

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:20-CR-183

Hon. Robert J. Jonker  
Chief U.S. District Court Judge

ADAM DEAN FOX,  
BARRY GORDON CROFT, JR.,  
KALEB JAMES FRANKS,  
DANIEL JOSEPH HARRIS,  
BRANDON MICHAEL-RAY CASERTA,

Defendants.

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**DEFENDANTS' MOTION FOR LEAVE TO FILE DEFENDANTS' MOTION  
IN LIMINE REGARDING ADMISSION OF OUT-OF-COURT STATEMENTS  
AND MEMORANDUM IN SUPPORT**

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Defendants, through counsel, move this Court for leave to file their motion in limine regarding admission of out-of-court statements, and memorandum in support, despite these materials exceeding the local rules' word-count limitations.

IN SUPPORT THEREOF, the defendants state:

1. They have prepared a motion in limine regarding admission of out-of-court statements, and a memorandum in support of this motion, in this case.
2. The memorandum prepared in support of the motion is relatively fact intensive.
3. The government takes no position with this instant motion, although it contests the relief sought in the underlying motion.

4. Local Criminal Rule 47.2(b)(i) provides, in part, that briefs filed in support of non-dispositive motions shall not exceed 4,300 words, absent leave of court.

5. The defendants contend that the length of the present memorandum is reasonable in light of the number of issues raised, the records in controversy, the factual and legal complexity involved, and the need for thoroughness to preserve all possible issues in case of an appeal. The memo runs to 5,235 words.

**WHEREFORE**, the defendants request this Court grant leave to file the attached motion in limine regarding admission of out-of-court statements, and the concomitant memorandum in support.

Date: December 17, 2021                      By:  /s/ Christopher Gibbons  
Christopher Gibbons  
Attorney for Defendant Fox

Date: December 17, 2021                      By:  /s/ Joshua A. Blanchard  
Joshua A. Blanchard  
Attorney for Defendant Croft

Date: December 17, 2021                      By:  /s/ Scott Graham  
Scott Graham  
Attorney for Defendant Franks

Date: December 17, 2021                      By:  /s/ Julia Kelly  
Julia Kelly  
Attorney for Defendant Harris

Date: December 17, 2021                      By:  /s/ Michael Hills  
Michael Hills  
Attorney for Defendant Caserta

**IT IS SO ORDERED**

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Robert J. Jonker  
Chief U.S. District Court Judge

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OF-COURT STATEMENTS AND MEMORANDUM IN SUPPORT**

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*“We have a saying in my office. Don’t let the facts get in the way of a good story.”*

**FBI SA Henrik Impola during December 10, 2020 interrogation of  
FBI CHS from Wisconsin**

Defendants, through counsel, move this Court to allow for admission at trial of certain out-of-court statements that explain the facts in this case and establish the defenses to the conspiracy charge. Many of the statements are not offered for the truth of their assertions, and thus don’t qualify as inadmissible hearsay. Other statements are admissible through various hearsay exceptions. In support of this motion, the defendants offer the following memorandum of law.

### *Introduction*

The charges contained in the superseding indictment are based on a scenario that the FBI created through extensive planning and direction by its agents, who used a network of confidential human sources (CHSs) to manipulate the conduct of various individuals located throughout the United States, including the defendants.

In late September of 2020, despite the absence of evidence of any agreement or plan to kidnap Governor Whitmer, the government decided to arrest and charge some of the persons who the FBI, through its CHSs, had been coordinating. It did so in part by arranging a meeting in Ypsilanti, Michigan, for the purpose of making arrests. The government claims the purpose of this meeting was to make a down payment on a bomb, but the FBI's lead CHS arranged the meeting by telling the defendants: "October 7 [R]ed [now known to be an undercover FBI agent] will be in the area. He has some gear he acquired from previous training[.] [I] told him will take anything. Has a plate carrier, [a few] med kits [and a] couple drop legs."<sup>1</sup>

Always hungry to get new "gear" and often unable to afford it, some of the defendants went with this CHS in order to meet "Red." They were arrested, and all of the defendants were charged by complaint with the conspiracy to kidnap Governor Whitmer that remains in count one of the superseding indictment.<sup>2</sup>

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<sup>1</sup> Statement of September 27, 2020.

<sup>2</sup> Michigan Attorney General Dana Nessel put it best in an October 8, 2020 interview when she said: "[W]hat I always say is that I would rather have the weakest conspiracy case rather than the strongest homicide."

As this case has progressed toward trial, and as the defense has worked through discovery materials, the defendants have discovered a significant number of statements they will seek to present at trial to establish that they never conspired to kidnap Governor Whitmer and, in the alternative, that they were entrapped.<sup>3</sup> These statements comprise the heart of the defense and fall into three general categories: (1) statements FBI agents made to their CHSs as the agents created and directed the government's plan; (2) statements the CHSs made to defendants as the CHSs pushed the FBI's plan; and (3) statements by the defendants that show the defendants did not intend to kidnap Governor Whitmer.<sup>4</sup>

From counsel's extensive review of the discovery available to this point, the government's case seems to rest heavily on audio recordings, so the admission of out-of-court statements creates a key trial issues . . . and brings into play, as an additional matter, Federal Rule of Evidence 106 and the so-called "rule of completeness," which would have to be explored once the government has announced the recordings and statements it will seek to present at trial. (Rule 106, of course, provides that "If a party introduces all or part of a writing or recorded

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<sup>3</sup> The defendants have identified qualifying statements to the best of their ability at this time, based on the discovery the government has provided to them. Around November 24, 2021, the defense's coordinating discovery attorney (CDA) in New York received the most recent discovery production, which totals approximately 386 gigabytes, including over 5,000 jail calls (in non-native format and lacking any meta data, including file data identifying call participants), approximately 13,000 documents, and various other files (including additional audio and video). (For reference, some estimators put about 10,000 documents into a gigabyte when estimating electronic storage needs.) The CDA is now processing these materials for counsel's review. If each of these jail calls runs only one minute, the total audio with these calls would run for 95 hours. If each spans the jail-call-duration limit of 15 minutes, these calls would total 1,375 hours.

<sup>4</sup> A number of statements by defendants pushed back against the government plan to "kidnap" Governor Whitmer. Perhaps none is more direct than a statement by Daniel Harris, who told the lead CHS and others: "No snatch and grab. I swear to f...ing God."

statement, an adverse party may require the introduction, at that time, of any other part—or any other writing or recorded statement—that in fairness ought to be considered at the same time.” Fed. R. Evid. 106.)

Against this background, the defendants, through counsel, now move this Court to allow for the admission at trial of certain out-of-court statements, enumerated in a chart at the end of this motion. Many of the statements by FBI agents and CHSs do not qualify as hearsay because they are not offered for the truth of the matters asserted. Certain statements also qualify as admissions by party opponents in this case. Statements by the defendants showing their state of mind or present sense impression fall within one or more exceptions to the hearsay rule, and in some cases, the statements qualify as excited utterances.<sup>5</sup>

### ***Brief Procedural Background***

This case began with the government filing a criminal complaint on October 6, 2020, charging the defendants with conspiring to kidnap, in violation of 18 U.S.C. § 1201(c). *See* RE. 1: Complaint, PageID # 1. The government indicted the defendants on December 16, 2020. RE. 86: Indictment, PageID # 573-78. This indictment included a single charge: conspiracy to kidnap Michigan’s governor. *See id.* at 573. Only one codefendant has pleaded guilty (doing so on January 27, 2021), with the rest proceeding toward trial. *See* RE. 143: Minutes of Garbin Change of

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<sup>5</sup> This memorandum identifies some of the statements involved in this motion. But again, the defendants have also compiled a chart (included at the end of this motion and memo) identifying the statements they seek to admit into evidence. The volume of statements and the incomplete discovery complicate this, but the defendants believe that they have identified the general categories of statements involved.

Plea, PageID # 759. A superseding indictment, filed on April 28, 2021, added weapons counts against certain defendants but did not modify the charge against all defendants. *See* RE. 172: Superseding Indictment, PageID # 961-76. Trial currently stands set to begin on March 8, 2022, with a final pretrial conference on February 18, 2022. *See* RE. 347: Order, PageID # 2156.

### ***Legal Discussion***

Generally, of course, out-of-court statements do not constitute admissible evidence if a party offers them for the truth of any matters asserted in them. Fed. R. Evid. 801(c) & 802. With the out-of-court statements the defendants seek to put before the jury here, however, the evidentiary rules provide exceptions to the bar against hearsay, making these statements admissible under multiple theories, including the following: (1) certain statements are not offered for the truth of the matter asserted in the statement and are therefore not hearsay; (2) certain statements qualify as non-hearsay as the opposing party's (FBI agents' and confidential human sources') statements under Rules 801(d)(2)(C) and (D); (3) other statements qualify as either related to present sense impressions under Rule 803(1) or then-existing conditions under Rule 803(3) or both (or even as excited utterances under Rule 803(2)).

Exclusion of these statements would deprive the defendants of key constitutional rights: hearsay errors *can* amount to constitutional violations. *See, e.g., United States v. Bishop*, 291 F.3d 1100, 1108 (9<sup>th</sup> Cir. 2002) (noting that “[n]ot every hearsay error amounts to a constitutional violation” while implying that some

do). To establish such error, a defendant may show that the excluded evidence was important to their defense. *See id.* A hearsay error cannot qualify as harmless error when it prevents the defendant from providing an evidentiary basis for their defense. *Id.* With the entrapment defense, this aspect of the hearsay equation comes to the forefront.

***A. The government agents' and confidential human sources' statements are admissible at trial as statements of an opposing party.***

Under Federal Rule of Evidence 801, an opposing party's out-of-court statement does not qualify as inadmissible hearsay in certain circumstances. *See* Fed. R. Evid. 801(d)(2). Here, the government's agents' and informants' statements qualify as non-hearsay because they involve either: a government-authorized person making the statement or a government "agent or employee" speaking "on a matter within the scope" of that person's relationship with the government while that relationship existed. *See* Fed. R. Evid. 801(d)(2)(C) & (D).

The Sixth Circuit recognizes that Rule 801 situates government agents and informants as party opponents in criminal matters. For example, in *United States v. Branham*, 97 F.3d 835, 851 (6<sup>th</sup> Cir. 1996), the circuit pointed out that "The government concede[d] that Rule 801(d)(2)(D) contemplates that the federal government is a party-opponent of the defendant in a criminal case." And in the instant context, conversing with suspects "on a regular basis in order to establish a trusting relationship" falls within an informant's sphere of government agency. *See Branham*, 97 F.3d at 851. Going beyond these parameters, conversations concerning

an entrapment defense do not constitute hearsay because the significance of the statements generally lies in the fact that someone made the statements, rather than in the actual veracity of the assertions, and statements do not qualify as hearsay when they are not offered to prove the truth of the matter asserted.

*Compare* Fed. R. Evid. 801(c)(2). In *Branham*, for example, defense counsel offered the parties' conversations as evidence of the defendant's state of mind in support of his entrapment defense, so the truth of the conversations was irrelevant for purposes of the defense: the conversations' significance existed solely with the fact that they were made. *Id.* The defendants here will explore these points further in the following sections.

While some out-of-circuit courts have explicitly disagreed with the *Branham* conclusions, their reasoning is out of date, resting on pre-Federal Rules of Evidence precedent. *See, e.g., United States v. Yildiz*, 355 F.3d 80, 81 (2d Cir. 2004) (citing *Branham* as a case opposed to the *Yildiz* court's position, and also relying on authority pre-dating the Federal Rules of Evidence). Courts routinely acknowledge that the Sixth Circuit allows for presentation of informant statements as party admissions. *See, e.g., United States v. Rodriguez-Landa*, No. 2:13-cr-00484-CAS-1, 2019 U.S. Dist. LEXIS 67298, at \*7-8 (C.D. Cal. Apr. 19, 2019) ("Only the Sixth Circuit has permitted the statements of a government informant to constitute a party admission under Rule 801(d)(2)(D)."). And as these courts have recognized, the Sixth Circuit has allowed for such presentation in cases just like the one at hand: where government informants have assiduously cultivated trust over lengthy

periods of time. *See id.* at \*8. While courts with differing views have tried to cabin the Sixth Circuit’s decision, their reasoning must come up short in light of the evidentiary rule itself and analogous holdings. *See id.* (trying to argue a lack of reasoning and policy considerations undergirding the Sixth Circuit’s position).

These courts have also distinguished informant statements that were not part of “a formalized report.” *See id.* In the case here before this Court, though, informants’ statements may be part of formalized government reports. Examples abound. An October 20, 2020 FBI FD-302 form (Bates # 00015644) details how agents in this case catalogued informant and suspect statements. This form affirms that “During the course of the investigation, SA Chambers and SA Impola compiled and updated a chat library of texts, Facebook messages, Wire chats, and Threema chats.” (Bates # 00015645.) This report notes exchanges such as this one: “The CHS was allowed to provide war stories about being injured during combat and what it was like to fight for the US in the Middle East. When Pete Musico asked the CHS to turn the American flag patch on his ballistic armor upside down, the CHS removed the American flag patch.” (Bates # 00015646.) Later, on the same page of the report, this notation of an informant assertion appears: “The CHS advised members of the Wolverine Watchmen that he/she did not consume any controlled substances.”

A September 21, 2020 FBI FD-1087a form (Bates # 00021573) notes: “Include [sic] below are pertinent summaries from the CHS debrief of the consensual recordings.” (Bates # 00021574.) This form even refers to specific writings aimed at detailing CHS interactions and statements that may not have been recorded. For

example, on Bates-numbered page 00021583, the form refers to “CHS report 999252-A-344 for details of the telephone call” (a call between a CHS and Ty Garbin). Later, on the same page, the form refers to other reports that detail conversations that occurred while the parties drove or engaged in field-training exercises.

An FBI form FD-1023 from September 21, 2020, beginning with a Bates number of 00021586, details numerous CHS statements. Given the volume of discovery here, counsel could go on and on with citations like these. The fact is: government employee-agents recorded numerous CHS statements in formal reports, detailing those statements and making a clear record of them. (And the informants’ handlers’ statements, of course, fall completely outside this concern about formal recording/notation.)

The agents here drove the informants’ communications with the defendants, and the agents shaped the informants’ assertions, statements, and claims. The agents monitored the CHS conversations and other communications with the defendants, and not only approved them but used the information they gathered from them to direct further activity. After monitoring the communications, FBI agents paid the lead informant with an envelope filled with cash. When the same informant reported to the FBI that he was making no progress (“Right, but yea, and I keep trying to push, press on them where are you guys wanting to go with this? Because I’m wanting know are you wasting my time in a sense?”), the FBI continued to push its plan. Eventually, the relationship between this CHS and his

handlers became so close that they sat together while the CHS called Adam Fox and, with agents whispering in his ear, the CHS tried to prod Fox into action. The informants' relationships with the agents were far from "tenuous."<sup>6</sup>

In the Ninth Circuit, appellate courts have assumed that agent statements constitute party-opponent statements in this context. In *United States v. Clyne*, 752 F. App'x 436, 438 (9<sup>th</sup> Cir. 2018), the defendant asserted "that out-of-court statements by government agents constituted admissions by the government" and the court assumed, "without deciding, that statements by government agents within the scope of their agency are not treated differently from those of others in a principal-agent relationship." Ultimately, that court excluded the statements because the probative value of the evidence was substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the jury, and the like, but the fact remains: the court assumed admissibility of the statements. *Clyne*, 752 F. App'x at 438.

State courts have weighed in and analyzed this federal issue. In *Bellamy v. State*, 403 Md. 308, 320-22, 941 A.2d 1107 (Md. Ct. App. 2008), the Maryland Court of Appeals traced the development of federal (and state) trends on admission of

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<sup>6</sup> Skeptical courts have said that "the government's use of an agent neither signifies that it has adopted an informant's statements, nor that it authorized them," and in *Rodriguez-Landa*, the district court noted that "the repeated allegations that CS-1 committed violations of law suggest the informant had the type of 'tenuous relationship with the police officers with whom [CS-1] work[ed],' which led the Third Circuit to conclude that admitting informant statements was contrary to intention of the Rules' drafters." *Rodriguez-Landa*, 2019 U.S. Dist. LEXIS 67298, at \*8 (alterations in original). Obviously, given the sort of interaction evidenced in the discovery and touched on here, no concerns about a "tenuous" relationship can exist in the case at hand. The CHSs and their handlers were very close.

agent-informant statements as party-opponent statements. Ultimately, that state court allowed for admission of government-attorney statements. *See Bellamy*, 403 Md. at 326 (“In light of the facts of the present case, we find the rationale in the line of cases that treat statements of government attorneys as eligible admissions to be more persuasive than the rationale offered in [*United States v.*] *Santos*[, 372 F.2d 177 (2d Cir. 1967),] and [*United States v.*] *Kampiles*[, 609 F.2d 1233 (7<sup>th</sup> Cir. 1979)].”). While one can distinguish *Bellamy* in various ways, that court still rejected the old prohibition on making government-agent statements party-opponent statements.

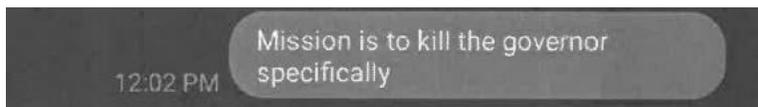
Even the dissent in *Bellamy* agreed with the majority’s reasoning. It noted that prosecutor statements can qualify as party-opponent statements. *Bellamy*, 403 Md. 308, 336 (Wilner, J., dissenting) (“Because, at least in some circumstances, a prosecutor may be regarded as an agent of the State authorized to make or adopt such statements in the course of his or her official duties, those kinds of statements, when made or adopted under those circumstances and offered by a defendant against the State, are not excluded by the hearsay rule. I agree with that holding.”).

Critically in this Circuit, and as even the Maryland court in *Bellamy* noted, the Sixth Circuit’s decision in *Branham* does not sit in a vacuum. In *U.S. v. Reed*, 167 F.3d 984, 989 (6<sup>th</sup> Cir. 1999), the circuit reaffirmed *Branham*. In that case, the defense presented a theory about certain informants/cooperators acting “as the government’s agents in taping [certain] conversations and that their taped statements thus [could] be admitted against the government.” *Reed*, 167 F.3d at

989. The Sixth Circuit found that “[t]o a certain extent [the defense] [wa]s correct.” *Id.* The cooperators “were acting as agents of the government, and this court has interpreted ‘a matter within the scope of the agency’ broadly enough that ‘statements’ of [those cooperators] would be admissible against the government.” *Id.* (citing *Branham*).

So when CHSs like the one known simply as “Dan,” or the one charged in a separate case in Wisconsin, said things about the *necessity* of not simply “taking brick and mortar” and the need for a human target, these informants were (1) setting up the supposed “plan” and directing everyone involved, and (2) pressuring a group of people to fall into line—people who otherwise had absolutely no interest in a “human target” like the one advocated by these informants. When these informants urged and admonished these people at the direction of government-employee agents, the informants themselves were acting as government “agents.”

Taking a specific example, on September 5, 2020, FBI Special Agent Jayson Chambers texted CHS Dan: “Mission is to kill the governor specifically.”



Here, SA Chambers was acting as a government agent, directing the government’s plan. He was specifically directing a government informant. Under *Branham* and *Reed*, the statement does not qualify as hearsay under Rule 801(d)(2)(D).<sup>7</sup> Tying into points made in the following sections, this statement is

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<sup>7</sup> As important is the fact that, when the government was still manufacturing a “mission” on September 5, it is clear that there was no mission and no agreement or conspiracy.

also admissible as non-hearsay because it shows the agent and informant directing the target “action.” The truth of the object of the supposed “mission” doesn’t matter, so the truth of the statement is inconsequential. What matters is government agents specifically, and with particularity, managing the CHSs and “calling the shots.” To show entrapment, rather than the truth of the statement, the statement is admissible as non-hearsay (as explored in Section C. below).

***B. Statements made by the defendants, and others, should be admitted into evidence as present sense impressions, statements of then-existing conditions, or even as excited utterances.***

As courts have said, “Statements of intent to perform a future act are admissible ‘state of mind’ testimony under Rule 803(3).” *Bishop*, 291 F.3d at 1110. Statements of an intent *not* to perform such a future act would thus also qualify as admissible state-of-mind evidence. Likewise, present sense impressions and excited utterances are admissible under Rules 803(1) and (2).

District courts have described the present-sense-impression hearsay exception, under Rule 803(1), as statements, describing or explaining an event or condition, made *while the declarant* was perceiving that event or condition, or immediately afterward. *See, e.g., United States v. Lentz*, 282 F. Supp. 2d 399, 410 (E.D. Va. 2002). Under the exception, a “declarant should be describing an event that is ongoing and startling or just occurred” and “[l]ittle time or no time must exist between the occurrence and the statement, which operates to negate the likelihood of a deliberate or conscious misrepresentation.” *Id.* “The crucial provision of this exception is immediacy.” *Id.*

In a related vein, courts have said that excited utterances, under Rule 803(2), involve declarants who “have (1) experienced a startling event or condition and (2) reacted with spontaneity excitement, or impulse rather than the product of reflection and fabrication.” *Id.* “The key to this exception is that the statement must be made contemporaneously with the excitement of the startling event.” *Id.*

For then-existing conditions, under Rule 803(3), a declaration should mirror a state of mind that, given the circumstances (like proximity), is reasonably likely to have been in the same condition existing at the subject time. *Id.* at 411. The statement should not look backward or describe the declarant’s *past* memory or beliefs about another’s conduct; it should be limited to a declaration showing the declarant’s state of mind, rather than the factual occurrence giving rise to that state of mind. *Id.* at 411. As with the two exceptions just discussed, the declarant should not have had the “opportunity to reflect and possibly fabricate or misrepresent her thoughts.” *Id.* Statements are “admissible whenever the declarant’s intention itself is a distinct and material fact in the chain of circumstances.” *Id.* Statements like these—regarding intent—are “admissible under the state of mind exception to the hearsay rule to promote an inference of the declarant’s future conduct.” *Id.*

Courts have said that statements related to things like prior abuse qualify under the state-of-mind hearsay exception if they show a declarant’s state of mind *at the time period in question.* *Id.* at 412. In this context, courts have reasoned, statements that a declarant fought with a defendant “are inadmissible hearsay under the state of mind exception to the hearsay rule because [the declarant’s]

statement merely reports on a past event (the fight) and does not exemplify any state of mind that [the declarant] may have had at the time of the encounter.” *Id.* Admissible statements should “exemplify . . . state of mind.” *See id.* They should show “plan, motive, design, mental feeling, pain, or bodily health being experienced.” *Id.* An observation that someone had bruises on their arms is not hearsay, and a declarant may testify regarding “what physical condition she observed, which is subject to cross-examination.” *Id.*

In *Rodriguez-Landa*, where the court was skeptical about informant statements qualifying as party-opponent statements, the court still concluded that the informant’s “forward-looking statements of future intent [we]re admissible under Federal Rule of Evidence 803(3) to show that [the informant] was more likely to have acted in accordance with his present sense intention.” *Rodriguez-Landa*, 2019 U.S. Dist. LEXIS 67298, at \*9.

In this case, where entrapment is at issue for at least some of the defendants, the defense must show government inducement and a lack of predisposition. The statements at issue here go to exactly these points. The statements showing the government’s plan and coordination of events show inducement. The statements pushing back against the government’s plan show both the lack of agreement and the lack of predisposition. The *Lentz* court addressed an analogous situation, where the government was “required to show [the alleged victim’s] state of mind and belief around the time of her disappearance”; it found that “statements of intent and belief by [the alleged victim] surrounding the date of her disappearance are admissible

under the state of mind exception to the hearsay rule to promote an inference that she did in fact engage in such conduct [supposedly getting tricked into traveling to Maryland to pick up her daughter].” *See Lentz*, 282 F. Supp. 2d at 420.

With these principles in mind, one can see that the statements the defense wishes to present here are admissible. For example, on July 20, 2020, Ty Garbin said, “Captin Autisim cant make up his mind.”<sup>8</sup> This statement qualifies as a present sense impression under Rule 803(1) and as one related to a then-existing state of mind under Rule 803(3): it shows the speaker’s impression of another (Adam Fox) at the time the speaker made the remark (describing Fox and the condition of his lack of planning then), and it conveys “the declarant’s then-existing state of mind” (skepticism about any intent or plan) under Rule 803(3). (This statement also demonstrates a lack of predisposition in the entrapment context—no one, even Adam Fox himself—was actually predisposed to make any decisions with regard to possible wrongdoing.)

With regard to the assertion that the defendants were not “down with kidnapping,” the same is true. On July 7, 2020, multiple defendants and others were together when someone apparently broached the subject of kidnapping. Someone in the group immediately said that they were “not cool with offensive kidnapping” and others, including defendants Franks and Harris, echoed this

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<sup>8</sup> The defense hopes to record here the exact statements. With texting and recordings, of course, grammar often falls victim to a lack of attention. Adding multiple [sics] would make the reading here cumbersome, so the defendants have decided to forgo such a measure. Conversely, in capturing and listing (for the attached chart) all the statements, if the defendants may have left off an apostrophe here or there or misspelled a word, they apologize.

sentiment. Such a statement represents a description of a present sense and mental condition/disposition *and* affirms a state of mind—a lack of disposition to plan a kidnapping, a lack of motivation to engage in such conduct, and a lack of a plan to do so, and a mental/emotional condition opposed to engaging in such conduct. *Compare* Fed. R. Evid. 803(1) & (3). Also, given the stress/stimulation of a situation that might prompt one to blurt out a thing like that, the statement could constitute an excited utterance. *Compare* Fed. R. Evid. 803(2).

The probative value of this vigorous opposition to kidnapping is clear. It establishes that there was no agreement to kidnap. In addition, it demonstrates that there was no predisposition to commit the crime.<sup>9</sup>

Many, many more statements fall into these categories. The attached chart demonstrates the application of these hearsay exceptions to these statements.

***C. Statements offered to prove entrapment (or other points)—rather than for the statements’ truth—do not qualify as hearsay and thus may come in at trial.***

At the risk of stating the very obvious, statements offered to show the investigators’ entrapping tactics here—rather than offered for their truth—do not constitute hearsay and should be presented to the jury. *See, e.g.*, Fed. R. Evid. 801(c)(2); *see also* *Bishop*, 291 F.3d at 1111, *and* *Branham*, 97 F.3d at 851. For example, in *Lentz*, the court clarified that testimony regarding a declarant saying something like, “if anything ever happens to me, so-and-so did it,” may be

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<sup>9</sup> The Sixth Circuit has analyzed these hearsay exceptions in the context of possibly exculpatory statements by defendants themselves. *See, e.g., United States v. LeMaster*, 54 F.3d 1224, 1231 (6<sup>th</sup> Cir. 1995) (looking at Rule 803(3)).

admissible as non-hearsay to show the point at which the declarant feared someone. *See Lentz*, 282 F. Supp. 2d at 416.

Here, statements showing the FBI agents directing the supposed “action” go to entrapment, rather than any truth in the statement. Dovetailing with the examples already discussed (like that of the object of the alleged mission having to be the governor), on August 29, 2020, SA Chambers directed an informant: “Have him post his pictures.” So SA Chambers told the informant to induce the target individual to post pictures. Whether or not pictures were posted, or even existed, does not matter. What matters is SA Chambers issuing directives. On August 9, 2020, SA Chambers told an informant to “Bring B-Puff in,” and on August 27, 2020, he said, “I default to getting as many other guys as possible, so whatever works to maximize attendance.” Again, from a truth perspective, B-Puff’s participation or the maximization of participation do not matter to the defense here.

The same reasoning applies with SA Impola’s July 11, 2020 order to CHS Dan: “Best thing to do is deny and accuse somebody else like Trent.” Whether or not such a denial and accusation constituted the best plan does not matter at all—this statement matters because it shows SA Impola choreographing the entire proverbial dance, down to accusing an innocent bystander. What matters with all these statements is the agents’ specific, emphatic direction of behavior.

Likewise, with the “Captain Autism” remark discussed above, the truth of the remark is inconsequential. The meaning of it lies in the defendants’ recognition that Adam Fox had no actual disposition toward truly committing wrongdoing . . . with a

true plan and viability. No one would have conspired with Adam Fox because no one believed he had any ability to form, much less carry out, a plan.

As touched on very briefly in Section A. above, on June 6, 2020, a CHS admonished, “You can’t just grab brick and mortar. Without a fucking human to go with it, you’ve done nothing but grab brick and mortar.” Frankly, the defense isn’t too worried about whether “grabbing brick and mortar” alone could prove efficacious for any reason. The import of the statement lies in the CHS directing people to go *beyond* “grabbing brick and mortar.”

Likewise, with statements like CHS Dan’s August 9, 2020 query of “A Huey would probably be more ideal, think about it, can the average person get a Huey, yeah. The average person get a Black Hawk?,” no one is worried about whether or not the average person can actually obtain a Huey or Black Hawk helicopter. Rather, the statement shows the fantasy aspect of much of the defendants’ behavior. These defendants gathered to practice firearm training and immerse themselves in a sort of role-playing world. Statements like these affirm that role playing and simply do not qualify as hearsay.

Role playing becomes very important in this case. Defendants and others have referred to “LARPing” or Live Action Role Playing.” Statements regarding LARPing should be admitted in order to show the full picture of what happened here. For example, a statement that an alleged co-conspirator was going to use a Blackhawk helicopter as part of some mission will not be offered for its truth, but it

will be offered to show that some of the alleged conspirators lived in a dream world where they fantasized about being real-life combat operators.

***Conclusion***

Following this memorandum of law is a chart showing proposed statements and applicable hearsay exceptions. The defendants hope this list will save the Court some time in considering each statement individually. Because hearsay exceptions apply to each statement, or because certain statements do not qualify as hearsay, all of these out-of-court statements should be admitted at trial.

Date: December 17, 2021                      By:   /s/ Christopher Gibbons    
Christopher Gibbons  
Attorney for Defendant Fox

Date: December 17, 2021                      By:   /s/ Joshua A. Blanchard    
Joshua A. Blanchard  
Attorney for Defendant Croft

Date: December 17, 2021                      By:   /s/ Scott Graham    
Scott Graham  
Attorney for Defendant Franks

Date: December 17, 2021                      By:   /s/ Julia Kelly    
Julia Kelly  
Attorney for Defendant Harris

Date: December 17, 2021                      By:   /s/ Michael Hills    
Michael Hills  
Attorney for Defendant Caserta

**CERTIFICATE OF COMPLIANCE**

In accordance with Local Criminal Rule 47.2(b)(i), counsel asserts that this brief contains 5,235 words, as counted by Microsoft Word, version 16.54. Knowing that this word count exceeds the limit set in Local Rule 47.2(b)(i), counsel have moved this Court for permission to file an oversized brief.

Dated: December 17, 2021

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# **ATTACHMENT**

UNITED STATES v. ADAM FOX, et al.

CASE NO. 1:20-CR-183

DEFENDANTS' MOTION IN LIMINE REGARDING ADMISSION OF OUT-OF-COURT STATEMENTS

	WITNESS	DATE	EVENT	BATES/SOURCE TIMESTAMP	STATEMENT	EXCEPTION/BASIS	PURPOSE
1	CHS Dan	8/31/20	Chat	00001118	CHS Dan tells Adam that he should bring Barry and CHS Steve in on the night op during the Luther FTX, saying "lead is better than silver" referencing Barry's plan to mint silver	Party Admission – FRE 801(d)(2)(D)	To show that CHS Dan was a leader and directing Adam Fox to recruit Barry Croft to the Luther charade.
2	CHS Dan SA Impola	7/11/20	Chat	00112009	CHS Dan is texting with SA and tells him that he got Barry to agree to come to the Luther FTX, meaning that Barry did not make the decision on his own to come to the FTX. CHS Dan tells SA Impola, "I have Croft coming to MI to train." This shows that Croft did not make the decision to come to Luther by himself.	Party Admission – FRE 801(d)(2)(D)	To show that CHS Dan recruited Barry Croft to come to Michigan and is actively planning the Luther FTX.
3	CHS Dan CHS Steve	9/12/20	Audio	DE_12345_12345- BR_2020_09_12T21_ 02_24  @0:17	CHS Steve tells Dan that he wants a gunfighter in their car when they do the surveillance and that he wants Adam and Barry in the car with them so they can "chop shit up". Steve decides that he wants his car to be him, Dan, Adam, Barry, and Red. Steve tells Dan, "I want one of your gunfighters" in the car when they are planning the teams for the field trip. Additionally, he tells Dan, "We'll put Barry and Adam together.	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve and CHS Dan were in charge of planning and organizing the field trip on 9/12/2020.

4	UCE Red Adam Fox CHS Steve Barry Croft	9/12/20	Audio	DE_12345_12345- BR_2020_09_12T22_ 02_24  @14:18	UCE Red asks the occupants of the vehicle leaving Cadillac "All right fellas, where the fuck we going?" Barry Croft responds "Destination unknown. Destination unknown."	Then-existing mental condition	To show that Barry Croft didn't know where they were going when UCE Red asked the group.
5	UCE Red CHS Dan	9/12/20	Audio	CCR 0005 UCE Red  @4:21:50 – 4:23:27	Dan asks if Red wants him to drop him off and flip back around. Red says that he wants Barry to come with him. Dan asks if he wants to take Adam too and Red agrees. Adam and Red go under the bridge and Red tells Adam to make sure that he has his phone so they can take pictures. CHS Dan asks UCE Red, "You want me to just drop you. . . flip a bitch and come back around?" Red responds, "Me and Barry." Eventually it ends up just being UCE Red and Adam, and UCE Red tells him, "Make sure you have your phone or something to take a photo. . . when we get under there."	Party Admission – FRE 801(d)(2)(D)	To show that CHS Dan and UCE Red planned the field trip on 9/12 and organized who was in which car.
6	Barry Croft	7/11/20	Audio	0969.005 Robeson Recordings  @2:15:39	Barry is smoking with a group of people during the FTX including Mike McDonald, presumably Adam and Amanda, and several others. CHS Steve is near enough to record the conversation. CHS Steve says, "We're going to smoke one. Can somebody grab Mike and tell him to come down quick?"	Admissible as 1) statement against interest [804b3A] if CHS Steve becomes unavailable at trial; 2) party-opponent statement [FRE 801(d)(2)(D)]; 3) then-existing mental condition, i.e., plan [FRE 803(3)].	To show that CHS used marijuana with the targets of the investigation.
7	CHS Steve Barry Croft		Audio	99802 New Castle CCR_0010  @19:17	CHS Steve, Barry Croft, and Frank Butler are talking about thermite and getting the VA gov. CHS Steve then tells Barry, "They (the WW) are <i>going</i> to do Michigan." Barry then says that they are going to do some shit and there's nothing he can do to stop it. CHS Steve tells	Party Admission – FRE 801(d)(2)(D) Also Barry's then-existing mental condition / plan FRE 803(3).	CHS Steve tells Barry that the Michigan guys are going to do something and that he shouldn't try to stop them. Shows that CHS Steve was trying to

					8him there's nothing he should do t9o stop it. CHS Steve tells Barry and Frank, "They (the WW) are <i>going</i> to do Michigan." Barry then replies, "They're going to do some shit and there's nothing I can do." CHS Steve then tells Barry, "There's nothing you <i>should</i> do."		push the government plot forward.
8	CHS Dan SA Chambers		Text	00111921	SA Chambers tells CHS Dan that people are getting nervous with Barry Croft.	Party Admission – FRE 801(d)(2)(D)	To show that CHS Dan and SA Chambers knew that Barry was not interested in any plot.
9	CHS Dan Barry Croft	8/2/20	Audio	2020-08-02 TX with Barry Croft (Kodak) 102_0118  @03:15	CHS Dan asks Barry if he's going to bring the school idea to the group in September. CHS Dan asks Barry, "You bringing this up in September?"	Then-existing mental condition FRE 803(3)	To show that Barry's purpose in coming to Michigan was to pitch the constitutional school idea.
10	CHS Dan Barry Croft	7/14/20	Audio	2020-07-14 TX  @03:45	Barry tells CHS Dan that his main goal is to restore the country. Barry tells CHS Dan that, "I'm trying to rebuild and restore the country to what was intended."	Then-existing mental condition FRE 803(3)	To show Barry's plan was to restore the country to it's constitutional roots.
11	CHS Steve Frank B.	8/7/20	Audio	Media 46 -> 2020-08-07-09 -> 0002  @4:07:53	CHS Steve tells Frank that if they don't have objectives at this next meeting then he's done with having meetings. CHS Steve tells CHS Jenny and Frank Butler, "If we don't talk about actually doing what the fuck we need to be doing, I'm done with meetings."	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve was pushing the plan forward when everyone else wanted to just talk.
12	CHS Steve CHS Jenny Frank B.	8/7/20	Audio	Media 46 -> 2020-08-07-09 -> 0003  @4:16:38	Frank asks CHS Steve if he's building an army in Virginia, to which CHS Steve replies "absolutely." Frank Butler asks CHS Steve if he's building an army, to which CHS Steve replies, "Absolutely." He then tells Butler, "You're building a forward unit,	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve was pushing recruitment.

					one that will be ready to go and go do whatever it is. If it ends up being an army with different fucking companies init, then so be it, better to it, but right now you want fucking 20, 25 fucking people that at the fucking drop of a hat, you can assemble, travel, or resource.”		
13	CHS Steve Frank B.	8/7/20	Audio	Media 46 -> 2020-08-07-09 -> 0002  @0:02:27	CHS Steve tells Frank twice that he is not just a state officer, but he is the state lead officer for Virginia and that he's in charge of the whole state. CHS Steve tells Frank Butler, “You're not only a state officer, you're the state lead officer for Virginia. You are in charge of the fucking state of Virginia.” He tells him this twice.	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve was the perceived leader and in charge of installing “leaders” for each state.
14	CHS Steve CHS Jenny Frank B.	8/7/20	Audio	Media 46 -> 2020-08-07-09 -> 0003  @4:09:40	CHS Steve says that they need objectives and Frank needs to put his plan into action. CHS Steve tells CHS Jenny and Frank Butler, “We have to have objectives and fucking. . . We have to have forward fucking units actively operating.” Additionally, he tells Butler, “You know your ideal about what you want to do? You need to find a way to put that into play and say, "This is what I have. This is what I need.”	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve was pushing these guys to make a plan rather than just talk.
15	CHS Steve CHS Jenny Frank B.	8/7/20	Audio	Media 46 -> 2020-08-07-09 -> 0003  @4:26:30	CHS Steve and CHS Jenny tell Frank that Barry got scared that the feds were watching them in Ohio, but since the feds are already watching them they should just go for it and do what they are going to do. CHS Steve tells CHS Jenny and Frank that Barry might not, “have the stones to do it, because I	Party Admission – FRE 801(d)(2)(D)	To show that CHS Steve and CHS Jenny believed that Barry was backing out. Encouraged others to not care about law enforcement and to separate Barry from

					don't know, I haven't really talked to him and I don't know where he's really at, but I just know that backing off as hard as he has from other stuff, I have concerns with." CHS Jenny replies, "Well, I think the whole, them saying that they seen the feds there in Ohio, that we can freak the fuck out at him and he just... That's when it changed." Steve then says, "But here's the real fucking ideal of that. If you think the feds ain't watching everything we fucking do anyway, you're nuts." Jenny replies, "So who gives a fuck? Let's do what we got to do."		his reasonable girlfriend.
16	UCE Red CHS Dan	9/12/20	Audio	Media 58 -> 0005  @0:24:50	UCE Red asks if everyone knows what they are going to be doing, CHS Dan says yes and that he has been telling Adam and CHS Steve to push it to the guys. UCE Red asks CHS Dan, "When we leave, are these folks aware of where we're going, or no?" CHS Dan replies, "Adam's going to push downtown. Steve's all about it. That's when I told him, "Hey, what we're going to do is put people out here, you need to put this out to the rest."	Party Admission – FRE 801(d)(2)(D); to show then-existing condition of agents.	To show that agents doubted whether the defendants knew what the government had planned for the 9/12 field trip to the Governor's lake house.
17	CHS Dan SA Impola	7/11/20	Text	00112007-00112008	SA Impola tells CHS Dan "Best thing to do is deny and accuse somebody else like Trent."	Party Admission – FRE 801(d)(2)(D)  Statement against interest FRE 804(3), should SA Impola become unavailable.	SA Impola instructing CHS Dan to implicate another person as a federal agent infiltrating the group. Government going to any length to keep pushing a plan.

18	CHS Dan Adam Fox	8/16/20	Chat	39297	CHS Dan tells Adam: "He [Caserta] wasn't at the last training [Aug. 9 FTX] so he's kinda outta the loop."	Party Admission – FRE 801(d)(2)(D)	Adam indicating concern about Brandon Caserta and CHS Dan states he has not told Brandon about any plan. Caserta unaware of government's plan.
19	CHS Dan Brandon Caserta	8/16/20	Audio	SA-132 - 2020-08-16_WW-80.001 - 00:21:00-00:28:36  @00:07:36	CHS Dan Statement to Caserta: Seems like a gaggle fuck we're putting out some training, like we did some medical stuff, more reflex firing, did a lot of reloading [inaudible 00:21:11]  But like, The FTX, you going to be up for that September? [Caserta: what's an FTX]  Dan: Stands for Field Training Exercise.  Wisconsin. They're coming here. And then we got two guys from Tennessee coming up, and it's all live fire shit. Like Gunny and Beaker and Red Hot went up there last weekend, two weeks ago, and built the shit out of it, put wood up- They made a back stop and a berm for a shoot house for we can get more into the one dimension kind of thing, pretty close to 360, more than 180. I'm bringing like a shotgun with me. I got an AK, I got a 700 tactical 30-06, so anything that I think I might be using in the foreseeable future, I'm bringing it, I'm dialing it in. All right, you want to be able to do malfunctions on this? Let's run it through the drill.	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta to FTX	To show CHS Dan thinks the last FTX didn't go well.  As of August 16 <sup>th</sup> Caserta doesn't know what FTX stands for. Nor that there is a planned FTX in Luther. Shows Caserta is out of loop.  educating Brandon Caserta on the meaning of FTX and to entice/invite him to Luther.  Dan explaining how Luther FTX is going to be a big training event. That Dan will be there with all his guns. That people from all over are coming to train. Further, no mention of

							20a plan or any kidnapping anyone. Caserta out of loop.
20	CHS Dan Brandon Caserta	8/16/20	Audio	SA-132 - 2020-08-16_WW-80.001 - 00:21:00-00:28:24	CHS Dan Statement: He's [Adam Fox] our representative, so like, you guys... There's an Ohio representative and a Wisconsin representative, and there was a Missouri guy down in Ohio, you didn't make it down there either? They have these people that they deem as like CO's, so Adam is like Michigan's representative. And we understand where Adams is not like tactically sound, that where we come in and hey we kind of do this, we have to do that. Because when it boils down to, like Steven from Wisconsin, has credit card for us, probably going to get it in September and can fund. So, "You want to get this stuff? Okay, go ahead and do it." Okay [inaudible 00:23:23] we're doing this.	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta to believe Adam Fox has credibility and has good ideas.	To show CHS Dan vouching for Adam Fox as Michigan's representative, Adam Fox is not an experienced marksman. Adam Fox is not a leader. Pushes CHS Steve's 501(c)(3) credit card funding option.
21	CHS Dan Brandon Caserta	8/16/20	Audio	SA-132 - 2020-08-16_WW-80.001 - 00:21:00-00:28:36	CHS Dan Statement: you and Adam... because I've spent a lot of time with Adam... are not that much different. Now on paper, just kind of an outline of bullet points, that's where he was [inaudible 00:24:21]. This is the chipping order, not like you can't be part of this because you're not leadership	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta to believe he and Adam Fox are of the same mind.	CHS Dan pushing Brandon toward Adam Fox, when Brandon pushes against Adam Fox. CHS has assumed control of WWM and is actively recruiting members to build group to accomplish FBI's intended "kidnapping plot".
22	CHS Dan Brandon Caserta	8/16/20	Audio	SA-132 - 2020-08-16_WW-80.001 - 00:21:00-00:28:36	CHS Dan statement: He dove into it a little bit at Joe's because he was there with Sean. Now, Sean is... I'm waiting to see what he's going to be like, but this guy got some shit. He's a Navy guy, kind of	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta to believe that Fox' friend is a	CHS Dan vouching for Adam Fox's alleged XO Shawn Fix as a Navy SEAL. And that Navy SEAL Shawn Fix has a Barrett rifle.

					hints around that was like an operator, probably like a SEAL or some shit, in the Navy. But he's talking like he's got a barrett, and this is being confirmed from Adam [inaudible 00:27:38]. And then [CHS] Steve out in Wisconsin said.... We don't got to shoot it. But [inaudible 00:27:52] I want to be able to put guys behind it. Do a function check. you're going to use them... You know, I can say all day, yeah, I got a Mach dues or all this other shit and then not have it. Well, bring it and...	SEAL, someone who would be admired. Intent to pull Caserta to Fox. Intent to create a group the Government can control.	
23	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10  @00:11:34	CHS Dan Statement: Steve. He'll be coming up here [crosstalk 00:00:13].I guess the goal was 300 blackouts and then put some suppressers on it. And they... I know three, probably five. It's on a 501, it's under charity event. So, you're raising money, as charity functions. Just basically funneling the money. Well, it's a fast way to crowdfund. I mean it's like terms. So if they're going to give us one, "Okay, you got a \$5,000 limit. Okay. What can we get? What do we need first?" You need some nods, you need some nods, you need a helmet, you need a helmet. We need ammo.	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta & others to believe that CHS Steve's fake charity is real and will give Caserta and others money.	To show that the group thought CHS Steve's offer to give money away was strange and CHS Dan vouching for CHS Steve indicates it is legitimate. CHS initiates planning and offers to pay for weapons and ammunition. FBI provided 50 cal. rifles to targets for use at "trainings".
24	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	CHS Dan Statement: So like, he owns a business and they've been drastically affected by the restrictions and everything, like lost like 50% of what they naturally bring in like revenue base. And so with him is like his position. So, there's those guys like the two percenters kind of thing,	Party Admission – FRE 801(d)(2)(D)  FRE 803(3) Intent to get Caserta & others to believe that Fox and CHS Steve have authority and the	To show that the group was not comfortable with Adam Fox. CHS Dan vouching for and pushing forward Fox's worth and credibility. CHS vouches for III%er Milita States

					<p>but he's like, Michigan's guy. Steve, that's coming over with credit card is Wisconsin and some people coming up from Ohio, Indiana, guys down from Missouri. Barry... He out he's out Delaware. He's kind of like, the ringleader [crosstalk 00:04:29] he's the one that's designated Adam's Michigan guy. And then Adam has us as like his council, because he's like... Hey, I know I don't know dick about guns but I'm wanting to give you a plan</p>	<p>group should be Fox' "council".</p>	<p>chapters created and positioned by fellow informants or other FBI targets: i.e., Michigan, headed by target Adam Fox, Wisconsin, headed by CHS Steve, Ohio, CHS K 3, Indiana, target*, Missouri, headed by CHS C.M. Phillips, Delaware, headed by target Barry Croft, Tennessee, headed by CHS Jenny, and the state of Virginia, headed by target Frank Butler.</p> <p>*name withheld for privacy</p>
25	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	<p>CHS Dan Statement: Like he [Fox] was wanting to go up and like check out where the Governor stores her boat. Where's her residence up, up there. So when this shit mandatory vaccine goes on, okay, now we're building a plan. Now we actually have a target to go fucking hit. .... Because he'll [Fox] say he's like, "I don't know what the fuck I'm talking about, but give me ideas. These are my ideas. If we can do it the legal way and deputize, someone was saying get a judge to go in there and they can arrest her." So he's all about fucking killing her. Right. That's why we want to recon this shit out. Just because when that line crosses,</p>	<p>Party Admission – FRE 801(d)(2)(D)</p> <p>FRE 803(3) Intent to get Caserta and others to make a plan or go along with CHS Dan's plan.</p>	<p>To show CHS Dan pushing several plans on the group and Fox wanted to pursue legal avenues of redress and had no specific plans as of 8/23/20.</p>

					he's already got a fucking plan ready to go.		
26	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	<p>Caserta Statement: Going right now, if we went in like next week to go handle it, I don't know if that would be a good idea. I think we should wait a little bit. Because they're going to initiate massive aggression.</p> <p>CHS Dan Statement: He [Adam Fox] wants to start doing that shit now. And if it's not going to work okay, then we're not going to waste our time. So I'm like, "Yeah, I'll fucking go over there and what are we check out, you know what we fucking do? Alright there's the fucking boat. It looks like it.</p>	<p>Party Admission – FRE 801(d)(2)(D)</p> <p>FRE 803(3) Intent not to go along with CHS Dan's plan.</p> <p>FRE 803(3) Intent to get Caserta and others to make a plan or go along with CHS Dan's plan.</p>	To show that Brandon Caserta indicated it was not a good idea to do now. CHS Dan pushed it forward. CHS is proposing property crimes because kidnapping is not being accepted by the targets of the investigation.
27	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	<p>CHS Dan Statement: and I'm a kind of... Him and haw about it. Adam wants to make things go boom and whatnot. And I know Beaker, you had a guy that was supposed to come up, I'm in touch with one of my... He was in a ranger vat for 16 years. He does like what I do but on steroids. As far as firearms training, he goes around the country he does security work. He's got shit. And he'll come up to the FTX and he's going to be in town.</p>	<p>Party Admission – FRE 801(d)(2)(D)</p> <p>FRE 803(3) Intent to groom Caserta and others to believe CHS Dan's friend is legitimate and skilled.</p>	To show CHS Dan pushing the group to get involved with explosives. Group members had no access to explosives so FBI provided a UCE to play the role of a bomb-maker to accomplish the end of the FBI's "kidnapping plot".
28	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	<p>CHS Dan statement: That guy, watching him seems like he might have just fucking playing stupid. Which I do sometimes [inaudible 00:10:26], but I don't throw my shit on the ground. But they're like,</p>	<p>Party Admission – FRE 801(d)(2)(D)</p> <p>FRE 803(3) Intent to get Caserta and others to believe that Fox and</p>	To show that the group wasn't comfortable with Adam Fox. CHS Dan said they are not as dumb as they seem,

					<p>"What's your experience?" I don't have none. And then I'm not expected to do anything.</p> <p>But I mean like with Adam, so he recognizes that his manipulation techniques are not... He says it all the time, he's like, "I'm nowhere near you guys." But the fact that he's recognizing that. And he said like, "Hey, I want to get like you guys." He's at the house, dry firing. So, we can utilize that like, "Hey." Or this, I think we should do is like try to figure out who's down with, doing some shit, when we're over there. And then on Sunday...</p>	<p>friends are not as bumbling as they seem.</p>	<p>just faking it. CHS is actively maintaining and building a group structure to induce the targets to participate in the FBI's "kidnapping plot".</p>
29	CHS Dan	8/23/20	Audio	SA-152 - 01:53:35-02:05:10	<p>CHS Dan statement: Because it's all coming down to what's you're line in the sand, If we don't have a plan. Then what's going to fucking happen. One by one that's what's going to happen.</p>	<p>Party Admission – FRE 801(d)(2)(D)</p> <p>FRE 803(3) Intent to groom Caserta and others to be scared of the Government.</p>	<p>To show CHS Dan warning that if there is no plan the government will take them out one by one. CHS uses fear mongering to attempt to induce targets to participate in FBI's intended plot.</p>
30	CHS Dan SA Chambers	08/27/20 20	Text	00111876-00111885	<p>Text conversation where SA Chambers instructs CHS Dan to get as many people as possible into a ride along on August 29.</p>	<p>Party Admission – FRE 801(d)(2)(D)</p>	<p>To show that SA Chambers and CHS Dan were deciding who to involve in the ride along on 8/29/2020. And to make this as big as they could to maximize the government's plan.</p>
31	CHS Dan SA Chambers	8/29/20	Text	00111892-00111893	<p>Text conversation wherein SA Chambers specifically pushes CHS Dan to get Brandon Caserta to go on the August 29 ride along.</p>	<p>Party Admission – FRE 801(d)(2)(D)</p>	<p>To show that SA Chambers and CHS Dan were deciding who to involve in the government's planned</p>

							ride-along on 8/29/2020.
32	CHS Dan SA Chambers	9/05/20	Text	00111916-00111920	Text conversation wherein SA Chambers states: The mission is to kill the governor specifically.”	Party Admission – FRE 801(d)(2)(D)	To show that the government was directing the plan and its objective.
33	CHS Dan SA Chambers	9/15/20	Text	00111939-00111945	Text conversation wherein SA Chambers tells CHS Dan to double the ingredients in an explosive recipe for Frank B.	Party Admission – FRE 801(d)(2)(D)	To show that the government was directing down to the amount of ingredients in an explosive regarding an unindicted individual. Against FBI protocol.
34	CHS Dan	5/14/20	Audio	Media 015 DE_12345_12345-BR-2020-05-14T12_32_56 15m43s__16m52s	CHS Dan says: Giving people two month notice we are doing this, ah, kinda shit on pot or get off	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing a drop dead date; origin mandatory training. CHS assuming control and leadership of the group, initiating active planning.
35	CHS Dan	5/14/20	Audio	Media 015 DE-12345-12345-BR-2020-05-14 T13_12_56 11m23s_11m50s	CHS Dan says: I think militia sounds more...so take it a step back, I think it sounds more professional than if people say we are part of this BOOG	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing militia title for group.
36	CHS Dan	5/31/20	Audio	Media 018 DE_12345-12345 BR 2020_05_31_T0_31_3 9 7m51s_12m38s	CHS Dan states: Right, but yea, and I keep trying to push, press on them where are you guys wanting to go with this? Because I'm wanting know are you wasting my time in a sense?	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing plan/no plan.
37	CHS Dan	6/3/20	Audio	Media 019 DE-12345_12345-BR_2020-06-03 Leadership Dan Ops Guy	CHS Dan says: No, I will be your ops guy, I don't have the network platform like you guys	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan agrees to be training leader.
38	CHS Dan	6/20/20	Audio	MI-105223-02-43-10_02-44-17	I was a forward observer so I designated air strikes, close air	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan earning credibility as a leader.

					strikes, naval gun fire if need be...did a lot of kicking in doors		
39	CHS Dan	6/23/20	Audio	DE_12345_12345-BR-2020_06_23T11_15_19	Pete Musico: I'm trying to figure out, I'm trying to figure out how in the fuck this mother...dude got in touch, how this dude got National Recognition! When I mean, our group is nationally recognized, but dude come on CHS Dan: I think the fact he was down in Ohio. Joe Morrison: Probably... CHS Dan: You know, and he's rubbing elbows with everybody. So i mean, you got to give him some kind of credibility right there.	FRE 801(d)(2)(D), FRE 803(1)	To show CHS Dan vouching for Adam Fox as a leader.
40	CHS Dan	6/28/20	Audio	SA-11	CHS Dan says: Right, like I was telling these guys if we get him to focus on some stuff I think he could be potentially really useful for what we want him to do	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan vouching for Adam Fox as a leader.
41	CHS Dan	7/7/20	Audio	SA-22-00-37-01_00-40-39	CHS Dan says: So like Wisconsin is, I don't know what all went on in Ohio but there was basically some put out for feelers about... you guys can give your interpretation of it...of offensive training, that's what I was kind of getting a vibe on. Um, basically getting ideas for "what if" kind of thing . So Wisconsin is going to be like mount training kind of thing, so like live fire capabilities, I don't know who's all going, I know there's a few states involved out of here, I'm going, Adam is going , the brothers are going ...right...I just want whoever's going to be open-minded to whatever they're going to putting out there	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing back on defensive mission statement. The FBI's kidnapping plot has been rejected by the targets.
42	CHS Dan	7/7/20	Audio	SA-22-00-12-50_00-13-38	CHS Dan says: So, like, Adam is Michigan's representative. For like	Not offered for truth of matter; FRE 801(d)(2)(D)	To show CHS Dan referring to Adam Fox as Michigan's leader.

					a big movement that's going on with 15 states involved.		
43	CHS Dan	7/12/20	Audio	SA-70 00-50-45_00-52-51	CHS Dan: you were demo right? Daniel: I did a little bit of cross training with them. I was straight rifleman dude. I think I still remember the algorithm for... CHS Dan: At least we have another guy up here, we have another set of hands, eyes and ears, like what I'm doing with you guys.	Party Admission – FRE 801(d)(2)(D), FRE 803(1), FRE 803(3)	To show CHS Dan pushing Daniel Harris to be the “demo” guy when he is inexperienced.
44	CHS Dan CHS Steve	7/12/20	Audio	SA-71-00-15-44_00-17-16	CHS Steve: That's against the law, too. That's against your constitutional state law, much less your federal constitution. CHS Dan: Well a lot of the stuff she's been doing is against the constitution, but then she just goes further back on the books.	Party Admission – FRE 801(d)(2)(D); not offered for truth of the matter	To show CHS Dan and CHS Steve gaslighting the group.
45	CHS Dan CHS Steve	7/12/20	Audio	SA-71-00-15-44_00-17-16	CHS Steve: Let's set one up on in like 90 days...hey you guys ok with uh, going to Traverse City and spending on like 120 acres of land, private property? For a weekend? 3 months out? Can we set it up? CHS Dan: 3 months out? Ty Garbin: uh, no Wi-Fi or anything. CHS Dan: Uh, We've gotta do it sooner. CHS Steve: It's a weekend, you might have to take a Friday. CHS Dan: Steve we've gotta do it sooner.	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan and CHS Steve pushing government-sponsored Luther FTX.
46	CHS Steve	7/18/20	Audio	CHS-297 003 06-06-49_06-08-37	CHS Steve says: Just so everyone knows where I stand on this. I am pissed and I have to let somebody know I'm pissed beyond reproach about this, that we have accomplished fucking nothing here today.	Party Admission – FRE 801(d)(2)(D); FRE 803(2) and (3): then-existing mental condition, as well as excited utterance.	To show CHS Steve was upset about Peebles meeting because no plan.
47	CHS Dan	7/21/20	Audio	MI-105265-00-24-45_00-26-03	CHS Dan says: Yea, I got that pretty locked down. I was a forward observer for my entire time I was in for five years...did a	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan inviting admiration as a leader.

					lot in Iraq and everything. And that is where I got a lot of well, all of my combat experience from.		
48	CHS Dan	8/9/20	Audio	MunithAudio001_2h7m50s-2h53m55s	Adam Fox: Do we need to have a meeting or is that enough? CHS Dan: I mean we gotta get these people who are still on board for the real shit.	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing Adam Fox to encourage members to create a plan.
49	CHS Dan	8/25/20	Chat	MI-39392 See #39431	CHS Dan says: Knee jerk is to punt. We don't need the attention between the rally and that video. however feel we should at least wait til after ftx since those guy's view us as watchmen. just my thoughts.	Party Admission – FRE 801(d)(2)(D); FRE 803(3): then-existing mental condition	To show CHS Dan pushing back on group not to split with Wolverine Watchmen prior to Government-sponsored Luther FTX.
50	CHS Dan	9/12/20	Audio	SA-369-1-30-00_01-34-25	CHS Dan says: And then if we take that trip up north...still down for that this weekend?	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushes idea of trip north at night.
51	CHS Dan	9/12/20	Audio	SA-370-00-08-16_00-15-15	CHS Dan: Who do you want to talk about going up north tonight? Adam Fox: Me, you.. CHS Dan: Want to take (UCE) Red, (UCE) Mark, Eric? Adam Fox: Me, you, Red, Mark, Barry CHS Dan: That's it	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan pushing Adam Fox for Government-led trip up north.
52	CHS Dan	9/12/20	Audio	SA-370-2020-09-13 02-05-34_02-06-00	All we're going to do is treat this as a single room, kind of like a bedroom that we're going into...real rudimentary, let me break it down, crawl, walk run. So it's going to be repetition based.	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan leading instructions for training.
53	CHS Dan	9/12/20	Audio	SA-371-09-12-2020 00-09-12_00-09-44	CHS Steve and CHS Dan "you're Michigan's Guy - CHS Dan to Fox "who do you want"	Party Admission – FRE 801(d)(2)(D)	To show CHS Dan asking Adam Fox who he wants to go on recon. CHS initiates planning and induces activity.
54	CHS Dan	9/12/20	Audio	SA-371-09-12-2020 00-21-23_00-21-48	Beaker probably wouldn't ...Beaker probably wouldn't...	Party Admission – FRE 801(d)(2)(D) ; FRE 802(1): present sense impression	To show CHS Dan tells Adam Fox that Beaker probably

							wouldn't go on recon/night trip north.
55	CHS Steve	9/12/20	Audio	SA-371-09-12-2020 00-51-00_00-53-15 CHS	And its all tax write offs the way we do it for anybody that does it. And what we do is we created a 501(3)(c)	Party Admission – FRE 801(d)(2)(D)	To show CHS Steve pushing his 501(c)(3) to Adam Fox.
56	CHS Dan	10/1/20	Text	00073373	Red will be passing through down by Ypsilanti near 94. Gonna have some gear to drop ie med kits plate carrier couple drop legs. People left em at his last training. Figure get that and some bds or something.	Party Admission-- FRE 801(d)(2)(D)	To show CHS Dan tells Harris UCE Red is bringing leftover gear and promise of beers and food; no mention of explosives.
57	SA Impola SA Chambers	8/9/20	Audio	SA-126-00-14-50_00- 20-51	Agents whisper: Ty and Daniel might be more on board for something like that. CHS Dan: You know Ty and Dan(iel Harris) might be more on board with something like that because its going to be more of a softer target	Party Admission – FRE 801(d)(2)(D)	To show that the agents knew that Daniel Harris wasn't in on the plan and that SA was suggesting ideas to CHS during call.
58	SA Impola SA Chambers	5/31/20	Audio	Media 018 DE_12345-12345 BR 2020_05_31_T0_31_3 9 7m51s_12m38s	Yea we could if there was an actual plan, we could make it happen, but you know, we can't make a plan until Paul makes plan...	Party Admission – FRE 801(d)(2)(D)	To show that the agents knew there wasn't a plan.
59	Paul Bellar	7/7/20	Audio	SA-22-00-37-01_00- 40-39	We're not be going to be fucking black bagging fucking politicians out of their cars, getting fucking warrants and arresting them, we're not dealing with that.	FRE 803(1) PSP, FRE 803(3)	To show that the group was against any criminal plan.
60	Ty Garbin Kaleb Franks	7/18/20	Audio	Media 030 2020-07- 18T19_02_03 00-10- 00_00-10-48	Kaleb Franks: So, where do we go from here? Ty Garbin: To the hotel to drink...We train ourselves, and then we're our own first line of defense.	FRE 801(3)	To show that there was no plan.
61	Adam Fox	8/9/20	Text	SA-126-00-00-00_00- 02-22	We're definitely divided		To show that there was no plan.
62	Daniel Harris	5/14/20	Audio	Media 015 DE-12345- 12345-BR-2020-05- 14_T09_56 9m28s- 9m50s	ah, yah, we ain't the militia	FRE 803(1) PSP	To show that Daniel Harris doesn't believe the group was a militia.

63	Daniel Harris	7/7/20	Audio	SA-22-00-37-01_00-40-39	We are all on same page, like hopefully do not ever have to actually point our guns at another American	FRE 803(1) PSP	To show that Daniel Harris wants no violence.
64	Daniel Harris	7/7/20	Audio	SA-22-00-37-01_00-40-39	We are not going to be the aggressors in Michigan. The only time I think that it will be reliable to be the aggressor is when there is a no shit there is a fucking Civil War and it is being broadcasted	FRE 803(1) PSP	To show that Daniel Harris doesn't want to be aggressor.
65	Daniel Harris	7/18/20	Audio	CHS-144 7 18 2020 00-19-33_00-20-15	I've got idea. It's a little bit different than what we were tossing out earlier, we hit the news station right the CNN building...we use those stations to our advantage to get our word out. From there, all they got is Facebook, like CNN	FRE 803(1) PSP	To show that Daniel Harris' idea was to use all media channels instead.
66	Daniel Harris	7/18/20	Audio	Media 030 2020-07-18T19_02_03 00-10-00_00-10-48	Well That was a waste of gas for us	FRE 803(1) PSP	To show that Daniel Harris thought Peebles was a waste of time; no plan.
67	Daniel Harris	7/23/20	Audio	Media 032-T20 09 48-00-00-30_00-03-36 July 23 Harris Bonfire Credit Card Avail	Daniel Harris: Not to talk down on them. We can definitely use them logistically. CHS Dan: And financially Daniel Harris: And financially, they did offer us a card and whatever we need to use set money for. We just have to let them know before purchasing.	FRE 801(d)(2)(D)	To show that the government offered to finance the activities of the group.
68	Daniel Harris	7/23/20	Audio	Media 032-T20 09 48-00-09-00_00-10-08	Their ideas are improbable and impractical...they want to kidnap politicians...we shot it down pretty quickly	FRE 803(1) PSP	To show that Daniel Harris and group shot down any criminal activity.
69	Daniel Harris	8/9/20	Audio	MunithAudio001_2h7m50s-2h53m55s	No. Shut up. We're not Frank (Butler)	FRE 803(1)PSP; FRE 803(3)	To show that Daniel Harris rejected the Government push for kidnap plan; no plan.
70	Daniel Harris	8/9/20	Audio	MunithAudio001_2h7m50s-2h53m55s	No Snatch and Grab. I swear to fucking God	FRE 803(1)PSP	To show that Daniel Harris rejected the idea of kidnapping.

71	Daniel Harris	5/1/20	Chat	MI-58092	Shall I do some digging around gentleman? Find us a judge?	FRE 803(1)PSP	To show that Daniel Harris wanted to pursue a legal way.
72	Daniel Harris	8/25/20	Audio	MI-39392 See #39431	Still waiting on dad and Franks vote to be cast but it seems pretty unanimous.	FRE 803(1)PSP	To show that Daniel Harris was waiting for CHS Dan to tell him what to do; group split from Wolverine Watchmen prior to Government-sponsored Luther FTX.
73	CHS Steve	6/6/20 Dublin	Audio	CHS 266 ca13m 30s	You can't just grab brick and mortar. Without a fucking human to go with it, you've done nothing but grab brick and mortar.	FRE 801(d)(2)(D)	To show CHS Steve advancing the idea of kidnapping.
74	CHS Knight III	6/6/20 Dublin	Audio	CHS 266 ca13m 30s	You take brick and mortar and you've locked yourself down in one fucking spot and you've made yourself a fuckin target. That entire team has just lost their fuckin lives.	FRE 801(d)(2)(D)	To show the FBI setting the direction.
75	CHS Steve	6/6/20 Dublin	Audio	CHS 269 ca10s	"We did not leave that meeting with a plan." CHS Steve replies: No we didn't, and I'm a little frustrated about that but what we do now know that we have to communicate – this group right here.	FRE 801(d)(2)(D)	To show that there was no agreement in Dublin.
76	CHS Steve	6/6/20 Dublin	Audio	CHS 270 ca25m	At this point, we have no plan!	FRE 801(d)(2)(D)	To show that there was no agreement in Dublin.
77	CHS Dan	6/15/20	Text	Media 93 Facebook DM	Hey man. I talked with you earlier would you wanna talk more about the meeting get tactically squared away for thur.	FRE 801(d)(2)(D)	To show CHS Dan initiating contact with Adam Fox.
78	CHS Dan	6/17/20	Audio	GPS Media 21 ca3m45s	Hey man, if you want to come down and train at Joe's sometime with us, that'd be great. Yeah we could meet up there with you guys and and we can train and all that. I do their tactical training for 'em.	FRE 801(d)(2)(D)	To show that CHS Dan invited Adam Fox to train with the Wolverine Watchmen. Without Government

							involvement Adam Fox would not know the Wolverine Watchmen.
79	CHS Dan	6/17/20	Audio	GPS Media 21 ca4m 10s	The Wire that's where we do all of our talking at, it's a secure line. We don't do anything on Facebook. I'll reach out to Joe and have him add you on there.	FRE 801(d)(2)(D)	To show CHS Dan pushing Adam Fox to use encrypted chats with the Wolverine Watchmen.
80	CHS Dan	6/20/20	Audio	SA3 ca2m 25s	So FTX is going to identify targets per se?	FRE 801(d)(2)(D)	To show there was no agreement in FB I sponsored "National" III%er Militia meeting in Dublin, OH.
81	CHS Dan	6/20/20	Audio	SA3 ca3m20	What is our goal? Are we just training for everything? What's the "were trying to focus in on" because you can train for fucking everything, but if you want to have an endgame, that's what we need to deport our resources to.	FRE 801(d)(2)(D)	To show CHS Dan pushing a goal, plan or objective.
82	CHS Steve	6/21/20	Text	Media 93 Direct Message	You talk it over with someone you would want as a xo and squad leader and if yall agree ill have it set up next week early your own Michigan...Patriot III%ers United States...Michigan Chapter it will be listed as...and youll have support from every state in our coalition but you have to request it per the constitution...which means a call to any of your brothers and its on but you will be the C.O.	FRE 801(d)(2)(D)	To show that CHS Steve created the Michigan III%ers and made Adam Fox the C.O.
83	CHS Dan	6/21/20	Text	Media 93 Direct Message	Solid time yesterday. Definitely man. Think about those things too far as "goals" to hit another be \$ think it mentioned but we didn't go further. 28 <sup>th</sup> we can go more.	FRE 801(d)(2)(D)	To show CHS Dan pushing a goal, plan or objective.
84	CHS Steve	6/22/20	FB Post	0010891	Welcome Michigan Chapter of the Patriot III%ers United States...you men and women are the epitome of	FRE 801(d)(2)(D)	To show FBI created the Michigan III%er Patriot Militia and

					patriots and lead by example. Adam Dean Fox has been voted by national to get the ball rolling as C.O. and will appoint XO and so forth you guys rock cant wait train with yall we will regain our republic...by whatever means necessary...guns up and long live the republic.		designated him the leader of said "militia." Adam Fox was heretofore an unattached, unconnected individual.
85	CHS Steve	6/22/20	FB Post	00108918	An event scheduled for the group is 'FTX Cross Train Multi-State'; July 11-12: Forge Rd. Cambria. WI hosted by Steve Robey Weekend event to include medical...live fire...range...kill house/with breach and entry stack...close quarters weapons protection...if time knife and hand to hand...lunch and dinner sat. and breakfast/lunch sun will be provided we are a family/community-oriented org. kids are welcome we have a huge pool and activities for them and day care on site...guns up long live the republic...or you can come the night before and set up camp or drive down sat early your choice...bring what you want to run with if you don't have weapons or want to train and run on something else we do have plenty but you have to pay for whatever ammo you run through	FRE 801(d)(2)(D)	To show that the FBI created, maintained and produced the Cambria FTX, provided meals, weapons and ammunition to the targets of the investigation and that FBI agents were engaged in the suggestion of ideas, active planning, and development of the group and maintaining leadership thereof.
86	UCE Mark	6/22/20	Text	Media 93 Direct Message	Hey brother. This is Mark using my gfs account. Elise was talking to your fiancé Amanda about getting more involved and Amanda suggested I contact you.	FRE 801(d)(2)(D)	To show UCE initiating contact with Adam Fox, using a false persona, i.e. his "girlfriend."
87	CHS Dan	7/11/20 Cambria	Text	00112005	Going good here. Just burnin rounds. Lending out MPX making friends.	FRE 801(d)(2)(D)	To show CHS Dan providing ammo/guns.

88	CHS Dan	7/11/20 Cambria	Audio	SA 71 ca31 m 30s	Hey don't worry about it, we got you and stuff, like collectively we got about 7,000 rounds.	FRE 801(d)(2)(D)	To show CHS Dan brought 6,000 rounds of ammo to Cambria FTX.
89	CHS Dan	7/11/20 Cambria	Audio	SA 71 ca27m 30s	But also, like well what do you guys want to talk about, what are we trying to do? What's the mission right now?	FRE 801(d)(2)(D)	CHS Dan pushing a goal, plan or objective.
90	CHS Steve	7/11/20 Cambria	Audio	SA 77 ca36m 2	We can have 10 cards for that account we already checked that so different states can have those. Its with Community Bank of Portage but they are recognized...any ATM in the nation can use that so if you have one of the cards, and whoever you guys have for your lead, has the card or South Carolina has a card of Virginia has a card anybody can use it.	FRE 801(d)(2)(D)	CHS Steve offers "credit cards" from 5013c to buy guns and supplies.
91	CHS Dan	7/11/20 Cambria	Audio	SA 71ca33m	When I was in Iraq, I went through like...I was in multiple multiple gun fights. Dial it down about what I did. My job, I was a forward observer, I designated air strikes, close air support, naval gun fire...	FRE 801(d)(2)(D)	To show CHS Dan inviting admiration because he is a veteran.
92	CHS Steve	7/18/20	Audio	CHS406_2h41m- 2h41m45s	Okay, were going to do a round table now. We're going to start here with him. Everybody has the floor for a few, so we'll take three minutes. You can get a lot of information out in three minutes, if you stay on point. And then, ah, Frank, you can let everybody know you want. If that's what you need to come up with a plan to make it happen. I'll support you, mother fucker, I don't give a shit as long as it's a very viable plan.	FRE 801(d)(2)(D)	To show CHS pushing for plan and goals, running the "National" meeting, radicalizing targets, inciting target to make compromising or incriminating statements.
93	CHS Steve	7/14/20	FB Post	00072611	Founding Fathers call to action meeting sat the 18 <sup>th</sup> in peebles ohio		To show CHS Steve called Peebles meeting.

					at 1pm. Need a head count for security reason thank you		
94	CHS Steve	7/18/20 Peebles	Audio	CHS 406 ca32m	Anyone ever heard of telegram? Okay I just found out they have, since their, their, inception had a 350,000 bounty out for anybody who can break their encryption. Its never been collected.	FRE 801(d)(2)(D)	To show CHS Steve pushing using encryption. To show CHS Steve initiating planning.
95	CHS Knight III	7/18/20 Peebles	Audio	CHS 406 ca3h 28m	I have an announcement for a moment. The Ohio state house, Black Lives Matters, Black Panthers, and Antifa are all now being surrounded by the state police as well as the local, capitol police in full riot gear. They have come armed and are threatening the Patriot Rally, they have surrounded them because that's what the permit allows. So they are at gunpoint being held.	FRE 801(d)(2)(D)	To show the FBI provoking/inciting targets to make incriminating or compromising statement regarding national unrest.
96	CHS Steve	7/18/20 Peebles	Audio	CHS 406 ca2h 17m	And this right here, is why the fuck I'm telling you, its being allowed by DeWine here, fucking shit face Whitface or whatever her name is there, Blackface fucking there...why are we not returning the same measure that we are being given? Why are we giving quarter when no quarter is being given. Motherfuckers are going to throw shit at us why aren't we throwing shit back? Why are we not fucking...This is why I am saying I agree with you 100%. This has to happen. I agree 100% with you guys. That shit ha to fucking happen. Because if not, this shit right here, is going to continue to kill us in our back fucking yard.	FRE 801(d)(2)(D)	To show CHS's targeting of Governor Whitmer. To show CHS provoking/inciting targets to make incriminating or compromising statement.

97	CHS Steve	7/18/20 Peebles	Audio	CHS 406 ca3h 41 m	So at 6 o'clock today if you're outside after 6pm without a mask, you could be fined or arrested.	FRE 801(d)(2)(D)	To show CHS provoking/inciting targets to make compromising or incriminating statements.
98	CHS Dan	7/18/20 Peebles	Audio	CHS 406 ca1h 15m	We need to start working on something now. Hey this is the direction.	FRE 801(d)(2)(D)	To show CHS pushing a goal, plan or objective.
99	CHS Dan	7/18/20 Peebles	Audio	CHS 406 ca2h 25m	We have to leave here with a game plan, a direction.	FRE 801(d)(2)(D)	To show CHS pushing a goal, plan or objective.
100	CHS Steve	7/18/20 Peebles	Audio	CHS 406 ca3h 40m	Everybody thinks we got time to do this this and hang out and fucking sing kumbaya and all this other shit motherfuckers in two months your states are going to be locked back down again. You mark my fucking words.	FRE 801(d)(2)(D)	To show CHS provoking/inciting targets to make compromising or incriminating statements.
101	CHS Dan	7/20/20	Audio	SA 84 Recorded Call	Give me an objective or whatever you want to label that, as a goal, and then you got to circle back and because you can't do anything about obviously fundings, and Steve says, you know, Steve kind of sounds like he can help out with that avenue, with that 501 that they got.	FRE 801(d)(2)(D)	To show CHSs were colluding. To show CHS pushing the 501C3. To show CHS pushing a goal, plan or objective.
102	CHS Dan	7/27/20	Audio	SA 7/27/20 .008 ca35m	So the Watchmen, we'll say roughly 15 to 20, and then you, we'll call you the boss. You cool with that?	FRE 801(d)(2)(D)	To show CHS Dan appointing Fox as "leader." To show how CHS initiates planning.
103	CHS Dan	7/27/20	Audio	SA 7/27/20 .008 ca2m	Steve going to get that card I don't know if he's going to give it to you or if you want to delegate that down to like myself or something we could do that. You have a \$1000 on a card or \$5000 on the car, that-that's enough for – get a rental vehicle. We can get a hotel outside of our – our income.	FRE 801(d)(2)(D)	To show CHS pushing 501C3. To show CHSs were colluding.

104	CHS Dan	7/27/20	Audio	SA 7/27/20 .007 ca22m	Put rounds through windows?	FRE 801(d)(2)(D)	To show CHS pushing a goal, plan or objective.
105	CHS Dan	7/27/20	Audio	SA 7/27/20 .009 ca18m	The 9 <sup>th</sup> , what we'll do this we'll say, hey. We'll do training, and at the end of training, put out like a thing like, hey, next bit is for serious – however you want to word it. Just figure out you got the guys. It's like an instant vetting, right there.	FRE 801(d)(2)(D)	To show CHS Dan telling Adam Fox when and how to propose the CHSW “kidnapping plot.”
106	CHS Dan	7/27/20	Audio	SA 7/27/20 .007 ca1m	Fucking place up North. Guy down in Ohio they're talking about, send a fuckin round through the window you know what's that gonna cost? That's fucking nothing. Do the same thing in other states, kind of like what fucking B###* was saying, have everything on, you know, coordination. *Name redacted.	FRE 801(d)(2)(D)	To show CHGS suggesting crimes other than kidnapping.
107	CHS Dan	7/27/20	Audio	SA 7/27/20 .007 ca2m	So they want to do this coordinated thing right? So we want to get recognized. One person each state, large caliber rifle, rifle everybody has the same caliber, whether it was a .300 win mag, a .308, a 50 anybody around here have a 50? So let's thing about that though, if we did that in each state, one round into a window and you fucking mail the casing to the news and Michigan does it, and Ohio does it, Wisconsin does it, and Kentucky does it, Missouri does it. One round. All these states. Huh. They want to have everything on the same fuckin' page.	FRE 801(d)(2)(D)	To show CHS suggesting crimes other than kidnapping.
108	CHS Dan	7/27/20	Audio	SA 7/27/20 .007 ca22m	See my pistol. Traverse City, rifle season, deer hunting, .30-06 round. Stray bullet man. The space shuttle blew up twice. Anything can fucking happen.	FRE 801(d)(2)(D)	To show CHS suggesting crimes other than kidnapping.

109	CHS Dan	7/27/20	Audio	SA 7/27/20 .007 ca22m	I didn't know if you wanted to write shit down? If we should start writing shit down, get a white board or something.	FRE 801(d)(2)(D)	To show CHS initiating planning.
110	CHS Dan	7/27/20	Audio	SA 7/27/20 .009	If we could have, get some whiteboards here, we want to start having meetings here for this shit. Or at Joe's, bring the whiteboards with us and we can just put this shit up right here.	FRE 801(d)(2)(D)	To show CHS initiating planning.
111	CHS Dan	7/27/20	Audio	SA 7/27/20 .009 ca13m	I'll pick up some whiteboards with some shit and be like Hey this is what we are doing. You got to bring some notebook paper too for you know.	FRE 801(d)(2)(D)	To show CHS initiating planning.
112	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001 ca2h 19m	Where's her place in Traverse City? Or wherever she has her boat, somewhere where she had her guard down.	FRE 801(d)(2)(D)	To show CHS initiating planning and pushing for Sunday ride-along.
113	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001  ca2h 38m	Well then you are going to have to find a second location. We'll have to send at least one or two guys up there to check routes, check roads, any traffic construction, highway stop sign, traffic lights, overhead bridges, shit like that.	FRE 801(d)(2)(D)	To show CHS initiating planning and pushing "bomb."
114	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001  ca2h 39m	If you don't want to kill anybody or anything or you don't want her to be there find out number 2, get some Tannerite, put a dent in her house – or her driveway, fix your fucking roads, how about that?	FRE 801(d)(2)(D)	To show CHS pushing "bomb." To show that CHS is suggesting other crimes
115	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001 ca2h 41m	If Steve will give us that card for funding would you be down with going up North to check that place out?	FRE 801(d)(2)(D)	To show CHS initiating planning and pushing the 501C3.
116	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001 ca2h 41m	A Huey would probably be more ideal, think about it, can the average person get a Huey, yeah. The average person get a Black Hawk?	FRE 801(d)(2)(D)	To show CHS engaging in Fantasy and Live Action Role Play

117	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001  ca2h 38m	If you want to let them know that you are there all right, find out number 2, which is the actual structure, her place, she's down in session okay, put a dent in her house you know. Or her fucking boat, can't take it out if the motherfuckers sunk.	FRE 801(d)(2)(D)	To show CHS initiating planning and suggesting alternative crimes.
118	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001  ca 2h 42m	Well I think we need to start going up North. After the FTX I'll talk to Steve about getting that card at least checking it out, try to find out where the actual residence is just rolling through.	FRE 801(d)(2)(D)	To show CHS initiating planning and suggesting alternative crimes.
119	CHS Dan	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001 ca2h 45m	If you want to do brick and mortar okay, put some Tannerite in there and fuckin' blow her door down. Then you can't be touched. You know?	FRE 801(d)(2)(D)	To show CHS suggesting crimes other than kidnapping.
120	CHS Dan	8/9/20	Audio	SA 126 Recorded Call	Do you want to do like hostage takeover inside of there? Like because you're talking like a snatch and grab, so do we need to get some flex cuffs or hand cuffs and stuff for, you know, detain and like extraction out of the building.	FRE 801(d)(2)(D)	To show CHS initiating planning and advancing the idea of kidnapping.
121	CHS Dan	8/9/20	Audio	SA 126 Recorded Call	I mean I'm sure if you reach out to Steve if he can expedite a card over here and we can get that avenue done...from my understanding that's how they got them 300 Blackouts with the suppress on it and them .37 millimeters.	FRE 801(d)(2)(D)	To show CHSs were colluding. To show CHS was pushing 501C3. To show CHS was providing ammos/guns.
122	CHS Dan	8/6/20	Audio	SA 126 Recorded Call	Well don't keep working on like, trying to get the pieces, we, we've got to have a goal to start working towards.	FRE 801(d)(2)(D)	To show CHS pushing a goal, plan or objective.
123	CHS Dan	8/9/20	Audio	SA 126 Recorded Call	Oh yeah, but no. I think...I think instead of just putting it out there, hey we need ideas, just say, hey I need you to do this and you to do that.	FRE 801(d)(2)(D)	To show CHS Dan pushing Adam Fox to give others directives.

124	CHS Dan	8/19/20	Audio	SA 143 Recorded Call	Yes, for if something goes south during election year, we already got shit in the work to, with protesters going up and stuff where it's. Because he's like, "Hey we need to start doing this shit now." He's like "I'm done, tired of talking about it. We need to go ahead and start." I'm like "well whatever the fuck you want to do, you keep jumping around rom thing to thing to thing."	FRE 801(d)(2)(D)	To show CHS states action is contingent on election unrest. To show CHS acknowledges there is no clear objective or plan.
125	CHS Dan SA Chambers	Undated	Text	00111911	For Maps can the CD be of any use or let him get em.	FRE 801(d)(2)(D)	To show FBI pushed for a "map". To show FBI designed the crime.
126	CHS Dan SA Chambers	Undated	Text	00111878	More pressure?	FRE 801(d)(2)(D)	To show FBI designed the crime.
127	CHS Dan	8/24/20	Audio	SA 146 Recorded Call	So do you want to do a big one or do a Daisy?	FRE 801(d)(2)(D)	To show CHS pushed "bomb" and put pressure on Adam Fox.
128	CHS Dan	8/25/20	Text	Media 93 Direct Message	Cakes for Portland or that party here?	FRE 801(d)(2)(D)	To show CHS pushing Bomb and putting pressure on Adam Fox.
129	UCE Mark (Posing as Elise Marie)	8/26/20	Text	Media 93 (FB msg to Fox preceding photos of "Governor's Mansion" on Mackinac)	I think you talked to Mark already about the pics. (Text accompanied pictures of Mackinac provided by FBI.)	FRE 801(d)(2)(D)	To show UCE initiating planning and providing Photographs
130	CHS Dan SA Chambers	8/28/20	Text	00111893	Would you want 2 trips or wait till we get more guys?	FRE 801(d)(2)(D)	To show FBI is directing the ride-along
131	CHS Dan	8/28/20	Audio	GPS Media 39 29T11	Think of like MMA. You got a guy you're going to fight, and you're training solely for that man. And then that guy gets hurt. And then your like, hey, five days before the fight, I'm going to bring this guy on. This new guy comes in hasn't	FRE 801(d)(2)(D)	To show that the CHS is stating that the "objective" is just a tool for "training" And not an actual "plan."

					been training, and you're taking on some other guy that has a different skill set. So both parties are going to adapt to it. You know, we're training right now on something fun, so it's not like we can sit on the couch watching YouTube videos or anything. This might be how this shit goes down. We have a general understanding what is in the wheelhouse of what's going on, we're following other, what other states are doing but we're tailoring it to them.		
132	CHS Dan	8/28/20	Audio	GPS Media 39 29T11	That's literally all the way like a movie, because some of them, they start the movie off with the other part. So we need to have an end part, objective, mission, whatever you call it. But everybody knows it, and then, hey now we're training for it. We're not just going to show up for training okay, we're working on a land nav today. Why would you even work on that? Well, because it's a mission statement, like an op, alright? Where you strategize and attack. We're going to do this a little bit here, do this a little bit there. Hopefully, it comes together.	FRE 801(d)(2)(D)	To show CHS initiating planning. To show there is no agreement or plan. To show role playing.
133	CHS Dan	8/29/20	Audio	GPS Media 39 29T14	Alright, so this is Timberland (sic) Label that and like we'll get a distance over there. The same thing that we said. We'll get (inaudible) room and the side of the property, and then mark where her place is.	FRE 801(d)(2)(D)	To show the FBI pushing for a "map". To show the FBI designed the crime. To show CHS Dan literally tells Adam Fox what to write on the "map."
134	CHS Dan	8/29/20	Audio	GPS Media 39 29T18	So that is, if we had helo capabilities, it would just be like fucking picking her up at the	FRE 801(d)(2)(D)	To show CHS initiating planning.

					airport, which is the most important. Yes have to just cruise up to altitude, everybody packs some parachutes on, we jump out, and fucking down that bitch. Then we'll be on the ground. We'll be on the ground driving.		To show there is no agreement or plan. To show CHS playing along with role playing.
135	CHS Dan	8/31/20	Text	00003218	Any idea for night at FTX Place looks different at night Were planning for a night op right? Night recon Field trip 0 dark 30 bring in the boys be going Night vision all that shit I got it so does 3 others Will do it that night We got everyone there	FRE 801(d)(2)(D)	To show CHS initiating planning.
136	CHS Dan	8/31/20	Text	00003219	Check out (Icon for bridge)	FRE 801(d)(2)(D)	To show FBI planned the night ride-along
137	CHS Dan	8/31/20	Text	00003222	How you feel about that 2?	FRE 801(d)(2)(D)	To show FBI planned the night ride-along
138	CHS Dan	9/3/20	Text	00004837	Im just turning that mission prep switch on So lets plan night recon with them and ours	FRE 801(d)(2)(D)	To show FBI planned the night ride-along. To show CHS putting pressure on Adam Fox.
139	CHS Dan	9/3/20	Text	00004837	Wanna run it get eyes on...on foot	FRE 801(d)(2)(D)	To show FBI planned the night ride-along. To show CHS Dan encouraging physical trespass.
140	CHS Dan	9/3/20	Text	00004893	On 2?	FRE 801(d)(2)(D)	To show CHS Dan pushing location 2 to Adam Fox, initiating planning.
141	CHS Dan	9/4/20	Text	00004849	I'm getting in that mission mindset. You ready?	FRE 801(d)(2)(D)	To show CHS putting pressure on Adam Fox.
142	CHS Dan	9/4/20	Text	00004849	How you wanna do it catch and release?	FRE 801(d)(2)(D)	To show CHS initiating planning.

					What about other members and detail team. Gonna effect ftx Yeah like we need train and prepare and train again If youre taking my collar off om gonna wreck shop		To show CHS putting pressure on Adam Fox.
143	CHS Dan	9/4/20	Text	00004850	Im just treating FTX like an actual op take our no shit guys and run em through	FRE 801(d)(2)(D)	To show CHS putting pressure on Adam Fox.
144	CHS Dan	9/11/20 Luther	Audio	GPS Media 016_267 ca6m	I know you mentioned Spring and shit. think we're not going to have that long.	FRE 801(d)(2)(D)	To show CHS putting pressure on Adam Fox.
145	CHS Dan to CHS Jenny	9/12/20 Luther	Audio	SA 370 ca 3h 50 To CHS Jenny re: .50 cal Blackout rifle)	Corey says we are a team. If he wants, I'll take it if he wants me to.	FRE 801(d)(2)(D)	To show CHSs were colluding.
146	CHS Dan to CHS Jenny	9/12/20 Luther	Audio	SA 370 ca3h 50m	...my understanding was that Wisconsin was, he had three rifles like that. And he was leaving one for each state. That's how he was...this one was going to stay in Wisconsin. And he was even putting out up there right now that he didn't he doesn't want to work this stuff. He's too old. This that and the other. I want, I get that Corey if he wants to come with the funds and get this stuff, then yeah why not? Why not put it down to the younger guys that can...more aptitude to run a platform.	FRE 801(d)(2)(D)	To show CHSs provided ammunition and guns. To show the FBI provided .50 caliber blackout rifle.
147	CHS Dan CHS Steve	9/12/20 Luther	Audio	SA356_ca2h10m52s- 2h10m52s	CHS Dan: What we'll do is, you guys drive up there too. CHS Steve: Yeah. CHS Dan: So then we don't have to drive all the way back down here to drop you guys off. CHS Steve: That's right. CHS Dan: To go all the way back up. And then we link up with them, we'll split it up and just take two trucks. CHS Steve: When we split...when we get with them, I want to, if	FRE 801(d)(2)(D)	To show that FBI coordinated, controlled and executed the Luther night ride claimed as an "overt act" in the Superseding Indictment, including seating assignments for the trip.

					everybody's scanned, I want one of your gun fighters. And can you ride with him.		
148	UCE Red	9/12/20 Luther	Audio	GPS Media 59_9_12T21	Just tell him the DeWalt radio, that was bought yesterday.	FRE 801(d)(2)(D)	To show the FBI provided DeWalt radios.
149	UCE Red to CHS Dan	9/12/20 Luther	Audio	SA356_ca2h10m52s- 2h1052s	Wait, do we have all nine?	FRE 801(d)(2)(D)	To show FBI planned and coordinated the "night ride" in advance, such that nine targets for the ride were identified and known to the undercover investigators who would have been directed to collect and induce the nine targets to ride along in their trucks, thus accomplishing their participation in an "overt act."
150	CHS Dan	9/12/20 Luther	Audio	SA 371 ca 2h 33m	I told Adam not to go anywhere.	FRE 801(d)(2)(D)	To show CHS Dan gave Adam Fox directives.
151	CHS Dan CHS Jenny CHS Steve	9/12/20 Luther	Audio	SA 371 ca24m	(R) Does he know about it yet? (D) No that's for you. (J) What did you just say? (D) Can he come and her not tonight? (J) No (R) Can he come what? (J) Because she won't let him go. (R) Well he can come tonight. (J) But what he's saying is will she stay and let him go. (R) He ain't got no choice. She ain't got no choice. Yeah, if either way he's going to go with us and she can't that's what's up, period.	FRE 801(d)(2)(D)	To show CHSs colluding and working together. To show Barry Croft knew nothing about the night ride-along.

152	CHS Dan	9/12/20 Luther	Audio	SA 371 ca2h 34m	We're leaving. Well, we're leaving right now. You call him, get the address and then send it to me.	FRE 801(d)(2)(D)	To show CHS Dan was in charge.
153	CHS Dan	9/12/20 Luther	Audio	SA 371 ca3h 20m	Jesus Christ. It's going to be tomorrow night before we get up to this fucking bitch. (8:35 pm, expressing frustration with delays in leaving for the night ride-along)	FRE 801(d)(2)(D)	To show FBI planned the night ride-along.
154	CHS Steve	9/12/20 Luther	Audio	GPS Media 59 9_12T21	Oh, 71-7185?	FRE 801(d)(2)(D)	To show the FBI designed the crime. To show CHS had Wrong Address
155	UCE Red	9/13/20 Luther	Audio	SA 354	Everybody who knows, you should fire them together as a group today.	FRE 801(d)(2)(D)	To show UCE initiating the planning and design.
156	CHS Dan	9/15/20	Text	00004946	Red hit me this morning 3900 for everything	FRE 801(d)(2)(D)	To show FBI pushed for "bomb." To show CHS putting pressure on Adam Fox.
157	CHS Dan SA Chambers	9/17/20	Text	00111949	Good call with Steve and jen	FRE 801(d)(2)(D)	To show CHSs colluding and working together.
158	CHS Steve CHS Dan CHS Jenny	9/17/20	Audio	WS117675 Recorded Call	I am not going to induce any fuckin illegal activity that we don't have to. Okay, I'm not above doin anything that has to be done brother, period. 100% till the fucking wheels fall off.	FRE 801(d)(2)(D)	To show CHS states a willingness to "induce" illegal activity.
159	CHS Steve CHS Dan CHS Jenny	9/17/20	Audio	WS117675 Recorded Call	Last thing I want is any of us getting jammed up on just a storytelling, you know what I mean?	FRE 801(d)(2)(D)	To show CHSs colluding and working together.
160	CHS Steve CHS Dan CHS Jenny	9/17/20	Audio	WS117675 Recorded Call	I'm not going to, certainly not going to put your boy in that spot, Dan, you know what I mean? That's absolutely unnecessary verbage for him to even consider it as far as I am concerned. We're supposed to be insulating him.	FRE 801(d)(2)(D)	To show CHSs colluding and working together.

161	CHS Dan	9/19/20	Chat	00004999	Was thinking about our trip north. You get any pics of the Bridge?	FRE 801(d)(2)(D)	To show CHS putting pressure on Adam Fox.
162	CHS Dan	9/26/20	Chat	00005134	Red is gonna be in state for a quick few on the 7. (Goin from one training spot to the next) he had some extra gear that he acquired and is offering up some to us. He also has a few for you has 1 know 1 for sure gonna try for a few flash bangs Also wants to go over options for cakes, i.e. (backpack Emoji) or (toolbox Emoji) things like that.	FRE 801(d)(2)(D)	To show FBI planned the "bomb purchase". To show Adam Fox was told the trip was for free gear.
163	CHS Dan	9/27/20	Chat	00005150	Oct 7 red will be in the area (Ypsilanti). He has some gear he acquired from previous training told him will take anything. Has a plate carrier few med kits couple drop legs. Also wants to discuss things for ftx i.e. size and options for concealment	FRE 801(d)(2)(D)	To show FBI planned the "bomb purchase." To show the group was told the trip was for free gear.
164	CHS Dan	9/29/20	Chat	00005165	For the meeting with red since he's bringing us some gear think we should ___ some \$ at him for making the pit stop and towards ftx?	FRE 801(d)(2)(D)	To show FBI planned the "bomb purchase." To show Adam Fox was told the trip was for free gear.
165	CHS Dan	9/30/20	Audio	SA 331 Recorded Call	I can't afford that. (i.e. a 5.99 pizza)	FRE 801(d)(2)(D)	To show manipulation of "friendship." CHS Dan tells Adam Fox he cannot afford food or medical treatment.
166	CHS Dan	9/30/20	Audio	SA 331 Recorded Call	We're all...talking like the money avenue for bringing some up to Red on the 7th	FRE 801(d)(2)(D)	To show FBI planned the "bomb purchase." To show Adam Fox was told to bring money for unclear purpose.
167	CHS Dan	9/30/20	Audio	SA 331 Recorded Call	I think it is more of a good faith for him. He's not expecting anything so I think when we present it to	FRE 801(d)(2)(D)	To show FBI planned the "bomb purchase."

					him it's like, you know, he'll probably be like, well, hey fuck, like cool thanks you know. I mean, I would do the same you know. And then it's kind of like hey you know, you're doing us a solid. Because like you said, he's brining I think he's got a couple flash bangs, it's like because there was a bunch of gear that – from the last training event that he had after our FTX.		To show Adam Fox was told to bring money for unclear purpose.
168	Adam Fox	6/6/20 Dublin	Audio	CHS 267 ca12m	I think the most important thing for us right now is to combat the negative image the media tries to display. We go to the capital with arms and we get our house to listen and to end the stay at home order and then we have a tyrannical governor fucking undo that and not honor the checks and balances of our State Government but yet we are called domestic fucking terrorists even though not one violent fucking thing happened there that day. Not one violent thing has happened with the multiple rallies we've had on our behalf. Okay. That's another thing I think is...I think the rallies are getting smaller. To be honest, in my state it's very sad, the turn out. I think we need to get a thousand people around here standing up for their rights.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition. To show Adam Fox's primary focus was the public image of the militia.
169	Adam Fox	6/6/20 Dublin	Audio	CHS 273 ca45s	The thing about the militia thing in like, they are so quick to discredit us, but we never get credit for anything. Like the militia were down cleaning up Grand Rapids. When the flooding happened in Midland, the militias	FRE 803(3) Intent	To show lack of predisposition. To show Adam Fox's primary focus was the public image of the militia.

					were out there fucking helping people with their homes, helping clean up, helping people get their lives back from natural disaster yet they never fucking publicize these things. None of that shit ever gets published.		
170	Adam Fox	6/17/20	Audio	Disc 1 GPS Media 21_T21	I've got a guy right now drawing up the paperwork to fucking legitimatize this shit and actually charge Whitmer with her charges that she violated the Constitution. How she has violated our constitutional rights and the fucking laws that she has broken. So I have a guy working on that right now.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition.
171	Adam Fox	6/20/20	Audio	SA 2 ca 2h 29m	I'm not saying we're going to go out and just be reckless and lawless, but if shit pops off...	FRE 803(3) Intent	To show lack of predisposition.
172	Adam Fox	6/20/20	Audio	SA 2 ca45s	So this meeting is to basically see what actions we can take. We've obviously kind of talked about mine and concluded that it's a nightmare.	FRE 803(1)	To show Adam Fox does not perceive any agreement.
173	Adam Fox	6/20/20	Audio	SA 2 ca2h 18m	I guess that's what we need to do is figure out how to do this by the Constitution. I mean at the end of the day it's kind of what we're all about. We want to uphold the Constitution right? What we're about so how can we do this? Like what can we do?	FRE 803(1)	To show Adam Fox does not perceive any agreement.
174	Adam Fox	7/3/20	Audio	00036618	I want her charged for the crimes she's committed against the citizens of Michigan.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition.
175	Adam Fox	7/3/20	Audio	00036586	Here's another route I am trying to go that's more legal. It's just a matter of getting people on	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions.

					board...but if we could find a ...constitutional Judge or Sheriff.		To show lack of predisposition.
176	Adam Fox	7/3/20	Audio	00036596	My main goal right now is to train	FRE 803(3) Intent	To show lack of predisposition.
177	Adam Fox	7/3/20	Audio	00036583	Eight months (in response wo what is your timeline)	FRE 803(3) Intent	To show Adam Fox did not have a November 3 "deadline."
178	Adam Fox	7/3/20	Audio	00036622	I keep telling him...we got months of fucking planning before we can even move...	FRE 803(3) Intent	To show Adam Fox did not have a November 3 "deadline."
179	Adam Fox	7/14/20	FB Post	00072608	I'm trying Patriots...5 sheriffs only one willing to see what I have documented to charge with...they agree agree agree but won't do anything to help us Maybe get this meeting and see what's really up.		To show Adam Fox wanted to pursue legal options.
180	Adam Fox	7/14/20	Video	(FB video) Media 93	My people in Michigan we have a daily mission today. I need everybody that can give me some help and send me the contact information for 5 any and all constitutional sheriffs within our great state of Michigan send them my way.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition.
181	Adam Fox	7/14/20	Video	(FB video) Media 93	We got work to do this week and it starts today. I do whatever I can, any help I can get would be greatly appreciated. My inbox my line is open all day, unless I'm on the phone with some sheriffs your boy gonna be doing some work as usual.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition.
182	Adam Fox	7/18/20		CHS 406 ca3h	There's five sheriffs in our state that's spoke out against her wearing a mask mandate which let us not forget she went on TV and said it's law. It's not law. So out of the five there I left a message with all of them.	FRE 803(3) Intent	To show Adam Fox wanted to pursue legal actions. To show lack of predisposition.
183	Adam Fox	7/20/20	Audio	SA 84 Recorded Call	To be honest dude, I mean, in my opinion it was kind of a huge waste of time, nothing was accomplished.	FRE 803(1)	To show Adam Fox does not perceive any agreement.

184	Adam Fox	7/20/20	Audio	SA 84 Recorded Call	Alright boys, ya'll take care. Stay safe. Dan, I'll be in touch with you every day like we do now brother.	FRE 803(3) Plan	To show CHS Dan talks to Adam Fox every day.
185	Adam Fox	7/27/20	Audio	SA 7/27/20 ca12m 30s	Because if we do this, it's going to have to go down like, it's going to have to be like movie-type shit man. And we come in on motherfucking boats and get the bitch, take her on a boat in the middle of the lake load her up on a helicopter and get her to the middle of that fucking area.	FRE 803(3) Intent	To show fantasy/role playing. To show Adam Fox has no access to a boat or a helicopter.
186	Adam Fox	7/27/20	Audio	SA 7/27/20 ca12m 30s	We can get one dude. Steve even said his guys can get one because he's got active guys in his platoon too. Because he even said that multiple times. If I need, whatever militaries I need. If I need a helicopter they will get me one. Hahaha...where did these motherfuckers get a Blackhawk from?	FRE 803(3) Intent	To show fantasy/role playing. To show Adam Fox has no access to a boat or a helicopter
187	Adam Fox	7/27/20	Audio	SA 7/27/20 ca12m 30s	I just, I don't know. I start thinking about out doing it, it's just like all the things like you know, like we could do that but at the end of the day it's going to – it's going to – it will wreak havoc on the community. Even if we don't hurt nobody, just the action alone is going to devastate that community.	FRE 803(3) Intent	To show Adam Fox did not want to kidnap the Governor.
188	Adam Fox	8/1/20	Audio	Conv. Hawk Media 64 12.49.38	Like this is going to take months dude.	FRE 803(3) Intent	To show Adam Fox did not have a November 3 "deadline."
189	Adam Fox to UCE Mark	8/1/20	Audio	Conv. Hawk Media 64 12.49.38	You want to be warden of the north?	Not hearsay	To show Adam Fox is engaged in role playing.
190	Adam Fox	8/1/20	Audio	Conv. Hawk Media 64 12.49.38	They were talking to someone like Ty mentioned a thinking about like fucking putting a round through her fucking window and then	FRE 803(3) Intent	To show that Adam Fox rejected the CHS idea to fire rounds through the Governor's window.

					mailing the casing to the news. I'm like dude, that's a horrible idea.		
191	Adam Fox	8/1/20	Audio	Conv. Hawk Media 64 12.49.38	I am talking about taking her by boat to the middle of the lake and then by boat to the helicopter then disappearing like nothing.	FRE 803(3) Intent	To show that Adam Fox is expressing fantastical ideas that were not a credible threat and have no basis in reality. He has no boat and no access to a 10mil. Blackhawk Helicopter.
192	Adam Fox	8/4/20	Audio	SA 117	Damn brother, my respect just went like up tenfold for you. That's fucking badass.	FRE 803(3) Motive	To show that Adam Fox believes CHS Dan is a war hero who saved Chris Kyle.
193	Adam Fox	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001	But with our organization, I guess that's all chopped now, at least our plan is.	FRE 803(1)	To show that Adam Fox does not perceive any agreement.
194	Adam Fox	8/9/20 Munith	Audio	SA 119/MUNITHAUDIO 001	I mean like, what else can we do?	FRE 803(1)	To show that Adam Fox does not perceive any agreement.
195	Adam Fox	8/9/20 Munith	Audio	SA 126 Recorded Call	Definitely divided. I mean we're definitely divided.	FRE 803(1)	To show that Adam Fox does not perceive any agreement.
196	Adam Fox	8/9/20 Munith	Audio	SA 126 Recorded Call	What was I supposed to run by Barry? Something I was supposed to run by Barry today we talked about and I totally fucking spaced out and forgot.	FRE 803(1)	To show that Adam Fox perceives CHS Dan to be in charge.
197	Adam Fox	8/9/20 Munith	Audio	SA 126 Recorded Call	I got my warned of the north and he's supposed to be building his team.	Not hearsay	To show that Adam Fox is engaged in role playing.
198	Adam Fox	8/9/20 Munith	Audio	SA 126 Recorded Call	If nothing's a go, let's find out, and let's regroup and let's fucking come up with another fucking plan.	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
199	Adam Fox	8/17/20	Audio	SA 136	Got my warden of the north up there. (Referring to UCE Mark)	Not hearsay	To show that Adam Fox is engaged in role playing.
200	Adam Fox	9/3/20	Chat	00004839	No. Let's keep that to us but throw out taking the cap or gunning down Antifa or even say arresting the Governor or maybe even	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.

					charging politicians and then we can float the idea of cops enforcing unconstitutional laws.		To show that Adam Fox wanted to pursue legal actions.
201	Adam Fox	9/4/20	Chat	00004849	Bro we a long ways from being ready And in all seriousness our next opportunity wont be til next spring. So lots of time to prepare for that.	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
202	Adam Fox	9/7/20	Chat	00004895	Listen our main direction atm is prepare for possible bug out plan Ty wanted to do we need have that in line set up make sure everyone's perspective families are safe and then we have our assault	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
203	Adam Fox	9/7/20	Chat	00045616	Maybe we should float idea of buying land and just making our own community bro	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
204	Adam Fox	9/7/20	Chat	00004895	Back off that plan with them	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
205	Adam Fox	9/8/20	Audio	SA 239 Recorded Call	Listen, this is what I want to do for now, right. Like I want to do everything we talked about bro, I really do. I want to fucking follow up on the order, but for now we've got to do ghosts on it right. We can't talk about it we can't – it's ixnay on the plan-eeek. Well like even with all our guys like I would put her on the back burner in their minds okay?	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor.
206	Adam Fox	9/8/20	Audio	SA 239 Recorded Call	Because it's not until next fucking spring or fucking summer okay. We know we can't do that until then let's put that on the back burner for now let's focus on something more tangible for the coming future and everything. What we should do is go with Ty and his bug out plan.	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor. To show that Adam Fox wants to "bug out." To show that Adam Fox did not have a November 3 "deadline."

207	Adam Fox	9/8/20	Audio	SA 239 Recorded Call	Sorry to do this and put you through this shit...	FRE 803(3) Intent	To show Adam Fox did not want to kidnap the Governor. To show Adam Fox apologizing to CHS Dan for not wanting to kidnap the Governor.
208	Adam Fox	9/8/20	Audio	SA 239 Recorded Call	Ty said something about bugging out to his property	FRE 803(3) Intent	To show Adam Fox did not want to kidnap the Governor.
209	Adam Fox	9/12/20 Luther	Audio	SA 371	We'll try to get 20 flash bangs	FRE 803(3) Intent	To show Adam Fox did not want a bomb.
210	Adam Fox	9/12/20 Luther	Audio	GPS Media 59	Our first priority is making sure that we have a safe place for our families.	FRE 803(3) Intent	To show Adam Fox wants to "bug out." To show Adam Fox did not want to kidnap the Governor.
211	Adam Fox	9/12/20 Luther	Audio	SA 341 ca 8h	We need to get Dan some medical attention. Yeah his intestines are fucking hanging out. He's one of the most level headed and professional people I have ever met. He's a good teacher.	FRE 803(1)	To show that Adam Fox does not perceive there to be any time pressure to meet any objective. To show that Adam Fox thought of CHS Dan as a mentor.
212	Adam Fox	9/12/20 Luther	Audio	SA 371 ca43m	So I guess we would need to figure out what our objective would be for, right?	FRE 803(1) FRE 803(3) Intent	To show that Adam Fox does not perceive an established use for the bomb.
213	Adam Fox	9/12/20 Luther	Audio	SA 371 ca2h 43m	Yeah, we're still waiting on our food though. Don't go without us.	FRE 803(1)	To show that Adam Fox does not perceive himself to be a leader or in charge.
214	Adam Fox	9/12/20 Luther	Audio	SA356_3h25m6s	Yeah, we're not killing anybody.		To show Adam Fox did not intend to kill the Governor as claimed by CHS Dan and the FBI investigative team.
215	Adam Fox	9/13/20 Luther	Audio	GPS Media 56 235 2m27s	I don't know.	FRE 803(1)	To show that Adam Fox does not know what Red is selling.

216	Adam Fox	9/15/20	Text	00004946	Copy that with the FBs.	FRE 803(3) Intent	To show that Adam Fox did not want a bomb. To show that Adam Fox only wanted flash bangs.
217	Adam Fox	9/21/20	Text	00005020-00005022	Bro you need that shit operated on...it's bad. Ok but you are not a little bitch and your guts are in fact falling out of your abdominal wall. Look man Im worried about you.	FRE 803(3) Intent	To show Adam Fox telling CHS Dan to have surgery, even though CHS objected that it would delay/cancel alleged kidnapping "plan."
218	Adam Fox	9/21/20	Text To Fix		Oct 24 <sup>th</sup> -25 <sup>th</sup> Wisconsin sane spot	FRE 803(3) Intent	To show Adam Fox intends only to continue training. To show Adam Fox did not have a November 3 deadline.
219	Adam Fox	9/28/20	Text to E. Molitor	000733366	I dunno we may wanna look at acquiring some land somewhere as a good fall out spot	FRE 803(3) Intent	To show that Adam Fox wants to "bug out."
220	Adam Fox	9/28/20	Text		Hey bro, you wanna meet up with Red and Dan in the 7 <sup>th</sup> take a trip to Detroit area get some gear and visit with Red? He's got some extra shit he giving away. Plate carrier, some leg holsters. Dan's working out in GR that week so we can ride with him.	FRE 803(3) Intent	To show that Adam Fox believed the October 7 <sup>th</sup> trip was for gear.
221	Adam Fox	9/29/20	Text		I'll buy you food.	FRE 803(1)	To show Adam Fox perceives CHS Dan to be poor and not able to afford food. CHS is playing on Fox's sympathy.
222	Adam Fox	9/29/20	Text		We gotta get me closer to ya'll level	FRE 803(3) Intent	To show that Adam Fox intends only to continue training. To show that Adam Fox did not have a November 3 deadline.

223	Adam Fox	9/30/20	Audio	SA 331 Recorded Call	You need to borrow money for some food bro?	FRE 803(1)	To show that Adam Fox believed CHS Dan to be poor. Chs playing on Fox's sympathy.
224	Adam Fox	9/30/20	Audio	SA 331 Recorded Call	How much you want me to come with bro?	FRE 803(1)	To show that Adam Fox perceived CHS Dan to be requesting money.
225	Adam Fox	9/30/20	Text	00073446	Apartment should be available in the next 30-45 days	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor. To show that Adam Fox did not have a November 3 deadline.
226	Adam Fox	10/6/20	Text		Sooo gonna start recruiting here bro	FRE 803(3) Intent	To show that Adam Fox did not want to kidnap the Governor. To show that Adam Fox did not have a November 3 deadline.
227	SA Impola SA Chambers CHS Dan	8/9/20	Audio	SA 126 Recorded Call	This is Special Agent Henrik Impola and Jayson Chambers with confidential human source Thor It is August 9 <sup>th</sup> 2020 time is 803 p.m. Initiating a telephone call with Adam Fox.	FRE 801(d)(2)(D)	To show that FBI agents had direct knowledge of CHS suggesting crimes.
228	SA Chambers CHS Dan	8/28/20	Text	00111890	Mention that adM is asking you to pass along that information	FRE 801(d)(2)(D)	To show that the FBI designed the crime.
229	SA Chambers CHS Dan	8/29/20	Text	00111902	Have him post his pictures	FRE 801(d)(2)(D)	To show that the FBI designed the crime.
230	SA Chambers CHS Dan	8/9/20	Audio	SA 126 Recorded Call	Bring B puff in...	FRE 801(d)(2)(D)	To show that the FBI designed the crime.
231	SA Chambers CHS Dan	8/27/20	Text	00111882	I default to getting as many guys as possible, so whatever works to maximize attendance.	FRE 801(d)(2)(D)	To show that the FBI planned the ride-along.
232	SA Chambers CHS Dan	8/28/20	Text	00111882	I have a few goals for today	FRE 801(d)(2)(D)	To show that the FBI designed the crime.

233	SA Chambers CHS Dan	8/28/20	Text	00111879	Try to get as many as possible to go for Saturday. Also include a drive by location 1 if possible.	FRE 801(d)(2)(D)	To show that the FBI planned the ride-along.
234	SA Chambers CHS Dan	9/3/20	Text	00111911	Let's start talking details of the night op with Adam	FRE 801(d)(2)(D)	To show that the FBI planned the night ride-along in advance.
235	SA Chambers CHS Dan	9/4/20	Text	00111912	Is Adam going to be telling people about the night recon ahead of time?	FRE 801(d)(2)(D)	To show that the FBI planned the night ride-along. FBI initiating activity.
236	SA Williams	9/12/20	Text	00111502  @ 7:36pm	Low light pole cameras are looking really good right now. If any gets comms with a UC or CHS, remind them to get some sort of ambient around the cabin so we can pick them up via video for evidence.	FRE801(d)(2)(D)	To show that the FBI planned the night ride-along in advance. To show that the FBI had hidden cameras set up at the Governor's house and boat launch.
237	FBI Agent	9/12/20	Text	00111504-00111505	The target address is 6815 Timber Lake Drive Elk Rapids, MI Here's the location of the boat launch Birch Lake Public Boat Launch Kewadin MI 49648	FRE 801(d)(2)(D)	To show that the FBI planned the night ride-along.
238	SA Chambers	9/12/20	Text	00111523  @ 10:14 pm	Looking up lake house address, 7815 Timberlake Drive	FRE 801(d)(2)(D)	To show that the FBI provided the wrong address during the night ride-along.
239	FBI Agent	9/12/20	Text	00111527  @ 11:33 pm	Great video of the pulling into the boat launch now.	FRE 801(d)(2)(D)	To show that the FBI planned the night ride-along.
240	SA K. Schmitz	9/13/20	Text	00111540	No talk of explosives today	FRE 801(d)(2)(D)	
241	SA Chambers CHS Dan	9/18/20	Text	00111956	Hey quick thought. We should bug adam for the pictures from last weekend's surveillance. Bridge and such.	FRE 801(d)(2)(D)	To show the FBI designed the crime.
242	SA Impola	12/10/20	Audio	00138453	We have a saying in my office Don't let the facts get in the way of a good story	FRE 801(d)(2)(D)	To show FBI disregarded defendant's unequivocal objections to "kidnap plan."

243	Ty Garbin	6/20/20	Audio	SA 2	Probably masks required we need to just storm the fucking capitol with no plan. He wants to storm the fucking capitol.	FRE 803(1)	To show there was no agreement or plan for kidnapping.
244	Paul Bellar	6/20/20	Audio	SA2	I'm totally down for the whole arresting Whitmer thing, she's a fucking tyrant.	FRE 803(3) Intent	To show there was talk of a "citizen's arrest."
245	Joe Morrison	6/26/20	Audio	00021980 00112604	Here is what we know. 1. Dudes not tactically trained at all. 2. Does not practice good opsec. 3. Just started to grow his group and from what I've seen on the page a bunch more dudes who are lost in the sauce.	FRE 803(1) Not hearsay	To show Adam Fox was not a Wolverine Watchman. And was rejected by the vetting process.
246	Ty Garbin	7/18/20	Audio	CHS 406 Ca 2h25m	So I think an objective to go for is not the kidnapping or going to the house floors first, but let's make them know. Let's make them know they can be touched. Something super simple. We can figure it out when the time comes.	FRE 803(3) Intent	To show that Ty Garbin did not agree to kidnap the Governor.
247	Ty Garbin	7/20/20	Audio	SA 84 Recorded Call	Captain Autism can't make up his mind.	FRE 803(1)	To show that Adam Fox is not in charge and that Garbin had no respect for Fox.
248	Ty Garbin	7/20/20	Audio	SA 84 Recorded Call	I mean if he's got guns buried in the ground then I can do some things with those guns and just put them right back in the ground.	FRE 803(3) Intent	To show Ty Garbin's role and relationship with CHS Dan.
249	Shawn Fix	8/1/20	Audio	Convert Hawk Media 46	Because this thing will be fully armored fully armored Blackhawk and I can also get a Bell Huey.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service.
250	Shawn Fix	8/1/20	Audio	Convert Hawk Media 46	But I just wanted to get that out there. I mean unless there's somebody else in the group and crew that can fly a Blackhawk or whatever – I am going to take that risk and I will be the – I ill – I will be flying.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service.
251	Shawn Fix	8/1/20	Audio	Convert Hawk Media 46	Like I told you before, my resources are unlimited.	Not hearsay	To show defendants' fantasy/role playing.

							Fix has no history of military service.
252	Shawn Fix	8/1/20	Audio	Convert Hawk Media 46	I've done four tours. I've seen a lot of combat man.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service
253	Shawn Fix	8/9/20	Audio	SA119	Another thing to, I was talking to him, we also have access to a Huey and a BlackHawk, just go to know when.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service.
254	Shawn Fix	8/9/20	Audio	SA 119/MUNITHAUDIO 001	He said it will have rockets, it will even have a mini gun on it too. So, I got a wet cat on one of my trucks. I can just scoop all that shit up and I can land that fucker right on the goddamn deck. Then we can get on down the road, shut it completely down then move it.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service.
255	Shawn Fix	9/9/20	Audio	SA 119/MUNITHAUDIO 001	I've got a conex box. I have, last time I counted 149 guns in there. I have MPKs. I have three of those, full auto.	Not hearsay	To show defendants' fantasy/role playing. Fix has no history of military service.
256	Shawn Fix	8/9/20	Audio	SA 119/MUNITHAUDIO 001	Oh yeah, I have 8 pounds of C4 but of course we won't blow that unless we really need it.	Not hearsay	To show defendants' fantasy/role playing. Fis has no history of military service.
257	Ty Garbin	8/9/20	Audio	SA 119/MUNITHAUDIO 001	Kidnapping is just as bad as going into the Capitol.	FRE 803(3) Intent	To show that Ty Garbin did not want to kidnap the Governor.
258	Ty Garbin	9/12/20	Audio	Higgins Dashcam	7815 Timberlake Drive	FRE 803(3) Intent	To show that the FBI provided the incorrect address on the FBI night ride-along.