Taylor is guilty beyond any reasonable doubt of all  
7 52 counts. Thank you.

8 THE COURT: Thank you, Mr. Timmons.

9 Folks, as we discussed, I am going to go ahead and  
10 take a short break at this time before we get into the  
11 defense closing argument. I have 10 minutes to 12.  
12 Let's plan on coming back at 12:05, so it will be just  
13 roughly 15 minutes. We'll be in recess until 12:05.

14 (The jury exited the courtroom.)

15 THE COURT: Please be seated. For the record,  
16 the jury has left the courtroom. Parties and counsel are  
17 still present. I had Mr. Timmons at about 26 minutes.

18 And, Mr. Timmons, did you say Mr. Evans is doing the  
19 rebuttal closing?

20 MR. TIMMONS: Yes, Your Honor.

21 THE COURT: And, Mr. Evans, thoughts roughly  
22 how long you're going to take? I mean, you've got a  
23 substantial amount of time there.

24 MR. EVANS: I would not think it would be more  
25 than 10 to 15 minutes, Your Honor.

1 THE COURT: Okay. You guys had me all geared  
2 up for 90 minutes and might not hit that, but that's  
3 fine. I just wanted to get a heads-up. And, of course,  
4 you have more time than that as necessary.

5 But in any event, when we come back from our break,  
6 we'll get into Mr. Brown's closing argument. Any issues  
7 to take up at this time from the government?

8 MR. TIMMONS: No, Your Honor. Thank you.

9 THE COURT: Anything from the defense?

10 MR. BROWN: No, Your Honor.

11 THE COURT: We'll be back at 12:05.

12 (Recess at 11:53 a.m.)

13 THE COURT: Is the government ready for the  
14 jury?

15 MR. EVANS: Yes, Your Honor.

16 THE COURT: Is the defense?

17 MR. BROWN: Yes, Your Honor.

18 THE COURT: Okay. Please bring in the jury.

19 (The jury entered the courtroom.)

20 THE COURT: Please be seated. Welcome back,  
21 everyone.

22 Mr. Brown, are you ready to make a closing argument  
23 on behalf of Ms. Taylor?

24 MR. BROWN: Yes, Your Honor.

25 THE COURT: Okay. Whenever you're ready, you

1 may proceed.

2 MR. BROWN: Thank you. Your Honor, counsel,  
3 Miss Taylor.

4 From time to time in our lives we run across people  
5 that -- in our communities that they leave a big wake  
6 behind them, you know, like a ship. And some of them  
7 intend to; some of them don't. And that's just the way  
8 it goes. But some of them you can say about them that no  
9 good wake goes unpunished.

10 And what are exactly the sins that Kim Taylor's on  
11 trial for here? Is it for being a soldier's wife, a  
12 candidate's wife by any means necessary? I mean, what is  
13 she? Malcolm X or something? No.

14 There's three groups of charges, and I'd be remiss  
15 if I didn't summarize them as well because the other  
16 price of freedom, as Ms. Keane's book is entitled, the  
17 government must prove their accusations beyond a  
18 reasonable doubt.

19 The group 1 of which the defendant remains subject  
20 to the cloak of presumption of innocence, Counts 1  
21 through 26, the false information in registering or  
22 voting, instruction specifically says that signing a  
23 person's name without permission may constitute false  
24 information. The government has to prove that this --  
25 this is a specific criminal intent crime, thinking about

1 committing a crime, not just blundered into it. She  
2 slammed that mini door sh -- minivan door shut every day  
3 or whatever she's driving and left that house and the  
4 kids are taken care of and went ramming around Sioux City  
5 with papers in hand as she intended to commit a crime;  
6 okay? That's what they're saying. Knowingly means  
7 something other than ignorance, mistake, or accident.  
8 Willfully, purposely. That means mental sense with  
9 intent to do something the law forbids.

10 Group 2, fraudulent registration, again, they have  
11 to prove beyond a reasonable doubt she procured or  
12 submitted these voter registration applications that were  
13 false or fraudulent, and she knew it.

14 We're not disputing these are federal elections.  
15 That's not an element in dispute for either one of these  
16 groups and that, once again, this specific intent  
17 criminal element, criminal intent element, that she  
18 knowingly and willfully deprived or attempted to deprive  
19 or defraud the residents of the state of Iowa of free and  
20 fair election process.

21 She got in her car that day and started driving  
22 around with papers in hand, she intended to commit a  
23 crime, not by ignorance, mistake, some other omission.  
24 No. She intended to commit a crime. That's the group 2,  
25 Counts 27 through 29.

1           Why am I repeating? Because this is important.  
2 Counts 30 through 52, fraudulent voting, they have to  
3 prove she procured or cast a ballot that was false or  
4 fraudulent and she knew it. And she deprived or  
5 attempted to deprive us, Iowa residents, of a fair  
6 election process. And when she was doing all that, they  
7 have to prove, in her mind knowingly and willfully, not  
8 by ignorance, mistake, or accident.

9           And if in instruction number 8 she did some of these  
10 things not herself but by -- as an aider and abettor --  
11 counsel didn't specifically mention that, but it might  
12 come up -- then they have to prove, if that becomes the  
13 alternative theory, that she knew for each one of these  
14 groups, 1, 2, and 3 of the charges, that somebody else  
15 was committing them, she had advance knowledge of that,  
16 of the extent and character of these offenses by somebody  
17 else, and she did something to cause, encourage, or aid  
18 the people who were committing these other -- these  
19 offenses of groups 1, 2, and 3. And once again, she  
20 still had to do it with that requisite criminal intent.

21           And what's the significance of this requisite  
22 criminal intent? Make sure we're not criminalized for  
23 mistakes, acts, omission, ignorance.

24           And if Congress wants to just create a voting crime  
25 that says if you do X and Y gets submitted, that's a

1 crime, well, they can make that crime. But that's not  
2 what these charges are. They have this requisite mental  
3 element.

4 By any means necessary. Well, who'd she pay?  
5 Anybody? No. Is there really any evidence of any scheme  
6 here other than get out the vote activity and First  
7 Amendment advocacy? Any conspiracy with her husband? I  
8 mean, his presence at the scene from here and there, they  
9 don't mean anything. This -- all this ballot box  
10 activity we heard about, that's just all a big gigantic  
11 red herring.

12 In fact, what we do know about her get out the vote  
13 activities, at least with respect to the auditor's  
14 office, is it was all out in the open. This  
15 wasn't any -- there wasn't any secret. If she had some  
16 secret scheme that's with this devious criminal intent by  
17 any means necessary, why isn't she covering it up?  
18 Instead she's going in the clerk's office -- auditor's  
19 office. She's taking people down to the early voting  
20 stations. She's hanging around the ballot box outside  
21 after 5:00. I mean, how inconspicuous can you be? She's  
22 leaving a big wake, and she 's different. We all know  
23 that. She's different. She's not the same.

24 I'll remind you later when I circle back to this,  
25 there wasn't a single thing that Erica Tuttle really or

1 Pat Gill for that matter could identify as to what  
2 exactly the problem was with her going out and doing  
3 these get out the vote activities. Only thing I can  
4 think of is it's the target audience, the Vietnamese  
5 Americans.

6 Think Miss Tuttle's going to care a wit if a white  
7 guy comes in with a whole stack full of absentee ballots,  
8 somebody from some church? You can make the call on  
9 that.

10 Any zeal to support her husband is not a crime by  
11 any means necessary.

12 So if that's the case, by any means necessary, is  
13 she just going to throw it all away for what? Eight  
14 votes? Ten? Twelve? Kind of confusing, isn't it? Six  
15 kids, her reputation for that?

16 Government's already said it, but I'll repeat it.  
17 You know this, but there's these family subgroups. We  
18 got the Huong Nguyen group. Those are various counts, 1  
19 through 9, 29, 30 through 37. We have the My Do group  
20 with her children, 10 to 15, 38 to 43; the Mr. Hai Nguyen  
21 group involving Yen, granddaughter, 16 to 19, 28, 44 to  
22 46; the Huynh group; and then the Luu group with their  
23 respective counts.

24 Since these are complicated transactions a long time  
25 ago, I'm going to have to go through it. But before we

1 get there, I'd like to remind you of specific  
2 instructions. The Court has told you all the  
3 instructions matter. They're all important. Their  
4 sequence is irrelevant. But there's some specific ones I  
5 want to point out because they're important in your  
6 decision-making process.

7       You're given a specific instruction on credibility  
8 of the witnesses and the concept of the presumption of  
9 innocence which the judge has spoke with you multiple  
10 times, the principle that no defendant can be  
11 committed -- convicted of any crime unless the government  
12 can and prove each and every element beyond a reasonable  
13 doubt, and the judge will give you a lengthy definition  
14 of what reasonable doubt means.

15       That definition of reasonable doubt will include  
16 specific hesitate to act language. You pay attention to  
17 that because we spoke a little bit about that in voir  
18 dire, that concept of getting a second opinion, that  
19 concept of that pause or hesitate in those important  
20 affairs of our life, whether this is the right thing to  
21 do, whether I have enough information here.

22       Should I buy this house? Should I marry this woman?  
23 Can I pay for this? We come across those in our lives  
24 all the time. And sometimes we make the wrong decision.  
25 We just go ahead and blunder into it anyway. We ignore

1 it. But we know we don't have -- we're not doing the  
2 right thing.

3 And when we have to pause or hesitate in these  
4 graver affairs, then we doubt the course of action we're  
5 about to take. Gray area, ladies and gentlemen, is not  
6 proof beyond a reasonable doubt, nor is ambiguity, nor is  
7 being unsure. And there's nothing wrong with that.

8 When the jury has to declare a particular defendant  
9 not guilty in a particular case, it sends no message. It  
10 sends nothing. It sends the only message there is, that  
11 the government didn't prove it beyond a reasonable doubt.  
12 That's part of the due process clause and the Sixth  
13 Amendment.

14 We presented some meager character witnesses.  
15 People in good faith came here and said here's what I  
16 think -- I think her reputation is. I mean, you're  
17 entitled to -- you're entitled to believe that at least  
18 generally Kim Taylor acted in accordance with her  
19 character. I mean, she's a big fish in a little pond.  
20 Did she bring it on herself? Maybe. Was she thrust into  
21 it? Maybe. A combination thereof? Big fish nonetheless  
22 leaving a wake, drawing attention to herself, big target  
23 on her back. Kind of like a deer with a bull's eye  
24 birthmark on its chest. She's attracting a lot of  
25 attention.

1           And the FBI comes prowling around. That's their  
2 job. Can't spell FBI without the "I," and the "I" stands  
3 for investigate. Investigators investigate. Detectives  
4 detect. And what is it that we expect and demand? We  
5 should expect and demand that they investigate all  
6 relevant angles and possibilities, possible motives and  
7 biases of the witnesses.

8           Did Agent Murphy really do that here? I'll leave  
9 that to you. Sure, he acted in good faith, but did he  
10 really pursue all the relevant information, exact -- try  
11 to reconstruct for you what happened because one of the  
12 things I'm going to circle back on, this is a  
13 witness-heavy case? The documents say what they say.  
14 And we're not disputing Kim Taylor filled out the larger  
15 portions of them, most of them, if not all of them.

16           We certainly deny she forged anybody's signature or  
17 authorized anybody to forge a signature.

18           But since this is a witness-heavy case, all  
19 information about these complicated events back in the  
20 Vietnamese American -- Vietnamese American community back  
21 in 2020, they have to be -- we gotta dig into that, drill  
22 down on it. You don't investigate with the goal of  
23 building a case for prosecution, but you search for the  
24 truth. Doesn't that make sense, even if there's some  
25 ambiguity there? That's all I'm asking.

1           Agent goes out; he takes his linguist. He's with  
2 another agent. They're meeting with multiple people in  
3 this closely knit community. Less than what, 500 to 700,  
4 a thousand of them at most, these Vietnamese Americans in  
5 the community? It's going to spread like wildfire.

6           The agent goes out and looks at her Facebook page.  
7 Kim says something about, you know, the absentee ballot  
8 without their permission and all that. Well, do you even  
9 know what Trump versus Gill was all about? Well, not  
10 really. I didn't read it. Well, how do you know she was  
11 wrong if you don't know what was right? So that doesn't  
12 mean anything.

13           Mr. Gill told you what the problem was. Problem was  
14 they prepopulated, in other words, they'd already typed  
15 in people's driver's license number or voter ID number  
16 just like she said and 50,000 of them which he said he  
17 did in good faith; right? A mistake.

18           Investigators should investigate with an eye towards  
19 resolving all ambiguities in favor of she who has a  
20 target on her back. What do we get instead? We get --  
21 you know, we get surveillance by plane, by automobile.  
22 All we're missing is the train. This ridiculous 7 a.m.  
23 arrest gambit, that's kind of embarrassing. Is it  
24 justice or just us?

25           The backstory here is clear that relevant witnesses

1 admitted right in the middle of a COVID pandemic, stay at  
2 home, vote at home, government's encouraging. She has a  
3 right under the Voting Rights Act to engage in help,  
4 advocacy, and encouraging. And all I'm asking is you to  
5 be very, very careful and resist any attempt of the  
6 government to criminalize that get out the vote activity  
7 and First Amendment advocacy.

8 Mr. Gill told you, I filled that form out before  
9 till they changed the law. I did it. It's okay for her  
10 to return those ballots to the auditor's office. They  
11 changed the law. It was lawful then.

12 The government or the FBI can't identify a single  
13 law that says that the person helping a  
14 language-deficient person has to be a qualified  
15 interpreter or perform interpreting services accurately.  
16 Probably ought to. But it isn't the law evidently.

17 So if it's not required, then she didn't have any  
18 duty to do so. Should she have? Maybe. If you don't  
19 have a specific provision of the law that says a helper  
20 must be this, this, and this to help, then mistakes  
21 happen just like when they destroyed all the helper forms  
22 that the auditor's office collected, the ones that may  
23 have had her signing on behalf of others so we could have  
24 gone out and found out those people.

25 Did they convince you to vote for Trump and your

1 husband or what, you know? They destroyed them. Can't  
2 criminalize the nonperformance of an act not required by  
3 the law. That's what I'm saying. They're just  
4 weaponizing the form.

5       There's no evidence that Kim Taylor didn't  
6 understand that her parents couldn't help their children,  
7 at least with their permission, at least if they had  
8 their permission or it was implied to Kim.

9       We've already talked about this voter assistance  
10 form kerfluffle that they failed to preserve. People  
11 make mistakes, even the pros at the auditor's office.  
12 It's their job to conduct the election.

13       As I said -- I'll repeat one last time -- Erica  
14 Tuttle, Mr. Gill didn't identify anything she was doing  
15 out in the open, by the way, out in the open versus  
16 secret that was somehow illegal. I'm not sure Erica  
17 Tuttle should be the first one to throw the first stone.  
18 She's got her own issues.

19       Here's another serious bone of contention that I --  
20 if you start to reach down to take my bone away I'd  
21 growl. Reasonable doubt can arise from the evidence, the  
22 lack of evidence, or a combination between the two.

23       Now, the government wants you to guess or assume  
24 that she signed a whole bunch of these herself with that  
25 hand, not somebody else. They say she did it. She John

1 Hancocked that; okay? Where's a single shred of evidence  
2 of that? They could have got a handwriting exemplar from  
3 her. Could have got it from any variety of people in  
4 these family groups. Didn't. The fact they didn't was a  
5 choice. We can presume that people intend the natural  
6 consequences of their act, these smart people, Agent  
7 Murphy, what, three colleges? Master's, smart dude.

8         So the government made a decision not to try to find  
9 out. Well, it's true as the government might posit that  
10 the results of some kind of a scientific investigation of  
11 the handwriting analysis by a qualified person might say  
12 it was ambiguous or inconclusive. Might. They didn't  
13 find out. They didn't want to know. What if -- what if  
14 their own people at Quantico said she didn't write it in  
15 all likelihood or not?

16         Now they -- you know, they gave you a little  
17 slideshow, nicely done. They're going to encourage you  
18 to go back and look at all these signatures on the bottom  
19 of there, and they're going to want you to be the  
20 forensic specialists. Decline. Resist that. That's  
21 their job.

22         Every one of us go through our lives at times  
23 thinking we see patterns. We think we see patterns about  
24 all sorts of things, the weather and football teams or  
25 whatever. We think we see things. Sometimes we're

1 right. But we need to be very, very careful about that.  
2 And they want you to be the decipherers of the Rubik's  
3 Cube. They want you to go in and try to decipher out and  
4 be the forensic experts and try to see a pattern; okay?  
5 In the -- some of these family groups like the Huynh  
6 family and the Hai Nguyen family, there's multiple  
7 different versions of handwriting signed on these things.

8 Be careful about -- and resist the lure of becoming  
9 your own expert. Now, we want -- we want jurors drawn  
10 from the community because we draw upon their common  
11 sense of experience. That's true. But when an important  
12 accusation's levied that someone signed this, you're  
13 going to have to do better, Mr. Government, especially on  
14 highly sensitive and technical subjects where it means a  
15 whole lot. Sometimes we know less than we think we know.

16 Let's turn to Ms. Huong Nguyen group -- I don't  
17 pronounce her first name very well -- but Ms. Nguyen, Tam  
18 and Thien Doan. Here's what I submit about that version.  
19 The three testimonies are basically the equivalent of a  
20 car crash witnessed by three different drivers. We have  
21 three different stories.

22 We got daughter Tam doing effectively the same thing  
23 for her brother, requesting the forms, filling out the  
24 forms, sending them in. They didn't really ask her if  
25 she signed for her brother. Under none of their versions

1 is there any real explanation how Mom got their driver's  
2 license other than Mom says, you know, I had it in my  
3 phone somehow.

4 All right. Mom says -- during the relevant period  
5 of time here, where'd she say her son was? Italy. Right  
6 in the middle of a COVID pandemic? You're mistaken, Mom.  
7 Where'd the son say he was? I was in Austin, Texas.

8 Thien, did you -- is it possible you called your mom  
9 around May and she asked for your DL number and told you  
10 it was for voting documents? It's possible. But my  
11 memory about these facts, I'm spitballing. That's what  
12 he told you. We'll criminalize somebody for spitballed  
13 memory? You kidding me? In this family alone, the who,  
14 what, where, how, and why is pretty convoluted, who was  
15 home, when they're home, who's not at home. None of them  
16 can even agree. They lived right in the heart of the  
17 Vietnamese American area in Virginia Street.

18 Ms. Nguyen said that she did it for her kids without  
19 her kids knowing, but Kim said it was okay. Well, let's  
20 just think about that just for a second; okay? That's a  
21 witness-dependent fact. That means you gotta go over to  
22 that credibility of the witnesses instructions and roll  
23 around in it because that is an extremely important  
24 witness-dependent fact.

25 There's a thin red line there between I did it

1 myself and Kim said it was okay. And that's the only  
2 evidence of that. No corroboration whatsoever.  
3 Reasonable doubt can arise from the evidence, the lack of  
4 evidence, or the combination thereof.

5 And remember Nguyen didn't -- Nguyen didn't talk  
6 until she got to the grand jury post lawyer gotten by her  
7 daughter.

8 Second witness-dependent-only fact: Remember Tam  
9 testified that there was this big family squabble, you  
10 know, where are these ballots, Mom; oh, check the trash;  
11 I dug through the trash; what about -- okay. Remember  
12 all that convoluted noise?

13 So then Miss Nguyen tells you -- well, here -- my  
14 notes say this, that she spoke with Kim after the  
15 daughter was asking me where these ballots were, and Kim  
16 said tell her they got thrown away, not the FBI.

17 But in any event, that's just like one of those  
18 witness-dependent facts. There's no way to fact check  
19 that. They got the phone records. Show me a phone  
20 record where they spoke in this relevant period of time  
21 which would have been circa the fall, September, October,  
22 of 2020. Show us a phone record. Investigators  
23 investigate. Detectives detect. Well, go detect then.

24 My Do and the Phams. Well, we know who signed those  
25 because Ms. Do says she did. She took responsibility.

1 She didn't claim that Kim said it was okay. She didn't  
2 claim anybody said it was okay. She just did it because  
3 she wanted to do it because she felt responsible to vote  
4 for her sons. Just Trump she wanted to vote for. Just  
5 Trump for her sons she wanted to vote for.

6 Ms. Taylor sometimes called. Sometimes she just  
7 came over, but when I voted, I went into the separate  
8 room. Remember that little key? Her son testified that  
9 he'd visit every other week during this relevant period  
10 of time. Whole bunch of his voting mail came to his  
11 mother's house, and the FBI approached them, and his --  
12 Mom called me, and she was scared, my dad was scared.

13 Well, did your mom blame somebody else? No, never  
14 did. That's because My Do did it, confessed to it. The  
15 handwriting's hers. She didn't say Kim Taylor told her  
16 to do it.

17 The Hai Nguyen, that story gets a little more  
18 complicated. Bear with me. My job. Daughter Anh was  
19 there every day. Mr. Hai uses a dictionary. He's smart.  
20 You look up patriarch in the dictionary, I think could be  
21 his picture. His daughter's a translator. She was here  
22 last week. They didn't call her. He said some of the  
23 signatures looked like his.

24 Did you tell -- Mr. Hai -- Kim Taylor about Yen's  
25 name? I didn't tell her. That's what my notes reflect.

1 That's a key fact. Where'd she get -- where did Kim  
2 Taylor get that then? What really do you remember about  
3 2020? Well, sometimes he said, I don't really remember,  
4 and sometimes he had a whole bunch of detail. Couldn't  
5 remember coming to the grand jury afterwards, though.

6       Heard today, despite what they may have thought  
7 Mr. Hai Nguyen was trying to imply, he and his daughter,  
8 they've been to her house. Agent seen the photograph.  
9 They knew who she was. There's no proof she signed any  
10 of those family -- those family docs including Yen's.  
11 Yen didn't deserve that, whoever did it. But there's no  
12 evidence she did it or tricked somebody else into doing  
13 it for her. It's like three different versions of  
14 handwriting in that family alone, printed, two different  
15 cursives. But I'm no expert.

16       Investigators investigate. Detectives detect. Send  
17 it up the chain. Get that Quantico guy to look at it,  
18 see what you think. Didn't do it, didn't want to know.  
19 It's too -- easier just to say she did it.

20       Mr. Huynh from the Huynh group, the elder Huynh, she  
21 look familiar? Yeah, she's familiar. Didn't really ID  
22 her, but we're not disputing that she helped fill out  
23 some of those forms. But Mr. Huynh, the elder, did say  
24 this of significant value I think to you. He said he  
25 wouldn't sign paperwork unless his son told me to. So I

1 asked the son, Nguyen Huynh, okay, who else would have  
2 your driver's license besides you, because that DL  
3 number's on those voting docs? It has to come from  
4 someplace. It doesn't just come out of the earth,  
5 osmosis. Somebody's gotta know that. He had no  
6 explanation for that, but the only other explanation is  
7 it came from Mr. Huynh, the older man.

8       Lastly, the Luu group, Hoang Luu said by my  
9 recollection that the defendant translated the forms, she  
10 went over the form for me and my father to sign --  
11 father-in-law to sign, the exact sin that they complain  
12 of. Her -- and a yard sign. She left a yard sign in our  
13 yard. She came back and picked up the forms.

14       Grandfather Tri Lam's watching over the whole thing.  
15 And then Andy gives us -- he gives us the whole case,  
16 right, on this Luu group? I'm on my way to vote. My  
17 family member which he kind of concedes in cross was  
18 Grandfather Tri Lam, the guy probably running the show,  
19 we voted for you. Who is we? It's not her. He didn't  
20 say Kim Taylor voted for you. We voted for you, the  
21 family unit, Tri Lam and the dad. There it is. Looking  
22 for uncorroborated smoking guns of a quote, that's a  
23 pretty good one.

24       All right. Let me finish up here. These people  
25 were scared. People are doing what people do. They

1 talk. Multiple families live on the same street.  
2 There's some sense this is a pretty close community.  
3 Word of the FBI sniffing around would spread like  
4 wildfire. We got this interesting network. Is it a red  
5 herring? I don't know.

6 You look at the photographs, N1, N2, N6. That's  
7 Ms. Nguyen; okay? She's friends with Kim's competitor,  
8 Mai Holden. Mimi -- Mimi Nguyen, daughter of Ivy, Ivy's  
9 best friends with Mai. Mimi's a snitch to the FBI. Tom  
10 Holden, Mai's husband, talked to the FBI. Erica's  
11 married to Tom Holden's brother. Make what you want of  
12 it, but there's a network here because it's pretty easy  
13 to say, yeah, Kim made me do it; Kim told us -- told me  
14 it was okay.

15 And that's what I mean when I say this is a  
16 witness-dependent case for a lot of the claims. And  
17 under instruction number 10, you get to decide all, part,  
18 or none of these witnesses, whether you believe them or  
19 not. You can decide whether they're innocent  
20 misrecollections or blame shifting or intentional  
21 falsehoods, and you're entitled to consider their motive,  
22 their desire to self-preserve themselves and please the  
23 government. Kim said it was okay, where's the real  
24 evidence of that?

25 When you pull on these thin red threads, what

1 happens to them? The garment collapses. When the judge  
2 instructs you on reasonable doubt, you're going to hear  
3 something like this, that a reasonable doubt is that kind  
4 of evidence that you would be willing to rely and act on  
5 without hesitation in the most important of your own  
6 affairs.

7 And as I said, persons generally are entitled to the  
8 inference that they act within their character. If  
9 mistakes were made, that doesn't make them criminal.  
10 Doesn't make them knowing and willful with that bad  
11 intent, evil intent.

12 In sum, the Court, not me, will instruct you on  
13 effectively the fundamental rights that hold up a  
14 criminal trial like a bridge, that presumption that  
15 cloaks her of innocence, and that unless that presumption  
16 is overcome, there is but only one decision, that when  
17 the government has failed to prove beyond a reasonable  
18 doubt each and every element for each one of these 52  
19 counts, when there's gray, when there's ambiguity, when  
20 there's a thermocline between air or no air, then justice  
21 demands only one verdict, and that is not guilty, all 52  
22 counts. It's been my pleasure. Thank you.

23 THE COURT: Thank you, Mr. Brown.

24 Mr. Evans, would you like to give a rebuttal closing  
25 now, or do you need a short break? Either answer is

1 perfectly fine.

2 MR. EVANS: Short break, Your Honor?

3 THE COURT: Sure. Let's take about a little  
4 more than ten minutes again. We'll come back at 1:05.  
5 So the jury is excused until 1:05.

6 (The jury exited the courtroom.)

7 THE COURT: The jury has left the courtroom.  
8 Anything to take up at this time, Mr. Evans?

9 MR. EVANS: No, Your Honor.

10 THE COURT: Mr. Brown?

11 MR. BROWN: No, Your Honor.

12 THE COURT: We'll be back at 1:05.

13 (Recess at 12:52 p.m.)

14 THE COURT: Is the government ready for the  
15 jury?

16 MR. EVANS: Yes, Your Honor.

17 THE COURT: Is the defense?

18 MR. BROWN: Yes, Your Honor.

19 THE COURT: Okay. Please bring in the jury.

20 (The jury entered the courtroom.)

21 THE COURT: Please be seated. Welcome back,  
22 everyone. As I mentioned a little earlier, the  
23 government does have the opportunity to make a rebuttal  
24 argument because, as you know, the government has the  
25 burden of proof as to all of the elements on each count.

1           Mr. Evans, would you like to make a rebuttal  
2 argument on behalf of the United States?

3           MR. EVANS: Yes, Your Honor.

4           THE COURT: Okay. Whenever you're ready, you  
5 may proceed.

6           MR. EVANS: I guess it's afternoon already.  
7 Good afternoon, ladies and gentlemen. I want to thank  
8 you for your time over the last week and your attention  
9 to this case. It's an important one, as you've come to  
10 know by now.

11           I want to focus a few things on -- just to kind of  
12 talk a little bit about defense counsel's closing  
13 argument. That's basically what rebuttal is. I get the  
14 last word on things here.

15           He talked a lot about -- throughout the trial about  
16 GOTV, get out the vote, and how that's a constitutionally  
17 permissible activity, which it is. The government does  
18 not deny that the defendant had a right to campaign for  
19 her husband, that she could go out into the community in  
20 her -- in the Vietnamese community or the community in  
21 Woodbury County as a whole and campaign for her husband,  
22 either for the primary election or the general election.

23           She could fill out forms. We heard testimony from  
24 Mr. Gill, you'll recall. He, in fact, was a candidate.  
25 He's been reelected year after year after year whenever

1 he's run. He testified about the fact that he assisted  
2 voters with filling out forms. Nothing wrong with that.

3       Where she went awry, where she committed a crime was  
4 that she went beyond that. She knew that it was a  
5 requirement for the individual voters to sign those forms  
6 themselves. She -- the defense admitted she's fluent in  
7 English. That's not been a defense here that she didn't  
8 understand what they said. She knew exactly what those  
9 forms said, and you've seen them throughout this past  
10 week. Every single one of those forms had a voter's  
11 affidavit on it. Every single one said, I swear or  
12 affirm that I am the person who's signing this form,  
13 whose name is on this form.

14       And although defense counsel said that, you know,  
15 the defendant didn't have the criminal intent when she  
16 got in her car every morning to go out to commit a crime,  
17 it's not a requirement. The government's not saying she  
18 did.

19       Where she committed a crime, when that happened was  
20 when she went to these individuals' homes, when she sat  
21 down with them, filled out the forms, and then watched  
22 her sign for their kids.

23       Do we have a picture of the adult children?

24       All of these individuals testified. You've heard  
25 the testimony of all of these young adults, all citizens.

1 Some were interested in voting, some not so much. But  
2 the evidence showed across the board that none of them  
3 signed any of those voting documents that form the basis  
4 of the charges in this case. None of them -- they all  
5 testified none of them gave their parents in every  
6 case -- in most cases, excuse me, their mothers,  
7 permission to vote for them.

8 Defense counsel talked about some sort of, like,  
9 implied agency theory. There was no implied agency  
10 theory. You heard the testimony of these accomplished  
11 young adults testify they are fluent in English, they  
12 didn't need any help. And, in fact, some of them were  
13 highly motivated to vote.

14 Ladies and gentlemen, when you came to this  
15 courthouse, you didn't check your common sense at the  
16 courthouse steps. What makes more sense? That it was  
17 the defendant who was trying to get as many votes for her  
18 husband as possible, that she in talking with these women  
19 that she knew, some of whom she knew, that she -- that  
20 they said, oh, by the way, I have kids, I want them to  
21 vote as well? Or did she say, Did you have any kids, any  
22 other people in the house that we can fill out voter  
23 forms for?

24 It was the latter, because as you saw from the  
25 evidence and the testimony, Minh Pham had been living in

1 South Dakota for a decade. She knew her son didn't live  
2 in Iowa. That didn't matter to the defendant. Kim  
3 Taylor wanted to get as many votes for her husband as  
4 possible. And she went about doing it by telling people  
5 that they could vote for their children, that they could  
6 sign documents for their children, that they could  
7 register for their children when none of these people  
8 needed that assistance. They all spoke English. They  
9 were all fluent. They were living in other cities, other  
10 congressional districts. Didn't matter.

11 Defense counsel talked about gray areas and whether  
12 or not there was enough evidence, enough information for  
13 you to make a decision. There are no gray areas here.  
14 The testimony was clear all of these individuals  
15 testified that Kim Taylor came to their home. You don't  
16 need GPS positioning, which is difficult in some rural  
17 areas -- you don't need GPS positioning data to tell you  
18 where she was. All of these witnesses testified that Kim  
19 Taylor visited their homes. She came there. She wanted  
20 to put a yard sign for her husband, Jeremy Taylor, in  
21 their yard.

22 So her location is not an issue. That was easily  
23 established by Agent Murphy and the other agents working  
24 the case. He testified he interviewed over 50 people  
25 related to this case. You have the testimony of the

1 witnesses you heard over this past week, of the parents  
2 and of the children. You got all the documents in  
3 evidence. There are several hundred exhibits admitted  
4 into evidence, the key ones being Exhibits 1 through 26  
5 which form the basis of the charges in this case.

6 There is more than ample evidence given the  
7 testimony of the government witnesses as well as the  
8 documents themselves that are admitted into evidence for  
9 you to come to a conclusion in this case. And that case  
10 the government would submit is that the defendant is  
11 guilty of these crimes that she's been charged with.

12 Again, there's been a lot of smoke and mirrors.  
13 Where'd they get the driver's license numbers? Look at  
14 the documents. Some of the documents have the last four  
15 Social Security -- last numbers of the Social Security.  
16 All of the parents indicated, they testified, they had  
17 those numbers.

18 When it comes to the driver's license, several of  
19 the kids testified they provided those copies of their  
20 driver's license to their parents via their phone so that  
21 they would have that information.

22 Yen Nguyen said that she gave her father not only a  
23 copy of her driver's license but a passport just in case  
24 something happened when she was away deployed in Kosovo.

25 And there's one other thing. Remember that -- those

1   prepopulated forms that defense counsel claimed so much  
2   about, the fact that they included the driver's license  
3   numbers? Those were sent to every single residence, and  
4   all of the witnesses testified that whenever they got  
5   something that was voter related they kept it. Those  
6   forms were in those houses, and they contained the  
7   driver's license numbers. One way or another, it was not  
8   hard for the defendant to get that information, whether  
9   it was Social Security number or the driver's license  
10  numbers, to put on those forms.

11         Counsel also talked about signature evidence, there  
12  was no FBI forensic analysis to say who signed those  
13  forms. Again, think about circumstantial evidence. If  
14  you wake up in the morning and you look outside and  
15  there's a fresh blanket of snow on the ground, could it  
16  be that you're hallucinating? I guess it's possible.  
17  Could it be that a movie crew came through and sprayed  
18  snow because they were shooting a scene on your street  
19  that day? I guess theoretically it's possible.

20         What's the logical conclusion of what happened that  
21  night? It's that it snowed while you were sleeping. You  
22  just didn't see it. But you see the fresh blanket of  
23  snow on the ground. You can draw the conclusion that it  
24  snowed.

25         The testimony of the witnesses that you heard said

1 that they either signed the documents for themselves or  
2 their children or they gave Ms. -- they gave the  
3 defendant blank documents that she took with her.

4 Mr. Hai Nguyen testified he only signed his own but  
5 there were a bunch of other forms for the family. Those  
6 all left with the defendant.

7 Same thing with Mr. Luu. He testified that when she  
8 left there were no voting documents left in the house.  
9 How do you know that they got to the auditor's office?  
10 Well, all of them you'll see on the documents themselves  
11 are date stamped. They're time date stamped that they  
12 were received by the auditor's office.

13 So the testimony in the record is that the defendant  
14 took these forms with her, whether she signed them,  
15 whether her husband who was waiting in the car signed  
16 them, or whether somebody else signed them. Doesn't  
17 really matter. She made sure that they got to the  
18 auditor's office so that they'd be counted as votes for  
19 her husband. You can draw that conclusion based upon the  
20 testimony and the documentary evidence that's in the  
21 record.

22 Defense counsel talked a lot about mistakes, that  
23 mistakes were made. This was not a case of mistake.  
24 This was a case of intentional actions on the part of the  
25 defendant. She told them, she told -- you heard the

1 testimony of the witnesses. She told them, It's okay to  
2 sign for your kids.

3 And then when there was a problem with the documents  
4 that ended up in the auditor's office for Tam and Thien  
5 Doan that indicated that someone else had voted for them,  
6 Tan Doan talked about the fact -- she testified the fact  
7 that when she went to work that day, the ballot materials  
8 and everything were left on the table, and her mom had  
9 called and asked where they were. When she got home,  
10 they weren't there, and she was concerned about that.

11 And the testimony was that she called -- that her  
12 mom called Kim Taylor and asked what should she tell her?  
13 She told her to lie, to tell her that you threw them  
14 away.

15 Fortunately for Tam and Thien Doan, they were able  
16 to remedy the situation. They were able to go to the  
17 auditor's office because it was early enough in the  
18 process that their ballots hadn't started to be counted  
19 yet. So they could find those, pull them out, and  
20 actually vote the way they wanted to. As you saw from  
21 the ballots themselves, how they were voted and for the  
22 people they were -- that were voted for in those ballots  
23 were not the way they had wanted to vote. Fortunately  
24 for them, they were still able to exercise that very  
25 important right of theirs, to vote their own ballot.

1           Most of the individuals on this screen didn't have  
2 that chance. Ballots were cast in their name for the  
3 primary election and the general election without their  
4 knowledge, without their consent.

5           Ladies and gentlemen, our democratic system is about  
6 one person and one vote. You heard Tam Doan even talk  
7 about that fact that her mother said, oh, don't bother  
8 voting because we'll just cancel each other out. That  
9 doesn't matter. What matters is everyone has an  
10 opportunity to vote their own conscience and their own  
11 wishes. One person, one vote.

12           The defendant lost sight of that. She had incentive  
13 to get her husband elected to Congress. You heard that  
14 the starting salary for a new Congress -- a new member of  
15 Congress is \$174,000. Agent Murphy testified that that  
16 would have been a significant increase in salary for the  
17 defendant and her family, not to mention the prestige of  
18 being married to somebody who's now a member of Congress.

19           Well, that didn't work out, so she set her sights on  
20 getting back elected as a member of the Board of  
21 Supervisors. He was successful there. She had a hand in  
22 that.

23           Again, our system's based on one person, one vote.  
24 As you saw from the evidence and heard the testimony of  
25 the witnesses, the defendant lost sight of that fact.

1 She testified -- or excuse me. She voted for a lot of  
2 people. We know she voted for these people or told her  
3 parents that it was okay for these -- to vote for these  
4 people, these young individuals.

5 Again, going back to the idea of mistake, the  
6 testimony that you have is that the defendant has been  
7 working on campaigns since 2008. She knew what she was  
8 doing. She knew what these forms said. She was fluent  
9 in English. She could translate them for all of the  
10 people she interacted with.

11 Now, counsel was arguing that there's no duty, you  
12 know, to -- there's nothing in the law that requires you  
13 to have a fully qualified translator there. But when you  
14 take on that responsibility of assisting people with  
15 voting, you have to do it within the bounds of the law.  
16 If they don't understand what they're signing, if they  
17 don't understand that what they're signing is a crime to  
18 do so, it's your obligation to tell them that's the case  
19 and not to sign if it's not their ballot, if it's not  
20 their form, if it's not their registration document.

21 The defendant didn't do that. And because of that,  
22 she jeopardized the very foundation of our democratic  
23 system, and that is one person, one vote. And that  
24 damages people's confidence in our electoral process.

25 That's why we're here today. That's why this is an

1 important case, and that's why we ask you to return a  
2 guilty verdict on all 52 counts in this case. Thank you.

3 THE COURT: Thank you, Mr. Evans.

4 Members of the jury, you've heard the arguments now.  
5 We are getting close to the time where you will start  
6 deliberating. There are a few more things we need to do  
7 first.

8 The next step is probably my least favorite part of  
9 a trial. I have to send two of you home. You've  
10 probably counted. There are 14 of you. Only 12  
11 deliberate at a time. We start every trial, even if we  
12 think it's only going to be two or three days, with at  
13 least one extra juror. I've had all kinds of situations  
14 come up where jurors get sick or have family emergencies  
15 and can't continue. So we always start with at least  
16 one.

17 We started this case with two extra jurors just in  
18 case it went all the way through next week which is what  
19 we originally thought. And we have the holiday in there,  
20 and all kinds of things can happen.

21 To all of your credit, you've all been here every  
22 day. We still have the same 14 we started with. When  
23 that happens, we have a random process for picking  
24 alternate jurors. And in this case you're next to each  
25 other in the back row: Ms. Goulette and Mr. Becker. You

1 are the two alternates.

2 I'm going to tell you a little bit about what that  
3 means because you're not quite off the hook yet. You're  
4 not fully excused yet to do research on the case, to talk  
5 about the case. Believe it or not, there are times where  
6 even after the jury starts deliberating one of the 12  
7 might become very ill or have an emergency. So there's  
8 at least a chance that we'd have to call you back in.

9 So in just a couple of minutes I will ask you to go  
10 ahead and leave. You're free to go home. If we do need  
11 you, we would let you know that and call you, and we'd  
12 wait for you to get here. We will certainly let you know  
13 when the trial is over so you know that you're completely  
14 released from all the rules about not talking about the  
15 case, not doing any research.

16 I never know if people are happy, sad. I think it's  
17 always a little of both. I've had some people kind of  
18 glaring at me a little bit on their way out of the  
19 courtroom because you've been here every day, you've been  
20 extremely attentive, and it does seem a little unfair to  
21 ask you to not deliberate at this point. But it is the  
22 rule that we can only have 12 deliberate.

23 So the two of you at this time, I'm going to ask you  
24 to leave your notes and your jury instructions on your  
25 chair. We can get those to you after the trial if you

1 want them. Meghan and the other folks in the clerk's  
2 office will work with you on that. And again, we'll be  
3 in touch either if we need you to come back or once the  
4 trial is over so you know that.

5 All of us appreciate your service, you being here  
6 every day, but at this time I am going to ask you to step  
7 out. Thank you.

8 (Jurors Goulette and Becker exited the courtroom.)

9 THE COURT: Please be seated. For the 12 of  
10 you who remain, that means you will be deliberating in  
11 this case. Again, I always feel kind of sheepish about  
12 that, having people leave. But there have been many  
13 trials where we've been glad we had the additional jurors  
14 because of things that come up. Life does happen during  
15 trials. So that's where we're at. The 12 of you will  
16 deliberate. There's a few things we need to still do.

17 In a couple moments you're going to have to tolerate  
18 listening to me read again because I do have some  
19 additional reading to do. And then I have a few more  
20 other comments and thoughts about scheduling and other  
21 things that I'll tell you after I'm done reading.

22 But when we first started reading jury instructions  
23 a week ago, I read 1 through 14 in your packet. So I  
24 will ask you to turn to page 30 which is instruction  
25 number 15. What I'll do is I'll read these last two

1 instructions from this packet, and then we did hand out a  
2 new verdict form, and I'll have a couple of comments  
3 about that, and then I'll go ahead and read the verdict  
4 form.

5 But I'll start with instructions 15 and 16, again,  
6 excusing Shelly from taking down what I'm saying here.

7 (Court's instructions numbers 15 and 16 read.)

8 THE COURT: And then with regard to the verdict  
9 form which I'm going to read in just a moment, again,  
10 this is a separate document now. It's not the one that  
11 was attached originally at the back of your instructions.  
12 And it's going to take a little bit to read just because  
13 there are 52 counts as you know.

14 What I'll say is for each count as I read it, there  
15 will be options over to the right that say not guilty or  
16 guilty. And I'm not going to read that for every count.  
17 I'm simply going to read the information under that count  
18 and then move on to the next one. I will start reading  
19 the verdict form now.

20 (Verdict form read.)

21 THE COURT: That completes my reading of the  
22 Court's final jury instructions and verdict form. I  
23 don't feel quite as bad about excusing the alternate  
24 jurors now because they didn't have to sit through that  
25 at least. I'm just kidding.

1           So again, the jury instructions in this case then  
2 include your packet of instructions 1 through 16, the  
3 separate instruction 17 that we provided and read earlier  
4 today, and then the separate verdict form that I just  
5 completed reading. So when you do leave to deliberate,  
6 take all of those materials along with your notes with  
7 you to the jury room.

8           Just a few other things I promise. I'm sure you're  
9 eager to leave and start deliberating. The schedule for  
10 the rest of the day, our building does close at five. I  
11 think I've mentioned that before. So you can deliberate  
12 until 5:00 today, and then you can come back at 8:30  
13 tomorrow if you haven't finished your deliberations yet.  
14 You can deliberate all day tomorrow as necessary, again,  
15 until 5:00. And there are a lot of counts in this case.  
16 So I certainly don't want to suggest how long your  
17 deliberations should be. They always need to take as  
18 long as they need to take in order to reach unanimous  
19 verdicts.

20           But remember when we got together a week ago we  
21 talked about this case spilling over into next week even.  
22 So if you get through tomorrow and still don't have  
23 unanimous verdicts on all counts, we would just ask you  
24 to enjoy the Thanksgiving holiday and come back next  
25 Monday morning at 8:30 again to continue deliberating.

1 But at least for today it will be 5:00, and then tomorrow  
2 we would ask you to be here at 8:30. And you would be  
3 able to go again until 5:00.

4 It's not quite 2:00 yet. I am going to order that  
5 lunch be provided. Maybe all of you have eaten. But  
6 Meghan and her folks in the clerk's office will give you  
7 information about ordering lunch. And if you would like  
8 to order even though it's a little bit of a late lunch,  
9 you're free to do that. And that would also be the case  
10 tomorrow. If you're back here, we would provide lunch  
11 again as well if you're deliberating close to the noon  
12 hour.

13 As far as exhibits, after you leave the room, I will  
14 confirm with the lawyers that we all agree on which  
15 exhibits are in evidence, and you'll get those in two  
16 forms then. We have binders that have the physical  
17 copies of the exhibits. We also have an electronic  
18 review system. It's a large screen down in the jury  
19 room. You'll get a little bit of training from our  
20 clerk's office staff. It's very easy to use.

21 But the point of that is all of you can look at the  
22 same exhibit at the same time rather than having to pass  
23 it around the room. So it can -- you just basically  
24 select which exhibit you want to view. It pops right up  
25 on the screen so everybody can look at it together.

1           But again, it might take a few minutes. We just  
2 have to confirm that we have all of the correct exhibits  
3 in evidence, and then we'll get those to the jury room as  
4 soon as we can.

5           When it comes to filling out the verdict form after  
6 you have selected a foreperson, we only need one copy of  
7 the verdict form that all of you will sign. So even  
8 though you all have a copy, only the foreperson will  
9 actually fill out the verdict form.

10          And I do want to say something. There was a comment  
11 in the instructions about jury questions. If you do have  
12 a question, you're free to write it out and have it  
13 submitted through the court security officer. It will  
14 come to me. At least one of you would have to sign the  
15 question.

16          I don't just come up with an answer on my own and  
17 send it right back. I get the lawyers and the parties  
18 here in the room, and we talk about the question.

19          So just a little advance warning, it might take a  
20 little time to get everyone together. But we will --  
21 typically I just write out an answer after I have a  
22 chance to talk with everyone, and I'll have that sent  
23 back to the jury room. So if there are any questions,  
24 that is how that process works.

25          Any further record from the parties before I send

1 the jurors off to deliberate? Anything from the  
2 government?

3 MR. EVANS: No, Your Honor.

4 THE COURT: Anything from the defense?

5 MR. BROWN: No, Your Honor.

6 THE COURT: All right. Members of the jury, we  
7 are at that point now. I am going to excuse you to begin  
8 deliberations. Again, please take all of your materials  
9 now. And I wish you the best of luck with your  
10 deliberations.

11 (Jury out at 1:51 p.m.)

12 THE COURT: Please be seated. I have 11:51  
13 (sic) p.m. The jury has left the courtroom to begin  
14 deliberating.

15 As far as exhibits go, we talked the other day about  
16 the government exhibits. I think we all agreed on which  
17 ones are in evidence.

18 For the defense exhibits, I have as in evidence some  
19 of the A series and some of the N series. I have A1, 6,  
20 8, 10, and 12 and then N1, N2, and N6. Is that  
21 consistent with your notes and lists, Mr. Brown?

22 MR. BROWN: One second, please.

23 THE COURT: Sure.

24 MR. BROWN: Thank you. Yes, Your Honor.

25 THE COURT: Okay. Does the government agree?

1 MR. TIMMONS: Yes, Your Honor.

2 THE COURT: Okay. Those are the defense  
3 exhibits that will go to the jury room and be available  
4 on the electronic review system. And again, we all  
5 agreed the other day about the government exhibits. So I  
6 think we're in good shape with exhibits.

7 Is there any additional record from either party at  
8 this time? From the United States?

9 MR. EVANS: Yes, Your Honor. We just want to  
10 verify that the hard copy ballots that were admitted into  
11 evidence will also be in the jury room as well?

12 THE COURT: Yes, that is the case. They are  
13 the physical exhibits that will go to the jury room along  
14 with the binders that included the copies. But yes, that  
15 is my intention that the jury will have the physical  
16 ballots.

17 Anything else from the United States?

18 MR. EVANS: No, Your Honor.

19 THE COURT: Anything from the defense at this  
20 time?

21 MR. BROWN: No, Your Honor.

22 THE COURT: All right. I would ask that the  
23 attorneys make sure Audrey knows how to reach you. I  
24 don't like to keep jurors waiting very long if there is a  
25 question, or certainly once we have a verdict, I want to

1 get together pretty quickly. So as long as Audrey knows  
2 how to reach you, you don't have to stay here in the  
3 courtroom. But stay close enough to get here pretty  
4 quickly if requested to do so. And we will be in recess  
5 until we hear from the jury. Thanks, everyone.

6 (The foregoing trial was  
7 adjourned at 1:53 p.m.)

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CERTIFICATE

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I certify that the foregoing is a correct  
transcript from the record of proceedings in the  
above-entitled matter.

24

S/Shelly Semmler  
Shelly Semmler, RDR, CRR

12-10-23  
Date

25

**INDEX****WITNESS :****PAGE :**

1			
2			
3	KATHY FLAUGH		
4		DIRECT EXAMINATION	780
5		BY MR. BROWN	
6	MATTHEW MURPHY		
7		DIRECT EXAMINATION	792
8		BY MR. BROWN	
9		CROSS-EXAMINATION	805
10		BY MR. TIMMONS	
11	JOANNE KEANE		
12		DIRECT EXAMINATION	807
13		BY MR. BROWN	
14	MARILYN JOHNSON		
15		DIRECT EXAMINATION	812
16		BY MR. BROWN	
17		CROSS-EXAMINATION	816
18		BY MR. TIMMONS	

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**EXHIBIT :****PAGE :**

19	N1, N2, and N6		804
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

UNITED STATES OF AMERICA,

No. CR23-4004-LTS

Plaintiff,

Sioux City, Iowa

vs.

November 21, 2023

11:24 a.m.

KIM PHUONG TAYLOR, a/k/a

**Volume 7 of 7**

Kim Taylor,

Defendant.

\_\_\_\_\_ /

TRANSCRIPT OF TRIAL  
BEFORE THE HONORABLE LEONARD T. STRAND,  
CHIEF UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Plaintiff:      RON TIMMONS, ESQ.  
Assistant United States Attorney  
Ho-Chunk Centre - Suite 670  
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Sioux City, IA 51101

RICHARD B. EVANS, ESQ.  
LAUREN CASTALDI, ESQ.  
Trial Attorneys  
10th Floor  
1301 New York Avenue NW  
Washington, DC 20005

For the Defendant:      F. MONTGOMERY BROWN, ESQ.  
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1001 Office Park Road  
West Des Moines, IA 50265

Also present:              Matthew Murphy

Reported by:              Shelly Semmler, RDR, CRR  
320 Sixth Street  
Sioux City, IA 51101  
(712) 233-3846

1           (Proceedings reconvened outside the presence of the  
2 jury.)

3           THE COURT: Please be seated.

4           THE CLERK: This is Case Number 23-CR-4004, the  
5 United States versus Kim Phuong Taylor. Counsel, please  
6 state your appearance.

7           MR. TIMMONS: Morning, Your Honor. Ron Timmons  
8 on behalf of the United States. Seated with me at  
9 counsel table is Lauren Castaldi and Richard Evans.

10          THE COURT: All right. Good morning.

11          MR. BROWN: F. Montgomery Brown for the  
12 defendant, Your Honor.

13          THE COURT: All right. Good morning to both of  
14 you. And Ms. Taylor is present.

15          We are gathered outside the presence of the jury. I  
16 have received the jury's preprinted form indicating that  
17 they have reached a verdict. It's signed by Ms. Gerholdt  
18 in the front row who appears to be the foreperson. Any  
19 record before we bring in the jury? Anything from the  
20 government?

21          MR. TIMMONS: No, Your Honor.

22          THE COURT: From the defense?

23          MR. BROWN: No, Your Honor.

24          THE COURT: All right. Please bring in the  
25 jury.

1 (The jury entered the courtroom.)

2 THE COURT: Please be seated. Welcome back,  
3 everyone. I did receive your note indicating that you  
4 have reached a verdict.

5 And, Miss Gerholdt, I believe you're the foreperson;  
6 is that correct?

7 JUROR GERHOLDT: Yes.

8 THE COURT: Ma'am, has the jury reached a  
9 unanimous verdict as to all counts?

10 JUROR GERHOLDT: Yes, we have.

11 THE COURT: All right. Would you please hand  
12 the verdict form to Audrey?

13 Thank you.

14 What I am about to do is I'm going to summarize --  
15 rather than go through count by count, I will summarize  
16 the verdict. I'm going to ask all of the jurors to  
17 listen carefully because I will be asking each of you  
18 then to tell me yes or no whether the verdict as I  
19 summarize it is your own individual verdict. Again, I  
20 have reviewed the verdict form as to each count, and I do  
21 see at the end it is dated and signed by all of the  
22 jurors.

23 The verdict form reads, as to Defendant Kim Taylor,  
24 we, the jury, find as follows. With regard to each  
25 count, the jury has marked a verdict of guilty.

1 I will start in the top back with Mr. Woock. Sir,  
2 is that your individual verdict?

3 JUROR WOOCK: Yes.

4 THE COURT: And if I pronounced your name  
5 wrong, I apologize.

6 Would you go down the row then and please tell me  
7 yes or no if guilty on all counts is your own individual  
8 verdict, sir.

9 JUROR NELSON: Yes.

10 THE COURT: Ma'am?

11 JUROR PETERSEN: Yes.

12 JUROR BLACKMAN: Yes.

13 JUROR KUTZ: Yes.

14 THE COURT: And then start down there.

15 JUROR CAMENZEND: Yes.

16 JUROR JOHNSON: Yes.

17 JUROR GRIMM: Yes.

18 JUROR GERHOLDT: Yes.

19 JUROR NEIMAN: Yes.

20 JUROR PETERS: Yes.

21 JUROR BOGER: Yes.

22 THE COURT: All right. Thank you. Having  
23 polled the jury, I do find the jury has unanimously found  
24 Ms. Taylor guilty as to all 52 counts set forth in the  
25 verdict form.

1           Any additional polling or questions of the jurors  
2 before I excuse them? Anything from the government?

3           MR. TIMMONS: No, Your Honor.

4           THE COURT: Anything from the defense?

5           MR. BROWN: No, Your Honor.

6           THE COURT: Okay. Members of the jury, I'm  
7 going to tell you a bit about what happens next. In just  
8 a moment I will be excusing you and discharging you from  
9 your service in this case. After I speak with the  
10 lawyers which takes just a few minutes, I always stop by  
11 the jury room. You don't have to stay. As soon as you  
12 walk out of this courtroom, you are free to go. If you  
13 do have questions or want to visit at all, I will be down  
14 in 5 to 10 minutes probably. So it's entirely up to you.

15           I know we're getting close to the lunch hour.  
16 You've been with us a long time, and I will not be  
17 offended at all if you don't stick around. But I will  
18 stop by just to see if anybody wants to visit.

19           Once you leave the courtroom, you are discharged  
20 from all of your obligations as jurors. That means you  
21 will be free to talk about the case, look up anything you  
22 want to look up about the case, and you're completely  
23 released from any obligations.

24           We will make sure our two alternate jurors who were  
25 excused yesterday also are contacted and know that the

1 case is over and they're also discharged as jurors.

2 I want to thank all of you. You've been here on  
3 time every day. You've been with us now -- this is, I  
4 guess, the sixth day you've been here with us. You've  
5 heard a lot of evidence, and you obviously took your role  
6 very seriously. All of us appreciate your attention and  
7 your time over the last little more than a week. And as  
8 you know, we could not do this without citizens who are  
9 willing to come in and serve as jurors.

10 So with that, I am going to excuse all of you with  
11 the Court's thanks. And again, I'll stop by just in case  
12 anybody wants to visit. But otherwise as soon as you  
13 leave, you are free to go. Thank you for your service.

14 (The jury exited the courtroom.)

15 THE COURT: Please be seated. For the record,  
16 the jury has been discharged and has left the courtroom.

17 Any further record from the United States at this  
18 time?

19 MR. TIMMONS: No, Your Honor.

20 THE COURT: Anything from the defense at this  
21 time?

22 MR. BROWN: No, Your Honor.

23 THE COURT: All right. With regard to the  
24 issue of potential detention, I know Miss Taylor has been  
25 on pretrial release, and she has now been found guilty on

1 all charged counts.

2 Is the government seeking detention at this point?

3 MR. TIMMONS: Not at this time, Your Honor.

4 THE COURT: Okay. And I agree that this is not  
5 a case that would require detention. So I am going to  
6 order that Miss Taylor remain on release.

7 Ma'am, you'll be subject to any conditions that you  
8 were previously subject to as you awaited trial in this  
9 case. But as long as you don't have any issues and  
10 continue to follow all of the rules and conditions, you  
11 will be on release pending further proceedings in this  
12 matter.

13 The defense may renew its motion for judgment of  
14 acquittal under Rule 29, and I would like to have the  
15 benefit of briefing on that, so I will expect the defense  
16 to renew that motion in writing and to have briefing and  
17 for the United States to respond.

18 So, again, the Rule 29 motion has not yet been ruled  
19 on. I did reserve ruling and would appreciate briefing  
20 from the parties as to the issues concerning that.

21 At this point that motion can be renewed within 14  
22 days of today's date. But I can certainly grant an  
23 extension of time if that turns out to be necessary as  
24 well.

25 Miss Taylor also has the right and opportunity to

1 file a motion for new trial under Rule 33. That, again,  
2 would be due within 14 days of today's date unless an  
3 extension is requested, and I would be pleased and happy  
4 to consider an extension if necessary.

5 I am going to go ahead and order that United States  
6 Probation begin preparing a presentence investigation  
7 report in light of the verdicts in this case. All future  
8 proceedings will be scheduled at a later time.

9 Ma'am, I do want you to know that you have appeal  
10 rights. And your appeal would be heard by the United  
11 States Court of Appeals for the Eighth Circuit. But your  
12 appeal time has not started to run yet. The appeal does  
13 not become an issue until there's a final judgment in  
14 this case, and that won't happen unless and until there  
15 is a sentencing hearing.

16 So I don't want you to be concerned about your time  
17 to appeal passing by or expiring because none of that  
18 will become an issue until this case reaches final  
19 judgment.

20 I will provide -- as soon as I'm done here, I'll  
21 provide the verdict form to Audrey so she can make it  
22 available and get any copies made that may be necessary.  
23 And, of course, we will get it on the docket.

24 Any further record at this point from the United  
25 States?

1 MR. TIMMONS: No, Your Honor.

2 THE COURT: Anything from the defense?

3 MR. BROWN: No thank you.

4 THE COURT: All right. We will be in recess.

5 Thank you, everyone.

6 (The foregoing trial was

7 concluded at 11:33 a.m.)

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CERTIFICATE

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I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

S/Shelly Semmler  
Shelly Semmler, RDR, CRR

12-10-23  
Date