

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 [The R.M.C. 803 session was called to order at 1318, 15 March
2 2017.]

3 MJ [Col SPATH]: These commissions are called to order.
4 All of the parties who were present before our last recess are
5 again present.

6 Trial Counsel, you may proceed. The witness remains
7 on the stand.

8 Just remember, you're still under oath.

9 TC [MR. MILLER]: Thank you, Your Honor.

10 WIT: Yes, Your Honor.

11 **REDIRECT EXAMINATION CONTINUED**

12 **Questions by the Trial Counsel [MR. MILLER]:**

13 Q. I believe when we ended we had gone through the
14 series involving -- the series with Prosecution Exhibit 51.
15 I'm now going to show you Prosecution Exhibit 94A for
16 Identification, Agent Finnerty, and ask you if you recognize
17 this type of evidence.

18 A. Yes.

19 Q. Was that the type of evidence that you were seizing
20 from the USS COLE?

21 A. Yes.

22 Q. All right. Again, the reason for that?

23 A. Items that were not consistent with being part of the

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 USS COLE.

2 Q. And you indicated to the court during our morning
3 session that you were receiving this through the sifting
4 process; is that correct?

5 A. That is correct.

6 Q. And that you were collecting it on deck?

7 A. That is correct.

8 Q. Now, does this exhibit have a Q number?

9 A. Yes, it does. Q543.

10 Q. All right. If you could provide the witness with
11 exhibit, Prosecution Exhibit 94, please. Thank you, Sergeant.

12 I ask you if you would, please, take a look at that.

13 A. Okay.

14 Q. Do you recognize any of the handwriting as your own
15 on that particular exhibit?

16 A. Yes, the signature.

17 Q. All right. So as you testified about some of the
18 previous exhibits, only those sections where it says by, and
19 then it looks like a signature that says Kevin D. Finnerty,
20 that's yours?

21 A. That's correct.

22 Q. And the other handwriting is obviously then not
23 yours, correct?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. The printing is not mine, that is correct.

2 Q. And you do not recognize whose printing that might
3 be?

4 A. No, I do not.

5 Q. Now, first off, does that particular exhibit have a Q
6 number?

7 A. Yes, it does.

8 Q. And what would that Q number be?

9 A. Q543.

10 Q. All right. So that would match the Q number on
11 Prosecution Exhibit -- the photograph Prosecution Exhibit 94A
12 for Identification, correct?

13 A. That is correct.

14 Q. All right. Now, if you could, please, read into the
15 record the description of the evidence, date and time of
16 recovery, location, and by whom it was recovered.

17 A. Miscellaneous wires, 10/20/2000, 3:00 p.m. Grid 1
18 Forward, recovered by SA Kevin Finnerty.

19 Q. All right. On the chain of custody section, sir, if
20 you could, please, read that.

21 A. Yes. Recovered by myself at -- on October 20, 2000,
22 at 3:00 p.m.

23 Q. And your signature, by signing it, you're

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 acknowledging -- or attesting that you in fact seized -- or
2 collected -- I'm sorry, collected that evidence?

3 A. Yes, I am.

4 Q. All right. If you could, please, look at the --
5 first off, can you see into that bag?

6 A. This bag, I can, yes.

7 Q. All right. And does the evidence in Prosecution
8 Exhibit 94A for Identification, are the items in there the
9 same items that are contained in the bag?

10 A. Yes, they are.

11 Q. All right. If you would, please, look at the
12 completed green sheet or completed FD-192, sir.

13 A. Okay.

14 Q. All right. And I have placed on the ELMO Prosecution
15 Exhibit 94C for Identification. Are the first four entries on
16 the completed FD-192 identical to the four entries on
17 Prosecution Exhibit 94C for Identification?

18 A. Yes, they are.

19 Q. And are you able to associate Prosecution Exhibit 94C
20 with Exhibit 94?

21 A. Yes.

22 Q. All right. And how are you able to do that, sir?

23 A. We have the item number up top, and my signature and

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 the date and time are matching up.

2 Q. All right. And it shows that you accepted or
3 collected the evidence, correct?

4 A. That is correct.

5 Q. All right. That is your signature?

6 A. Yes, it is.

7 Q. Now, the name "Finnerty" is printed underneath?

8 A. Yes.

9 Q. That's not your printing, correct?

10 A. No, it is not.

11 Q. Do you know whether or not that was placed before or
12 after you signed it?

13 A. If my memory serves me correctly, I believe that
14 there was somebody writing that out and then handing it to me
15 and I would sign it real quick. I can't recall exactly, sir.

16 Q. All right. And there's a date and time; is that
17 correct?

18 A. That is correct. It matches up with the bag.

19 Q. All right. That was going to be my next question.
20 You anticipated it.

21 A. Sorry.

22 Q. No, no. I appreciate it. It shortens the process.
23 Do you know why they would have printed your name right before

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 you signed it?

2 A. Trying to keep it organized.

3 Q. All right. Lastly, I'm going to show you Prosecution
4 Exhibit 94B for Identification. I ask you to take a look at
5 that, if you would, sir. Is 94B for Identification an
6 accurate photograph of Prosecution 94, the evidence bag you
7 have in front of you?

8 A. Yes, it is.

9 Q. All right. Thank you.

10 I show you what has been -- I show you Prosecution
11 Exhibit 95A for Identification. Do you see that photograph,
12 sir?

13 A. Yes, I do.

14 Q. And does that appear to be the type of evidence you
15 were collecting on the COLE ----

16 A. Yes, it does.

17 Q. ---- on the 20th of October?

18 A. Yes.

19 Q. Does that particular photograph have a Q number?

20 A. Could you blow that up a little bit more? I can't
21 see the last number.

22 Q. Blow it up a little bit more? Sure I can.

23 A. Looks like Q548.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. All right. Take another look.

2 A. 548 or 543. It's either 543 or 548.

3 Q. All right. Thank you. If you could, please, provide
4 the Exhibit 95 to the witness, please.

5 Sir, you've been handed Prosecution Exhibit
6 Number 95. Do you recognize that, sir?

7 A. Yes.

8 Q. And what do you recognize it to be?

9 A. Miscellaneous wires.

10 Q. All right. And did you collect those particular
11 items?

12 A. Yes.

13 Q. And how are you able to determine that, sir?

14 A. By my signature.

15 Q. All right. And again, your signature is contained on
16 the received from USS COLE line, correct?

17 A. That is correct.

18 Q. And, in fact, you signed it twice; is that a fair
19 statement?

20 A. Yes.

21 Q. Let's start at the beginning so the record is clear.
22 There are two sections on the evidence bag, one with general
23 information and then a chain of custody, correct, sections?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. That is correct.

2 Q. As to the writing that's contained on both of those
3 sections, is any of that writing yours?

4 A. The printing is not mine.

5 Q. All right. The printing is not. What about the two
6 signatures?

7 A. The two signatures are.

8 Q. And by signing that, you are indicating that you
9 seized this evidence, correct?

10 A. Yes.

11 Q. Let's begin with the description, the top part, the
12 description, date and time of recovery, location, and
13 recovered by. If you could read that into the record, please.

14 A. Description of evidence, miscellaneous wires. It's
15 got a Q tab on it, Q548. Date and time of recovery,
16 10/20/2000 at 12:00 p.m. It doesn't have the full thing of
17 2000, it just has two zeros. Location of recovery, Grid 1
18 Aft, recovered by SA Kevin Finnerty.

19 Q. Then in the chain of custody section?

20 A. Recovered from the USS COLE, Kevin D. Finnerty; date,
21 10/20/2000 at 12:00 p.m.

22 Q. Does that particular exhibit have a Q number?

23 A. Yes. It's Q548.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. It's what?

2 A. Q548.

3 Q. Again looking at the photograph, Prosecution
4 Exhibit 95A, do they match?

5 A. Yes.

6 Q. All right. And can you see inside that particular
7 bag, sir?

8 A. Yes. It's not exactly clear, but you can still see
9 in it.

10 Q. What does it contain?

11 A. Miscellaneous wires.

12 Q. Consistent with the wires in the photograph, 95A?

13 A. Yes.

14 Q. If you would, please, look at the completed chain of
15 custody Form 192. Excuse me.

16 A. Okay.

17 Q. And I'm now placing on the ELM0 Prosecution
18 Exhibit 95C for Identification and I'd ask you: Are the first
19 four entries on the completed 192 identical to the four
20 entries on Government Exhibit 95C for Identification?

21 A. Yes, they are.

22 Q. And are you able to associate this particular chain
23 of custody, Exhibit 95C, to the Exhibit 95?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes.

2 Q. How are you able to do that, sir?

3 A. By the item number, W125, and my signature and date
4 and time.

5 Q. All right. And again, it shows it was collected by
6 you on the 20th of October at 12:00 p.m., correct?

7 A. That is correct.

8 Q. Is that consistent with the information contained on
9 the evidence bag, sir?

10 A. Yes, it is.

11 Q. Again, you did not print your name underneath your
12 signature?

13 A. No, I did not.

14 Q. For the record, this evidence again was collected in
15 the manner you indicated before; you collected it on the deck?

16 A. Yes.

17 Q. Showing you Prosecution Exhibit 95B for
18 Identification. It's a photograph. I'm going to ask you, is
19 that photograph an exact -- photograph a fair and accurate
20 photograph of the bag of evidence you have in front of you,
21 95?

22 A. Yes, it is.

23 Q. Lastly, I'm going to show you Prosecution

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Exhibit 106A for Identification and ask you if you recognize
2 that, sir.

3 A. Yes.

4 Q. And what do you recognize it to be?

5 A. The rope.

6 Q. When you say the rope, which ----

7 A. The rope that we picked up on the shoreline.

8 Q. Do you recognize it as -- it's not a type that you
9 seized, but the rope?

10 A. Well, I mean, if it's in the bags and sealed up in
11 evidence, yes.

12 Q. All right. And does that particular exhibit have a Q
13 number?

14 A. Yes, it does.

15 Q. All right. And that Q number is, sir?

16 A. Q61.

17 Q. All right. Sir ----

18 A. I'm sorry, Q261.

19 Q. Your Honor, I'd ask permission for the witness to
20 walk down to the exhibit. It's kind of bulky and ----

21 MJ [Col SPATH]: Yeah. That's fine.

22 TC [MR. MILLER]: If you would please walk down to the
23 table.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 MJ [Col SPATH]: Remember, he doesn't have a microphone.

2 TC [MR. MILLER]: How will we work that?

3 MJ [Col SPATH]: We have one he can travel with. Hold on.
4 Do you know where it is? We're going to get it to him.

5 WIT: Test.

6 MJ [Col SPATH]: Perfect.

7 TC [MR. MILLER]: Thank you, sir. Thanks, Sergeant.

8 Q. You have before you an exhibit marked Prosecution
9 Exhibit 106; is that correct?

10 A. That's correct.

11 Q. Okay. And do you recognize that, sir?

12 A. Yes.

13 Q. What do you recognize it to be?

14 A. It's a rope we picked up off the shore.

15 Q. When you say "we," did you yourself pick it up?

16 A. Oh, I picked it up, but there was people with me
17 obviously, so kind of plural "we."

18 Q. And did you then bag that and -- oh, excuse me. I'm
19 walking away. Did you then bag that and place that into
20 evidence?

21 A. It was bagged, yes, and placed into evidence.

22 Q. All right. Now, is there an evidence tag with that
23 particular piece of evidence?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes, there is.

2 Q. All right. And is it completed?

3 A. Yes.

4 Q. All right. And was it filled out by you or filled
5 out by someone else?

6 A. This actually looks like my printing.

7 Q. All right. And is there a description of the item?

8 A. This says one blue nylon rope.

9 Q. And the date and time of recovery?

10 A. October 15, 2000, 1500.

11 Q. And the location of the recovery?

12 A. The beach west of pier.

13 Q. And then does it have who it was recovered by?

14 A. Yes. It has recovered by myself, Kevin D. Finnerty.

15 Q. And there's a -- it says chain of possession
16 underneath, correct?

17 A. I'm sorry?

18 Q. There's a section underneath that says chain of
19 possession?

20 A. I want to make sure we're talking about the right
21 area, the same area.

22 TC [MR. MILLER]: May I walk over there, Your Honor?

23 MJ [Col SPATH]: You may.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Oh, yes. I'm sorry. I didn't see that. I kind of
2 wrote over that, yes. There it is.

3 Q. Is there an evidence tag with this particular piece
4 of evidence?

5 A. Yes, there is.

6 Q. All right. And does it say chain of possession?

7 A. Yes, it says chain of possession.

8 Q. And could you relate to the court what is contained
9 in that section?

10 A. It says received from beach. It has a W in
11 parenthesis by myself, Kevin D. Finnerty, 10/15/2000, 1500.
12 And I circled p.m., which you don't need to do, obviously, and
13 I kind of did the same thing which I did for all of the other
14 chains, which is sign my name for the next person who was
15 going to take it.

16 Q. All right. Thank you. You may return to the witness
17 stand.

18 Oh, I have one other question, if you could go back
19 there. I'm sorry. My fault. Is there a Q number on that
20 particular exhibit?

21 A. Yes.

22 Q. And what is that Q number?

23 A. 261.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. All right. So that would match the one contained on
2 the photograph, Prosecution Exhibit 106A, correct?

3 A. Yes, it would.

4 Q. All right. Thank you. You may return to the witness
5 stand. If you would, please, could you provide him with the
6 chain of custody form.

7 You have before you the completed chain of custody
8 Form 192; is that correct?

9 A. Yes.

10 Q. Associated with Exhibit 106, correct?

11 A. Yes.

12 Q. All right. I'm placing on the ELMO at this time
13 Prosecution Exhibit 106C for Identification, and I'd ask you:
14 Are the first four entries on the completed chain of custody
15 form identical to the four entries on Prosecution
16 Exhibit 106C?

17 A. Yes, they are.

18 Q. All right. And can you associate this particular
19 exhibit, 106C, with the exhibit itself, 106, the rope?

20 A. It has the BH113 crossed out, which is the same as on
21 the chain, and it has my signature and date and time.

22 Q. And it shows that you collected it on October 15 at
23 3:00 p.m., correct?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. That is correct.

2 Q. And that is consistent with the information that you
3 placed on the evidence tag?

4 A. Yes, it is.

5 Q. All right. Again, to be clear, that is your
6 signature?

7 A. Yes, it is.

8 Q. Placed on the ELM0, Prosecution Exhibit 106B for
9 Identification. Would you take a look at that, sir.

10 A. Yes.

11 Q. Is that a photograph -- an exact photograph of
12 Prosecution Exhibit -- the evidence tag attached to
13 Prosecution Exhibit 106?

14 A. Yes, it is.

15 TC [MR. MILLER]: No further questions. Thank you, Your
16 Honor.

17 MJ [Col SPATH]: Defense counsel.

18 **CROSS-EXAMINATION**

19 **Questions by the Learned Defense Counsel [MR. KAMMEN]:**

20 Q. Good afternoon. How are you?

21 A. Good, sir. How are you doing?

22 Q. Good. A couple of preliminary questions. You
23 indicated that you got the call and volunteered to go to

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Yemen, and there was some discussion about packing your bags.

2 A. Correct, sir.

3 Q. And we certainly understand that you don't keep --
4 I'm understanding you to say you don't keep a bag packed by
5 your bed full of underwear in case you get called away, that
6 you'd have to go back home. Fair to say?

7 A. That's correct, sir.

8 Q. Okay. But I think what we're interested in -- in
9 fact I know what we're interested in, is what does the
10 Emergency Response Team have pre-packed for evidence
11 collection? And do -- as you knew it back in 2000, did the
12 teams have boxes, crates, suitcases, things ready to go with
13 the evidence -- with the materials they would need if they
14 were called away, called to an evidence scene?

15 A. Obviously, we have come a far way since then, but at
16 that time there was limited -- we used to have cases to pack
17 stuff in, but we would try to separate it out by scene. There
18 was some basic things that you might need in these cases, such
19 as maybe, you know ----

20 Q. So I'm understanding you to say that at that time,
21 and that's okay, they didn't have anything necessarily
22 pre-packed, but while some of the team was home getting
23 underwear, the rest of the other people who weren't going to

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 make the trip would be assembling what they needed to take on
2 the trip to do the work?

3 A. Yes. An initial supply.

4 Q. Okay. And in this case, you knew that -- what the
5 work you would be doing would be, number one, in a foreign
6 country that was pretty third world ----

7 A. Yes.

8 Q. ---- right? And number two, would be on a ship that
9 had been attacked and that was in some danger of sinking?

10 A. That's correct.

11 Q. Okay. And you knew, of course, that there were a
12 number of people who were wounded and killed?

13 A. We knew that there was some that were wounded and
14 killed and we did not know the condition -- we thought -- we
15 did not know how they were trapped, obviously.

16 Q. And you certainly understood that the ship was very
17 seriously damaged?

18 A. We knew it was damaged. We figured it -- they sealed
19 it off so it would still stay afloat. And I'm Army. You
20 know, I'm not a Navy guy.

21 Q. I'm not going to go there.

22 A. Okay.

23 Q. But the point is that the -- there were a group of

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 evidence technicians who understood generally what you guys
2 would need and did their best to pack accordingly?

3 A. I would say did their best, yes.

4 Q. And that's all we can ever ask of people, is that
5 they did their best. And so when you got there -- I just want
6 to see -- you told the judge about the Yemenis and guns and
7 all of that. But when -- as we understood things, they
8 essentially made you unpack everything and then repack it?

9 A. Yes. And when I say unpack, we separated off the
10 pallets that we had, you know, and kind of ran it through the
11 x-ray scanners and then restacked it.

12 Q. Okay. So they didn't actually search the individual
13 boxes that were on the pallet, as you recall things?

14 A. As I recall, they really didn't go into deep depth
15 with it.

16 Q. Okay. So it was really just sort of a hassle of
17 taking everything apart, sending it through maybe an x-ray
18 scanner, and, as you recall things, then putting it back on
19 the pallet or a truck or what have you?

20 A. Yes.

21 Q. Okay. Now, help us understand your day on the ship.
22 We know your first search was of the beach, okay. On the
23 16th -- excuse me, you -- it was your first day on the COLE,

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 correct?

2 A. I believe so. I'm not sure the exact day.

3 Q. Well, if other evidence has shown it was the 16th,
4 will you accept that?

5 A. Yes.

6 Q. Okay. And we understand there was a daily briefing
7 in the evidence room pretty much every morning; is that your
8 memory?

9 A. I cannot recall.

10 Q. I'm sorry?

11 A. I can't recall right now at that time.

12 Q. Do you recall any daily briefings?

13 A. I recall some briefings, yes.

14 Q. And do you recall who did those?

15 A. No, I do not.

16 Q. Okay. If I suggested to you that Mr. -- and I'm
17 going to mispronounce his name -- Mr. Sachtleben did that,
18 would that ring a bell?

19 A. That's possible.

20 Q. Okay. You just don't recall?

21 A. I don't recall who exactly did it.

22 Q. Okay. Now, after the briefing, then, you would be
23 assigned to some area; is that correct?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. That is -- well, obviously the first couple of days
2 we had the body recovery. We knew where we were.

3 Q. After the body recovery was completed?

4 A. After the body recovery was completed.

5 Q. And you would be assigned to some area for evidence
6 collection?

7 A. Yes.

8 Q. All right. And was there -- and it maybe wasn't your
9 responsibility, but was any record kept of who was assigned
10 where, to your knowledge?

11 A. That was not my job, sir, no.

12 Q. Okay. So if somebody did that, you don't know?

13 A. That's correct.

14 Q. All right. Now, as I understand things, but please
15 tell me if I'm wrong, at least as you observed it when you
16 were doing things, people would be putting stuff in buckets;
17 is that correct?

18 A. You're saying when we were down in the galley, sir?

19 Q. In the galley, yeah.

20 A. Yes.

21 Q. And then the buckets would be taken up to the
22 sifters?

23 A. That is correct.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And then would you be the one taking the buckets to
2 the sifters, or would other people, or did various people?

3 A. I think there was -- I know SA Miller was one of the
4 main bucket guys.

5 Q. Okay.

6 A. I saw him repetitively going up and down the, you
7 know, the ladders.

8 Q. But while you guys were coming to the sifters from
9 the bucket -- from the bucket -- excuse me, from the galley,
10 were other people coming to the sifters from other locations
11 on the COLE with buckets?

12 A. I do not know that, sir.

13 Q. Okay. Are you saying you don't know that or you just
14 don't recall?

15 A. I don't recall that, sir.

16 Q. Okay. Now, how many sifter stations were there?

17 A. I don't recall.

18 Q. All right.

19 A. No, I don't.

20 Q. And at the sifter station, when you would take a
21 bucket from the galley to the sifter station -- I presume it's
22 pretty heavy, and you're a pretty big guy, so I assume you
23 would dump it into the sifter?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. I don't remember taking a bucket up, sir.

2 Q. Okay. So when you're down in the galley, are you
3 telling people to take the buckets up? To -- what are you
4 doing?

5 A. After the body recovery, sir?

6 Q. Yes.

7 A. After the body recovery, I remember kind of sifting
8 through, we kind of pushed stuff off into an area, it would be
9 loaded in a bucket and then be taken up above.

10 Q. So you -- I just -- I'm just trying to pin it down.

11 You would be picking stuff up with your hands,
12 shovelling it and then putting it in a bucket, or ----

13 A. I can't get exact, but I remember moving some stuff
14 around. That's all.

15 Q. And I'm hearing you say that it was not your job to
16 take the bucket up to the sifter?

17 A. I just don't recall taking the bucket up. I mean, if
18 I took one up, it wouldn't ----

19 Q. But I'm talking about generally. In the evidence
20 recovery, you were not the guy going to the sifter; is that
21 correct?

22 A. Yes. I do not recall going to the sifters.

23 Q. Okay. Now, in several of the documents that the

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 prosecutor asked you about -- well, let me ask you one other
2 question. Were you at the sifters at all? Did you ever see
3 that process at work?

4 A. I remember seeing the process.

5 Q. All right.

6 A. I don't remember really paying attention to how many
7 sifters.

8 Q. Okay. Well, my question really is this: As
9 somebody, I gather, was at the sifter telling agents you want
10 to keep this piece, you want to throw this piece away,
11 somebody had to be saying yes or no?

12 A. That's the general practice. You get somebody from
13 the ship. You say, you know, obviously, the ship's engineer
14 would be prime, but somebody that knows that ship so that they
15 can separate out the items.

16 Q. So from your memory, it was somebody from part of the
17 COLE crew who was standing at the sifters telling people, the
18 agents, this is from the ship, this is not from the ship, that
19 sort of thing?

20 A. Yes.

21 Q. Okay. Now, after the material would be designated
22 for keeping, this is not from the ship, we want to keep it,
23 would it then be put into the evidence bags?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. I remember the pile being put off to the side, as you
2 saw in the picture. And at what point it was put in the bags,
3 I do not recall.

4 Q. Okay. Now, while we're talking about the pile that
5 was put off to the side, I want to show you what has been
6 admitted into evidence as Prosecution Exhibit 221. And you
7 told us earlier, and I just want to confirm, that as you
8 recall things, this group of items was designated to be kept
9 because somebody said to the best of their knowledge this was
10 not from the COLE; is that correct?

11 A. Yes, that's what it appears to be in the picture.

12 Q. Okay. That was, in your experience, the -- the
13 deciding factor. Stuff that was from the COLE could be put
14 off to the side for disposal, if you will; stuff that was not
15 from the COLE would be kept, true?

16 A. That is correct.

17 Q. Okay. So -- now, many of the exhibits, and I'm
18 referring now to -- I think it's number 125, I'm looking at
19 chain of custody -- or the evidence bag for the miscellaneous
20 wire, for example.

21 A. Okay.

22 Q. You can see it in front of you okay, can't you?

23 A. Yes.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. And we've been through whose signature that is and
2 all of that.

3 A. That is correct.

4 Q. You were very precise. This was recovered from
5 Grid 1 Aft. Now, is Grid 1 Aft on the ship or not?

6 A. I do not know, sir.

7 Q. Okay. Did you -- the items that were referred to in
8 this, which I believe are these wires ----

9 MJ [Col SPATH]: Just tell me the Prosecution Exhibit for
10 Identification, Mr. Miller.

11 LDC [MR. KAMMEN]: Well -- can you tell me what this is?

12 TC [MR. MILLER]: 95A.

13 LDC [MR. KAMMEN]: 95A.

14 MJ [Col SPATH]: Thank you.

15 LDC [MR. KAMMEN]: Thank you.

16 Q. So just showing you what's been marked for
17 identification as Government's Exhibit 95A, I gather, then,
18 did you pick up those wires in Grid 1 Aft?

19 A. No.

20 Q. Who picked up those wires, if you know?

21 A. I do not know.

22 Q. All right. So somebody gave you those wires and
23 said, these aren't from the COLE, we need to save these, and

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 is that ----

2 A. Yes. They would be brought back to the collection --
3 the collection area and, you know, we were back there signing.

4 Q. And where on the ship, boat -- which is the right --
5 ship. Where on the ship is the -- was the collection area?

6 A. Do we have a picture of the ship so I can kind of
7 show you?

8 Q. We can find one. You're Army, I'm civilian, this
9 makes the Navy crazy. Do you remember as being at the -- I'm
10 going to say front or back -- but it should be bow or aft. Do
11 you remember? Pointy end or the round end?

12 A. It's kind of like there was a tent up here where the
13 sifting area was, and then right off to the one side where the
14 city was, we were kind of on that side of the ship.

15 LDC [MR. KAMMEN]: Well, the other one, the one from up
16 top with the ----

17 [Conferred with paralegal.]

18 LDC [MR. KAMMEN]: You know what I'm looking for, don't
19 you? Not the aerial. Let me show you -- it was a tie. I'm
20 giving it to the enlisted person; she wins. She produced it
21 faster.

22 Q. Just help us out, please. Better hang on to that.
23 Let me show you what's in -- in evidence as Prosecution

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Exhibit 219. There are two tents. Do you recall whether the
2 collection area was with the -- what I'll call a colored tent
3 or the tan tent?

4 A. Oh, I remember us sitting back -- I don't recall
5 that. I know there was tents, but I don't recall the color
6 they were.

7 Q. All right. Let me show you the other ----

8 MJ [Col SPATH]: Leave 219 there for a minute.

9 LDC [MR. KAMMEN]: Yes, sir.

10 MJ [Col SPATH]: I don't think 219 has been admitted. I'm
11 just making sure on my notes. And not that we need to admit
12 it through the witness, I just want to make sure I'm looking
13 at the right exhibit. Okay. That one has not been admitted
14 yet. Might not matter because he doesn't recognize it anyway.
15 Let's move on to a different photo.

16 LDC [MR. KAMMEN]: Let me show you what is -- may be in
17 evidence ----

18 MJ [Col SPATH]: I'll let you know.

19 LDC [MR. KAMMEN]: ---- as Government's Exhibit 216.

20 MJ [Col SPATH]: 216 is in.

21 LDC [MR. KAMMEN]: All right.

22 Q. And do you recall that tent?

23 A. That looks familiar.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. Okay.

2 A. I remember seeing a blue-and-white tent.

3 Q. All right. So it would be -- I understand it's been
4 quite some time. I'm understanding you to say that as you
5 recall things, the sifting area was under the blue-and-white
6 tent depicted in Prosecution Exhibit 216, and the collection
7 area was somewhere near there, correct?

8 A. I remember the sifting area being under a tent. If
9 it was under a blue-and-white tent, I don't recall exactly.

10 Q. And if there were two tents, it was under one of the
11 tents, and then the collection area was near where the sifting
12 area was, true?

13 A. Where is the city? Is this the oil tanks this way?
14 Or is this the city this way? Do we know?

15 MJ [Col SPATH]: The witness has drawn two arrows. The
16 first one he drew to the left of the photo as you look at the
17 photo; the second one he drew to the right of the photo.

18 WIT: Sorry, Your Honor.

19 MJ [Col SPATH]: He can't answer the question because he's
20 not testifying. And it's okay to say I don't know ----

21 LDC [MR. KAMMEN]: And he doesn't know.

22 MJ [Col SPATH]: And it's okay to say I don't know or I
23 don't remember.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 WIT: I don't know because the orientation is not coming
2 back to me right now.

3 LDC [MR. KAMMEN]: Fair enough.

4 Q. In any event, which tent it is is a little less
5 important than I just want to try and make sure, the
6 collection area was near the sifting area, correct?

7 A. Where we were signing the bags, sir?

8 Q. Well, we'll get to signing the bags in just a second.
9 I want to know where the collection area was.

10 A. I just want to make sure we're talking about the
11 right -- the same thing.

12 Q. I do, too. That's why I'm going slow.

13 A. Okay. So the collection area, is that the area we
14 were signing the bags, or are you calling it something
15 different?

16 Q. I'm using the term you used.

17 A. Okay. The area where we were signing the bags
18 basically was near -- near the sifting area, as best I can
19 remember.

20 Q. All right. So let's say, for example, you are in
21 this -- thank you -- let's call it the collection area for
22 lack of a better -- so we're all using the -- you're in this
23 area near the sifting tent ----

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Okay.

2 Q. ---- and somebody brings you these wires ----

3 A. Okay.

4 Q. ---- and they say, this is something that needs to be
5 kept.

6 A. Okay.

7 Q. And you would then say, okay -- along these lines,
8 not word for word -- where was it found?

9 A. I don't recall exactly, but I don't know whether they
10 brought the stuff in the bag with the area written on it, like
11 the area like Aft, or whether, you know ----

12 Q. Well ----

13 A. ---- they told us.

14 Q. Well, let's look at this again, and ----

15 MJ [Col SPATH]: This is all Prosecution Exhibit 95 ----

16 LDC [MR. KAMMEN]: Yes.

17 MJ [Col SPATH]: ---- A, B and C.

18 LDC [MR. KAMMEN]: I hope.

19 MJ [Col SPATH]: It is. This is B.

20 Q. Where it says Grid 1 Aft, is that your handwriting?

21 A. That is not my handwriting.

22 Q. All right. So some unidentified person would have
23 brought perhaps the wires and the evidence bag -- or the wires

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 in the evidence bag and given them to you?

2 A. Yes, somebody that was either part of the sifting
3 team or collection team actually would have brought them and
4 put them down.

5 Q. Okay. And then you would then sign?

6 A. That is correct, and then seal it.

7 Q. Okay. So the first time you have any contact with
8 this is where -- is when you get -- is when it's given to you?

9 A. Yes.

10 Q. Okay. And is that the case with all of the ten or so
11 exhibits you identified?

12 A. Make sure we're understanding each other, sir. I'm
13 not being disrespectful but ----

14 Q. I know you're not.

15 A. Okay. So just -- you're saying -- can you repeat the
16 question?

17 Q. You talked to the prosecutor about ten separate
18 exhibits.

19 A. Yes.

20 Q. And would all of those exhibits be things that were
21 brought to you by other people at the collection area where
22 you began this process?

23 A. Yes, with the exception of the rope, obviously, that

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 we talked -- with the exception of the rope that we talked
2 about.

3 Q. With the exception of the rope?

4 A. And I remember seeing the flywheel sitting on the
5 deck.

6 Q. The rope and the flywheel?

7 A. Yes.

8 Q. Everything else came to you at these collection
9 points?

10 A. That is correct.

11 Q. Okay. Now -- and as you understood things, the
12 determining factor was, as we've said, it doesn't look like it
13 came from the COLE?

14 A. That is correct.

15 Q. Okay. Now, after you would get it, and let's stay
16 with 95, the wires, they're in the bags, you've signed the
17 bag.

18 A. Yes.

19 Q. Where do you -- what do you do with the bag? Do you
20 give it to someone else? Do you take it down to the evidence
21 room? What happens then?

22 A. After we signed so many bag, we would take them down
23 to the evidence room.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. All right. So you're standing there in the
2 collection -- the collection area, people are bringing stuff.
3 Either they're filling it out, you're filling it out, you're
4 signing, you get a group of bags, you take them down to the
5 evidence room?

6 A. Yes.

7 Q. Okay. And the evidence room was -- as you recall
8 things, where was it and can you describe it for us, please?

9 A. I know it was below deck.

10 Q. Okay.

11 A. I don't really remember exactly everything about it.

12 Q. Just -- if you're standing at the door of the
13 evidence room, if you stand looking into it, what do you see,
14 as best you recall?

15 A. I don't recall.

16 Q. You don't recall anything?

17 A. No, not on that.

18 Q. Who do you see?

19 A. I don't remember seeing anybody, but I know Jane
20 Rhodes -- SA Jane Rhodes was kind of in the area. That's the
21 one that was in control of the evidence room ----

22 Q. Okay.

23 A. ---- per se, the mock evidence room, on board.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Q. So you would take these group of bags into the
2 evidence room and give them to whoever was there, Ms. Rhodes
3 or whoever else. And do you know what they would do with
4 them?

5 Let me ask it -- would they do anything with these
6 bags in your presence?

7 A. My presence, no.

8 Q. Okay. Did they -- did you see them keeping some kind
9 of record of whether -- of things as they were brought in?

10 A. I did not notice.

11 Q. Okay. So I'm gathering you're up in the collection
12 area, you're taking a group of bags downstairs to the --
13 wherever it was. Hi, I've got five bags, ten bags, however
14 many it was. Here you go. Would you set them on a table? On
15 the floor?

16 A. I don't recall. I remember taking them down below
17 deck ----

18 Q. Leave them and go back?

19 A. Take them in and someone ----

20 Q. You go back to wherever you were working at the
21 collection area?

22 A. Yes.

23 Q. Okay. Now, the prosecutor showed these series of

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 Form 192s.

2 A. Correct.

3 Q. And each of those had your signature on them ----

4 A. Yes.

5 Q. ---- correct? Okay.

6 A. The ones that he showed me, yes.

7 Q. Well, have you ever written anyone else's name on a
8 192?

9 A. As far as like pre-fill it out for them but not sign
10 it?

11 Q. No, no.

12 A. I have never signed anybody else's name, if that's
13 what you're asking me.

14 Q. Right. And has anyone ever signed your name on a
15 192?

16 A. They should not sign my name.

17 Q. Why should they not sign your name on it?

18 A. Because that signature is saying that you are --
19 saying that you collected the evidence.

20 Q. Okay. And other witnesses have told us -- and is
21 this in accord with your training -- that the 192 is the
22 official chain of custody document?

23 A. That's the one that's going to be entered into

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 record.

2 Q. Right. And that's the one -- that's the, if you
3 will, the official bible of chain of custody; fair to say?

4 A. Yes. That's the one -- the 1A that you're going to
5 go back to.

6 Q. Now, when in this process, the collection area, the
7 evidence room, later on, would you have signed the 192?

8 A. Ideally, it's great if you can do them there, but
9 obviously in a scene this size, it was unlikely. I don't
10 remember exactly when I signed the 192, but, you know.

11 Q. All right. Would it have been either before you took
12 the evidence to the evidence -- or the -- the evidence room or
13 in the evidence room that you would have signed it?

14 A. On this scene, I don't recall, but you -- I -- I
15 don't really recall signing it before I took them down. I
16 don't recall signing it before, but I can't be 100 percent
17 sure.

18 Q. Would you -- you wouldn't have come back a day later
19 and signed it?

20 A. Depending on when they had it filled out, it could be
21 later, yes.

22 Q. Could be later, but there would be no question that
23 they, if they were following protocol, would want you to sign

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 it, correct?

2 A. Yes.

3 Q. Okay. Now, when you are at the collection area --
4 I'm coming back to the wires again. The wires get in the bag,
5 either someone else puts them in the bag or you do, and then
6 who is sealing it, sealing the bag? I know you're -- you're
7 writing the stuff, but who's -- physically where is the bag
8 sealed, if you recall?

9 A. I remember sealing a lot of the bags right there when
10 we were signing them.

11 Q. Okay. So using the wires as an example, wires
12 brought to you by the unidentified person. This came from
13 Grid 1 Aft. You put it in the bag and you fill out the form,
14 or your portion of it. You sealed the bag, as you recall?

15 A. As I recall. I'd have to look. I probably
16 initialled the bag if I did seal it.

17 Q. Well, do we have the bag for 95? Let's take a look.

18 A. Yes.

19 Q. Okay.

20 A. My initial is here on the tape.

21 Q. All right. Because you ----

22 MJ [Col SPATH]: Let me just look and see so I know where
23 his initials are.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 WIT: May I stand up, Your Honor?

2 MJ [Col SPATH]: Yeah. You may.

3 A. KDF.

4 MJ [Col SPATH]: All right. So the witness just pointed
5 to the side of the bag with the white label 1B689 the top and
6 there's the officials KDF and the date. You may.

7 Q. So what the judge just described and what we've all
8 seen, you put tape on the bag and then you wrote in Magic
9 Marker the date and your initials so that you would know that
10 you were the person who sealed the bag?

11 A. Yes. It's one of the habits I try to get into, put
12 your tape on in between the bag and the tape, you write the
13 date and your initials.

14 Q. That's really a good procedure because that way here,
15 from the distance of nearly 17 years, we can tell that you
16 were the person who sealed that bag?

17 A. Yes.

18 Q. And that gives us a fair degree of confidence that,
19 you know, whatever is in that bag, at least -- we don't know
20 how it got to you, but at least once it got to you, we know
21 what you did with it?

22 A. That is correct.

23 Q. And really, isn't that the point of evidence

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 collection? The paperwork, you're trained, is very, very
2 important because, again, from the distance of time, the
3 paper -- you know, you don't remember a lot, and that's
4 understandable. The paperwork helps you recall things?

5 A. Yes, it does.

6 Q. And even when you can't recall, the fact that the
7 paperwork is correct tells us what did or didn't happen in the
8 case of, let's say, those wires?

9 A. Yes. You can tell that I sealed it.

10 Q. Okay. You can tell that you sealed it. And we can
11 tell from this 192, which I think is the correct one, that you
12 found it on the -- 12:00 on the 20th, and by 3:30 it was in
13 the custody of someone else.

14 A. Yes.

15 Q. Okay. Now, while -- I know -- when you were doing
16 evidence collection, was there a group of people swabbing
17 evidence there on the scene?

18 A. While we were doing it? The best I can remember is
19 that all of the swabbing was done prior -- swabbing was done
20 prior to us getting on board.

21 Q. Okay. All of the swabbing was done prior to evidence
22 being collected, or by the time you got on board. Because
23 those are two different ----

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Repeat the question so I make sure I answer
2 correctly, sir.

3 Q. When we talk about swabbing, I'm talking about ----

4 A. Yes, I know. Not cleaning the floor; swabbing the
5 walls and stuff for samples.

6 Q. Yes. And were the bomb technicians swabbing any of
7 this evidence after it was identified at the sifters as
8 something that should be seized, or do you know?

9 A. I do not recall seeing that.

10 Q. Okay. You told us that the ship -- I mean, we know
11 from other evidence that it was -- the power was being
12 utilized for the efforts to keep the pumps running, and I
13 think other witnesses have told us that, you know, in many
14 respects, the lights on the ship were not functioning for some
15 time ----

16 A. Yes, they would ----

17 Q. ---- is that your memory?

18 A. Intermittent. They would come on and off.

19 Q. So I'm understanding that your work on the ship was
20 pretty much sunrise to sunset; would that be your memory?

21 A. That's an approximate. We'd get up very early and
22 then head out.

23 Q. And leave as it got dark because it would be

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 dangerous to work in the dark?

2 A. That is correct.

3 Q. Okay. Do you have any memory of where on the ship
4 Grid 1 Fore or Grid 1 Aft was?

5 A. No, sir, I don't.

6 Q. Okay.

7 LDC [MR. KAMMEN]: Just a second.

8 [Pause.]

9 Q. Who, if you know, was making the decisions of what to
10 swab -- which evidence to swab and which is not?

11 A. That would fall on the team leaders, sir.

12 Q. I'm sorry?

13 A. At that time, that would fall on the team leaders.

14 Q. That would be the team leaders?

15 A. Yeah. The team leaders would be making that
16 decision.

17 Q. And presumably they would be working with the
18 evidence technicians and the -- and the bomb squad experts,
19 and that sort of thing?

20 A. Yes.

21 Q. Okay. And you said something that maybe -- you said
22 that you thought the swabbing occurred before we -- you got on
23 the boat?

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. Yes. That's -- that's a general guideline.

2 Q. Okay. Tell us -- tell me more about that, please.

3 A. Well, one of the things that's a guideline is one of
4 the things -- after you do your preliminary survey and a
5 couple of other things to make sure the scene is safe is to
6 get the swabs done, especially because chemical residue, or
7 any type of residue for that matter, can deteriorate at a very
8 rapid rate, especially in those conditions.

9 Q. Okay. So if the protocols were being followed, you
10 would have done your walk-through on the morning of the 16th,
11 or maybe even earlier when people got there, other people got
12 there, and then the swabbing would have begun ----

13 A. Yeah.

14 Q. I understand you weren't there, but that's the --
15 that's what the training was, as you told us?

16 A. I think -- I thought it occurred before we even got
17 on the ship.

18 Q. I'm sorry?

19 A. I thought it occurred before we got on the ship.

20 Q. And maybe it did. I don't know. I'm not saying
21 you're wrong.

22 A. Okay.

23 Q. I'm just helping flesh that out.

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 A. All right.

2 LDC [MR. KAMMEN]: Anything?

3 Q. Thank you very much, but I need a second to help give
4 her her ----

5 MJ [Col SPATH]: No worries. No worries.

6 LDC [MR. KAMMEN]: Do you think these are all mine? Okay.
7 If you find out you're wrong, come ----

8 I don't have any other questions. Thank you very
9 much.

10 WIT: Thank you, sir.

11 MJ [Col SPATH]: Trial Counsel?

12 TC [MR. MILLER]: No redirect, Your Honor. Thank you.

13 MJ [Col SPATH]: I'm just looking at my notes for a
14 second.

15 All right, Mr. Finnerty. I'm going to give you a
16 standard order. I'm sure you've heard it if you testified
17 before. Don't talk about your testimony with anybody until
18 this matter is complete. In this case, that could be a pretty
19 extended period of time, as you can imagine. So just keep
20 that in mind, with a couple of exceptions: You are certainly
21 welcome to talk to the prosecution and defense team if you
22 want to as you prepare for testimony at later points during
23 this trial. Just don't talk to other people about your

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT

1 testimony until we're finished. Do you understand?

2 WIT: Yes, Your Honor.

3 MJ [Col SPATH]: What I have said to other witnesses, and
4 I do mean this, I recognize that you volunteered to come down
5 here to testify because certainly you can do it by VTC as
6 well. I appreciate that you traveled down here to testify in
7 person. Thank you.

8 WIT: Thank you, Your Honor.

9 MJ [Col SPATH]: You're excused.

10 [The witness was warned, excused, and withdrew from the
11 courtroom.]

12 MJ [Col SPATH]: We have been going just over an hour, but
13 before -- how long is your next witness, approximately?

14 TC [MR. MILLER]: Probably a half hour.

15 MJ [Col SPATH]: We'll take a quick break and we'll just
16 keep rolling through your witnesses. Let's take ten minutes.
17 We're in recess.

18 [The R.M.C. 803 session recessed at 1419, 15 March 2017.]

19 [END OF PAGE]

20

21

22

23

UNOFFICIAL/UNAUTHENTICATED TRANSCRIPT