

1 STATE OF MINNESOTA DISTRICT COURT
2 COUNTY OF WASHINGTON TENTH JUDICIAL DISTRICT

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4 State of Minnesota **JURY TRIAL**

5 Plaintiff, **VOLUME XV**

6 vs. **Court File No 82-CR-17-242**

7 Stephen Carl Allwine,

8 Defendant.

9 - - - - -

10 The above-entitled matter came duly on for
11 Jury Trial before the Honorable B. William Ekstrum,
12 one of the Judges of the above-named Court, on the
13 29th day of January, 2018, at the Washington County
14 Judicial Center, City of Stillwater, County of
15 Washington, State of Minnesota.

16 * * *
17 A P P E A R A N C E S

18 Jamie Kreuser and Fred A. Fink, Jr.,
19 Assistant Washington County Attorneys, appeared as
20 counsel for and on behalf of the State.

21 Kevin DeVore, Esq., appeared as counsel
22 for and on behalf of the defendant, who was
23 personally present.

24

25 (Whereupon, the following proceedings were

1 had without the jury present.)

2 THE COURT: The attorneys may want to put
3 some things on the record. I am going to start by
4 putting things on the record. Before that occurs,
5 last week I believe it was Thursday, I received
6 information that somebody, maybe an attorney -- I
7 have heard a couple of different ways, looked in the
8 courtroom when it was locked. Wondered why it was
9 locked. Last Thursday, if you remember, was a time
10 when there was considerable time given to review
11 some exhibits, and we had a separate hearing on that
12 subject. The jury had been excused. I simply want
13 to state for the record that at no time during this
14 trial has the courtroom been closed in any way for
15 proceedings.

16 When we had the hearing last Thursday the
17 courtroom was open to anyone who wanted to be here.
18 When we have had any trials, motions, testimony, and
19 all of the things that happen in a trial, the
20 courtroom has been open. I want that to be very
21 clear on the record, because I don't want that to be
22 an issue later if someone says something to someone
23 else and it gets misinterpreted. That's what we are
24 dealing with.

25 Now, does somebody need to put anything

1 else on the record before we get started?

2 MR. FINK: Yes, Your Honor. The state
3 does. Due to some travel commitments, we are
4 recessing Michelle Frascone's testimony, and putting
5 Mark Lanterman's testimony on the record. He needs
6 to be out of here this afternoon.

7 THE CLERK: All right. We can do that.

8 MR. FINK: Also, yesterday I spoke with
9 Mr. DeVore and he indicated that he had no problem
10 with that either so ...

11 THE COURT: Which leads me to the question
12 to Mr. DeVore; is that correct?

13 MR. DEVORE: That's correct.

14 THE COURT: Okay. Which means
15 Ms. Frascone will be recalled at some point. And as
16 I understand it, there will be testimony, but also a
17 video to watch, and completion of direct
18 examination, and certainly the ability for cross
19 examination.

20 MR. FINK: And if the court could explain
21 to the jury that the interruptions in testimony
22 sometimes take place as a result of other
23 commitments, that would be appreciated.

24 THE COURT: I will absolutely do that.
25 Anything else that anyone wants to state before we

1 get started this morning?

2 MR. FINK: I think at some time today we
3 probably need to deal with the jury issue at the end
4 of the case.

5 THE COURT: Understood. All right. Is
6 the jury close?

7 THE DEPUTY: Right outside the door.

8 THE COURT: Let's have them come in.

9 THE DEPUTY: All rise for the jury.

10 (The jury entered the courtroom.)

11 THE COURT: Everyone please be seated.

12 Good morning, Members of the Jury. I hope
13 you had a good weekend. We are ready to get back at
14 it. As you will recall on Friday when we recessed,
15 Michelle Frascone was on the stand from the Bureau
16 of Criminal Apprehension.

17 There is a need to have another witness.
18 Time schedules and the like get involved, so we are
19 going to recess Ms. Frascone's testimony, and bring
20 her back a little later and right now move to
21 another witness.

22 That is one of the things that happens in
23 a trial. As you already know, timing also is a
24 problem as we go through a trial that takes as long
25 as this one does. When legal issues come up, there

1 are times when we just have to take a break for
2 longer periods of time, or sometimes for even a day
3 or more while issues are resolved.

4 In any event, we are ready to go this
5 morning. Let's have the prosecution call your
6 witness.

7 MR. FINK: Call Mark Lanterman.

8 THE COURT: Mr. Lanterman, please come up
9 to the witness chair. Before you sit down, please
10 raise your right hand to be sworn.

11 MARK LANTERMAN,
12 having been first duly sworn, was examined

13 and testified on his oath as follows:

14 THE CLERK: Please be seated. State your
15 full name and spell your last name.

16 THE WITNESS: My name is Mark Lanterman,
17 L-A-N-T-E-R-M-A-N.

18 THE COURT: You may proceed.

19 MR. FINK: Thank you.

20 DIRECT EXAMINATION

21 BY MR. FINK:

22 Q How are you employed, sir?

23 A I am the Chief Technology Officer of
24 Computer Forensic Services in Minnetonka.

25 Q How long have you held that position?

1 A Since 2003.

2 Q How many employees do you have?

3 A Our company has nine analysts and eleven
4 contract employees.

5 Q And you're the founder of Computer
6 Forensic Services; is that correct?

7 A Yes.

8 Q How many offices do you have?

9 A We have offices in Los Angeles, Denver,
10 Jacksonville, Florida, and our main office is here
11 in Minneapolis.

12 Q Generally speaking, what does Computer
13 Forensic Services do?

14 A We are typically asked to look at data and
15 determine what happened. So, you know, a typical
16 case for us would be if a former employee leaves,
17 did he or she insert a thumb drive and take
18 confidential documents. So we analyze electronic
19 evidence.

20 Q What was your prior employment?

21 A I was a police officer outside of
22 Philadelphia, Pennsylvania. I was a detective here
23 with the Hopkins Police Department. Then I took a
24 job with the U.S. Secret Service as a member of
25 their Electronic Crimes Task Force.

1 Q What educational qualifications do you
2 have that is applicable to your position here?

3 A I have an undergraduate and graduate
4 degree both in Computer Science.

5 Q Do you teach on the subject?

6 A I do.

7 Q To whom?

8 A I conduct anywhere between 40 and 60
9 training classes a year for attorneys. But I am
10 also faculty for the Masters and Security Program at
11 the University of Minnesota. I am faculty at
12 Mitchell Hamline Law School, as well as the
13 St. Thomas School of Law.

14 Q Do you have any certifications relative to
15 your position?

16 A I do. Certified by the Department of
17 Homeland Security, and the certification is Seized
18 Computer Evidence Recovery Specialist.

19 Q What is the National Judicial College?

20 A The National Judicial College is where
21 state court judges go to be trained. So if you are
22 a new judge, you would go to learn how to be a
23 judge. So I am on the faculty at the National
24 Judicial College located in Reno, Nevada.

25 Q What's the Federal Judicial Center?

1 A The Federal Judicial Center is very
2 similar in that that's where -- that is located in
3 Washington DC. That's where federal judges go for
4 training on how to be a federal judge, and I'm
5 faculty there as well.

6 Q Who are your main clients?

7 A Well, primarily we're retained by law
8 firms and corporations. But we also act as a crime
9 lab for a number of law enforcement agencies. The
10 largest being the Hennepin County Sheriff's Office.

11 Q And do you also deal with criminal defense
12 attorneys?

13 A Yes. We don't just work for law
14 enforcement. We accept any criminal defense case
15 that comes in.

16 Q When you accept the case either from the
17 prosecution or the defense, what is your mindset
18 going in?

19 A Well, on either way, my mindset is the
20 individual is innocent, you know, until proven
21 guilty. So it doesn't matter to me who retains us,
22 whether it's the prosecution or the defense. And in
23 fact, what I find interesting is for our work in law
24 enforcement, approximately 15 percent of our cases
25 we actually exonerate the accused.

1 Q Is any of your work related to protecting
2 organizations from hackers?

3 A Yes.

4 Q Could you give an example of that?

5 A Well, we are retained by a number of
6 Fortune 500 companies now to conduct security
7 assessments as well. But we also recently were
8 retained by the Minneapolis/St. Paul Airport to
9 protect the airport against cyber threats.

10 Q Were you paid for your work on this case?

11 A Yes and no. Can I explain?

12 Q Please.

13 A So it was early in 2017 I received a phone
14 call from the Washington County Attorney's Office.
15 They asked for assistance in a human trafficking
16 case. They explained to me how much work they
17 thought I needed to do. I quoted them \$9,500 to do
18 the work. When the work was done, it actually
19 didn't take me that long. So right around that same
20 time I was called to assist in this case. So I told
21 them that I would work on this case, and they didn't
22 have to pay me anymore, because I felt that I didn't
23 do as much work that I thought I had to initially,
24 so I thought it was fair.

25 Q Have you been appointed a neutral expert

1 by courts?

2 A Yes. I have been appointed in both
3 federal and in state courts to act as a neutral.

4 Q Could you briefly explain to these folks
5 what that is?

6 A What that means is that I don't report to
7 either one side or the other. I essentially act at
8 the direction of the court.

9 Q Have you qualified as a expert before?

10 A Yes.

11 Q How many times, roughly?

12 A Approximately 2500 times.

13 Q In what courts?

14 A In both federal and state courts.

15 Q Now, my office acquired your services in
16 the investigation of the death of Amy Allwine in
17 Cottage Grove on November 13 of 2016; is that
18 correct?

19 A Yes.

20 Q And you were provided with multiple
21 electronic devices by the Cottage Grove Police
22 Department; is that right?

23 A Yes. 66 devices.

24 Q Among them was a MacBook Pro?

25 A Yes.

1 Q What were the user names attached to that
2 machine?

3 A S Allwine.

4 Q Was it password protected?

5 A Yes.

6 Q Among the items that you received was
7 there an iPhone 6S?

8 A Yes.

9 Q What was the user name on that phone?

10 A Well, it came up as S Allwine's iPhone.

11 Q Was that also password protected?

12 A Yes.

13 Q Have you, as part of your analysis,
14 reviewed the entire investigative file?

15 A Yes.

16 Q Did you also receive a computer belonging
17 to Amy Allwine?

18 A Yes.

19 Q Did you prepare a report after your work
20 in this case?

21 A Yes.

22 MR. FINK: May I approach?

23 THE COURT: You may.

24 BY MR. FINK:

25 Q Mr. Lanterman, I am showing you what's

1 marked as Exhibit 139. Ask you if you recognize
2 that document?

3 A I do.

4 Q What is it?

5 A This is a copy of my report and what was,
6 at the time, a current version of my CV, resume.
7 There should be one addition to my CV. This is an
8 older copy. I recently was appointed by the
9 Minnesota Supreme Court to act on the Lawyer's
10 Professional Responsibility Board. That appointment
11 just occurred in January, so it's not on my current
12 CV.

13 The responsibility of the board is to
14 investigate --

15 MR. DEVORE: Objection, nonresponsive.

16 THE COURT: It is. Question wasn't asked.
17 Next question.

18 BY MR. FINK:

19 Q Okay. Before you is a true and accurate
20 copy of your report in this case?

21 A Yes.

22 MR. FINK: I would move its admission.

23 MR. DEVORE: No objection.

24 THE COURT: 139 is received.

25

1 BY MR. FINK:

2 Q What's the Dark Web?

3 A The Dark Web, the technology beyond the
4 Dark Web, was actually created by the United States
5 Navy in an effort to anonymize or mask a user's
6 activity on the Internet.

7 Q What sort of activities take place on the
8 Dark Web?

9 A Well, from the name, the name sounds
10 somewhat nefarious but there are both good uses and
11 bad uses of the technology.

12 So primarily I think of the Dark Web as
13 Tombstone, Arizona, Circa 1850. There is no sheriff
14 in town. I am going to do whatever I want. There
15 are no rules. I am going to buy whatever I want. I
16 am going to sell whatever I want. So it's kind of
17 like the wild west.

18 Q How does one access the Dark Web?

19 A It's not difficult. You cannot
20 accidentally get on the Dark Web, because you need a
21 special browser known as TOR, T-O-R. So you can't
22 just click on a link in Internet Explorer and
23 accidentally end up on the Dark Web. You need to be
24 using that special browser, TOR.

25 Q What does the TOR browser do?

1 A Well, what the browser does, and what the
2 technology does, is it routes your traffic around
3 the world making it very difficult -- I don't want
4 to say impossible -- but almost impossible for law
5 enforcement to proactively figure out who you are
6 because your traffic is going through multiple
7 countries. So it's an invisibility cloak,
8 essentially.

9 Q And does the TOR browser record browsing
10 history?

11 A It does.

12 Q That stands for the onion router; is that
13 right?

14 A Yes.

15 Q Do you know why it's referred to as that?

16 A It's referred to as the onion router
17 because if you think about the technology, it's
18 layer, upon layer, upon layer. When you're
19 browsing, activity is going through multiple
20 countries. It's kind of like a layer, upon layer,
21 upon layer so they named it the onion router.

22 Q What is a VPN?

23 A A VPN stands for Virtual Private Network,
24 and it's often used in corporate settings to make
25 sure it's a secure -- it's an encrypted tunnel

1 between two points.

2 So you will often see it used in
3 corporations if you are an employee, and you want to
4 check your email. Your company will often force you
5 to go through a VPN. So it's a security function.

6 Q What are Bitcoins?

7 A Bitcoins. If you think of Bitcoins, it's
8 like a digital coin. It's a cyber coin. It's cyber
9 currency, except you can't hold it. It's
10 electronic.

11 Q Is it publicly available?

12 A Yes. Anyone can purchase or sell Bitcoin.

13 Q Is one able to track the purchaser of a
14 Bitcoin?

15 A It's very difficult, because it's a
16 number. So if you purchase something from me, I
17 know who you are, but no one else does. And even
18 then, if you have taken proper steps, I don't even
19 know who you are. So it's very difficult to figure
20 out who it is.

21 Q So it doesn't record the individual's
22 name?

23 A No. It's just a number.

24 Q Is this the preferred method for paying
25 for goods and services on the Dark Web?

1 A Yes.

2 Q Directing your attention to Bitcoin
3 transaction numbers if you will, could you talk to
4 the jury about those?

5 A Sure. So if you are going to use Bitcoin,
6 you need something known as a Bitcoin wallet in
7 which your coins go. And your Bitcoin wallet, you
8 can have unlimited numbers of Bitcoin wallets. So
9 think of the number as the routing number and
10 account number on your checks. So it's unique to
11 you. No one else has the same routing and account
12 number, or else banking wouldn't work. So it's the
13 same thing with the Bitcoin wallet. It's a unique
14 number in which Bitcoins can be deposited or
15 withdrawn.

16 Q And these Bitcoin wallet numbers are both
17 alphabetical and numeric; is that right?

18 A Yes. It's an alphanumeric representation.
19 So there are numbers and letters. I think it's 34
20 characters long, so it's pretty long.

21 Q Is each one unique?

22 A They are all unique, or else it wouldn't
23 work. It would be like if everyone was assigned the
24 same routing number and account number for your
25 checking account, it just wouldn't work. So they

1 are all unique.

2 Q Now, let's talk about what you do when you
3 analyze electronic devices. What's your
4 methodology?

5 A Well typically, the first step when we are
6 given a device -- so by a device I mean a laptop, a
7 desktop, a cellphone, a thumb drive -- the first
8 thing we do is we create what's known as a forensic
9 image. And an image is an exact copy. And the
10 reason why we do that is because electronic evidence
11 can easily be changed. So what I mean by that is,
12 if you boot up a Windows computer, you are now
13 modifying between 300 and 400 files just by starting
14 up the computer. Because timelines can be very
15 important in any kind of investigation, the first
16 step is you take that snapshot and then all of our
17 work is done from that image, from that copy. So
18 it's a perfect copy of whatever the device is.

19 Q A clone, if you will?

20 A Yes.

21 Q And that ensures the data is not altered
22 during the course of the analysis?

23 A Yeah. So it's a snapshot so that way you
24 have a pristine copy that you can always go back to.
25 And we do all of our analysis from that copy. We

1 only touch the originals once, make the copy, and
2 then we never touch the originals again.

3 Q What happens to deleted materials in
4 computers and mobile phones?

5 A Well, perhaps you have heard delete
6 doesn't mean delete. The reason why that is, if you
7 think of a computer hard drive like a public
8 library, with the books on the shelves representing
9 your files.

10 Now, when I was a kid when I went to the
11 library, both of those times, there was a wooden,
12 like a wooden cabinet in the front of the library
13 and when you pulled the drawer out, there were a
14 bunch of Dewey Decimal reference cards. And on the
15 card, it told me that this book, is in this section,
16 on this shelf and then I could go find the book.
17 Well, when a computer user hits delete, essentially
18 all that she is or he is doing is just tearing up
19 that card. So the books are still there. The files
20 are still there, but because there is not a card,
21 you don't get to see it. So part of my job is I
22 have to find the cards, put them back together, and
23 then go find the books.

24 So delete doesn't mean delete. Delete
25 just means we have to do a little bit of work to

1 regain access to that file, to that book.

2 Q So you are still capable of recovering
3 that deleted item?

4 A Typically, yes. But certainly there are
5 situations where we just can't, so it depends.

6 Q You have reviewed the entire investigative
7 file; is that right?

8 A I believe so, yes.

9 Q That includes the forensic report of
10 Officer Paul Torguson of the Woodbury Police
11 Department?

12 A Yes.

13 Q Is there anything that stood out to you in
14 his report that was of concern?

15 A Errors. He made mistakes.

16 Q Could you be more specific?

17 A On -- I don't recall the page, but there
18 was one paragraph in which the officer wrote, I
19 found that Amy Allwine's laptop had been accessed in
20 the late evening of November 13th. Then underneath
21 that -- oh, and he said remotely, remotely accessed.
22 Then there was a screen shot underneath that
23 paragraph in his report.

24 MR. FINK: May I approach?

25 THE COURT: You may.

1 BY MR. FINK:

2 Q I would like to show you, Mr. Lanterman,
3 Exhibits 144 through 147.

4 A Okay.

5 Q Ask if you can identify those.

6 A Exhibit 144 is a screen shot of Microsoft
7 Outlook opened on Amy Allwine's computer, and it was
8 created by Officer Torguson of the Woodbury Police
9 Department. It's part of his report.

10 MR. FINK: Would move 144 into evidence,
11 Your Honor.

12 MR. DEVORE: Can we approach, Your Honor?

13 THE COURT: You may.

14 (Whereupon, court and counsel had a
15 discussion off the record, at the bench.)

16 THE COURT: Exhibit 144 has been offered
17 into evidence, Mr. DeVore. Any objection?

18 MR. DEVORE: No, Your Honor.

19 THE COURT: 144 is received.

20 MR. FINK: May we publish?

21 THE COURT: You may.

22 BY MR. FINK:

23 Q Mr. Lanterman, can you explain to the jury
24 what we see here in Exhibit 144?

25 A Is it okay if I stand up and point?

1 THE COURT: Yes, it is.

2 THE WITNESS: Thank you, Your Honor. So
3 this is a screen shot that is part of Officer
4 Torguson's report. What the officer did was he took
5 a copy of Amy Allwine's laptop, and he booted into
6 it to see what she would see if she was at the
7 computer.

8 So you can see that the clock -- because
9 when you create a forensic image, remember it's a
10 snapshot in time. So the computer believes it's
11 still the time that it was when it was collected.
12 So it doesn't mean that's the time now. It means
13 it's frozen in time. So it believes that it's back
14 on another day.

15 So what I can tell from this computer, or
16 excuse me, from this screen shot, is that Officer
17 Torguson using a copy of Amy Allwine's hard drive
18 booted into it, and then opened Microsoft Outlook,
19 and you can see the account is
20 Amy@Activedogsportstraining.com and opened it up.
21 The computer believes that it was 10:40 p.m. because
22 that would have been right around the time that the
23 computer was seized. And if you notice here, there
24 are only times, not dates. So the date actually
25 shows Sunday, November 13th, 2016. So it's an email

1 that came in. And the reason that we know this is
2 if this was a different day, you would also see a
3 date and time. So right now, the computer believes
4 that it is Sunday, November 13th, 2016 at 10:40 p.m.

5 BY MR. FINK:

6 Q Excuse me, what is Exhibit 145?

7 A Exhibit 145 is another screen shot in the
8 officer's report. I believe -- yeah, I don't recall
9 what page of the report. But it's another screen
10 shot that the officer included in his report.

11 Q This is not 145 up there right now. We
12 would move 145 into evidence, Your Honor.

13 MR. DEVORE: No objection.

14 THE COURT: Received.

15 MR. FINK: Publish?

16 THE COURT: You may.

17 THE WITNESS: Now, remember this is
18 another screen shot. So you can see that it's now
19 -- my eyes aren't what they used to be -- I think
20 three minutes later. So the officer is working in
21 this virtual computer. He's taking screen shots. A
22 couple of minutes have gone by. So now we see it's
23 10:43. But what's of note here is remember we have
24 November 13, 1:37, so we only see the time. But if
25 it's an older email, you actually see the date.

1 So that's how we know that while the
2 officer is making these screen shots, the computer
3 believes that it is November 13th, 2016 now at
4 10:43 p.m.

5 BY MR. FINK:

6 Q What is Exhibit 146?

7 A Exhibit 146 is a screen shot that I
8 mentioned earlier. So this is a screen shot from
9 the police officer's report in which the officer has
10 opened up an event log. So Microsoft Windows will
11 keep track of a lot of things, including when people
12 log in, log out, plug things in. There are records
13 for that activity. So the officer opened up the
14 event log and took a screen shot. That's what
15 Exhibit 146 is. So it's a screen shot that is in
16 the Woodbury police officer's report.

17 MR. FINK: Move Exhibit 146 into evidence.

18 MR. DEVORE: No objection.

19 THE COURT: 146 is received.

20 MR. FINK: May I publish?

21 THE COURT: You may.

22 BY MR. FINK:

23 Q Mr. Lanterman, what are we seeing here;
24 could you explain to the jury?

25 A Okay. So you can see a couple of hours

1 have gone by because the computer now believes it's
2 1:13 a.m. So this event log is showing
3 November 11th here, but then it jumps to
4 November 13th, 2016 late in the evening. So we have
5 entries from 10:22 all the way through 10:34. So
6 remember, this is from the police officer's report.
7 And it shows, or it reads, remote desktop services.
8 Session log on succeeded. The user is, or the
9 computer is Amy PC, and the user is Amy. And it
10 reads the network address is local.

11 So right before this screen shot, the
12 officer in his report wrote, on November 13, 2016 at
13 10:34 p.m. someone remotely logged into this
14 computer.

15 Q Did they?

16 A No.

17 Q Why?

18 A If we could go to the next --

19 Q Okay. What is 147?

20 A So Exhibit 147 is a screen shot that I
21 created without virtualizing. I went to the
22 forensic image of Perfect Copy, and I extracted the
23 event log, and then I opened it. That's what the
24 next exhibit -- or that's what the next picture is.

25 MR. FINK: Move 147 into evidence.

1 MR. DEVORE: No objection.

2 THE COURT: 147 is received.

3 MR. FINK: May I publish?

4 THE COURT: You may.

5 THE WITNESS: So what you will see here,
6 so I created this. This is my screen shot. But
7 it's a screen shot of the exact same event log that
8 the officer is saying shows someone logging in on
9 November 13th, when in fact the last date is
10 November 11th, not November 13th. So the officer is
11 wrong.

12 BY MR. FINK:

13 Q I'll show you 146 and 147 side by side,
14 and if you could explain to the jury?

15 A Sure. If you notice on the left is the
16 officer's screen shot from his report. On the right
17 is my screen shot from the original. You can see we
18 have 11:11 at 1:39, 11:11 at 1:39. So everything
19 matches up until we get to November 13th of 2016.

20 The reason why this happened is because
21 the investigator took the copy of Amy Allwine's
22 laptop virtualized it, booted into it, started
23 taking screen shots of Microsoft Outlook. Then he
24 went to see, okay, who else has accessed it? The
25 computer still thinks, remember, it's November 13th,

1 and the investigator documented himself logging in.

2 So the officer made a mistake.

3 Q So those November --

4 A This should not have occurred. This is
5 not proper forensic practice.

6 Q And Exhibit 147, your screen shot. And
7 that was from the original computer.

8 A Yes. So without virtualizing, I went to
9 the forensic image, the original. I extracted that
10 event log, opened it. It's actually November 11th.
11 There is no reference to November 13. So the
12 officer contaminated that.

13 Q So the references to November 13th were
14 actually Officer Torguson entering the computer and
15 taking of the screen shots.

16 A Yes. Yes. He did not do this correctly.

17 Q Can you also tell whether it was a remote
18 access or an access at that computer's keyboard?

19 A Sure, I can. So I tested it myself. And
20 if you look at the screen shot, it says remote
21 desktop services. And then we have a successful log
22 in. When I ran my test, if I just sit at a Windows
23 computer and I log in, I get the exact same message.
24 And here it says local. I am local. I am right
25 here. This isn't from across town. This isn't

1 someone from a block away logging in. This is
2 local. I am at the keyboard. That's Torguson.

3 Q Okay. Thank you. During your analysis of
4 the various machines, did you recover any
5 communications between Stephen Allwine's iPhone and
6 Michelle Woodard and Autumn Hamilton?

7 A Yes.

8 Q What were the substance of those
9 communications?

10 A Well, I guess I would say romantic.

11 Q Do you know when they started?

12 A I don't recall off the top of my head, but
13 we did extract the communications. So we know when
14 they occurred, I just can't recall.

15 Q Would looking at your report refresh your
16 recollection?

17 A Yes. May I?

18 THE COURT: You may.

19 THE WITNESS: Thank you. What page?

20 MR. FINK: Five.

21 THE COURT: It may be obvious to you,
22 Mr. Lanterman, but I don't want you just reading
23 from your report. But you obviously can review it
24 to improve your recollection of whatever is there.

25 THE WITNESS: Yes, sir. Thank you, Your

1 Honor.

2 The communications began October of 2015.

3 BY MR. FINK:

4 Q And that was with Michelle Woodard?

5 A Yes.

6 Q And were there any communications that you
7 recovered that -- where Stephen Allwine talked about
8 his marriage to Amy Allwine?

9 A Yes.

10 Q What were they?

11 A He indicated that she was disappointed, I
12 think was the word. That she was disappointed in
13 him. Just from the messages, it seemed apparent as
14 though they were not getting along.

15 Q What is hacking?

16 A Well, it kind of depends. I think hacking
17 is -- you know, it seems to have this negative
18 undertone. Hacking is really just trying to figure
19 out how things work. But the way that society, I
20 think, is using it, it's an attack. I am trying to
21 access your information, your computers without your
22 permission. So that's kind of the generally
23 accepted. It's really a misnomer.

24 Q What's a virus?

25 A A virus is really just a program that does

1 something. So a virus could be a key logger that
2 tracks everything you're typing. It could be a
3 program that tracks the websites that you clicked
4 on. It could be an attempt to get me into your
5 computer. So it's just a program. It's nothing
6 special. It's a program that does something that I
7 ask it to do.

8 Q How does it get into one's computer?

9 A Well, it kind of depends. I can give you
10 a thumb drive so when you plug it in it just
11 automatically goes in. Really the way I primarily
12 see computers being infected is via email. So if an
13 attacker sends you an email saying congratulations,
14 you've just won a \$50 gift card at Best Buy, click
15 here to claim your prize. When you click, usually
16 you're downloading malware or something bad. So
17 don't click.

18 Q What's the ultimate hack?

19 A Well, the ultimate hack is I can take over
20 your computer as you, and you don't know it. So I
21 am in your network. I am in your systems, and I can
22 do whatever I want, and no one knows I am there.
23 That's what I believe the ultimate hack to be.

24 Q Okay. Now, are there artifacts in a
25 computer or a mobile phone when it's hacked or

1 infected by a virus?

2 A Yes.

3 Q What sort of artifacts?

4 A Well, the program itself. But one thing I
5 like to look for, is I like to virtualize computers
6 as well. Most of the remote desktop applications,
7 if you download malware, if you download a virus, it
8 will try to communicate out to the world saying here
9 I am. Then that way, I know that you downloaded it,
10 so then I say, yep, I'm here, and I am going to
11 connect to you, and then I'm into your computer.

12 So I like to see -- or I like to determine
13 what programs are trying to communicate to the
14 outside world. Then I try to figure out, you know,
15 is that just Windows update, or is that something a
16 little more nefarious.

17 Q And how do you determine the difference?

18 A Well, I just look at it, and I just figure
19 out what it is trying to communicate to Russia. Oh,
20 maybe that's a warning, so ...

21 Q Is there a difference between hacking a
22 computer and hacking an iPhone 6S, or just an
23 iPhone?

24 A Yeah. I can -- you know, it's easier for
25 me to just hack you, than it is for me to hack your

1 computer. So I mean, I send you an email and I
2 trick you, and you click, and now you download the
3 malware for me.

4 Hacking into an iPhone is not that easy.
5 Ask the FBI. It's a little -- it's difficult. And
6 I don't want to say it's impossible, but I can't do
7 it. So it doesn't mean someone else can't, but I
8 can't, and I don't think the FBI can either.

9 Q Now, did you examine the MacBook Pro with
10 user name S Allwine and the iPhone 6s with the user
11 name S Allwine for evidence of viruses or hacking?

12 A Yes.

13 Q How did you do that?

14 A Well, with the MacBook Pro, I took a copy
15 of the hard drive, a pristine copy. I first scanned
16 it with anti-virus. I didn't find anything, but
17 that's not surprising. Most anti-virus programs
18 don't work anyway. So then I virtualized it. Then
19 I wanted to determine what is automatically trying
20 to connect out to the outside world. There was
21 nothing of significance. So I didn't find any
22 evidence of viruses. You know, most viruses don't
23 run on an Apple computers anyway. But I didn't find
24 any evidence of that. And I didn't find any
25 evidence of viruses on the iPhone either.

1 Q Okay. Now, you and I have spoken about
2 your testimony?

3 A Yes.

4 Q And so you know that I'll be asking you
5 about some dates and times as we go along?

6 A Yes.

7 Q As to those dates and times, could you
8 find any remote access to the MacBook Pro, user name
9 S Allwine computer?

10 A No.

11 Q Do you have an opinion as to whether
12 either or both of those machines, the MacBook Pro
13 and the iPhone 6s with user name S Allwine had
14 viruses or had been hacked?

15 A I do have an opinion, and my opinion is
16 no.

17 Q Now, even if hacking software had been
18 downloaded on that MacBook Pro, there would be
19 evidence of deletion of it if it was taken back out,
20 right?

21 A Not necessarily. If you download malware
22 or a virus, it will be there until something tries
23 to delete it. But even if you do delete it,
24 remember that delete doesn't always mean delete. So
25 I would expect to still have found some kind of

1 artifact of a virus or malware. I just did not.

2 Q What kind of computer do you use in your
3 business?

4 A Well, we used to use Windows computers. I
5 used to make fun of Apple computers because they are
6 like toys. Students use them, and fancy people use
7 them. Then I analyzed one. It was pretty darn
8 secure. So over a two or three week period, we
9 converted our entire office away from Windows
10 computers to Apple computers. They're just more
11 secure right out of the box, in my opinion.

12 Q So there's a difference in the security
13 levels?

14 A Yes.

15 Q Do you have any idea about the percentage
16 of viruses or malware that will not work on Apple
17 products?

18 A Gosh, I would say like 99.9 percent of
19 viruses will not run on an Apple computer. Really
20 the most dangerous things for an Apple computer is
21 --

22 MR. DEVORE: Objection, nonresponsive.

23 MR. FINK: I think it's an explanation.

24 THE COURT: It is an explanation. I am
25 overruling the objection, you may continue with your

1 answer.

2 THE WITNESS: Is JAVA in your web browser,
3 but who wants to use that anyway.

4 BY MR. FINK:

5 Q During the course of your analyzing the
6 machines here, you were privy to some communications
7 between dogdayGod and a site known as Besa Mafia; is
8 that right?

9 A Yes.

10 Q What did Besa Mafia purport to be?

11 A Besa Mafia was a Dark Web store to hire a
12 hit man. That's how they advertise themselves.

13 Q Do you know when the dog day account was
14 created?

15 A I do. February 14, 2016.

16 Q And on that date, did dogdayGod post a
17 question on Darknetmarketsnewbs?

18 A Yes. So there is a website called Reddit.
19 It's pretty popular. It's like a community center.
20 If you have questions, if you have interests, if you
21 like model airplanes there are communities that you
22 can talk to other people who share your interests.
23 One of these communities is called
24 Darknetmarketsnewbs and newbs refers to someone who
25 is new at this. Like if you're a newbie, you're

1 brand new, you're a rookie.

2 MR. FINK: Approach?

3 THE COURT: You may.

4 BY MR. FINK:

5 Q Mr. Lanterman, I am showing you what's
6 been marked as Exhibit 110. It's already in
7 evidence. Do you know what that is?

8 A Exhibit 110 is a printout from Reddit that
9 was taken within that little community of
10 Darknetmarketsnews.

11 Q In examining the two devices we are mainly
12 concerned with here; the MacBook Pro, user name S
13 Allwine, and the iPhone, user name S Allwine, did
14 you find any visits from those devices to Reddit?

15 A Yes. On the MacBook Pro, the user visited
16 the very same community, Darknetmarkets, and was
17 inquiring about disposable computers.

18 Q What's a disposable computer?

19 A It's a computer that you don't care about.
20 It would be like getting a flip phone because you
21 don't want someone else looking at your real phone,
22 and you don't care if you throw it away. It's
23 disposable.

24 Q Now, reviewing the Besa Mafia dogdayGod
25 communications, I would like to ask you a question

1 about this exhibit.

2 MR. FINK: Approach?

3 THE COURT: You may.

4 BY MR. FINK:

5 Q I am showing you Exhibit 124. Ask if you
6 know what that is?

7 A Exhibit 124 is a message from an account
8 dogdayGod to Besa Mafia. Do I need to read it?

9 THE COURT: Wait for the next question,
10 sir.

11 BY MR. FINK:

12 Q Just generally, what are its contents?

13 A Someone is looking to contract a hit, and
14 they want to know how best to pay for it, via
15 Bitcoins.

16 MR. FINK: May I publish again, Your
17 Honor?

18 THE COURT: You may.

19 BY MR. FINK:

20 Q Could you read that for the jury, please?

21 A "I am looking to hire you for a hit, but
22 what is the recommended way to convert cash to
23 Bitcoin anonymously. If I pull \$5,000 out for a
24 hit, after the hit, I would assume that the police
25 would see that draw and wonder where it went. So

1 even if the Bitcoins are not traceable, that missing
2 money would raise suspicion. Is there a way to make
3 it look like I am buying something, and end up with
4 Bitcoins so that the money looks like it is going to
5 something tangible and not cash to pay for a hit."

6 Q Thank you. That was on February 14th,
7 9:28 p.m.?

8 A Yes.

9 Q Now, later that same day, were there any
10 searches of interest on the SS Allwine MacBook Pro?

11 A Yes. The MacBook Pro was used to search
12 for Bitcoin mining software.

13 Q What's that?

14 A Bitcoin mining, it's a way for you to earn
15 Bitcoin without having to pay for it. So you
16 essentially donate your computer run time to help
17 the Bitcoin community keep track of all of the
18 transactions. So you are contributing to the ledger
19 entries that are part of Bitcoin.

20 Q When did the -- whoever was at the
21 keyboard of the S Allwine MacBook Pro -- when did
22 they visit those exchange services?

23 A 10:28 p.m. on February 14th. Then the
24 searches picked up again the next morning at
25 10:53 a.m.

1 Q Did you find any messages from dogdayGod
2 to Besa Mafia with a February 16 date?

3 A Well, I was provided that. I did not find
4 it, but I was provided it in the case file.

5 MR. FINK: Approach?

6 THE COURT: You may.

7 BY MR. FINK:

8 Q Showing you what's marked Exhibit 125,
9 which has already been received into evidence, and
10 ask if you know what that is?

11 A This is a message from the user dogdayGod
12 to Besa Mafia.

13 Q What is its general substance?

14 A The substance is identifying for Besa
15 Mafia the location of the target of the hit.

16 MR. FINK: May I publish?

17 THE COURT: You may.

18 BY MR. FINK:

19 Q Could you read that for the jury, please?

20 A "The target will be traveling out of town
21 to Moline, Illinois in March, but that is about
22 three hour drive from Chicago. I am assuming that
23 this would not work for the hit. If it would, then
24 it would be the perfect time. Also, you give the
25 price in U.S. dollars, but then say we pay in BTC."

1 That's Bitcoin. "What is the price for Bitcoin for
2 hit and ideally making it look like an accident?"

3 That message was sent on February 16th,
4 2016 at approximately 12:43 central time.

5 Q In examining the S Allwine MacBook Pro,
6 did you find any research minutes before that
7 message?

8 A I did. So remember this message is sent
9 at approximately 12:43 a.m. At 12:36, just a few
10 minutes before, the MacBook Pro was used to search
11 for K9 Nosework. Then a link was clicked on for K9
12 Nosework.com/competition and NACSW. A web page came
13 up with the trial calendar and information. Then a
14 few minutes later, at 12:38 a.m. a Google search was
15 run for Moline, I-L, Illinois. A link was clicked
16 on for the map. Then the map that came up at
17 12:41 a.m. showed the distance between Moline,
18 Illinois and Chicago. That was a few minutes before
19 this message was sent to Besa Mafia.

20 Q Did you have the occasion to take a screen
21 shot of that browsing history?

22 A Yes, sir.

23 MR. FINK: Approach?

24 THE COURT: You may.

25

1 BY MR. FINK:

2 Q Showing you what's marked as Exhibit 126.

3 Ask if you know what this is.

4 A This is a screen shot of a portion of my
5 report detailing the searches and the dates and
6 times.

7 Q That you just testified about?

8 A Yes.

9 MR. FINK: Move its admission.

10 MR. DEVORE: No objection.

11 THE COURT: 126 is received.

12 MR. FINK: May I publish?

13 THE COURT: You may.

14 BY MR. FINK:

15 Q Exhibit 126 is on the board,

16 Mr. Lanterman.

17 A Yes, sir.

18 Q Is this what you retrieved from the S

19 Allwine MacBook Pro?

20 A Yes. So remember the message to Besa
21 Mafia is at 12:43 a.m. This is the activity on the
22 MacBook Pro. The user account is S Allwine, the
23 user name password, and then these are the searches.
24 So this was typed in. The results came back. This
25 is the link that was clicked on. This is the name

1 of the page that came up. And then in the URL was
2 typed Moline, I-L. A map came up for Moline. And
3 then if you go to directions. And then -- so it
4 will pull up where you are. Then on the left-hand
5 side on Google Maps it will say directions. Chicago
6 was typed in. It would have shown how long it takes
7 to drive from one location to the other just a
8 couple of minutes before that information was sent
9 to Besa Mafia.

10 Q Now, did you also on that same date
11 observe in the correspondence between dogdayGod and
12 Besa Mafia another message along with a picture?

13 A Yes. Well, a link to a picture.

14 MR. FINK: May I approach?

15 THE COURT: You may.

16 BY MR. FINK:

17 Q Showing you Exhibit 127. Ask if you know
18 what this is.

19 A This is a message from dogdayGod to Besa
20 Mafia. It was sent on March 5th, 2016 at
21 approximately 8:52 p.m. central time. It is
22 describing the target of the hit that was being
23 arranged.

24 MR. FINK: Move its admission.

25 MR. DEVORE: No objection.

1 THE COURT: My record shows 127 was
2 admitted. I may have to cross reference that. It
3 indicates it is admitted as requested.

4 MR. FINK: Thank you. May I publish?

5 THE COURT: You may.

6 BY MR. FINK:

7 Q On the board is Exhibit 127. Is that the
8 substance of that email?

9 A Yes.

10 Q At the bottom I note a link to a JPEG.

11 A Yes.

12 Q Can you tell us about that?

13 A So this is a link. So the person sending
14 this message to Besa Mafia is sending a picture of
15 the target. A picture of Ms. S Allwine. The
16 picture is found on S Allwine.net Travel Log Hawaii,
17 and there is the name of the picture.

18 What's interesting to me is a couple of
19 things. Is that --

20 MR. DEVORE: Objection, nonresponsive,
21 Your Honor.

22 THE COURT: At this point, correct.
23 Sustained. Ask your next question.

24 MR. FINK: Thank you.

25

1 BY MR. FINK:

2 Q How does one go to S Allwine.net?

3 A Well, you go to S Allwine.net, just open
4 up a browser Allwine.net.

5 Q Did you do that?

6 A I did.

7 Q What did you find?

8 A I found a home page with some links,
9 Stephen's web page, Amy's web page, and then a
10 couple of other links. But none of the links
11 worked.

12 Q So how would one go about retrieving that
13 picture?

14 A You would have to know it was there. You
15 would have to know exactly where that picture is.
16 You can't go to a home page and then click and up
17 comes the picture. Someone -- you either have to
18 know it's there, so you know where to find it, or
19 someone would have to tell you where to find it.

20 MR. FINK: May I approach?

21 THE COURT: You may. But before you ask
22 your question, I simply want to confirm for the
23 record that 127 was received during the testimony of
24 Asher Silkey. My notes were correct, so go ahead.

25

1 BY MR. FINK:

2 Q Showing you what's marked Exhibit 135.

3 And ask if you caused to have that made?

4 A Yes.

5 Q What is it?

6 A It's a timeline of Facebook activity in
7 relation to this message and the link.

8 MR. FINK: Move its admission, Your Honor?

9 MR. DEVORE: No objection.

10 THE COURT: 135 is received.

11 MR. FINK: May I publish?

12 THE COURT: You may.

13 BY MR. FINK:

14 Q Could you explain to the jury what we see
15 here?

16 A Sure. So on March 4th, 2016 at 10:30 the
17 MacBook Pro, having been logged in as the S Allwine
18 account, goes on to Facebook and is browsing the
19 photographs on Amy S Allwine's Facebook page.
20 Looking for photographs. The next day -- the next
21 evening, on March 5th, 2016 at 8:07 p.m. a folder --
22 or this file is copied onto the server for the web
23 page S Allwine.net. It wasn't there before.

24 Fast forward on March 5th, 2016 at
25 8:52 p.m. A message from dogdayGod to the Besa

1 Mafia -- or excuse me -- the picture is posted to
2 the Besa Mafia website along with the picture.

3 We also found that picture on a home
4 network attached storage device, like a hard drive
5 that connects to your home network, under a folder
6 called pictures from 2014 Hawaii. And it's the same
7 picture that was posted right before that message
8 went to Besa Mafia.

9 Q Going back to the picture. What about
10 that picture's link in that message stood out to
11 you?

12 A Well, what stood out to me is just that
13 you couldn't just Google it. The name of the
14 picture was P1020057.JPEG. You can't tell from the
15 name of the picture what it is. It wasn't on the
16 Allwine.net web page until right before that message
17 went out. So it appears as though someone went to
18 the home network attached storage device, got that
19 picture, and then posted it.

20 Q So is there any way for someone other than
21 whomever is at the S Allwine MacBook Pro keyboard to
22 link this picture?

23 A No. It wasn't Googled. And all of the
24 links on the S Allwine.net web page didn't work. So
25 someone had to know exactly where that picture was.

1 Q Now, after that message was sent from
2 dogdayGod to Besa Mafia, did you find any research
3 on the S Allwine MacBook Pro?

4 A Yes.

5 Q What was that, sir?

6 A The user account on the MacBook Pro, and
7 to be clear, this was February 17th, is going on
8 Anico.com, A-N-I-C-O, and it appears to be, you
9 know, an insurance company. Then after -- oh, and
10 then someone clicked on the tab my policies. So
11 that happens at 9:41 p.m. Then at 9:49 the user
12 leaves the insurance web page and starts Googling
13 for real estate and home construction.

14 Q Now, going back to the dogdayGod Besa
15 Mafia correspondence, was there anything that stood
16 out on March 22nd, 2016?

17 A Yes.

18 Q What was that, sir?

19 A There was a message on March 22nd, 2016 at
20 9:53 a.m. The account dogdayGod sent a message to
21 Besa Mafia. And the subject line is help, all
22 capital letters, exclamation mark, wrong Bitcoin
23 address.

24 MR. FINK: Approach?

25 THE COURT: You may.

1 BY MR. FINK:

2 Q I am showing you what's marked Exhibit
3 128. Ask if that is that message.

4 A Yes.

5 MR. FINK: Move 128 in?

6 MR. DEVORE: No objection.

7 THE COURT: 128 is received.

8 MR. FINK: May I publish?

9 THE COURT: You may.

10 BY MR. FINK:

11 Q Now, what is the substance of that
12 dogdayGod correspondence with Besa Mafia? Could you
13 read the message itself?

14 A Sure. So the message reads, "My screen
15 refreshed and gave me the wrong Bitcoin address
16 where I sent the other funds. Are you able to match
17 them up? I went to" -- and then there's a long, I
18 think it's a 34 character alphanumeric Bitcoin
19 Wallet address.

20 Q When an iPhone device is connected to a
21 computer that has iTunes installed, what happens?

22 A The user has the ability to backup his or
23 her iPhone to the local computer, and that's what
24 happened in this case. We found iPhone backups for
25 an iPhone called S Allwine, I think it was iPhone

1 was the name of it, on the MacBook Pro. So at some
2 time earlier --

3 MR. DEVORE: Objection, nonresponsive,
4 Your Honor.

5 THE COURT: Again, at this point it is.
6 Ask your next question.

7 MR. FINK: Thank you.

8 BY MR. FINK:

9 Q So let me try and understand this. When
10 you sync an iPhone to your MacBook Pro and you've
11 got iTunes loaded on the computer, they sync with
12 the tunes; is that right?

13 A Yes. Everything.

14 Q And so is it safe to say that things other
15 than the tunes are then taken out of the phone and
16 deposited somewhere in the memory on that MacBook
17 Pro?

18 A Yes. Everything.

19 Q When you're examining the S Allwine
20 MacBook Pro, did you recover anything of note?

21 A I did. I recovered a deleted note. So if
22 you are familiar with an iPhone, there is an
23 application called notes, and you click on that and
24 it's like a scratchpad. I recovered a deleted note
25 from the backup of the iPhone that I found on the

1 MacBook Pro.

2 Q What was that note?

3 A The note was the Bitcoin Wallet address.
4 That was the only thing in the note was that exact
5 address. The 34 character address.

6 Q Examining both the dogdayGod Besa Mafia
7 correspondence together with what you found out
8 about this note; what was the sequence?

9 A So the note was created on March 22nd,
10 2016 at 9:53 a.m. central, 20 seconds before this
11 message is sent by dogdayGod to Besa Mafia. The
12 note is then deleted approximately 40 seconds later
13 from the phone.

14 Q MacBook Pro iPhone?

15 MR. FINK: May I approach?

16 THE COURT: You may approach.

17 BY MR. FINK:

18 Q Mr. Lanterman, I am showing you Exhibit
19 137. Did you have cause to have created a timeline
20 of the events you just testified about?

21 A Ah, yes.

22 Q And is that exhibit accurate?

23 A Yes, it is.

24 MR. FINK: Move 137 into evidence, Your
25 Honor.

1 MR. DEVORE: No objection.

2 THE COURT: 137 is received.

3 MR. FINK: May I publish?

4 THE COURT: You may.

5 BY MR. FINK:

6 Q On the screen is Exhibit 137. Could you
7 outline, again, the timeframe involved on that
8 timeline?

9 A Sure. So from the backup on the MacBook
10 Pro, we know that the iPhone, S Allwine's iPhone, a
11 note is created on March 22nd, 2016 at 9:54 and 4
12 seconds a.m. The content of the note is just this
13 Bitcoin Wallet address.

14 Approximately, I guess it's 23 seconds
15 later, this message is sent from dogdayGod to Besa
16 Mafia saying, "wrong Bitcoin address it went to".
17 Then there is the exact same Bitcoin Wallet address.
18 Same day, approximately, I guess it's 40 seconds
19 later that note on the phone with that address is
20 then deleted.

21 Q And does this show the inter-relationship
22 on the screen?

23 A Yes.

24 Q Is there any way to remotely enter that
25 note into the S Allwine iPhone?

1 A Not that I know of. I don't know of a way
2 to take physical control of an iPhone. So it's
3 someone at the phone, and because it's an iPhone 6S,
4 it's unlocked by fingerprint or pass code. And it's
5 someone with that phone putting in that address into
6 that.

7 THE COURT: We are going to take a break.
8 Resume at quarter to eleven.

9 (The jury exited the courtroom.)

10 (A recess was taken.)

11 THE COURT: Let's bring in the jury.

12 (The jury returned to the courtroom.)

13 THE COURT: Everyone please be seated.
14 Mr. Lanterman, you may take the witness chair. And
15 sir, remember you are still under oath. and
16 Mr. Fink, you may continue.

17 MR. FINK: Thank you.

18 BY MR. FINK:

19 Q All right. When we broke, you were
20 talking about that Bitcoin Wallet address.

21 A Yes, sir.

22 Q So within 63 seconds, it was created on S
23 Allwine's iPhone, posted to the Besa Mafia website,
24 and then deleted from his iPhone?

25 A That's correct.

1 Q And that Bitcoin Wallet address is unique?

2 A It is unique.

3 Q And you indicated that earlier that an
4 iPhone can't be remotely used?

5 A An iPhone can be monitored, but you can't
6 actively control an iPhone remotely.

7 Q So no affirmative actions can take place?

8 A That's correct. You just can't do it.
9 It's not like an actual computer.

10 Q Okay. I would like to talk to you about
11 anonymizing techniques. Could you briefly explain
12 what that's all about?

13 A Well, anonymizing means you're trying to
14 make sure that no one knows who you are. You want
15 to remain anonymous. That's the whole purpose of
16 the Dark Web is anonymity. Remember the Navy
17 created it to mask what the military was doing
18 online.

19 Q Did you discover some research on the S
20 Allwine MacBook Pro about anonymizing techniques?

21 A Yes. The user S Allwine on the MacBook
22 Pro was researching both the TOR network, or the TOR
23 which you need to access the Dark Web, but also the
24 VPN services. And if you recall, VPN services are
25 Virtual Private Networks, so it encrypts everything

1 between two points. So a third party, like law
2 enforcement, can't see what you are doing.

3 Q Did that MacBook Pro that you examined
4 contain evidence of VPN?

5 A Yes.

6 Q Did it contain evidence that the TOR
7 browser had been installed or downloaded?

8 A Yes.

9 Q What are tails?

10 A Tails is a downloadable program that you
11 can boot your computer to. So instead of booting
12 from Windows or Mac OS on your hard drive, tails can
13 be copied to a thumb drive, and then your computer
14 boots from that instead so you don't leave
15 footprints on your actual hard drive.

16 Q And then did the MacBook Pro, S Allwine
17 user name conduct Google searches for installing
18 tails?

19 A Yes.

20 Q Could you explain that, please?

21 A Sure. So on March 21st, 2016 at 1:15 the
22 user S Allwine, on the MacBook Pro, went to Google
23 and typed in tails on Acer Cloud Book. Then three
24 minutes later at 1:18 p.m. the same user went on
25 Google and typed in tails on Acer Aspire 1 Cloud

1 Book. Then later that evening at 10:20 p.m., the
2 same user typed in on Google, Acer 1 Cloud Book
3 tails.

4 Q And of the 66 devices that were seized
5 from the S Allwine residence and presented to you,
6 were any of them an Acer product?

7 A No. The Acer computer is missing.

8 Q What's gorilla mail?

9 A Gorilla mail, it's an online email service
10 that you can use to send anonymous emails. So you
11 will go to Gorilla mail, type in a message, and send
12 it and the recipient won't know it's you.

13 Q As you indicated, you were privy to the
14 reports in this case. Are you aware that on
15 March 7th the defendant reported a \$6,000 swindle to
16 the Cottage Grove Police?

17 A Yes.

18 Q What did he allege occurred?

19 A That he had purchased approximately \$6,000
20 worth of Bitcoin on March 4th.

21 MR. DEVORE: Objection to the extent the
22 witness is reading from a document, Your Honor.

23 THE COURT: Yes. Mr. Lanterman, my
24 previous instruction applies. Which is to say, take
25 your time, in fact right now if you need it to

1 refresh your memory, but then I don't want you just
2 reading from the document.

3 THE WITNESS: I understand. Thank you.

4 BY MR. FINK:

5 Q Take your time, sir.

6 THE COURT: Mr. Fink, I believe you should
7 ask your next question.

8 MR. FINK: Okay.

9 BY MR. FINK:

10 Q Have you refreshed your recollection as to
11 that transaction?

12 A Yes.

13 Q What did the defendant allege?

14 A That a user named Mark had sent him a
15 message via Gorilla mail.

16 Q And you've already indicated what that is?

17 A Yes.

18 Q Was there anything -- were there any other
19 searches for other anonymizing services on the S
20 Allwine iPhone?

21 A Well, one thing I found interesting was on
22 the iPhone there was a note with the address -- may
23 I read the address, because it's a little bit
24 convoluted.

25 THE COURT: You may.

1 THE WITNESS: Thank you. So on the iPhone
2 there was a note with the address
3 EXQPLIQV@sharklasers.com. That's also another
4 anonymous email service.

5 BY MR. FINK:

6 Q Did you find occasions on the S Allwine
7 MacBook Pro where he visited Gorilla mail in July of
8 2016?

9 A Yes.

10 MR. FINK: Approach?

11 THE COURT: You may.

12 BY MR. FINK:

13 Q Mr. Lanterman, I am showing you what's
14 marked as Exhibit 131, and ask you if you know what
15 that is.

16 A Yes. This is a screen shot of a table
17 that I prepared as part of my report.

18 Q That table reflects, in general, what?

19 A The table reflects that on July 15th, 2016
20 at 10:14 p.m. the user S Allwine went to Google and
21 typed in Gorilla, and then a space, mail. Clicked
22 on Gorillamail.com, the link that came back.
23 Clicked on tools. Clicked on inbox. Then clicked
24 on compose, which is what you need to do to write an
25 email. To send an email.

1 Q Exhibit 131 is a true and correct copy of
2 that screen shot?

3 A It is.

4 MR. FINK: Move its admission.

5 MR. DEVORE: No objection.

6 THE COURT: Exhibit 131 is received.

7 MR. FINK: May I publish?

8 THE COURT: You may.

9 BY MR. FINK:

10 Q Exhibit 131 is on the screen. Could you
11 point out exactly what you mean by the different
12 steps that were taken there?

13 A So in Google someone typed in Gorilla and
14 then the plus is actually a space. So Gorilla space
15 mail. Went to the link. Oh, and that happened on
16 July 15th, 2016 at 10:14 and five seconds p.m.
17 central time. Went to Gorillamail.com. Went to
18 tools. So they clicked on tools. Clicked on the
19 pound sign. I don't know what that is. But then
20 clicked on inbox. Then clicked on compose. So the
21 whole thing took about two and a half minutes. So
22 compose was clicked on July 15th, 2016 at 10:16 and
23 45 seconds p.m.

24 Q Thank you. From examining the file here,
25 are you aware of an email that was sent to Amy S

1 Allwine from an anonymous sender on July 24th, 2016?

2 A Yes, I read that in the police report.

3 MR. FINK: May I approach?

4 THE COURT: You may.

5 BY MR. FINK:

6 Q Showing you what's marked as Exhibit 129.

7 Ask you if you know what that is, sir.

8 A This is the body of that message.

9 Q At least an excerpt; is that right?

10 A Yes.

11 Q Is it true and accurate?

12 A Yes.

13 MR. FINK: Move its admission.

14 MR. DEVORE: No objection.

15 THE COURT: 129 is received.

16 MR. FINK: May I publish?

17 THE COURT: You may.

18 BY MR. FINK:

19 Q Could you read that for the jury, please?

20 A "Since I cannot get to you, I will come
21 after everything else that you love. I know about
22 your son, your husband, and your business. But
23 thanks to the Internet, parenthesis www.radaris.com,
24 I see you have a mother and father in Woodbury, 7600
25 Military Road, a brother in St. Paul, and a sister

1 in Yardley, P-A, Pennsylvania.

2 Q Now, when analyzing the S Allwine MacBook
3 Pro, did you uncover any searches on that particular
4 website, that Radaris?

5 A I did.

6 Q When were those searches made?

7 A On July 8th, 2016 starting at 8:35 a.m.
8 Then it jumps to July 23rd, 2016 at 1:39 p.m.

9 Q That email that was referenced in the
10 prior exhibit was dated July 24th; is that correct?

11 A July 24th, correct.

12 MR. FINK: Approach?

13 THE COURT: You may.

14 BY MR. FINK:

15 Q Now, Mr. Lanterman, I am showing you
16 what's been marked as Exhibit 130. Ask you if you
17 know what this is.

18 A This is a screen shot of a chart that I
19 prepared. It is part of my narrative report.

20 Q That chart, generally speaking, contains
21 what?

22 A On line searches for individuals and
23 searches by name.

24 Q Conducted on S Allwine MacBook Pro?

25 A Yes.

1 MR. FINK: Move receipt of 130.

2 MR. DEVORE: No objection.

3 THE COURT: 130 is received.

4 MR. FINK: May I publish?

5 THE COURT: You may.

6 BY MR. FINK:

7 Q Exhibit 130 is replicated on the screen.
8 Could you show the jury the steps that were taken?

9 A Sure. July 8th, 2016 at 8:35 and 19
10 seconds a.m, the user is on the website Radaris and
11 searches for Steve S Allwine. The next entry, the
12 results come back.

13 The third entry is July 8th, 2016 couple
14 of minutes later, 8:39 a.m. a link is clicked for
15 Amy L. Zutz. At 8:40 and 20 seconds a.m. A link is
16 clicked for Charles M Zutz from St. Paul. Seven
17 seconds later at 8:40 and 35 seconds, a link is
18 clicked for Steven C Zutz from St. Paul. July 8th,
19 2016 at 8:40 and 41 seconds, a link is clicked
20 Joanne G Zutz from Woodbury. Five seconds later a
21 link is clicked for Julie J. Zutz. At 8:41 and 10
22 seconds the name Julie Brown is typed in. The
23 results are returned. And then the name Stephen S
24 Allwine is clicked on, and again there is a gap
25 here.

1 So between Julie Brown, those searches
2 ending on July 8th, 2016. Then there is another
3 search on July 23rd. Again, it starts out Stephen
4 Allwine. The link is clicked looks like 11 seconds
5 later. 11 seconds after that, a link for Amy Zutz
6 is clicked on. A little less than a minute later, a
7 link for Joanne Zutz. About 30 seconds later a link
8 for Steven Zutz is clicked on. 18 seconds later
9 Julie Zutz is clicked on, and then it's clicked on
10 again.

11 Q Thank you. Now, those searches were done
12 on what web site?

13 A Radaris.

14 Q From your view of Stephen Allwine's
15 devices, did you come to any conclusion as to his
16 technological expertise?

17 A I would consider him to be sophisticated.
18 I had the use of TOR browsers. I had the use of
19 VPNs. I had the use of virtual machines. So I
20 would consider him to be sophisticated.

21 Q Do you have an opinion as to who paid Besa
22 Mafia for a hit?

23 MR. DEVORE: Objection, speculation.

24 THE COURT: I am going to sustain that.

25 Next question.

1 MR. FINK: May we approach?

2 THE COURT: You may.

3 (Whereupon, court and counsel had a
4 discussion off the record, at the bench.)

5 THE COURT: I sustained it.

6 BY MR. FINK:

7 Q On that last question, I was not asking
8 for the identity of a specific person. But in
9 general terms, do you have an opinion of who paid
10 Besa Mafia?

11 A The individual using Steven S Allwine's
12 iPhone on March 22nd when the note was created with
13 the Bitcoin address, and subsequently sent to Besa
14 Mafia, and then the note being deleted. Whoever was
15 using that iPhone on that day, which means either a
16 fingerprint or a password is needed to do that, is
17 the person that ordered the hit.

18 MR. FINK: That's all of the questions I
19 have.

20 THE COURT: Cross examine.

21 MR. DEVORE: Thank you.

22 CROSS EXAMINATION

23 BY MR. DEVORE:

24 Q Good morning, Mr. Lanterman.

25 A Good morning.

1 Q According to your report, you said that
2 you analyzed 66 devices. But we have been talking
3 about two devices pretty much for the entire
4 morning; is that correct?

5 A Yes, sir.

6 Q Was there nothing of value found on the
7 other 64 devices that you looked at?

8 A Nothing that I thought was of interest.
9 There was a lot of devices. When I found this, I
10 focused my efforts on the MacBook Pro.

11 Q Can you give us an idea of what other
12 devices that you looked at?

13 A I have an inventory, but I don't have it
14 here with me. These would be thumb drives, external
15 hard drives. There was a network attached server.
16 So a network storage device.

17 Q Is that an NAS?

18 A Yes, sir.

19 Q Is there anything on the MacBook Pro that
20 you found that would identify dogdayGod at all?

21 A No.

22 Q Can you tell me is there anything, or any
23 evidence, of an email account on the MacBook Pro
24 with the email of dogdayGod@hmmail.com?

25 A No.

1 Q Do you know where a cell phone gets its
2 time and date?

3 A Well, it depends, but typically it's
4 synchronized automatically depending on the
5 settings.

6 Q Does it require it to be connected to a
7 network to get the settings?

8 A Either to a network or a cellular network.

9 Q Can it be manually set as well?

10 A I would think it would depend on the kind
11 of phone and the operating system.

12 Q Do you know if a -- if it was manually set
13 if there was a file generated, would it be set at
14 the time that it was manually set, or at the time
15 the file was created?

16 A If the phone was manually set to a
17 different date and time, and then a file created on
18 that phone, it would have that phone's set date and
19 time associated with it.

20 Q Now, you indicated that that backup with
21 the Bitcoin address that we talked about that was
22 done in August, right, August 8th?

23 A May I refer to my report? The exact date
24 is in there.

25 Q Sure.

1 A Thank you. Could you repeat your
2 question?

3 Q I may have misspoken. It may have been
4 August 3rd. But was that the date that you said the
5 iPhone was backed up to the iTunes?

6 A Yes. So the backup of the iPhone was
7 created on August 3rd, 2016 onto the MacBook Pro.

8 Q Okay. And I have a couple of questions on
9 that. Do you know if that was the same phone that
10 Mr. S Allwine had back in March of 2016?

11 A I don't know one way or the other. I just
12 had backup data.

13 Q How do you know, specifically, which phone
14 was used to back up that data?

15 A The name of the phone was S Allwine and
16 iPhone.

17 Q Is that what you had then, just the name
18 of the phone, or was there a serial number or any
19 other data?

20 A As I sit here, I have the name. I did not
21 include a serial number in the report, so I don't
22 recall if it was available or not.

23 Q And the name is something a user or
24 somebody can create; is that correct?

25 A Yes.

1 Q So like when one goes online to their
2 account, I can put in Kevin's phone, or main phone,
3 or I can put in anything I want; is that fair to
4 say?

5 A You don't go online to do that. It's a
6 setting on the phone under settings to name your
7 phone.

8 Q Now, you made reference to the tails. You
9 talked about tails?

10 A Yes.

11 Q Tails operating system. Was any of that
12 found on the S Allwine devices?

13 A I did not find either an Acer computer or
14 tails, no.

15 Q Now, did you analyze Amy S Allwine's
16 laptop?

17 A Yes.

18 Q What did you do to analyze that?

19 A Well, a forensic image of the computer was
20 created, and I looked for activity on that system.
21 Then I compared what I found to what Officer
22 Torguson reported and I determined that he made
23 errors.

24 Q Are you aware that Amy Allwine was
25 complaining of strange things happening to her

1 computer during the summer or fall of 2016?

2 A I don't know what she was complaining
3 about. I don't know.

4 Q Were you aware that she was complaining,
5 or you don't know anything about it?

6 A I don't know whether or not she was
7 complaining. I was not aware of that.

8 Q Now, I am going to ask you a few questions
9 about TOR and URL, okay?

10 A Okay.

11 Q When you use the TOR browser, can you
12 access a regular website, like, say Google?

13 A Yes.

14 Q So like I could access your company's
15 website as well; is that correct?

16 A Yes.

17 Q That doesn't necessarily mean if you
18 access the company's website, like your company, on
19 TOR that you're on the Dark Web or anything like
20 that; is that correct?

21 A That is correct.

22 Q And it also doesn't mean that your company
23 would be doing anything illegal just because you can
24 access it through the TOR; is that correct?

25 A That also is correct.

1 Q What is a URL?

2 A A URL in an address line, it's the
3 www.webpage.dotcom. So it's whatever is in the web
4 browser at the top.

5 Q So why do we use URL?

6 A To get to where you would like to go.

7 Q It's the name of a website, is that --

8 A Well, it's a location. So it could be a
9 website. It could be a path to a file. So it's a
10 location. It's a direction.

11 Q So does the Dark Web use URL's?

12 A Yes.

13 Q When you're in the Dark Web, do you, in
14 using the TOR browser, do you have like favorites
15 and things like that that you can use when you're --
16 like with Google?

17 A So the TOR browser, and there are
18 different versions of it, but it really doesn't
19 operate much differently than Internet Explorer. So
20 you can have favorites. And you know, you can
21 bookmark certain pages that you like to go to.

22 So the browser, itself, functions the same
23 way. The difference is, it lets you go on the Dark
24 Web and Internet Explorer doesn't.

25 Q Did you find any evidence of the favorites

1 or the notes, or things like that on the MacBook
2 Pro?

3 A I don't recall seeing any favorites under
4 TOR on the MacBook Pro.

5 Q How about on Amy S Allwine's computer?

6 A I don't recall that. If there was
7 anything of interest, I would have included it in my
8 report.

9 Q Now, I am going ask you some stuff about
10 that photo, the Hawaii photo.

11 A (Nods head.)

12 Q You said that you looked on the S
13 Allwine.net and that didn't work when you tried it;
14 is that correct?

15 A Yes.

16 Q When did you do that?

17 A I believe that that would have been in
18 either -- I think it was either January or February
19 of 2017.

20 Q Are you able to say whether those links
21 worked a year prior to that?

22 A I am able to say the links did not work a
23 year earlier.

24 Q Okay. And if you downloaded a file from a
25 website, like a photograph for instance, and then

1 you uploaded that file, would that creation date
2 change to the new date, or would it stick with the
3 original creation date of the photo?

4 A So all files have at least three date and
5 time stamps associated with them; the creation, the
6 access, and the last modified. If I have a file
7 that I -- if I have a photograph that I took
8 yesterday on my camera, or on my computer, whatever
9 I use to create the photograph, it would show a
10 creation date of yesterday. If I move that to a
11 thumb drive, on the thumb drive it shows a created
12 date of today because that's when it was created on
13 that thumb drive in that location.

14 So when you move documents, you receive or
15 you create a new file creation date. But typically,
16 the last modified doesn't change unless you edit the
17 photograph.

18 Q Okay. So with respect to the creation
19 date, that would change if you uploaded it to a
20 flash drive or something, that would be a new
21 creation date from the original format; is that
22 right?

23 A Yeah. So if you upload a file, then on
24 that system, wherever you send it to, it would get a
25 new updated creation date and time.

1 Q And is there any evidence on the S
2 Allwine's computer of the uploading happening from
3 there?

4 A Yes.

5 Q What is that?

6 A May I refer to an exhibit?

7 THE COURT: To refresh your memory, you
8 may.

9 THE WITNESS: Thank you. May I continue?

10 THE COURT: You may answer the question,
11 if you recall the question. Go ahead.

12 THE WITNESS: On March 5th, 2016 at
13 approximately 8:07 p.m. a photograph of Amy S
14 Allwine was copied from a network attached storage
15 device, so like a hard drive on the network. And
16 was then posted on the Besa Mafia website with a
17 message.

18 BY MR. DEVORE:

19 Q That's the NAS that you talked about
20 before?

21 A Yes, sir.

22 Q Now, did you find the digital photograph
23 of Amy S Allwine when you examined the Allwine home
24 server?

25 A Yes, sir.

1 Q What was the content of the digital photo?

2 A It was a picture of Ms. S Allwine.

3 Q Do you know the file name and the size of
4 the photo?

5 A I know the file name. If I may read it,
6 it's a little convoluted.

7 THE COURT: You may do that.

8 THE WITNESS: Thank you. The name of the
9 file is P1020057.JPEG.

10 Q And you can tell a make and model of the
11 camera that stored that photo; is that correct?

12 A It depends. Sometimes with digital
13 cameras when you take a photograph it will often
14 embed information, meta data inside of a photograph.
15 So that could be the type of camera that was used,
16 what the lense setting was. But some cameras don't
17 embed anything, so it's kind of hit or miss.

18 Q What were you able to determine in this
19 particular case?

20 A I was not able to recover any meta data
21 from that photograph.

22 Q What is meta data?

23 A Every electronic file, every electronic
24 document has associated with it two layers of
25 information. The first layer is the content. So if

1 you print that file, whatever comes out of your
2 printer is the content. So that's the first layer.

3 The second layer is all of the information
4 about the file itself. So that could be, when was
5 it created, when was it last modified, when was it
6 last accessed, was Uncle Hugh's will modified three
7 days after Uncle Hugh passed away. So it's the
8 information. It's information about the files
9 themselves. That's what meta data is. It's like if
10 you click file properties, and it shows you as the
11 author. It's information about the files.

12 Q What capture date and time was stored on
13 the photographs data on the Allwine home server.

14 A Could you repeat that, please?

15 Q Sure. On the S Allwine home server, the
16 photo that you saw on the server, what was the
17 date -- the capture date and time that was stored on
18 there?

19 THE WITNESS: May I refer to my report?

20 THE COURT: You may.

21 THE WITNESS: I don't know if it's in
22 there. I did not note the creation date and time in
23 my report.

24 BY MR. DEVORE:

25 Q And then still on the S Allwine home

1 server photograph, did you compute a digital
2 signature or hash of the photograph?

3 A Yes.

4 Q Okay. What was that?

5 A That wouldn't be in my report. That's
6 created at the time of imagine. So what a signature
7 is, what a hash value is, is we will run an
8 algorithm, a program, across the data we receive.
9 Then it creates an output that looks very similar to
10 a Bitcoin Wallet address. So that, months from now,
11 if we need to verify that no one has tampered with
12 that file, we simply compare the hash values, make
13 sure that algorithm, we compare the values to make
14 sure nothing has been changed. But there would have
15 been no reason for me to include that in my report,
16 so I did not.

17 Q All right. Now, you also received some
18 information resulting from a subpoena of the Blue
19 Host ISP; is that correct?

20 A I believe so. Yes. I believe that the
21 Cottage Grove Police Department sent me some
22 information.

23 Q Did you find the photograph that we have
24 been talking about in that particular subpoena
25 response?

1 A I don't recall what the subpoena response
2 was. But I know that the photograph was found in
3 the pack that was sent to Besa Mafia. And, in fact,
4 last night when I checked, it was still there.

5 Q That was in the Blue Host information that
6 you received?

7 A That was on the Allwine.net site which is
8 hosted by Blue Host, so yes.

9 Q Did you compare the photo that you
10 received -- the information you received from the
11 Blue Host information with the one that was on the S
12 Allwine home server?

13 A Well, I read what was sent to me by Blue
14 Host and I looked at the picture.

15 Q I am just wondering if you compared the
16 meta data behind the picture to see if they both
17 matched up?

18 A Well, I think I testified I didn't recover
19 any meta data from within that photograph.

20 Q But you did recover things like a digital
21 signature and a hash value; is that right?

22 A Yes, but that's my work product. Those
23 are values that I create, not the picture.

24 Q Oh, that's something that you created
25 then, the digital signature and the hash value?

1 A Yes.

2 Q Oh, I misunderstood you.

3 A I apologize.

4 Q So your determination that the photograph
5 that you received from the Blue Host subpoena, and
6 the one that was on the S Allwine home server, your
7 determination that they were the same, is that they
8 were the same physical picture as you visually
9 looked at it?

10 A Yes.

11 Q Did you ever do anything to determine the
12 background information about the Blue Host picture
13 with the one that was on the S Allwine server?

14 A Looking at them, they appear to be the
15 same to me. Same name. And you look at two
16 pictures, they look the same to me.

17 Q Sure. But you understand that they can
18 have different background information. One could be
19 taken at a different time from a different camera
20 even, correct?

21 A Pictures looked identical to me.

22 Q To you?

23 A Mm-hmm.

24 Q Okay. What about on the Besa Mafia, the
25 web site, the photograph that you examined from the

1 FBI, is that another physical observation that you
2 made to see if they were the same photos?

3 A Yes. It was -- I received a printout or
4 an electronic copy of a report. The photograph, it
5 was like a copy of the photograph. And looking at
6 the photographs, it looked to me to be the same
7 picture.

8 Q So that was just a printout that you
9 received. You didn't have any background
10 information on that photograph, correct?

11 A That's correct. And when I looked at the
12 electronic copy that I had, I didn't find any meta
13 data embedded. So I wasn't surprised that the FBI
14 didn't either.

15 Q All right. Now, I will ask you questions
16 about the Radaris. You indicated that dogdayGod
17 searched www.Radaris, which is Radaris.com, to find
18 the address of the various different family members
19 of Stephen Allwine; is that correct?

20 A I think what I said was that the S Allwine
21 account on the MacBook Pro opened up a web browser
22 and went to Radaris and started researching names
23 and addresses.

24 Q So it was -- it wasn't the dogdayGod
25 account?

1 A No.

2 Q Now, on the Bitcoin Wallet address, or the
3 Bitcoin address that we talked about, or that you
4 talked about, did you ever trace that Bitcoin
5 address that you referenced, did you ever trace that
6 back to Mr. Allwine's Bitcoin Wallet?

7 A Yes.

8 Q You got his records from -- where did you
9 get his records from?

10 A I didn't get his records. The Bitcoin
11 Wallet address was found in a deleted note that was
12 backed up to the S Allwine MacBook Pro. And the
13 note had the Bitcoin Wallet address in it. Then it
14 was subsequently deleted maybe a minute later or so.
15 So someone using Mr. Allwine's phone with either his
16 fingerprint or password on March 4th was controlling
17 that Bitcoin.

18 Q Then you said that was based on the
19 meaning that it was used for that phone; is that
20 correct?

21 A That's correct.

22 Q Can you have more than one phone and use
23 the same name?

24 A Yeah, I suppose you could, sure.

25 Q Now, do you have Exhibit 137 in front of

1 you still?

2 A I do.

3 Q Now, I looked at that. That's a document
4 that you prepared; is that correct?

5 A I did not prepare it, but I asked the
6 Washington County Attorney's Office to prepare it
7 for me.

8 Q Is it based on information that you gave
9 them?

10 A It is based on information that I gave
11 them, and also information supplied by the FBI.

12 Q Now, I noticed on there that the Bitcoin
13 addresses weren't the same. Do you see that?

14 A I don't see that.

15 Q The one in the middle.

16 MR. DEVORE: May I approach, Your Honor?

17 THE COURT: You may.

18 MR. DEVORE: I see that they were broken
19 off at different parts. So I will retract that
20 question. They are the same.

21 BY MR. DEVORE:

22 Q All right. So did you ever see any other
23 Bitcoin addresses referenced in the Besa Mafia or
24 the Besa Mafia emails that you looked at?

25 A Not that I recall, no.

1 Q Now, you had some discussions with -- or
2 you said that you reviewed Detective Paul Torguson's
3 report; is that correct?

4 A I am not certain what his rank is, but
5 yes, Officer or Detective Paul Torguson, yes.

6 Q Are you familiar at all with his
7 background or computer forensic education or
8 training?

9 A Not really, no. Not very good.

10 Q Okay. I see -- I know that you guys had
11 an email conversation where you said that he had
12 some errors in his report; is that correct?

13 A Yes, I did point out that he had errors in
14 his report. I thought he should know.

15 Q And he indicated that you had some errors
16 in your report. Do you know what those were?

17 A There aren't any.

18 Q But he seemed to indicate that he thought
19 there were; is that correct?

20 A Not as of yesterday.

21 Q Okay. Now, in that same email
22 conversation, you were talking about trying to
23 stay -- not communicate via email, because it's
24 discoverable to the other side; is that right?

25 A Yes, I did. I thought it was foolish for

1 him to put something in writing pertaining to what
2 he called an error in my report. I thought he
3 should have called me.

4 Q Okay. Now, you're doing this work for
5 free you said?

6 A No, I didn't say that.

7 Q Oh, I thought you -- well, you said that
8 you had a refund, or wanted to make up for some
9 overpayment or something like that that the county
10 had paid you for a different project, correct?

11 A That's correct. I was retained on a human
12 trafficking case. And when the county attorney told
13 me the scope, I quoted them \$9,500.

14 Q I am talking about this case, though,
15 Mr. Lanterman.

16 A I am talking about this case. May I
17 finish?

18 Q You got paid \$9,500 for another project,
19 correct?

20 MR. FINK: Your Honor, counsel keeps
21 interrupting the witness.

22 THE COURT: I understand, and I would like
23 both the witness and counsel to understand that the
24 court reporter needs to have distinction between a
25 question and an answer.

1 Having said that, counsel certainly has
2 the right to take exception with an answer. Ask
3 another question, and let's go forward.

4 MR. DEVORE: Sure. Sorry about that, Your
5 Honor.

6 BY MR. DEVORE:

7 Q Mr. Lanterman, I am not trying to
8 discredit what you did, or trying to misphrase it.
9 I am just trying to understand, how many hours did
10 you work on this particular project?

11 A I would estimate maybe 70, 75. I am
12 guessing.

13 Q Including today testifying?

14 A No, not including today.

15 Q So 75, then, probably. Because you have
16 been here for a few hours?

17 A Approximately, I am guessing.

18 Q What do you -- you charge by the hour
19 normally, or charge by the project, or what do you
20 do?

21 A Well, it depends. For my corporate
22 engagements, I charge by the hour \$275 an hour. For
23 law enforcement cases, I typically charge a flat
24 rate.

25 Q How many other people in your office have

1 been involved in the work on this project?

2 A Two.

3 Q Do you also normally charge for expenses
4 that you spend in a case?

5 A Typically, if our firm incurs charges,
6 expenses, yes, we will pass those along to the
7 client.

8 Q Do you also charge for normal computer
9 time?

10 A I'm sorry.

11 Q Do you also charge, typically, for normal
12 computer time when you have a computer that's doing
13 some analysis?

14 A I don't know how I would do any of my work
15 without a computer running, so yeah, I guess so.

16 Q So you charge by the hour for your people,
17 right?

18 A In my corporate cases, yes.

19 Q Then do you charge extra when you have a
20 program running, say if it's not being monitored by
21 somebody? Is there an ongoing fee that gets charged
22 for that, too, or no?

23 A All uses of our resources are billed. And
24 if something is running, I need someone monitoring
25 that, so yes I bill for that in my corporate cases.

1 Q But in your law enforcement, it's usually
2 flat rate?

3 A That's correct.

4 Q Have you ever had your creditability
5 called into question by a District Court Judge?

6 A Yes, I did. When I had a case involving a
7 relative. So yes, I did.

8 Q Was that Mr. Afermoth (ph)?

9 A Not that I know of.

10 Q Do you remember the case of Mark Lanterman
11 and Computer Forensic Science -- or Services, versus
12 Michael Roman Afermoth?

13 A Yes, I do. I do remember that case.

14 Q Do you remember the order that was written
15 by Judge Philip Bush from Hennepin County District
16 Court?

17 MR. FINK: Objection, hearsay.

18 THE COURT: Not yet. It's been asked if
19 he remembers the order.

20 THE WITNESS: Yes, I do.

21 BY MR. DEVORE:

22 Q All right. Do you remember what the order
23 contained?

24 MR. FINK: Object, hearsay.

25 THE COURT: Sustained.

1 THE WITNESS: I don't know what you mean
2 by what --

3 THE COURT: That's sustained. Sustained
4 the objection.

5 THE WITNESS: I misunderstood. Sorry.

6 THE COURT: Next question.

7 BY MR. DEVORE:

8 Q So are you telling me that you have not
9 had your credibility called into question by a
10 District Court Judge then?

11 MR. FINK: Object again, the basis of that
12 is hearsay.

13 THE COURT: And that question has been
14 asked and answered. Sustained. Next question.

15 MR. DEVORE: Your Honor, may we approach?

16 THE COURT: You may.

17 (Whereupon, court and counsel had a
18 discussion off the record, at the bench.)

19 THE COURT: We will recess for lunch.
20 Issues need to be addressed. We will start again at
21 1:00. Go with the deputy.

22 Remember all of my prior instructions
23 still apply. Don't talk to the defendant, the
24 lawyers, or the witnesses about anything. Don't
25 talk about this case with anyone, communicate in any

1 way. Go ahead.

2 (The jury exited the courtroom.)

3 THE COURT: Have a seat. We have had an
4 off the record discussion. Let's put whatever we
5 need to on the record regarding those arguments.

6 I have been handed by defense counsel a
7 copy of what purports to be a Findings of Fact,
8 Conclusions of Law, and Order for Judgment in a case
9 involving Mark Lanterman and Computer Forensic
10 Services versus Michael Roman Afermoth. I have been
11 referenced or asked to look at comments on page 19
12 in that particular order, Findings and Order.
13 That's in front of me right now.

14 I have also been referenced to a
15 particular rule. I sustained an objection on
16 hearsay grounds. I am getting a further argument
17 from defense counsel.

18 So Mr. DeVore, tell me what you want to
19 tell me.

20 MR. DEVORE: Your Honor, I believe that
21 asking this witness about his credibility, which his
22 character is at stake in this particular case, of
23 course, and I refer the court to Rule 608(b) of the
24 Minnesota Rules of Evidence that says that a party
25 can at the discretion of the court, if probative of

1 truthfulness or untruthfulness, that extrinsic
2 evidence can be inquired into on cross examination
3 of the witness concerning the witness's character
4 for truthfulness or untruthfulness or concerning the
5 character truthfulness or untruthfulness of another
6 witness as to which the character of the witness
7 being cross examined has testified.

8 The reason I ask that, is because I asked
9 Mr. Lanterman if he ever had a court that had
10 questioned his credibility, and he indicated
11 something about a relative case. By then he said he
12 had no knowledge of the case that I am referencing.

13 THE WITNESS: I didn't say that.

14 MR. DEVORE: Okay. Your Honor, usually
15 the witness -- do you want the witness --

16 THE COURT: No. Sir, step down. In fact,
17 step out of the courtroom. Thank you.

18 (Whereupon, the witness stepped down
19 and exited the courtroom.)

20 THE COURT: Go ahead, Mr. DeVore.

21 MR. DEVORE: Your Honor, I have provided
22 the court -- I have a clean copy, you have my
23 highlighted one. If you want I can switch it out
24 with you. In the case of Mark Lanterman and
25 Computer Forensic Services versus Michael Roman

1 Afermoth, Hennepin County Court File 17-CV-12-22089.
2 Hennepin County District Court Philip D. Bush filed
3 a Findings of Fact, Conclusions of Law, and Order
4 for Judgment on July 17, 2014. In there, he
5 specifically makes Findings of Fact that Lanterman's
6 credibility is at issue, including lack of
7 disclosure, lack of documentation, and apparent
8 double billing.

9 He also goes on to state that during their
10 trial that the former attorney for Computer Forensic
11 Services testified as to Lanterman's reputation for
12 integrity, and that it is -- he indicated that
13 Lanterman's reputation for integrity is highly
14 questionable.

15 He also, the judge, Philip D. Bush, also
16 referenced a federal court case when Mr. Lanterman
17 testified before a federal magistrate judge that he
18 had 11 people working for him on the Afermoth
19 project. But later, in front of Judge Bush,
20 testified that only three people were working, and
21 that Judge Bush found that to be a lie to the
22 federal court.

23 He then went on to find that Mr. Lanterman
24 tried to qualify that by changing that it was not
25 all human time that was spent on the case, but

1 rather human and computer time in order to justify
2 the nearly \$800,000 bill that Mr. Lanterman was
3 attempting to collect. Those were filed with the
4 district court.

5 That was appealed. And I have a copy of
6 the Court of Appeals decision as well. It was
7 remanded. But I will tell the court that there is
8 no discussion with respect to the credibility of
9 Mr. Lanterman. In fact, the appeal and the decision
10 was solely based on the finding of whether or not
11 there was a contract that existed between the two
12 parties. That's the reason it was remanded.

13 So I believe when I asked Mr. Lanterman if
14 he had ever been -- if there was ever a finding by a
15 court that he had -- that he wasn't credible, that
16 he indicated he wasn't aware of it. I certainly
17 have the ability to inquire into that. And I
18 believe with this evidence, I have the ability to
19 actually have him acknowledge that order and even
20 put it into the record.

21 THE COURT: Mr. Fink.

22 MR. FINK: Well, character evidence,
23 extrinsic evidence of credibility comes through a
24 witness not the person being attacked, him or
25 herself.

1 This order is clearly an out of court
2 statement offered to prove the truth of the matter
3 asserted. The main definition of hearsay on all
4 fours.

5 Secondly, the district court order was not
6 only remanded, it was vacated, which means it was
7 voided.

8 THE COURT: Okay.

9 MR. FINK: And so to its contents.

10 THE COURT: All right. We are going to
11 take this one step at a time. First, I note in
12 reading the referenced paragraphs, although Mr.
13 DeVore you didn't refer to this language. The
14 language that you have referred to does include
15 doubts about Mr. Lanterman's credibility, but in
16 each case it had to do with his billing practices.
17 What he billed for and whether this computer time
18 was significant in that billing process. I have not
19 reviewed the other assertions around this, so I
20 don't know if there are other assertions. So I am
21 noting that.

22 Second, it is correct that in terms of
23 introducing this document, this is hearsay. Now, as
24 to the comment by Mr. Fink that it is -- this
25 document is voided, I need to do some more looking

1 as well. So I will do that. We will gather at
2 1:00. So pass note to the jury, that it's going to
3 be a little after that. We will gather at 1:00 and
4 we will proceed further.

5 I am also going to review the rule and all
6 that's connected with it. Having said that, it is
7 hearsay. There is no question in my mind that it is
8 offered to prove the truth of the matter asserted.
9 That's all. We will gather at 1:00.

10 MR. DEVORE: Your Honor, you have my copy
11 that's highlighted. I have one that doesn't and
12 then I have a copy of appellate order.

13 THE COURT: Sure. Absolutely.

14 Let's go back on the record. I am taking
15 judicial notice of the original Findings of Fact,
16 Conclusions of Law, and Order for Judgment
17 referenced in Court File 27-CV-12-22089. And I am
18 also taking judicial notice that I have an order
19 from the State of Minnesota Court of Appeals in the
20 same case.

21 The first document is dated July 17, 2014.
22 It was appealed, evidently, with some lengthy
23 process, because the Court of Appeals Order is
24 April 18, 2016. I have both of those. I take
25 judicial notice of both. We will reconvene at 1:00.

1 (The lunch recess was taken, after which
2 the following was had out of the hearing
3 of the jury.)

4 THE COURT: Just so the record is clear.
5 I have reviewed a number of things that I said I
6 would. I have also been, I think this came from the
7 prosecution, been referred to Staffing Specifics,
8 Inc. versus Temp Works Management Services, 896 NW2d
9 115, a 2017 case in which the appellate court said
10 that a determination of a person's testimony is not
11 credible is not necessarily probative of that
12 person's character for truthfulness or
13 untruthfulness. And also talked about unfair
14 prejudice because if the finding of testimony that
15 was not credible came from a judge that that would
16 in fact bear on credibility as a result -- to the
17 extent of unfair prejudice. I know I haven't said
18 all of what that case has to say. I simply want to
19 make the record clear that I have received that
20 information.

21 Let's start with you, Mr. DeVore.
22 Anything else you want to tell me at this point. I
23 think you've made your case, but anything else you
24 want to tell me?

25 MR. DEVORE: No, Your Honor. Thank you.

1 THE COURT: Mr. Fink.

2 MR. FINK: Just very briefly, Your Honor.

3 The Staffing Specifics case is on all fours with the
4 issue before the court.

5 The state believes that the probe of this
6 witness as to another court's determination on his
7 credibility is improper, should be stricken from the
8 record, and the jury instructed to disregard it.

9 THE COURT: All right. First of all,
10 there is no question that this is extrinsic
11 evidence.

12 Second, there's no question it is hearsay.

13 Third, there is also no question that a
14 witness can be asked if he has been -- if his
15 credibility has been held in question. I am not
16 going to tell Mr. DeVore what to ask or what not to
17 ask. But questions such as, did that happen in a
18 specific case, and did a judge do that, or did a
19 witness do that. Those are not objectionable
20 questions. This is cross-examination, and the
21 witness can answer. And Mr. Fink can certainly
22 respond on redirect if he thinks that's appropriate.

23 So the document itself doesn't get in. To
24 the extent that specific words in the document were
25 referenced, I will instruct the jury to disregard

1 them. So the document doesn't get in. Lots of
2 foundation is needed for that, both in terms of
3 where it comes from, but also in terms of the nature
4 of the case, exactly what it was, that was being
5 challenged. I noted earlier that it was billing
6 practices that were being challenged in that
7 particular case. Even though that was different
8 than the Staffing Specific case, the court does note
9 that when a judge finds a witness not credible, that
10 it's not necessarily probative of that person's
11 character for truthfulness or untruthfulness, and I
12 will follow that.

13 So we will go forward. You can certainly
14 ask some degree of questions, but I will instruct
15 the jury that they are not to rely on that
16 particular document or court case.

17 MR. FINK: Your Honor, I am confused as to
18 the bottom line of the court's order as to what the
19 defense attorney can ask or not ask.

20 THE COURT: He can ask, again, it's
21 dangerous ground here because I don't want to tell
22 him what to say, or suggest that you should or
23 shouldn't say something.

24 But what I am saying is, if he asks this
25 witness if he remembers that case, that's not an

1 objectionable question. If he asks this witness
2 whether in that case his credibility was held to
3 request. That's not an objectionable question. If
4 he solicits an answer that relates to specific words
5 in the case, or if his question contains specific
6 words in the case, that is objectionable.

7 That document itself is hearsay and
8 reference to it, if those references include the
9 language of that, is hearsay. And again, it has to
10 do with what is reliable in terms of challenging
11 character. And it has to do with what is extrinsic
12 evidence, and what is hearsay.

13 Any other questions?

14 MR. FINK: No.

15 MR. DEVORE: Well, Your Honor, just so I
16 am clear, too. I think the witness -- I asked that,
17 and the witness said no. Now, at that point, I
18 think the witness changes to more of an impeachment
19 type of question.

20 THE COURT: The witness, as I recall,
21 testified that he did not recall his character being
22 questioned except for a case involving a relative.
23 When you asked him if he knows the other case that
24 we have been talking about, he, I think, said two
25 different things, but ultimately said, yes, I

1 remember that case.

2 So you can certainly ask him the questions
3 within the limits that I have provided. For
4 instance, if a witness testified in that case
5 regarding his credibility and his reputation, and
6 you want to bring that witness in, that's a
7 different matter all together.

8 MR. FINK: I was just handed a case, Your
9 Honor. Excuse me, it's Marlin Osthus, O-S-T-H-U-S,
10 vs. ASV Incorporated doing business as Terex,
11 T-E-R-E-X, and the International Brotherhood of
12 Boilermakers, Iron Ship Builders, Blacksmith,
13 Forgers and Helpers, AFLCIO Amicus. It was a United
14 States District Court opinion rendered by Ann
15 Montgomery. Which in a footnote indicates that when
16 a -- when an Appellate Court vacates an order, that
17 prior decision is a legal nullity.

18 THE COURT: I understand that. That does
19 not stop Mr. DeVore from asking whether a judge
20 questioned his credibility. He can respond however
21 he responds. I understand that the document, that
22 the order is a nullity. I still won't disallow the
23 question.

24 Let's move forward.

25 THE DEPUTY: All rise for the jury.

1 (The jury returned to the courtroom.)

2 THE COURT: Mr. Lanterman will please
3 retake the witness stand, please.

4 Mr. DeVore, you may proceed.

5 MR. DEVORE: Thank you.

6 CONTINUED CROSS EXAMINATION

7 BY MR. DEVORE:

8 Q Good afternoon, Mr. Lanterman.

9 A Good afternoon.

10 Q Before we broke, we were talking about the
11 Mark Lanterman and CFS versus Michael Roman Afermoth
12 case; do you remember that case?

13 A Yes.

14 Q And in that case, was your credibility
15 called into question?

16 A Yes.

17 MR. DEVORE: I have no further questions.

18 THE COURT: My memory was that there was
19 reference to some specific wording in that case. If
20 there was not, so be it. If there was, the jury is
21 to disregard any wording that purportedly came from
22 a court order that case.

23 Now, back to redirect, Mr. Fink.

24 MR. FINK: Thank you.

25 REDIRECT EXAMINATION

1 BY MR. FINK:

2 Q That case was appealed, correct?

3 A Yes.

4 Q Tell the jury what the Court of Appeals
5 did.

6 A The Court of Appeals vacated the order,
7 overturned it, relying on my testimony, and remanded
8 it back to a different judge. Subsequently, I have
9 been appointed by the Minnesota Supreme Court to act
10 on the Lawyer's Professional Responsibility Board
11 which investigates misconduct.

12 MR. DEVORE: Objection, nonresponsive,
13 Your Honor. Move to strike.

14 THE COURT: The last sentence will be
15 stricken. Objection sustained.

16 BY MR. FINK:

17 Q Have you also been requested to, I guess,
18 teach, if you will, to the United States Supreme
19 Court on these issues?

20 A Yes. I am faculty at the Federal Judicial
21 Center in Washington DC. And last November, I had
22 the honor of giving a presentation to the entire
23 federal bench including the U.S. Supreme Court
24 Justices.

25 Q The HMAMail.com used by dogdayGod is

1 anonymizing service; is that right?

2 A It is.

3 Q And the Bitcoin Wallet address that we
4 talked about in the note to Besa Mafia, and then
5 deletion from the note, that traces back to the
6 defendant's Bitcoin Wallet; is that right?

7 A That traces back to a Bitcoin Wallet
8 identified on Stephen S Allwine's iPhone.

9 MR. FINK: Okay. That's all.

10 THE COURT: Any recross?

11 MR. DEVORE: Just briefly.

12 RECCROSS EXAMINATION

13 BY MR. DEVORE:

14 Q Mr. Lanterman, every Bitcoin transaction
15 has a sending and a receiving address; is that
16 correct?

17 A Yes.

18 Q And each one gets its own Bitcoin code, so
19 to speak; is that correct?

20 A Yes.

21 Q So just to clarify what Mr. Fink was
22 asking you, it wasn't that you found the code in a
23 Bitcoin Wallet belonging to Mr. S Allwine. You said
24 that you found a code on the phone identified as S.
25 Allwine; is that correct?

1 A I'm sorry, could you say that again?

2 Q Sure. You testified that when Mr. Fink
3 asked you whether or not the Bitcoin address was
4 found in Mr. S Allwine's Bitcoin Wallet, you said
5 no; is that correct?

6 A Correct.

7 Q You said instead it was -- the code was on
8 a phone that was identified as S. S Allwine,
9 correct?

10 A The code represents a wallet. And the
11 wallet was found on Mr. S Allwine's iPhone backup.
12 And the backup was on the laptop computer under the
13 account S. Allwine, and it was a deleted note that
14 had the wallet address that was subsequently posted
15 by dogdayGod to Besa Mafia.

16 Q Identified by the S. S Allwine phone; is
17 that correct?

18 A Yes.

19 MR. FINK: I have no further questions,
20 Your Honor.

21 THE COURT: You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Counsel, approach.

24 (Whereupon, court and counsel had a
25 discussion off the record, at the bench.)

1 THE COURT: Members of the jury: We are
2 still going to be bringing back Ms. Frascone. There
3 is a request to have another witness, so prosecution
4 please proceed.

5 MS. KREUSER: Thank you, Your Honor. The
6 state calls Troy Larson.

7 THE COURT: Please come forward to the
8 witness chair. Before you sit down, please raise
9 your right hand to be sworn.

10 TROY LARSON,
11 having been first duly sworn, was examined
12 and testified on his oath as follows:

13 THE CLERK: Please be seated. State your
14 full name and spell your last name.

15 THE WITNESS: Troy Edward Larson,
16 L-A-R-S-O-N.

17 THE COURT: You may proceed.

18 MS. KREUSER: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. KREUSER:

21 Q Mr. Larson, where do you live?

22 A I live at 7688 110th Street South, Cottage
23 Grove Minnesota 55016.

24 Q How long have you lived there?

25 A Going on 11 years.

1 Q Now, did you have the occasion at some
2 point to meet and know Stephen S Allwine?

3 A I have met him. Didn't really know him.
4 Made his acquaintance. He lived maybe three to five
5 years, I suppose.

6 Q Now, when you say there, where are you
7 referring to?

8 A He lived across the street from me, and
9 his wife ran a dog training facility out of the
10 home.

11 Q That individual that you met and know as
12 Stephen S Allwine, do you see him here today?

13 A I do.

14 Q Can you point him out, and explain where
15 he is sitting and identify an article of clothing
16 that he is wearing?

17 A He is sitting at that table. He is
18 wearing an Olive colored suit or green suit.

19 MS. KREUSER: Your Honor, may the record
20 reflect that the witness has identified the
21 defendant.

22 THE COURT: I will let the record reflect
23 that.

24 MS. KREUSER: Thank you.

25

1 BY MS. KREUSER:

2 Q Mr. Larson, can you explain in relation to
3 your residence where the S Allwine residence was?

4 A Yes. The road we live on, 110th Street,
5 is a dead end cul-de-sac road. I live on, I
6 believe, the south side of 110th Street. The S
7 Allwine residence would be one property -- the
8 property I live on is five acres. There is a
9 property across the road that at one time was
10 10 acres. That house is now like two and a half
11 acres. The S Allwine residence was just to the left
12 of the property across the road or the west. So
13 basically adjacent to my property to the left.

14 MS. KREUSER: Your Honor, may I approach
15 the witness?

16 THE COURT: You may.

17 MS. KREUSER: Thank you.

18 BY MS. KREUSER:

19 Q Mr. Larson, can you see this?

20 A I can.

21 Q All right. I am showing you what's been
22 marked as Exhibit 121; what is that?

23 A That is an overhead satellite or aerial
24 photo of the properties on the end of 110th Street
25 South, the west end of it.

1 Q Okay. Have you seen that photo before?

2 A I have not seen that specific photo
3 before, other than today.

4 Q Okay. Is it a true and accurate depiction
5 of the layout of the neighborhood as you have just
6 explained, in terms of where your property is and
7 the S Allwine property is?

8 A It is an accurate description, yes.

9 MS. KREUSER: Your Honor, I offer Exhibit
10 121.

11 MR. DEVORE: No objection.

12 THE COURT: 121 is received.

13 MS. KREUSER: Thank you, Your Honor.

14 BY MS. KREUSER:

15 Q Mr. Larson --

16 THE COURT: Could counsel approach,
17 please?

18 (Whereupon, court and counsel had a
19 discussion off the record, at the bench.)

20 MS. KREUSER: Your Honor, for the record,
21 may I inquire of the court and get permission to
22 publish this exhibit?

23 THE COURT: You may.

24 MS. KREUSER: Thank you.

25

1 BY MS. KREUSER:

2 Q All right. So Mr. Larson, when
3 approximately did the Allwines, to your
4 recollection, move into the neighborhood?

5 A I would venture five to six years prior.
6 I don't specifically know the exact date, but they
7 had been my neighbor, I guess, for five years, I
8 would say.

9 Q And you had lived there for how long?

10 A I believe since 2007. About eleven years,
11 or going on eleven years.

12 MS. KREUSER: Your Honor, may the witness
13 come from the witness stand and explain, using the
14 photograph, where his property is and where the S
15 Allwine property is?

16 THE COURT: I will permit that. Go ahead.

17 MS. KREUSER: Thank you.

18 THE COURT: And yes, Mr. DeVore,
19 prosecution, everybody can go where they need to go
20 to get a look.

21 Go ahead, sir.

22 BY MS. KREUSER:

23 Q I will just for clarification, Mr. Larson,
24 can you explain as I ask where your property is, and
25 then where the S Allwine residence is.

1 A My property would lie here. This is an
2 angled property off of 110th Street. I guess not
3 angled property. The property is rectangular. My
4 home sits on there.

5 Q And the Allwine residence.

6 A The Allwine residence as well sits at an
7 angle. That would be on the north side of -- if my
8 directions are correct, of 110th Street South
9 (indicating).

10 THE COURT: And sir, if I am not mistaken,
11 I think the people at this end of the jury are not
12 seeing anything you just talked about.

13 THE WITNESS: I'm sorry.

14 THE COURT: Do your best.

15 THE WITNESS: To repeat what I just
16 stated, my home, my residence, is right here. This
17 property runs rectangular. It's on the south end --
18 or the south side of 110th Street South
19 (indicating).

20 The Allwine property is just -- my
21 property -- this tree line is my property. The S
22 Allwine property, I believe, starts across the
23 street and runs north with this being the S Allwine
24 property. All of this (indicating).

25

1 BY MS. KREUSER:

2 Q Now, your familiar with Amy S Allwine's
3 business?

4 A Yes.

5 Q Okay. And what was that?

6 A I believe a dog training type of facility.
7 Familiar in the sense, I knew she operated the
8 business out of her home. I knew that there was
9 ultimately at one time a request for some type of
10 conditional use permit, and we weren't given that
11 information (indicating).

12 Q Okay. I just want to clarify for the jury
13 when you are talking, you had motioned toward
14 something. Can you explain?

15 A This white building is the building I
16 believe the dog training was conducted out of the
17 indoors portion. Then this would have been a
18 parking lot to the west of the dog training
19 facility. And then this was an outdoor arena type
20 ring.

21 Q All right. Thank you. You can take a
22 seat.

23 Now, Mr. Larson, do you know whether the
24 Allwines had dogs?

25 A Yes, they did.

1 Q How do you know that?

2 A I would hear them barking quite
3 frequently. I had two dogs through the duration of
4 my time living at that property. I still do have
5 two dogs. One is deceased. I have a new dog. I
6 walk them every day up and down 110th Street,
7 actually out into the farm fields. Walk around
8 their property. It's about a three to four mile
9 loop. And I do it, weather permitting, almost every
10 day, at least once.

11 Q Now, Mr. Larson, I would like to take you
12 back to November 13, 2016.

13 A Okay.

14 Q Do you recall that day?

15 A I do.

16 Q Do you recall what you were doing earlier
17 that day?

18 A I was trap shooting with my girlfriend and
19 her son at Sporting Clays or Game Unlimited in or
20 near New Richmond, Wisconsin. Between Hudson and
21 New Richmond, Wisconsin.

22 Q When approximately did you do that?

23 A We did that in the morning. I believe the
24 best, from my recollection, we arrived back home
25 approximately 1 p.m. to 1:30 p.m.

1 Q Do you remember the temperature that day?

2 A Warm. I had dressed, you know, warmer in
3 the morning, and ended up basically being down to a
4 t-shirt.

5 The trap shooting that we were doing, it's
6 not just a stationery. It's a sporting clays type
7 trap shooting where you walk around, kind of like
8 golfing, different stations.

9 Q Okay. Thank you. And then once you
10 returned home, what did you decide to do?

11 A Clean my pond because it was unseasonably
12 warm and I knew I was on borrowed time that time of
13 year. And trim bushes in the front of my property.

14 Q Okay. Now, where on the map, can you just
15 describe for the jury, is your pond in relation to
16 your house?

17 A May I approach?

18 MS. KREUSER: Your Honor, may the witness
19 point that out?

20 THE COURT: Yes. Again, make sure
21 everyone can see.

22 THE WITNESS: You bet. My property,
23 again, is right here. As you can see a perimeter of
24 mulch goes around the front. This dark spot is
25 approximately a 2500 to 3,000 gallon fish pond, koi

1 pond (indicating).

2 BY MS. KREUSER:

3 Q Now, while you were out cleaning your koi
4 pond, what, if anything, did you observe at the S
5 Allwine residence?

6 A Well, when I got outside, it was
7 unseasonably warm that day. What I did notice,
8 after I got the equipment out of my pole building
9 back here, being a Rhino and a wagon to haul some
10 things. What I do is I trim the cattails and the
11 brush, and you know, fall cleanup, if you will.
12 Load it on a small trailer. Haul it back to the
13 back of my property, which is where I have a big
14 burn pit area. So that's what I was doing.

15 When I got outside that day, I got some
16 yard things to cut the weeds, and a trimmer to cut
17 the bushes, and what not. I had thrown shorts on,
18 because it was warm, and some muck boots on. I got
19 in the pond, and what I did notice first and
20 foremost that day was a lot of smoke coming from the
21 west (indicating).

22 Q Okay.

23 A And then -- okay.

24 Q And did you see where the smoke was coming
25 from when you say it came from the west.

1 A I did. When I am in my front area here,
2 there's trees. I grow the trees here. There's
3 bigger trees in the front of my property, but I have
4 a clear shot over to the outside wood burner where I
5 noticed the heavy smoke was coming from at the
6 Allwine residence outside wood burner (indicating).

7 Q Thank you. You can take a seat.

8 Was there anything about that smoke that
9 stood out to you?

10 A That it was heavy. It was whiter, grayish
11 smoke. It didn't smell like your typical wood
12 burning smoke, that you get the cabin/campfire
13 smell.

14 My property, three or four of those
15 neighbors have outside wood boilers. I have always
16 wanted to put one in. Just never did it. Never
17 spent the money. So I smell that wood burning from,
18 you know, the cool seat when the cooler nights set
19 in to spring.

20 Q Now, you had said that several of your
21 neighbors have these similar burners. Did you
22 notice anyone else burning that day?

23 A I did not. Specific, I have another --

24 MR. DEVORE: Objection, nonresponsive.

25 THE COURT: As to that, correct. Ask your

1 next question.

2 MS. KREUSER: Okay.

3 BY MS. KREUSER:

4 Q And then as you said that you were working
5 outside at your pond, was there anything else that
6 stood out to you sound wise that day.

7 A The dogs were barking heavily.

8 Q About how long were you outside that day.

9 A Until dark, approximately. I am going to
10 guesstimate 5:30 to 6 p.m.

11 Q So did you ever observe any kind of other
12 activity along 110th street that stood out to you?

13 A I did notice some activity, vehicle
14 activity, and it appeared to me that there was some
15 type of activity at the dog training building.

16 Q Okay. And when you say activity; what do
17 you mean?

18 A Cars passing my home.

19 Q Now, why was that?

20 A Well, when I'm outside, which I'm out
21 either in my garage, or doing things outside as
22 weather permitting, there are periods when there is
23 the dog training obviously happening. Because I
24 will see similar or same vehicles for, you know, a
25 few weeks, or a month, or what have you. That day,

1 I noticed that there were vehicles going to the west
2 but not returning. Being that there is a dead end
3 cul-de-sac at the end with a DNR property gravel
4 turn around, that is frequented by people who go out
5 and walk in the DNR, you know, area. It's kind of a
6 large green space, if you will, prairie restoration
7 type project. You can't really do anything out
8 there other than bird watch, walk, kind of do things
9 like that. So there are the folks that do that. So
10 there are occasionally vehicles that will go down
11 there and park.

12 But when I was standing in my pond, I
13 could see one or two vehicles park down near the S
14 Allwine building where the dog training facility is
15 happening.

16 Q So traffic consistent with what you have
17 seen in the past with the dog training classes?

18 A Correct. And it seemed like on the hour
19 when the classes were being held, there would be
20 heavy traffic for a while. It's a very kind of
21 quiet street, other than the neighbors that live to
22 the west. I don't really see anybody other than an
23 occasional car going to the DNR area.

24 So when I saw that amount of traffic,
25 obviously I defaulted to, there is some dog training

1 activity going on.

2 I also wondered because of the amount of
3 dog barking that day, I wondered if something were
4 happening outside being it was a nice day. It was,
5 again, unseasonably warm.

6 Q Okay. So did you observe any type of
7 suspicious car activity, like a car driving fast or
8 screeching tires?

9 A None.

10 MS. KREUSER: I have nothing further for
11 this witness. Thank you.

12 THE COURT: Cross.

13 MR. DEVORE: Thank you, Your Honor.

14 CROSS EXAMINATION

15 BY MR. DEVORE:

16 Q Now, Mr. Larson, you said you do not have
17 a wood burning stove?

18 A I do not.

19 Q And then on this map --

20 MR. DEVORE: May I approach, Your Honor?

21 THE COURT: You may.

22 BY MR. DEVORE:

23 Q That's your residence right there
24 (indicating)?

25 A Yes, sir.

1 Q Whose residence is this right here
2 (indicating)?

3 A Dean Cranston.

4 Q Whose residence is this here (indicating)?

5 A I do not know their names. I just know
6 their vehicles.

7 Q Okay. Now, you said that was Cranston?

8 A Dean Cranston, yes.

9 MR. DEVORE: May I approach again, I
10 forgot to ask a question.

11 THE COURT: You may.

12 BY MR. DEVORE:

13 Q Mr. Larson, you said that you described
14 this as being the S Allwine property goes out to,
15 looks like it goes to a tree line out here?

16 A Yes.

17 Q Are you familiar with the road that runs
18 on the west side of the property?

19 A Walk it every day.

20 Q Where does that go to?

21 A It runs north and south. It basically --
22 that's the south end. It runs north all the way
23 down to 100th Street. It's a farm field road for
24 Zivig (ph) to do vegetable seasonal crop farming
25 type thing, but vegetables.

1 Q Zivigs are the name of a family or
2 something that farms there?

3 A Correct. Yep.

4 Q You say 100th?

5 A Yes. It runs to 100th Street, yes.

6 Q That's not on this map?

7 A No, it is not. There's a gate at the end.
8 There's a gate where it meets 100th Street and that
9 gate is locked with a chain and secured.

10 Q How far is that road?

11 A I would guesstimate one mile.

12 Q What kind of a road is it?

13 A Sand. Not even gravel, just sand.

14 Q How wide?

15 A Eight to max 10 feet.

16 Q What does Zivig use it for?

17 A Farming.

18 MR. DEVORE: I don't have any questions,
19 Your Honor.

20 THE COURT: Redirect?

21 MS. KREUSER: Nothing, Your Honor.

22 THE COURT: You may step down.

23 MS. KREUSER: Your Honor, may we approach,
24 briefly?

25 THE COURT: You may.

1 (Whereupon, court and counsel had a
2 discussion off the record at the bench.)

3 THE COURT: I believe based on what we
4 have discussed, you're recalling Ms. Frascone to the
5 stand.

6 MS. KREUSER: That's correct, Your Honor.

7 THE COURT: Come on up to the stand.
8 Ms. Frascone a day has passed and other things have
9 happened, so am going to have you raise your right
10 hand and be sworn again.

11 MICHELLE FRASCONE,
12 having been first duly sworn, was examined
13 and testified upon her oath as follows:

14 THE COURT: You may proceed.

15 MS. KREUSER: Thank you, Your Honor.

16 CONTINUED DIRECT EXAMINATION

17 BY MS. KREUSER:

18 Q Good afternoon, Ms. Frascone.

19 A Good afternoon.

20 Q Now, we had left off on, I believe,
21 Friday, and just going to clarify a couple of
22 things.

23 It's true that you are the lead BCA
24 investigator on this case, correct?

25 A That's correct.

1 Q And you've had access to the entire BCA
2 investigative file, as well as Cottage Grove Police
3 Department work product or police reports?

4 A The information they have provided, that's
5 correct.

6 Q And you reviewed all of that?

7 A I did.

8 Q As a result of that review, did you
9 compile a timeline summary of various events
10 relative to this case?

11 A I did.

12 Q More particularly, did you cause to be
13 created a timeline summary showing the relationship
14 between dogdayGod's activity and the defendant's
15 activity?

16 A I did.

17 Q And did you also cause to be created a
18 timeline summary of the day of Amy S Allwine's death
19 and the defendant's activity?

20 A I did.

21 MS. KREUSER: May I approach the witness,
22 Your Honor?

23 THE COURT: You may.

24 BY MS. KREUSER:

25 Q Ms. Frascone, I am showing you what's been

1 marked as Exhibit 122 and 123. Do you recognize
2 those exhibits?

3 A I do.

4 Q And are they the exhibits that I had just
5 referred to that you caused to be created?

6 A Yes, they are.

7 Q And do they accurately depict your request
8 of what was to be created in the timelines?

9 A Yes, they do.

10 MS. KREUSER: Your Honor, I would offer
11 Exhibits 122 and 123.

12 MR. DEVORE: No objection.

13 THE COURT: They are received.

14 MS. KREUSER: Thank you.

15 BY MS. KREUSER:

16 Q Now, Special Agent Frascone, was the
17 defendant in your statement with him asked about the
18 cleaned up blood on the floor?

19 A Yes, he was.

20 Q And the footprints, the bloody footprints,
21 found inside the home?

22 A Yes.

23 Q What did he say when you asked him about
24 it?

25 A He wasn't able to provide a explanation to

1 those.

2 Q Did you ask him about whether any heavy
3 cleaners had been used recently?

4 A Yes, I did. When asked about the cleanup
5 that Amy and Joseph were doing.

6 Q What do you mean by that?

7 A The cleaning up of the toys when he
8 provided a statement that he was -- that they were
9 cleaning up while he was downstairs working. We
10 asked if there were any heavy cleaners that were
11 used, and it was generally picking up.

12 Q Did you ask him about any other
13 explanation for the blood being there?

14 A I did.

15 Q What did he say?

16 A He was unable to provide an explanation.

17 Q Did you ask about any injuries that could
18 have happened in the home?

19 A Yes, we did. We asked, specifically, what
20 may have caused the blood and it sounds like there
21 were no injuries that would have occurred inside the
22 home.

23 Q Now, this interview that you conducted of
24 the defendant, was that interview recorded?

25 A Yes, it was.

1 MS. KREUSER: Your Honor, may I approach?

2 THE COURT: You may.

3 BY MS. KREUSER:

4 Q Special Agent Frascone, I am showing you
5 what's been marked as Exhibit 107; do you recognize
6 that?

7 A I do.

8 Q What is it?

9 A It's a CD copy of Mr. S Allwine's
10 interview at the Cottage Grove Police Department.

11 Q How do you know that's what it is?

12 A I had a chance to review it, and I signed
13 and dated the bottom of the CD.

14 Q Did you listen to it?

15 A I did.

16 Q Was it a true and accurate depiction and
17 copy of the interview that you indeed did that day?

18 A Yes, it is.

19 MS. KREUSER: Your Honor, I would offer
20 Exhibit 107.

21 MR. DEVORE: No objection.

22 THE COURT: Received.

23 MS. KREUSER: Permission to publish.

24 THE COURT: You have permission.

25 MS. KREUSER: Your Honor?

1 THE COURT: Counsel approach.

2 (Whereupon, court and counsel had a
3 discussion off the record at the bench.)

4 MS. KREUSER: Your Honor, may the state
5 distribute what has been marked as Court Exhibit B,
6 a transcript?

7 THE COURT: Yes. Jurors: You heard this
8 instruction earlier regarding a different matter,
9 but you are going to be provided with what is
10 purported to be a transcript of a taped
11 conversation. Then you are going to hear that
12 conversation. The parties do not agree that the
13 transcripts are exact transcripts, nor do they agree
14 as to what was said or what was heard from a portion
15 of tape in some instances.

16 So the differences in understanding of
17 meaning, or meaning what was said, may be caused by
18 such factors as the inflection of a voice, or
19 inaccuracies of a transcript, and you should rely
20 upon what you hear, rather than upon what you read
21 if you find a difference between the tape and the
22 transcripts.

23 The transcripts are provided to you to
24 assist you in listening to the tapes, and will be
25 collected from you at the conclusion of the playing

1 of each tape. The transcripts will not be available
2 to you during your deliberations to reach a verdict.

3 Again, sometimes on the tapes it may be
4 that two or more people are talking at the same
5 time. It's for you, as jurors, to determine from
6 the tape which party talked first. The transcript
7 is not to control, the tape is to control.

8 So you may certainly distribute
9 transcripts.

10 MR. FINK: Thank you.

11 THE COURT: And you may proceed.

12 MS. KREUSER: Thank you.

13 (Whereupon, the audio/video was played for
14 the benefit of the jury.)

15 THE COURT: Halt it for a moment. In my
16 instructions, I said audio. I understand this is
17 both audio and video, and I am allowing and
18 receiving the exhibit accordingly, but I don't think
19 I made that clear in my previous instruction. I
20 want to make sure the record is clear.

21 Go ahead.

22 MS. KREUSER: Thank you, Your Honor.

23 (Whereupon, the audio/video continued.)

24 THE COURT: Members of the jury: There
25 are places it goes one to another tape. That's all

1 happening here.

2 (Whereupon, the audio/video continued.)

3 THE COURT: We are going to take a break
4 right now. We will resume at 3:00. Go with the
5 deputy.

6 (The jury exited the courtroom.)

7 THE COURT: Have a seat. Am I reading
8 correctly, that this is page 11 out of 35?

9 MS. KREUSER: Yes, Your Honor.

10 THE COURT: So it's about two and a
11 quarter hours.

12 MS. KREUSER: The math -- as you can see,
13 I never timed it because they were always in chunks.
14 The math on -- the end of this video, for example,
15 says that this segment is 8 minutes 44 seconds. But
16 it's not. As it's going, we are already on 28
17 minutes and 15 seconds. So I think we added, based
18 on what the duration says, but that's wrong.

19 THE COURT: And I have a note that says
20 the interview starts at 3:34 in the afternoon and
21 goes to 5:47. Now, we started at before 2:00. So
22 we can get in this tape before we leave today, but
23 there won't be much else that happens today.

24 MS. KREUSER: Great. That's fine, Your
25 Honor.

1 THE COURT: In the meantime. Remind me,
2 I'm not thinking of it right now, but Mr. Fink, you
3 wanted something to be discussed before the end of
4 today.

5 MR. FINK: Yeah, I think that might be a
6 better in chambers discussion, since it's
7 logistical.

8 THE COURT: That's fine. We will just
9 talk about logistics. We can certainly do that. So
10 let's take our break.

11 MS. KREUSER: Thank you.

12 MR. DEVORE: Thank you.

13 (A recess was taken.)

14 THE COURT: For the record, I have been
15 talking with the attorneys about logistics in terms
16 of when testimony might be over, when final
17 arguments might happen and what happens after that.
18 No substantive issues have been discussed off the
19 record.

20 Let's get the jury in here.

21 THE DEPUTY: All rise for the jury.

22 (The jury returned to the courtroom.)

23 THE COURT: Everyone please sit down.

24 Please continue.

25 MS. KREUSER: Yes, Your Honor.

1 (The audio/video continued.)

2 THE COURT: I will give you a couple
3 minutes to work on this. I do want to get the tapes
4 played today, but if it takes you more than a short
5 while, obviously we will break and get back to it
6 tomorrow morning. Do whatever you need to do right
7 at the moment. We will just wait for you.

8 MS. KREUSER: Thank you.

9 THE COURT: Go ahead. I think we need to
10 stop.

11 MS. KREUSER: Sorry, Your Honor.

12 THE COURT: You can figure it out between
13 now and tomorrow morning, and we will get right at
14 it.

15 So jurors, that's all we are doing today.
16 We will resume tomorrow morning. Here comes the
17 repetitive parts.

18 Do not let outsiders influence you. This
19 includes family members and friends, and anyone else
20 who is not actually involved in this trial. Do not
21 discuss this case with other jury members in the
22 trial. Do not talk to anyone involved in this case;
23 the defendant, the lawyers, or the witnesses. If
24 anyone tries to discuss this case with you outside
25 this courtroom report it to me.

1 When you go home, don't talk to your
2 family, friends, or others about the case. You may
3 tell them you are a juror on a criminal case, and
4 that's all you are allowed to tell them.

5 In terms of electronics experiences, don't
6 report anything, communicate anything, email, blog,
7 tweet, text, whatever it is. Do not do that. Don't
8 read or listen to news reports, newspaper,
9 magazines, radio, television, pod casts, or other
10 media.

11 Don't do your investigation. Don't use
12 Internet map applications. Don't create your own
13 demonstrations, and remember you cannot consider
14 anything you hear or learn about this case outside
15 this courtroom.

16 I am hoping that you are not turning off
17 the listening of these instructions simply because
18 they are so repetitive. Because I am repeating them
19 because they are important.

20 So thank you for your patience. We will
21 get back to listening to this tape tomorrow morning.
22 You may go home and have a good evening.

23 (The jury exited the courtroom.)

24 (Court was in recess for the day.)

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REPORTER'S CERTIFICATE

I, DEBORAH L. FOSTER, do hereby certify that the above and foregoing transcript, consisting of the preceding pages, is a correct transcript of my stenographic notes and is a full, true, and complete transcript of the proceedings to the best of my ability.

Dated: August 2, 2018

DEBORAH L. FOSTER
Official Reporter
Washington County District Court
(651) 430-6354

BY MR.

DEVORE: [12]
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BY MR. FINK:

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BY MS.

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MR. DEVORE:

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MS. KREUSER:

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THE CLERK: [3]

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