

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

CR Action  
No. 1:21-032

vs.

GUY WESLEY REFFITT,

Washington, DC  
March 3, 2022

Defendant.

1:13 p.m.

TRANSCRIPT OF JURY TRIAL  
(AFTERNOON SESSION)

BEFORE THE HONORABLE **DABNEY L. FRIEDRICH**  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1                   **PROCEEDINGS**

2                   (Whereupon, the morning session of this proceeding  
3                   was reported by Sara Wick, and is bound under separate  
4                   cover.)

5                   **THE COURT:** Mr. Nestler, are we ready to go with  
6                   Jackson Reffitt?

7                   **MR. NESTLER:** Yes, Your Honor.

8                   **MS. BERKOWER:** Your Honor, I think an hour was  
9                   1:35. I think he might be downstairs.

10                  **THE COURT:** I said come back at 1:30, I think.

11                  **MS. BERKOWER:** All right. Well, he is on his way  
12                  up. I'll make sure that he comes up right now. He's in the  
13                  hallway, Your Honor.

14                  **THE COURT:** All right.

15                  We are adjusting the microphone because with the  
16                  last witness, apparently in the overflow room it was hard to  
17                  hear when she turned her head towards the jury.

18                  **MR. NESTLER:** Understood, Your Honor. Just so the  
19                  record is clear, I let Mr. Welch, our witness advocate  
20                  Yvonne Bryant is going to be in the courtroom --

21                  **THE COURT:** Seated in the front row here?

22                  **MR. NESTLER:** Yes, Your Honor.

23                  **THE COURT:** Nothing to address before the jury  
24                  comes in?

25                  **MR. WELCH:** I don't believe so.

1                   **COURTROOM DEPUTY:** Are we ready for the jury, Your  
2 Honor?

3                   **THE COURT:** We are.

4                   **COURTROOM DEPUTY:** I will go get them.

5                   Please rise for the jury panel.

6                   (Jurors entered the courtroom.)

7                   **THE COURT:** Good afternoon, ladies and gentlemen.

8                   Thank you for coming back promptly. The government's next  
9 witness will be Jackson Reffitt.

10                  **MS. BERKOWER:** If you would have a seat in the  
11 jury box near that black microphone.

12                  **COURTROOM DEPUTY:** Sir, before you sit down.

13                  Would you please raise your right hand.

14                  Sir, do you solemnly swear or affirm the testimony  
15 to be given to the honorable Court and to this jury in this  
16 case on trial, will be the truth, the whole truth and  
17 nothing but the truth?

18                  **THE WITNESS:** Yes, I do.

19                  **COURTROOM DEPUTY:** You may be seated. The  
20 apparatus in front of you is a microphone. So please, even  
21 though it is little awkward, don't adjust it and don't move  
22 it.

23                  **THE WITNESS:** Thank you, sir.

24                  **COURTROOM DEPUTY:** Thank you.

25

1                   DIRECT EXAMINATION OF JACKSON REFFITT2                   **BY MS. BERKOWER:**3                   **Q.**    Good afternoon.4                   **A.**    Good afternoon.5                   **Q.**    And you can take your mask off, if you are  
6                   comfortable with doing that.7                   **A.**    I am okay with doing that.8                   **Q.**    Could you please say and spell your name?9                   **A.**    Jackson Reffitt.10                   **Q.**    And could you spell it too, please?11                   **A.**    J-a-c-k-s-o-n, R-e-f-f-i-t-t.12                   **Q.**    I think you should move a little closer. Where  
13                   are you from, Jackson?14                   **A.**    Texas.15                   **Q.**    What part of Texas?16                   **A.**    More specifically the Wylie part of Texas, the  
17                   Dallas area.18                   **Q.**    And how old are you?19                   **A.**    I'm nineteen.20                   **Q.**    Last year, at the time of January 6th, were you in  
21                   school?22                   **A.**    I was just about to start college.23                   **Q.**    What kind of college?24                   **A.**    Community college.25                   **Q.**    And prior to that had you graduated high school

1 during the pandemic?

2 **A.** Yes, I did.

3 **Q.** Are you still in community college now?

4 **A.** Yes, I am.

5 **Q.** Do you also have a job?

6 **A.** Yes, I do.

7 **Q.** What kind of job do you have?

8 **A.** I am a server.

9 **Q.** Do you know the defendant in this case, Guy Wesley  
10 Reffitt?

11 **A.** Yes, I do.

12 **Q.** How do you know him?

13 **A.** He is my father.

14 **Q.** And do you see him here in the courtroom?

15 **A.** Yes, I do.

16 **Q.** Could you point him out by something he is  
17 wearing, please?

18 **A.** He is wearing the white button-up and a white mask  
19 as well as a suit.

20 **THE COURT:** Let the record reflect that the  
21 witness has identified the defendant.

22 **BY MR. BERKOWER:**

23 **Q.** On January 6th of last year, did you live with  
24 him?

25 **A.** Yes.

1           **Q.**    And prior to January 6th, had you contacted the  
2   FBI about him?

3           **A.**    Yes.

4           **Q.**    On January 6th of 2021, did you learn that he was  
5   involved in events at the Capitol that day?

6           **A.**    Yes, I did.

7           **Q.**    And after January 6th, when he returned to Texas,  
8   were you part of conversations with him at your house about  
9   what had happened in D.C.?

10          **A.**    Yes, I was.

11          **Q.**    Did you record some of those conversations on your  
12   phone?

13          **A.**    Yes, I did.

14          **Q.**    And a few days after your father returned home  
15   from D.C., did he express concern to you about the FBI's  
16   investigation?

17           **MR. WELCH:** Objection, Your Honor.

18           **THE COURT:** Ms. Berkower?

19           (Sidebar discussion.)

20           **THE COURT:** You are leading him. This is direct.

21           **MR. BERKOWER:** Your Honor, I am just pointing out  
22   the topics he is going to testify about. We will go into  
23   non-leading questions --

24           **THE COURT:** All right. This is direct  
25   examination. Is there another basis for your objection,

1 Mr. Welch?

2 **MR. WELCH:** No, Your Honor. I just thought that  
3 there might have been a little preliminary groundwork. But  
4 now it seems the whole direct is going to be leading  
5 questions.

6 **THE COURT:** So rephrase your question so it's not  
7 leading so much.

8 (Sidebar concluded.)

9 **BY MR. BERKOWER:**

10 **Q.** Did you meet with the FBI about your father?

11 **A.** Yes, I did.

12 **Q.** So we are going to go into the details of all of  
13 those topics, but I am going to ask you about a few other  
14 things first. Okay? So let's start with your relationship  
15 with your father. At the time of January 6th, 2021, where  
16 were you living?

17 **A.** I was living at my house.

18 **Q.** And who was living in that house with you?

19 **A.** My father, my mother, as well as my two sisters,  
20 Sarah and Peyton.

21 **MR. BERKOWER:** Ms. Rohde, if we could please have  
22 Government's Exhibit 100 for court, witness and counsel  
23 only.

24 **BY MR. BERKOWER:**

25 **Q.** Jackson, do you see an exhibit in front of you?

1           **A.**    Yes, I do.

2           **Q.**    Do you recognize what is in Government's Exhibit  
3 No. 100?

4           **A.**    Yes, I do.

5           **Q.**    What is it?

6           **A.**    It is my house. It is where my family lived.

7           **Q.**    And if you could speak a little closer to the  
8 microphone, if you don't mind?

9           **A.**    It is where we lived with me and my family, my  
10 house.

11           **Q.**    Is that an accurate photo of your house?

12           **A.**    Yes, it is.

13           **MR. BERKOWER:** Your Honor, I'd move to admit  
14 Government's Exhibit 100.

15           **THE COURT:** Any objection?

16           **MR. WELCH:** No, Your Honor.

17           **THE COURT:** It's admitted.

18           (Government's Exhibit 100 admitted into evidence.)

19           **MR. NESTLER:** May we present this to the jury,  
20 Mr. Hopkins?

21           **COURTROOM DEPUTY:** It's published.

22           **BY MR. NESTLER:**

23           **Q.**    Government's Exhibit 100 is the house you lived in  
24 with your father?

25           **A.**    Yes.

1                   **MR. BERKOWER:** Mr. Hopkins, if you could take down  
2 the jury's view of the monitors.

3                   **COURTROOM DEPUTY:** Absolutely.

4                   **MR. BERKOWER:** Ms. Rohde, if you could please pull  
5 up Government's Exhibit Nos. 119, 120, 120A, 122 and 123 for  
6 the witness, Court and counsel only. And 123. Thank you.

7                   **BY MR. BERKOWER:**

8                   **Q.** Jackson, do you recognize those exhibits?

9                   **A.** Yes, I do.

10                   **Q.** What are those exhibits?

11                   **A.** They were photos of the inside of my house. This  
12 specifically is one of my kitchen.

13                   **Q.** And were they accurate photos of the inside of  
14 your house?

15                   **A.** Yes, they are.

16                   **MR. BERKOWER:** Your Honor, I'd ask to admit and  
17 publish Government's Exhibit Nos. 119, 120, 120A, 121, 121A,  
18 122 and 123.

19                   **THE COURT:** Any objection?

20                   **MR. WELCH:** No.

21                   **THE COURT:** They are all admitted.

22 (Government's Exhibit 119 admitted into evidence.)

23 (Government's Exhibit 120 admitted into evidence.)

24 (Government's Exhibit 120A admitted into evidence.)

25 (Government's Exhibit 121 admitted into evidence.)

1 (Government's Exhibit 121A admitted into evidence.)

2 (Government's Exhibit 122 admitted into evidence.)

3 (Government's Exhibit 123 admitted into evidence.)

4 **MR. BERKOWER:** Ms. Rohde, if you could pull up  
5 119, and if we could please publish it to the jury. Thank  
6 you.

7 **BY MR. BERKOWER:**

8 **Q.** Jackson, can you please explain what is in  
9 Government's Exhibit 119?

10 **A.** This is the entrance to our house, as well as the  
11 front living room.

12 **MS. BERKOWER:** If we could go on to 120,  
13 Ms. Rohde.

14 **BY MS. BERKOWER:**

15 **Q.** What does that photo show?

16 **A.** That is a photo taken from our front living room,  
17 facing our dining room, facing the entrance to the kitchen.

18 **MR. BERKOWER:** If we could go on to 120A, please.

19 **BY MR. BERKOWER:**

20 **Q.** What does that photo show?

21 **A.** This is a different angle from our front living  
22 room.

23 **Q.** Of what?

24 **A.** Front living room with a dining table as well.

25 **MR. BERKOWER:** Could we go on to 121, please?

1       **BY MR. BERKOWER:**

2           **Q.**    What does that photo show?

3           **A.**    The kitchen and seating room from the living room.

4           **Q.**    Could you go on to 121A, please. What does this  
5 photo show?

6           **A.**    That is a photo of our living room facing from the  
7 kitchen seating room.

8           **Q.**    And is that a different living room than the one  
9 you testified about in the other photographs, Government's  
10 Exhibit 119?

11          **A.**    Yes, it is. That is our main living room.

12          **Q.**    And is this living room connected to your kitchen?

13          **A.**    Yes, it is.

14           **MS. BERKOWER:** And if we could please have  
15 Government's Exhibit 122.

16        **BY MS. BERKOWER:**

17           **Q.**    What does this show?

18          **A.**    That is a photo from our kitchen facing into the  
19 seating room.

20           **MR. BERKOWER:** And 123, please.

21        **BY MS. BERKOWER:**

22           **Q.**    What does that show?

23          **A.**    That is a photo of our seating room.

24          **Q.**    Now, up to January 6th of 2021, had you lived with  
25 your family your entire life?

1           **A.**    Yes.

2           **Q.**    For a part of your childhood, did you live  
3   overseas?

4           **A.**    Yes, I did.

5           **Q.**    Where did you live?

6           **A.**    Malaysia.

7           **Q.**    Around when did your family return to the United  
8   States?

9           **A.**    I believe 2016.

10          **Q.**    Prior to that, when you lived in Malaysia and  
11   before that, what was your relationship like with your  
12   father?

13          **A.**    Pretty great. It was a pretty good father/son  
14   relationship. Nothing really got in the way of anything  
15   other than work.

16           **THE COURT:** Mr. Reffitt, could you keep your voice  
17   up a little bit, it's hard to hear.

18           **THE WITNESS:** I apologize.

19           **BY MR. BERKOWER:**

20          **Q.**    I think if you lean in, we can hear you better.

21          **A.**    I know.

22          **Q.**    When your family came back to the United States in  
23   around 2016, did your relationship with your father change?

24          **A.**    Yes.

25          **Q.**    Could you explain how it changed?

1           **A.**    He seemed to be more distant and to be more active  
2 in a lot of different things.

3           **Q.**    And around that point, were you also close to  
4 starting high school?

5           **A.**    I was in high school at that point, yes.

6           **Q.**    Now, as part of your relationship, did you engage  
7 in discussions with him about current events?

8           **A.**    Yes. Occasionally, yes.

9           **Q.**    Did you also talk about politics with him?

10          **A.**    Yes.

11          **Q.**    And, overall, did you agree or disagree on  
12 political issues?

13          **A.**    We disagreed.

14          **Q.**    Where on the spectrum were your political views?

15          **A.**    I was moderately left, while my father was  
16 moderately right.

17          **Q.**    And did that change over time too?

18          **A.**    I believe so, yes.

19          **Q.**    How did it change?

20          **A.**    Both going further in one direction.

21          **Q.**    And by that, do you mean that you went further  
22 left?

23          **A.**    I believe so, yes.

24          **Q.**    And did he go further right?

25          **A.**    Yes, I believe so.

1           **Q.**    So let's go on to a different topic. Have you  
2 heard of a group called the Texas Three Percenters?

3           **A.**    Yes, I have.

4           **Q.**    At some point after your family returned to Texas,  
5 did your father become involved with that group?

6           **A.**    Yes, he did.

7           **Q.**    How did you find out that he joined that group?

8           **A.**    Through a flag in front of our garage that he put  
9 outside on a flagpole. But I heard more detail from my  
10 mother.

11          **Q.**    What was the flag like that he put on the  
12 flagpole?

13          **A.**    I believe it was just the American flag, but the  
14 stars were replaced with the Three Percenters logo.

15          **Q.**    And what is your understanding of what the Texas  
16 Three Percenters is?

17          **A.**    A far-right extreme militia.

18          **Q.**    Did you ask your father what the group was about?

19          **A.**    I don't remember.

20          **Q.**    Did you ever talk to him about whether the group  
21 was constitutionalist?

22          **A.**    Yes.

23          **Q.**    What does that you mean, as far as you know?

24          **A.**    A, sort of, political ideology is what I gathered,  
25 but I am not sure.

1           **Q.**    Is that based on things that he told you?

2           **A.**    Yes.

3           **Q.**    So what did he tell you about constitutionalists?

4           **A.**    I don't remember.

5           **Q.**    Now, the term "Three Percenter," that piece of the  
6 name, what does that part of it mean to you?

7           **A.**    I believe it is the three percent that rose up  
8 during the Civil War, although I don't know.

9           **Q.**    Do you know that from talking about this group in  
10 your family?

11          **A.**    Yes, as well as just Google.

12          **Q.**    And do you talk to your dad about this group,  
13 Texas Three Percenters?

14          **A.**    Occasionally, yes.

15          **Q.**    So what did he say about it?

16          **A.**    He argued that they weren't far right -- he argued  
17 that they weren't a militia. While I argued otherwise.

18          **Q.**    And was your father open with you about being a  
19 part of this group?

20          **A.**    Not really, although he would talk about it here  
21 and again.

22                   **THE COURT:** Just a moment, Ms. Berkower.

23                   Mr. Reffitt, I think the jurors are having trouble  
24 hearing you. I know it's difficult to speak loudly, but try  
25 to raise your voice.

1                   **THE WITNESS:** Of course. Will do. Is this okay?

2                   **THE COURT:** A little bit louder.

3                   **THE WITNESS:** How's this?

4                   **THE COURT:** That's better.

5                   Well, wait. Can you adjust? Let's see --

6                   (Discussion off the record.)

7                   Just one moment. We are going to see if we can  
8 increase --

9                   (Discussion between the Judge and the Courtroom  
10 Deputy.)

11                  **THE WITNESS:** How is this?

12                  **COURTROOM DEPUTY:** How does that sound? Can you  
13 hear him?

14                  **THE WITNESS:** Can you hear?

15                  (Jurors indicated positively.)

16                  **MR. BERKOWER:** Please still keep your voice up.  
17 Hopefully that will be a little easier with the microphone  
18 on your shirt.

19                  **THE COURT:** A little higher.

20                  **THE WITNESS:** Will do.

21                  **BY MR. BERKOWER:**

22                  **Q.** So I think I just asked if your father was open  
23 with you about being part of the Texas Three Percenter  
24 group. I believe I just asked you that.

25                  **A.** Yes, I believe so.

1           **Q.**    Did your father sometimes wear clothing associated  
2 with that group?

3           **A.**    Yes, he did.

4           **Q.**    What did he wear?

5           **A.**    He had a specific shirt that he wore that had  
6 certain symbols on it, as well as he collected different  
7 patches relating to the group.

8           **MR. BERKOWER:** So if we could for the Court,  
9 counsel and witness only, please, Ms. Rohde, Government's  
10 Exhibit 147 and 148.

11           **BY MS. BERKOWER:**

12           **Q.**    Jackson, do you recognize what is in those  
13 exhibits?

14           **A.**    I do.

15           **Q.**    What is that?

16           **A.**    That is the shirt he would wear at certain rallies  
17 and whatnot.

18           **Q.**    Are those fair and accurate pictures of that  
19 shirt?

20           **A.**    Yes, it is.

21           **MR. BERKOWER:** Your Honor, I would ask to admit  
22 and publish Government's Exhibit 147 and 148.

23           **THE COURT:** Any objection?

24           **MR. WELCH:** No, Your Honor.

25           **THE COURT:** They are admitted.

1 (Government's Exhibits 147 and 148 were admitted into  
2 evidence.)

3

4

5 BY MR. BERKOWER:

6           **Q.**    So starting first with Government's Exhibit 147,  
7    could you explain why you think -- why you recognize this  
8    shirt?

9           **A.**    He would often wear it quite a lot.

10 Q. And are there symbols that you notice on the  
11 center of the shirt?

12      |      **A.**      Yes.

13                           **MR. BERKOWER:** Ms. Rohde, do you mind expanding  
14 the view of that, if you can?

15 || BY MR. BERKOWER:

16                   **Q.** Could you describe the symbol in the center of the  
17 shirt?

18           **A.**     It is three rounds of ammunition in the formation  
19            of the Three Percenters logo.

20 Q. And does it also have stars surrounding the three  
21 rounds of ammunition?

22                   **A.** Yes, it does.

23                           **MR. BERKOWER:** Ms. Rohde, if we could go back to  
24 the sleeve of the shirt, on the left side of the photograph.

1       **BY MR. BERKOWER:**

2           **Q.**    Jackson, could you please describe what you see  
3        there?

4           **A.**    That is a symbol on his shoulder/sleeve of the  
5        American flag with the Three Percenters logo in the place  
6        with the stars should be.

7           **Q.**    And you mentioned earlier your father flew a flag  
8        relating to Three Percenters outside of your house; is this  
9        similar to that flag?

10          **A.**    Yes, it is similar.

11          **Q.**    Now, going on to Government's Exhibit 148, do you  
12        see a symbol in the center of that exhibit?

13          **A.**    Yes, I do.

14          **Q.**    Could you describe what you see?

15          **A.**    It is a --

16           **MR. BERKOWER:** And if we could publish this,  
17        please.

18           **THE WITNESS:** It is a Three Percenters symbol and  
19        the middle of the -- outline of the State of Texas with 13  
20        stars around it.

21        **BY MR. BERKOWER:**

22          **Q.**    And do you see words on the shirt?

23          **A.**    Yes, I do.

24          **Q.**    Could you please read those words?

25          **A.**    "When tyranny becomes law, rebellion becomes

1 duty."

2           **Q.**    Do those words have any significance to you?

3           **A.**    Not to me but I've heard similar things --

4           **MR. WELCH:** Objection.

5           (Sidebar discussion.)

6           **MR. WELCH:** He was about to say what he heard.

7           **THE COURT:** This is an admission of the defendant,  
8 I think.

9           **MR. WELCH:** No, I don't think so. I think he said  
10 what he heard. He talked about what he knew; and that's  
11 fine. But when he starts talking about what he heard,  
12 that's hearsay.

13           **THE COURT:** Ms. Berkower, did he hear this from  
14 his father?

15           **MR. BERKOWER:** Your Honor, I'm actually not sure  
16 if he's going to say that he heard it from his father or  
17 not. I would suggest he be permitted to answer and the  
18 Court can strike it --

19           **THE COURT:** No, why don't you ask him, Did his  
20 father tell him what that meant?

21           **MR. BERKOWER:** Okay. I can ask him that.

22           (Sidebar concluded.)

23           **BY MR. BERKOWER:**

24           **Q.**    With regard to the words on Exhibit 148, did your  
25 father ever say those -- use those words?

1           **A.**    Similar words, yes.

2           **Q.**    Now going on to another topic, did your father  
3 also put stickers on his car --

4           **A.**    Yes, he did.

5           **Q.**    -- vehicle?

6           **MR. BERKOWER:** If we could have just for the  
7 Court, counsel and witness, please, Government's Exhibit 102  
8 and 104.

9           **BY MR. BERKOWER:**

10          **Q.**    Jackson, do you recognize what is in Exhibits 102  
11 and 104?

12          **A.**    I do.

13          **Q.**    What is in those?

14          **A.**    That is my father's truck that he had.

15          **Q.**    And are those fair and accurate photos of your  
16 father's truck?

17          **A.**    Yes, they are.

18          **MR. BERKOWER:** Your Honor, I ask to admit and  
19 publish Government's Exhibit 102 and 104.

20          **THE COURT:** Any objection?

21          **MR. WELCH:** No, Your Honor.

22          **THE COURT:** They are admitted.

23           (Government's Exhibits 102 and 104 were admitted into  
24 evidence.)

25

1

2 **BY MR. BERKOWER:**3       **Q.**    So, Jackson, can you explain what we are looking  
4        at in Government's Exhibit 102?5       **A.**    We are looking at a side profile of my dad's truck  
6        that he owned, as well as the many stickers on the back.7       **Q.**    And if --8       **THE COURT:** I'm sorry. I didn't hear that,  
9        Mr. Reffitt. As well as the what?10      **THE WITNESS:** The many stickers on the back.11      **MR. BERKOWER:** If we could go on to 104, please.12 **BY MR. BERKOWER:**13       **Q.**    What do you see there?14       **A.**    That is a closer image of the stickers on the back  
15       of my dad's truck.16       **Q.**    Starting with the sticker on the left, do you  
17       recognize what that is?18       **A.**    Yes, I do.19       **Q.**    What is it?20       **A.**    That is a similar flag that my dad hung, but in  
21       black and white with the Three Percenters logo, as well as a  
22       skull in front of it.23       **Q.**    Going to the sticker on the far right, do you  
24       recognize what that is?25       **A.**    Yes.

1           **Q.**    What is it?

2           **A.**    That is another logo for the Three Percenters, I  
3 believe.

4           **Q.**    And going on --

5           **MR. BERKOWER:**   If we could take down the jury  
6 view, please?   If we could have for the Court, counsel and  
7 witness only, Government's Exhibit 106.

8           **BY MR. BERKOWER:**

9           **Q.**    Do you recognize what this is?

10          **A.**    Yes, I do.

11          **Q.**    What is it?

12          **A.**    That is my mom's car.

13          **Q.**    Is this an accurate picture of your mom's car?

14          **A.**    Yes, it is.

15          **MR. BERKOWER:**   Your Honor, I ask to admit and  
16 publish this exhibit.

17          **THE COURT:**   Any objection?

18          **MR. WELCH:**   No, Your Honor.

19          **THE COURT:**   It's admitted.

20          (Government's Exhibit 106 admitted into evidence.)

21          **BY MR. BERKOWER:**

22          **Q.**    Now, looking at the back of -- oh, excuse me -- of  
23 this exhibit.   Can you tell me what is on the back of the  
24 car?

25          **A.**    There are two Three Percenters stickers, similar

1 to the ones on my dad's truck.

2           **Q.** Now -- and we can take that down -- to your  
3 knowledge, did your father ever attend meetings of the  
4 group, the Texas Three Percenters?

5           **A.** Yes.

6           **Q.** When did he attend those meetings?

7           **A.** I don't know any pattern. Occasionally he would  
8 drive out of the town -- out of town -- and go to several  
9 meetings, roughly once a month.

10          **Q.** Did he ever host a meeting at your house?

11          **A.** Yes, did.

12          **Q.** Were you home for that?

13          **A.** No, I was not.

14          **Q.** Why weren't you home?

15          **A.** My father said I couldn't be.

16          **Q.** And did you ever meet any of the other members of  
17 the Texas Three Percenters?

18          **A.** No, I did not.

19          **Q.** Now, let's go on to something else. Around the  
20 time of January 6th, did your father own firearms?

21          **A.** Yes, he did.

22          **Q.** How do you know that?

23          **A.** He would constantly have his handgun on his hip,  
24 as well as I went with him to go buy my mother's handgun,  
25 under his name, I believe, as well as his rifle that I

1 believe he's had for a while, and his AR that was in his gun  
2 safe.

3           **Q.**    So let's talk first about his handgun. Okay?

4           Generally speaking, where does your father keep his handgun?

5           **A.**    Either on his nightstand or on him.

6           **Q.**    And do you know what brand handgun it is?

7           **A.**    A Smith & Weston [sic].

8           **Q.**    Have you seen your father carry that on him, his  
9 person?

10          **A.**    Yes, I have.

11          **Q.**    Where does he carry it?

12          **A.**    Usually on his hip, his right hip.

13          **Q.**    And how often would he be carrying it on his right  
14 hip?

15          **A.**    Pretty much all the time.

16           **MR. BERKOWER:** Now, if we could have for Court,  
17 counsel and witness only, Government's Exhibit 127 and 128,  
18 please.

19           **BY MS. BERKOWER:**

20          **Q.**    Do you recognize what is in Government's Exhibit  
21 127 and 128.

22          **A.**    Yes, I do.

23          **Q.**    What is it?

24          **A.**    That is my father's handgun. Your Honor --

25          **Q.**    Are those accurate pictures of the gun?

1           **A.**    Yes.

2           **MR. BERKOWER:** I would ask to move these into  
3 evidence.

4           **THE COURT:** Any objection?

5           **MR. WELCH:** No, Your Honor.

6           **THE COURT:** They are admitted.

7           (Government's Exhibits 127 and 128 were admitted into  
8 evidence.)

9           **MR. BERKOWER:** Can we publish them?

10          **BY MR. BERKOWER:**

11          **Q.**    So are there certain parts of this gun that allow  
12 you to identify it in particular?

13          **A.**    The silver top side of it, as well as the  
14 prominent black bottom of it and the notches along the top  
15 of the silver.

16          **Q.**    The notches on the top -- I'm sorry?

17          **A.**    The silver part of the back, because it would  
18 always hang out of his holster.

19          **Q.**    When you say "towards the back" are you referring  
20 to the right or left side of this photograph?

21          **A.**    The left.

22          **Q.**    I mentioned your father kept this on his  
23 nightstand when he was sleep; is that what you said a moment  
24 ago?

25          **A.**    Yes.

1           **Q.**   Did he keep it loose or in a holster?

2           **A.**   It depends.  Mostly in a holster.

3           **Q.**   Do you remember what your parents' bedroom looks  
4   like?

5           **A.**   Yes, I do.

6           **Q.**   Do you know what side of the bed your dad sleeps  
7   on?

8           **MR. WELCH:** Objection.

9           (Sidebar discussion.)

10           **MR. WELCH:** This has not been an isolated "do you  
11 remember question." This has been a pattern now with  
12 everything begins do you, do you, do you.  So he ends up  
13 giving yes or no answers to Ms. Berkower's statements,  
14 instead of asking non-leading questions.

15           **THE COURT:** So, Ms. Berkower, try to rephrase the  
16 question.

17           **MR. BERKOWER:** Your Honor, I will do that.  But I  
18 will say that in order to move this along, I am trying to  
19 direct him to certain topics.

20           **THE COURT:** That's fine.  So why don't you each  
21 time you are moving to something else, direct him to the new  
22 area.  Now I want to talk about your parents' bedroom.  Can  
23 you describe that?  Something like that.  Where did your  
24 father sleep?

25           **MR. BERKOWER:** Sure.

1 (Sidebar concluded.)

2 **BY MS. BERKOWER:**

3       **Q.** So when you were living at your parents' house,  
4 did you go in your parents' bedroom?

5       **A.** Yes.

6       **Q.** Do you remember what it looks like?

7       **A.** Yes.

8       **Q.** Could you describe it?

9       **A.** They had this bed in the very middle, as well as a  
10 lower nightstand on the left side and higher one on the  
11 right side with a lamp.

12       **Q.** Who slept on what side of the bed?

13       **A.** My father slept on the left side facing the bed  
14 board.

15           **MS. BERKOWER:** Now, for the Court, counsel and  
16 witness only, if we could please have Government's Exhibits  
17 124, 125 and 126.

18 **BY MR. BERKOWER:**

19       **Q.** Do you recognize what is in Government's Exhibit  
20 124, 125, and 126?

21       **A.** Yes, I do.

22       **Q.** Could you explain what that is?

23       **A.** That is my father's handgun on his nightstand next  
24 to his bed.

25       **Q.** And do you recognize these to be accurate photos

1 from your parents' room?

2 **A.** Yes, I do.

3 **MR. BERKOWER:** Your Honor, I ask to admit  
4 Government's Exhibits 124, 125 and 126.

5 **THE COURT:** Any objection?

6 **MR. WELCH:** No, Your Honor.

7 **THE COURT:** They are admitted.

8 (Government's Exhibits 124, 125 and 126 were admitted  
9 into evidence.)

10

11

12 **MR. BERKOWER:** And if we could please publish  
13 them.

14

**COURTROOM DEPUTY:** I will.

15

**MR. BERKOWER:** Thank you.

16

**BY MR. BERKOWER:**

17

18

**Q.** So, Jackson, could you please explain what we are  
looking at in this photo?

19

20

**A.** We are looking at my parents' bedroom, the master  
bedroom in our house. And facing is the side my father  
would sleep on.

22

23

**Q.** And do you see a nightstand in this photo?

**A.** Yes, I do.

24

**Q.** Who used that nightstand?

25

**A.** My father.

1           **Q.**    Directing your attention to a dark object on the  
2 nightstand, could you explain what that is?

3           **A.**    That is my father's gun in his holster.

4           **MR. BERKOWER:** Ms. Rohde, could you please blow up  
5 that area of the photograph.

6           **BY MR. BERKOWER:**

7           **Q.**    Going on to Government's Exhibit 125, could you  
8 please explain what this is?

9           **A.**    That is a photo of the side of the bed frame,  
10 getting the angle of his hat dangling on the bed frame, as  
11 well as the gun on the nightstand.

12          **Q.**    And could you explain where on the photo you see a  
13 gun?

14          **A.**    Towards the bottom, in the middle.

15          **MR. BERKOWER:** Ms. Rohde, would you please blow up  
16 the area towards the bottom of the photo?

17          **BY MR. BERKOWER:**

18          **Q.**    Is that the area that you are referring to?

19          **A.**    Yes, it is.

20          **Q.**    And going back to the full exhibit for a moment,  
21 Ms. Rohde, do you see something hanging from the side of the  
22 bed frame?

23          **A.**    A hat.

24          **Q.**    And do you recognize the hat?

25          **A.**    Yes, I do.

1           **Q.**    What do you recognize that hat to be?

2           **A.**    My father's Trump hat that he would wear.

3           **Q.**    You saw him wearing it?

4           **A.**    Yes.

5           **Q.**    How often would he wear it?

6           **A.**    Pretty much he would switch out hats every day,  
7 but every couple days I would see him wearing it.

8           **THE COURT:**   Mr. Reffitt, please keep your voice  
9 up.

10           **THE WITNESS:**   My apologies. He would wear it  
11 every couple days, as he would switch hats.

12           **MR. BERKOWER:**   Going on to 126.

13           **BY MR. BERKOWER:**

14           **Q.**    Could you explain what we are seeing in this  
15 photo?

16           **A.**    A photo of the nightstand, my father's nightstand  
17 with the handgun in the holster.

18           **Q.**    Now, let's go on to the -- one of the other guns  
19 you mentioned. Okay? You said earlier that he owned an AR;  
20 is that right?

21           **A.**    Yes.

22           **Q.**    Do you know what, if any, attachments were on that  
23 AR?

24           **A.**    A pretty bulky topside where you would put your  
25 sights. It looks to be a scope, as well as a smaller red

1 Kohler scope on top of that; and that's pretty much how I  
2 notice his AR.

3 **Q.** How do you know that he had those attachments?

4 **A.** I have seen him with them. He has taken it out of  
5 his gun case several times and shown it.

6 **Q.** And where, generally, did he keep his AR?

7 **A.** I believe in a gun case, although I don't know  
8 where.

9 **THE COURT:** All right. I missed that. What did  
10 you say at the end?

11 **THE WITNESS:** I don't know where exactly he would  
12 put his gun case.

13 **BY MR. BERKOWER:**

14 **Q.** Do you know if your father had a safe in the  
15 house?

16 **A.** Yes, he did.

17 **Q.** Where was it?

18 **A.** It was in the closet connected to the master  
19 bedroom.

20 **Q.** And what, if anything, did he keep inside that  
21 safe?

22 **A.** Several guns, files, hard drives, a bunch of  
23 stuff.

24 **Q.** How do you know what's in the safe?

25 **A.** They had occasionally left it open, and he has

1       opened it while I was there, as well as my mother.

2       **Q.**     Now --

3           **MR. BERKOWER:**   If we, for the Court, counsel and  
4       witness only, could please have Government's Exhibit 129.

5       **BY MR. BERKOWER:**

6       **Q.**     Do you recognize what this is?

7       **A.**     Yes, I do.

8       **Q.**     What is it?

9       **A.**     That is a photo of the closet connected to the  
10      master bedroom, where you can see the gun safe.

11           **MR. BERKOWER:**   Your Honor, I move to admit this  
12      exhibit.

13           **THE COURT:**   Any objection?

14           **MR. WELCH:**   No, Your Honor.

15           **THE COURT:**   It's admitted.

16           **MR. BERKOWER:**   If we could please publish.

17                           (Government's Exhibit 129 admitted into evidence.)

18       **BY MR. BERKOWER:**

19       **Q.**     So, Jackson, could you please explain to the jury  
20      what we see in this photo?

21       **A.**     We are looking into the closet where my father  
22      kept several things related to anything, clothes, his gun  
23      safe, files.

24       **Q.**     And do you see a metal object in the center of the  
25      photo?

1           **A.**    Yes, I do.

2           **Q.**    What is that specific object?

3           **A.**    That is his gun safe. His -- yeah.

4           **Q.**    And the person who took this photo, what room in  
5 the house were they standing in?

6           **A.**    In the master bedroom.

7           **MR. BERKOWER:** Now, if we could have the jury view  
8 taken down, please.

9           Ms. Rohde, if you could pull up for the Court,  
10 counsel and witness only, Government's Exhibits 134, 135 and  
11 136.

12           **BY MR. BERKOWER:**

13           **Q.**    Jackson, do you recognize what is in those photos?

14           **A.**    Yes, I do.

15           **Q.**    What's in those photos?

16           **A.**    That is my father's AR.

17           **Q.**    Are those accurate photos?

18           **A.**    Yes, they are.

19           **MR. BERKOWER:** I'd ask to move those into  
20 evidence, Your Honor, Government's Exhibit 135 and 136.

21           **THE COURT:** Any objection?

22           **MR. WELCH:** No, Your Honor.

23           **THE COURT:** They're admitted.

24           (Government's Exhibits 134, 135 and 136 were admitted  
25 into evidence.)

1

2

3                   **MR. BERKOWER:** May we publish them, please?

4                   **BY MR. BERKOWER:**

5                   **Q.** Now, Jackson, could you explain to the jury what  
6 we are looking at here, please?

7                   **A.** We are looking at my father's AR.

8                   **Q.** You mentioned there is a scope of some kind on it.  
9 Could you explain if this photo contains that scope?

10                  **A.** It does. It is --

11                  **Q.** Where?

12                  **A.** -- on top of the AR. It is that longer attachment  
13 connected to the wire, and on top you can see the smaller --  
14 what looks like the red Kholer scope.

15                  **MR. BERKOWER:** If we could take that down, please.

16                  **BY MR. BERKOWER:**

17                  **Q.** Now, based on your time with living with your  
18 family, do you know if your father owned a bulletproof vest?

19                  **A.** Yes, he did.

20                  **Q.** How do you know that?

21                  **A.** He would wear it around in the kitchen, as well  
22 when he was coming and going from the house.

23                  **Q.** Did you ever ask him about it?

24                  **A.** I don't remember.

25                  **Q.** And as far as you knew, did anybody else in your

1 house have a bulletproof vest?

2           **A.**    No.

3           **Q.**    So let's go on to a different topic. Do you  
4 remember having conversations in August of 2020 with your  
5 father about political topics?

6           **A.**    Yes.

7           **Q.**    And what do you remember your dad saying around  
8 August of 2020?

9           **A.**    That he was going to do something big in August.

10          **Q.**    Did you ask him what he meant?

11          **A.**    I believe I attempted, but I never got any  
12 response other than subtle, "We are going to do something  
13 big." That's all I ever heard from him.

14          **Q.**    Why did you want to know what he was talking  
15 about?

16          **A.**    Because he was leading it on to being something  
17 big. I was just curious and paranoid as to what it was.

18          **Q.**    Why were you feeling paranoid?

19          **A.**    Because of my father's recent involvement in the  
20 Three Percenters and him involved in these groups and  
21 meetings and what have you and the blatant --

22          **Q.**    Well, let me stop you there. How many times did  
23 he mention doing "something big" in the time frame of August  
24 2020?

25          **A.**    I do not remember but several times.

1           **Q.**    So more than once?

2           **A.**    Yes.

3           **Q.**    Was it more than five times?

4           **A.**    I don't believe so.

5           **Q.**    So between one and five times; is that your  
6 estimate?

7           **A.**    That would be my estimate.

8           **THE COURT:** Mr. Reffitt, I'm sorry. You have to  
9 keep your voice up because there are other --

10           **THE WITNESS:** Of course.

11           **THE COURT:** -- courtrooms in the courthouse where  
12 people are listening and they can't hear you unless you are  
13 speaking into the microphone. I think some of the jurors in  
14 the back of the courtroom are having trouble as well.

15           **THE WITNESS:** My apologies. Thank you for letting  
16 me know.

17           **BY MR. BERKOWER:**

18           **Q.**    Now going back to December of 2020. Do you hear  
19 your father refer to doing something big at that time?

20           **A.**    Yes.

21           **Q.**    Could you tell us about that?

22           **A.**    Through a series of messages in our group chat, he  
23 had mentioned that he was planning on doing something.

24           **MR. BERKOWER:** If we could have what has already  
25 been admitted into evidence as Government's Exhibit 1B4.0,

1 the PDF version.

2 **BY MS. BERKOWER:**

3       **Q.** Do you see that on the screen in front of you?

4       **A.** Yes, I do.

5           **MR. BERKOWER:** And if we could zoom in on the  
6 participant's list.

7           Oh, sorry. If you could publish this to the jury.  
8 It's already in evidence. My apologies.

9           **COURTROOM DEPUTY:** Thank you.

10          **MR. BERKOWER:** Thank you, Ms. Rohde.

11 **BY MR. BERKOWER:**

12       **Q.** So, Jackson, do you recognize the names in this  
13 participant's list?

14       **A.** Yes, I do.

15       **Q.** Could you explain what these names are?

16       **A.** Pitter Pats is Peyton.

17       **Q.** And who is Peyton?

18       **A.** My younger sister Peyton Reffitt.

19       **Q.** Keep going. Sorry. I shouldn't have interrupted  
20 you.

21       **A.** You're perfect. Nicole is my mother, Nicole  
22 Reffitt. Jackson Reffitt is me. Sarah Bearah is my sister  
23 and Guy Reffitt is my father.

24       **Q.** And who is Sarah Reffitt?

25       **A.** My older sister.

1                   **MR. BERKOWER:** And Ms. Rodhe, if we could go to  
2 the PowerPoint version of this, please? And I think, for a  
3 moment, if you could take down the jury view. Thank you,  
4 Mr. Hopkins.

5                   **COURTROOM DEPUTY:** You're welcome.

6                   **MS. BERKOWER:** If they could please publish --  
7 thank you.

8                   **BY MR. BERKOWER:**

9                   **Q.** So Jackson, what do you recognize this exhibit to  
10 be?

11                  **A.** To be a message my father sent to our group chat  
12 containing my whole family.

13                  **Q.** And if you could please keep your voice up.

14                  **A.** I am so sorry.

15                  **Q.** Can you sit any closer to the microphone in front  
16 of you?

17                  **A.** Of course. I just don't want to kick it.

18                  **Q.** Could you read this message, please?

19                  **A.** "When are you going to realize the Democrats are  
20 using race to keep the minorities suppressed? We the people  
21 are willing to die to protect their safety. We did it in  
22 the Civil War, and now we are doing it again. It's the  
23 government that is going to be destroyed in this fight."

24                  **Q.** What was the date on this message?

25                  **A.** December 21st, 2020.

1           **Q.**    What did you understand him to be referring to  
2 when he said, "It's the government that is going to be  
3 destroyed"?

4           **A.**    I cannot take it for anything else other than  
5 literally.

6           **THE COURT:** Mr. Reffitt, I didn't hear what you  
7 said.

8           **THE WITNESS:** I can't take it to mean anything  
9 other than literally.

10           **MR. BERKOWER:** Did the Court have any further  
11 questions?

12           **THE COURT:** You too, Ms. Berkower. I think folks  
13 are having trouble hearing both of you.

14           **MR. BERKOWER:** Ms. Rohde, if we could please go to  
15 slide number 3 -- 2. Excuse me.

16           **BY MS. BERKOWER:**

17           **Q.**    Jackson, could you please read this message?

18           **A.**    Yes. "Congress has made fatal mistakes. This  
19 isn't about Trump. It's much, much bigger. It's about our  
20 country."

21           **Q.**    What date was this sent?

22           **A.**    December 21st, 2020.

23           **Q.**    Who sent that?

24           **A.**    My father.

25           **Q.**    When you read this message, what did you

1 understand him to be referring to when he said fatal  
2 mistakes?

3 **A.** That Congress has failed him and the people.

4 **MR. BERKOWER:** Going on to slide 3, please.

5 **BY MR. BERKOWER:**

6 **Q.** Did you respond?

7 **A.** Yes, I did.

8 **Q.** Could you read your response?

9 **A.** "I don't think Congress makes up all 80,000,000  
10 votes for Biden, but okay."

11 **Q.** What did you mean by that?

12 **A.** I assumed he was blaming Congress for having Biden  
13 elected, so that is what I responded with.

14 **MR. BERKOWER:** If we could go on to slide 4.

15 **BY MS. BERKOWER:**

16 **Q.** Did your father respond?

17 **A.** Yes, he did.

18 **Q.** Could you read his response?

19 **A.** "It's not about Trump or Biden."

20 **MS. BERKOWER:** Slide 4 -- slide 5, please.

21 **BY MS. BERKOWER:**

22 **Q.** Could you read that?

23 **A.** "What comes next is about tyranny."

24 **Q.** What did you understand him to be talking about  
25 there?

1           **A.**    Congress and how they have failed him, and he has  
2    considered that tyranny.

3           **MS. BERKOWER:** Could you go on to slide 6, please?

4           **BY MS. BERKOWER:**

5           **Q.**    Could you read this message?

6           **A.**    "Hold my beer and I'll show you."

7           **Q.**    Who sent that message?

8           **A.**    My father.

9           **Q.**    What was the date on that?

10          **A.**    12/21/2020.

11          **Q.**    And what did you understand this message mean?

12          **A.**    Stand right here and watch me do it.

13          **Q.**    Have you heard him use this phrase before?

14          **A.**    Yes, occasionally.

15          **Q.**    Now --

16          **MR. BERKOWER:** If we could go on to slide 7,  
17    please. Actually, I'm sorry. Go back to the message  
18    before. Thank you, Ms. Rohde.

19          **BY MR. BERKOWER:**

20          **Q.**    At the time that you were reading these messages  
21    on the 21st, did you take him seriously?

22          **A.**    Not entirely. My father is a really big talker.

23          **Q.**    Now going on to the next slide, do you respond to  
24    him?

25          **A.**    Yes, I did.

1           **Q.**    And what did you respond?

2           **A.**    "I thought I was going to see something in  
3 August."

4           **Q.**    What were you talking about there?

5           **A.**    I was referring to our previous conversations that  
6 he was going to do "something big" in August.

7           **Q.**    And did you respond -- did your response in this  
8 way have anything to do with whether you were taking him  
9 seriously or not?

10           **MR. WELCH:** Objection.

11           **THE COURT:** Rephrase the question.

12           **BY MR. BERKOWER:**

13           **Q.**    Why did you respond this way?

14           **A.**    Because I didn't believe him, as I didn't believe  
15 him in August.

16           **MS. BERKOWER:** Now going on to the next slide,  
17 please.

18           **BY MS. BERKOWER:**

19           **Q.**    Did he respond to you?

20           **A.**    Yes, he did.

21           **Q.**    What did he say?

22           **A.**    "Your first mistake was you thought."

23           **Q.**    Did you respond to him after that?

24           **A.**    Yes, I did.

25           **MR. BERKOWER:** If we could go to the next slide,

1 please.

2 **BY MR. BERKOWER:**

3       **Q.** Could you read what you wrote?

4       **A.** "I was told that something was going to happen by  
5 you."

6       **Q.** Now I think we will jump forward a few days. Does  
7 your family regularly exchange messages on this thread?

8       **A.** Yes.

9           **MR. BERKOWER:** If we could have slide 10, please.

10 **BY MS. BERKOWER:**

11       **Q.** Does this show a message from several days after  
12 the previous exchange we were looking at?

13       **A.** Yes, it does.

14       **Q.** What is the date on this?

15       **A.** December 24th, 2020.

16       **Q.** Could you read what you wrote?

17       **A.** "I still hate Mitch."

18       **Q.** I should have asked, is that a message from you?

19       **A.** Yes.

20       **Q.** What did you mean here?

21       **A.** Mitch McConnell.

22       **Q.** What did you mean about Mitch?

23       **A.** We were talking politics, and I decided I would  
24 say something that might relate back to them, that they  
25 might agree on.

1           **Q.**    Did you know your father to have opinions about  
2    Mitch?

3           **A.**    Yes.

4           **Q.**    What did you know his opinions to be?

5           **A.**    He did not like him.

6           **MS. BERKOWER:** Could you go on to slide 11,  
7    please?

8           **BY MS. BERKOWER:**

9           **Q.**    Did you send another message?

10          **A.**    Yes, I do.

11          **Q.**    Could you read what it says.

12          **A.**    "I think every living soul does."

13          **Q.**    What are you talking about there?

14          **A.**    That in my opinion no one likes Mitch McConnell.

15          **Q.**    Did your father respond to this?

16          **A.**    Yes, he did.

17           **MR. BERKOWER:** If we could go on to the next  
18    slide, please?

19           **BY MR. BERKOWER:**

20          **Q.**    Is this your response?

21          **A.**    Yes, it is.

22          **Q.**    Could you please read it?

23          **A.**    "He's another politician. Why I'm going to D.C.  
24    They all must go."

25           **MR. BERKOWER:** And if we could go on to the next

1 slide.

2 **BY MR. BERKOWER:**

3       **Q.** Did he send another message after that?

4       **A.** Yes, he did.

5       **Q.** Is this one of those messages?

6       **A.** Yes, it is.

7       **Q.** Could you read it, please?

8       **A.** "They all play games with our money, and they  
9 still get paid by our money."

10      **Q.** Going on to slide 14. Did he send another  
11 message?

12      **A.** Yes.

13      **Q.** Could you read it?

14      **A.** "They must go."

15      **Q.** Did he send another message after that?

16      **A.** Yes, he did.

17      **Q.** Can we go on to the next slide. Is that one of  
18 the messages he sent?

19      **A.** Yes, it is.

20      **Q.** Can you read what he wrote?

21      **A.** "What's about to happen will shock the world."

22      **Q.** Can you note the time and date of that message?

23      **A.** 12/24, 1:05 p.m.

24      **Q.** Is that 2020?

25      **A.** Yes, it is.

1           **Q.**    Now, going to the next slide, did you write  
2 another message back?

3           **A.**    Yes, I did.

4           **Q.**    Can you read what you wrote?

5           **A.**    "Yeah, all I want is healthcare that is equal to  
6 those on the Supreme Court."

7           **Q.**    Can you explain what you wrote?

8           **A.**    I want healthcare on par with those on the Supreme  
9 Court. I was trying to pretty much calm him down.

10          **Q.**    What do you mean you were trying to calm him down?

11          **A.**    I could tell he was -- what he was saying was not  
12 good in nature, but I just wanted to divert away from it.

13           **THE COURT:** You just wanted to what?

14           **THE WITNESS:** To divert away from that  
15 conversation.

16           **MR. BERKOWER:** If we could go on to the next  
17 slide, please.

18           **BY MR. BERKOWER:**

19          **Q.**    Did you send another message as well?

20          **A.**    Yes, I did.

21          **Q.**    Could you read what you wrote?

22          **A.**    "I'm not really on board with the whole let's blow  
23 up the White House way of handling it."

24          **Q.**    After this, did your father respond?

25          **A.**    Yes.

1           **Q.**    Can you read the message?

2           **A.**    "That's what we all want, but the machine just  
3    keeps grinding us down. Too many lines have been crossed.  
4    Too many years this happened. We are about to rise up, the  
5    way the constitution was written. Look up Maybury versus  
6    Madison 1803. Read it well and it will help explain this  
7    scenario."

8           **Q.**    Does anything seem significant to you?

9           **A.**    "Rise up".

10          **Q.**    Why does that phrase seem significant?

11          **A.**    Using his past messages as context, it's pretty  
12    scary to hear.

13          **Q.**    And have you heard him -- do you see a reference  
14    to Maybury versus Madison 1803?

15          **A.**    Yes.

16          **Q.**    Have you heard him refer to that before?

17          **A.**    Occasionally, yes.

18          **Q.**    Were you concerned when you read this message?

19          **A.**    Of course.

20          **Q.**    Could you explain why?

21          **A.**    Not only has my paranoia been building up from his  
22    past comments but reading it so blatantly right here is  
23    pretty surreal and scary.

24          **Q.**    And did you view these messages the same or  
25    different as the messages from the 21st a few days earlier?

1           **A.**    I viewed them as a little different. As he kept  
2 going and he kept being more blatant and straight up.

3           **Q.**    Now, did you respond to this?

4           **A.**    Yes, I did.

5           **MR. BERKOWER:** If we could have the next slide,  
6 please.

7           **BY MR. BERKOWER:**

8           **Q.**    Is this your response?

9           **A.**    Yes.

10          **Q.**    Could you read it, please?

11          **A.**    "I'm more of, I'm voting for someone new."

12          **Q.**    What were you talking about there?

13          **A.**    I'm more voting for what I want rather than taking  
14 it as my father was describing.

15          **MS. BERKOWER:** If we could go on to the next  
16 slide, please?

17          **BY MR. BERKOWER:**

18          **Q.**    Did he respond to you?

19          **A.**    Yes.

20          **Q.**    What did he say?

21          **A.**    "Nobody's blowing anything up. It's not how that  
22 works."

23          **Q.**    Did you respond again?

24          **A.**    Yes.

25          **Q.**    Is this your response?

1           **A.** Yes, it is.

2           **Q.** Could you read it, please?

3           **A.** "With the true power over the American people,  
4 voting!" (Peace emoji.)

5           **Q.** What were you talking about there?

6           **A.** Voting is a really, really good way of getting  
7 stuff done.

8           **Q.** Did he ever respond to you?

9           **A.** Yes, he did.

10           **MR. BERKOWER:** Going on to the next slide.

11           **BY MR. BERKOWER:**

12           **Q.** Is this one of his next responses?

13           **A.** Yes, it is.

14           **Q.** Could you read it, please?

15           **A.** "Another career politician?"

16           **MS. BERKOWER:** If we could go to the next slide,  
17 please?

18           **BY MS. BERKOWER:**

19           **Q.** Is this another one of his messages?

20           **A.** Yes, it is.

21           **Q.** Could you read what he said?

22           **A.** "Just another person grinding the machine."

23           **Q.** Did you respond to him after that?

24           **A.** Yes, I did.

25           **MR. BERKOWER:** If we could have the next message,

1 please.

2 **BY MR. BERKOWER:**

3       **Q.**    Was this your response?

4       **A.**    Yes, it is.

5       **Q.**    Could you read it, please?

6       **A.**    "Nah another democratic American."

7       **Q.**    What were you talking about here?

8       **A.**    How democracy is pretty much what this country is  
9 built on, and this is what I am going to do.

10      **Q.**    Could you speak louder?

11      **A.**    How this country is built on democracy, and that  
12 is pretty much what I am going to do.

13      **Q.**    Now could you look at -- now as you are engaging  
14 in this message exchange, how are you feeling?

15      **A.**    Pretty nervous and paranoid and I have no idea  
16 what he's going to do or what is going to happen.

17      **Q.**    And did he respond after you sent this message?

18      **A.**    Yes, he did.

19      **MR. BERKOWER:** If we could have the next slide,  
20 please.

21 **BY MR. BERKOWER:**

22      **Q.**    Was this one of his responses?

23      **A.**    Yes, it is.

24      **Q.**    Could you read it, please?

25      **A.**    "The entire house of legislation has committed

1 unthinkable acts on our people. We have had enough. Time a  
2 new party." [sic]

3           **Q.** Could you explain how you were feeling when these  
4 -- when this message was coming in?

5           **A.** Even more paranoid. It was pretty much stacking  
6 up on top of each other. "Time a new party" [sic] was  
7 really surreal and scary to read out loud.

8           **Q.** Did you come to a decision, as you were getting  
9 these messages?

10           **A.** Yes, I did.

11           **Q.** What decision did you come to?

12           **A.** To inform the FBI.

13           **Q.** Can you explain what you decided to do and how you  
14 did it?

15           **A.** Receiving these messages and reading them, my  
16 paranoia pretty much blew over. So I decided to alleviate  
17 some anxieties off of my shoulder and Google "FBI and tip,"  
18 first link, and go forward with any information I had.

19           **Q.** And -- so are you saying you submitted a tip  
20 through a website to the FBI?

21           **A.** Yes, I did.

22           **Q.** Where were you when you pulled out your phone and  
23 Googled?

24                   **MR. WELCH:** Objection.

25                           (Sidebar discussion.)

1                   **THE COURT:** What's the basis?

2                   **MR. WELCH:** Again, leading.

3                   **THE COURT:** She said, Where were you --

4                   **MR. WELCH:** Where were you when you pulled out  
5 your phone and Googled? He hasn't said he had a phone. He  
6 hasn't said he Googles. It would be nice if she'd ask  
7 non-leading questions.

8                   **MR. BERKOWER:** He already did say he pulled out  
9 his phone and Googled the FBI.

10                  **MR. WELCH:** He submitted the FBI tip; that I  
11 agree.

12                  **THE COURT:** Yeah, through a website.

13                  **MR. WELCH:** Right. But while she is putting --  
14 Ms. Berkower is testifying as to how he did it.

15                  **MR. BERKOWER:** Your Honor --

16                  **THE COURT:** All right. Just a minute,  
17 Ms. Berkower.

18                  I am going to allow this. Ms. Berkower, continue  
19 to be careful. I don't think this one is a problem,  
20 Mr. Welch.

21                  But, Ms. Berkower, when you keep your voice up, he  
22 keeps his voice up. When you don't --

23                  **MR. BERKOWER:** I will do better. I will do better  
24 on that, yes.

25                  (Sidebar concluded.)

1           **BY MR. BERKOWER:**

2           **Q.**    Jackson, can you explain how you submitted -- you  
3    said you submitted it through a website?

4           **A.**    Yes.

5           **Q.**    How did you access that website?

6           **A.**    Google.

7           **Q.**    What did you Google that on?

8           **A.**    My phone.

9           **Q.**    Where were you when you Googled the FBI tip line  
10   on your phone?

11          **A.**    In my room.

12          **Q.**    In what house?

13          **A.**    My house. My family house.

14          **Q.**    Who else was home?

15          **A.**    I do not exactly remember.

16          **Q.**    Do you know if anyone else was home?

17          **A.**    I believe my dad and my mom.

18          **Q.**    And were they in your room with you?

19          **A.**    No.

20          **Q.**    So who else was in the room with you?

21          **A.**    Just me.

22          **Q.**    Now can you explain how you were feeling as you  
23    were Googling the FBI website on your phone?

24          **A.**    I was nervous. I didn't know what I was doing.

25          And I just -- I just felt gross.

1           **Q.**    What do you mean, you felt gross?

2           **A.**    I don't know. I don't think I can explain it. I  
3 just felt uncomfortable.

4           **Q.**    And what specifically was making you  
5 uncomfortable?

6           **A.**    Just Googling that and to report my father, just  
7 saying it out loud is pretty weird.

8           **Q.**    Now, after you submitted -- did you submit a form  
9 online, is that --

10          **A.**    I believe that's it, yeah.

11          **Q.**    And after you did that, what did you do next?

12          **A.**    I continued -- I pretty much decided to shut off  
13 my day, lay in bed, watch TV and just sit on my phone.

14          **Q.**    Why did you decide to, as you put it, "shut off  
15 your day"?

16          **A.**    Just try to enjoy it as much as possible, and not  
17 linger on what happened and what I did.

18          **Q.**    What was the last part of what you said? I'm  
19 sorry.

20          **A.**    Try not to linger on what I did.

21          **Q.**    Why didn't you want to linger on what you did?

22          **A.**    To not feel any more guilt than I already did.

23          **Q.**    Did you feel guilt?

24          **A.**    Of course.

25          **Q.**    What did you feel guilt about?

1           **A.**    The situation as a whole.

2           **Q.**    Now, as you were in your room watching TV and  
3    shutting off your day, as you put it, did messages continue  
4    to come in on this family text chain?

5           **A.**    Yes, they did.

6           **MR. BERKOWER:** If we could go --

7           **BY MR. BERKOWER:**

8           **Q.**    And did you also participate in it?

9           **A.**    Yes, I did.

10           **MR. BERKOWER:** If we could go on to the next  
11    message, please.

12           **BY MR. BERKOWER:**

13           **Q.**    Did your father send this one?

14           **A.**    Yes, he did.

15           **Q.**    Could you read it, please?

16           **A.**    "takes over."

17           **Q.**    And then did you also send a response at some  
18    point after this?

19           **A.**    Yes, I did.

20           **Q.**    Could you read this response?

21           **A.**    "And that would be?"

22           **Q.**    What are you talking about here?

23           **A.**    I believe he was referring to the time a new party  
24    arises.

25           **Q.**    And why did you respond in this way?

1           **A.**    Because I had no real idea what he meant.

2           **Q.**    And did you send another message following up on  
3 that question?

4           **A.**    Yes, I did.

5           **Q.**    Could you read your next message?

6           **A.**    "The constitutionalists?"

7           **Q.**    Why did you ask that?

8           **A.**    Because he had referred to himself as a  
9 constitutionalist before. And I assumed a new party meant  
10 his self-affiliated party that he told me, the  
11 constitutionalists.

12           **Q.**    Did he respond?

13           **A.**    Yes, he did.

14           **MR. BERKOWER:** Could we go on to the next slide,  
15 please.

16           **BY MR. BERKOWER:**

17           **Q.**    Could you read his response?

18           **A.**    "The republic."

19           **Q.**    Did you send another message?

20           **A.**    Yes, I did.

21           **MR. BERKOWER:** Could we go on to the next slide?

22           **BY MS. BERKOWER:**

23           **Q.**    Is this another one of your responses?

24           **A.**    Yes, it is.

25           **Q.**    Could you read it, please?

1           **A.**    "That's not much of a democratic America."

2           **MS. BERKOWER:**   If we could go to the slide,  
3           please.

4           **BY MS. BERKOWER:**

5           **Q.**    Is this one of those messages?

6           **A.**    Yes, it is.

7           **Q.**    Could you read it, please?

8           **A.**    "Read the case I sent you. It's not about who is  
9           president. They have always rotated out. The legislators  
10          get voted back and continue to run this government. So it's  
11          not about who is president. It's about the disgusting acts  
12          the legislative branch has committed on the people of our  
13          country for over 50 years."

14          **Q.**    And did you send a response to him after that?

15          **A.**    Yes, I did.

16          **MS. BERKOWER:**   Could we go to the next slide,  
17          please?

18          **BY MS. BERKOWER:**

19          **Q.**    Is this one of your messages?

20          **A.**    Yes, it is.

21          **Q.**    Could you read it, please?

22          **A.**    "They just need to rotate them out."

23          **Q.**    What were you referring to there?

24          **A.**    I was referring to placing some kind of limit on  
25          how long they could serve, same as the president or

1 something like that.

2           **Q.**    When you refer to he "them", who are you talking  
3 about?

4           **A.**    The legislators.

5           **Q.**    Did he respond to you?

6           **A.**    Yes, he did.

7           **MR. BERKOWER:** Could we go to the next message,  
8 please?

9           **BY MR. BERKOWER:**

10          **Q.**    Is this one of his responses?

11          **A.**    Yes, it is.

12          **Q.**    Could you read it?

13          **A.**    "Exactly. Time to remove them. That's why I'm  
14 going to DC. Promise, I'm not alone."

15          **Q.**    What was the date and time of that message?

16          **A.**    12/24/2020, 1:29 p.m.

17          **Q.**    Did you find this message significant?

18          **A.**    Of course.

19          **Q.**    Why?

20          **A.**    Several "time to remove them" is pretty blatant  
21 and literal in this message. As well as him saying, "That's  
22 why I'm going to D.C."

23          **Q.**    And what about that was significant to you --

24          **A.**    Worrisome.

25          **Q.**    -- the reference to D.C., I mean?

1           **A.**    It was scary to read. Yet, again, my paranoia and  
2 not knowing what was going to happen was building up on top  
3 of each other.

4           **MR. BERKOWER:** Ms. Rohde, we can take that exhibit  
5 down.

6           **BY MR. BERKOWER:**

7           **Q.**    Now, at some point in this day, when you said you  
8 turned off your day, did you hear your parents talking in  
9 another room?

10          **A.**    Yes.

11          **Q.**    And how were you able to hear them talking?

12          **A.**    My walls aren't super thin but it's good enough to  
13 where there's no real noise, you can hear it coming from the  
14 hallway from the kitchen, that connects to my room as well  
15 through the walls.

16          **Q.**    And what did you hear your parents talking about?

17          **A.**    Just disagreements about people and government.

18          Although I don't remember specifics.

19          **Q.**    Do you remember any specific names?

20          **A.**    Yes. Like Nancy Pelosi --

21          **MR. WELCH:** Objection.

22          (Sidebar discussion.)

23          **THE COURT:** Mr. Welch?

24          **MR. WELCH:** Yes, Your Honor.

25          Ms. Berkower asked: Do you remember any

1 specifics?

2 The witness responded: No, I don't remember any  
3 specifics.

4 Ms. Berkower then says: Well, do you remember any  
5 specific names? She is leading him again. And now he is  
6 saying that he remembers the specific names.

7 **MS. BERKOWER:** Your Honor, well -- I mean, he has  
8 previously told the government about this conversation. And  
9 he said he remembered specific names. I could impeach him  
10 with his prior statement, but instead I just tried to make  
11 it a more specific question.

12 **THE COURT:** All right. I'm going to allow it.  
13 Again, Ms. Berkower, try to not lead the witness.

14 (Sidebar concluded.)

15 **BY MS. BERKOWER:**

16 **Q.** You may answer.

17 **A.** I just heard snippets of several people in  
18 government, such as Mitch McConnell and Nancy Pelosi and  
19 just bickering between the two.

20 **Q.** And what tone of voice did you hear?

21 **A.** Loud. It sounded agreeable between them too. Um  
22 -- yeah.

23 **Q.** Now, let's go on to a different topic. Okay?  
24 After you submitted the form online to the FBI, did you get  
25 a quick response?

1           **A.**    No, I don't believe.

2           **Q.**    When did you first get a response?

3           **A.**    I believe it was on January 6th I got a call.

4           **Q.**    And in the time between when you submitted the tip  
5 and when you got that phone call, did you spend time with  
6 your father?

7           **A.**    Of course.

8           **Q.**    And how were things between you at that point in  
9 time?

10          **A.**    The same as they were. I put myself away from  
11 talking politics with him, because I didn't want to have  
12 that clash or anything again. But we spent Christmas  
13 together and pretty much went about our days.

14          **Q.**    Did you know whether or not he was planning to go  
15 to Washington, D.C. in January?

16          **A.**    I didn't believe him. It was just my paranoia.

17          **Q.**    Did you know if he had plans to go?

18          **A.**    Other than those messages, no.

19          **Q.**    When did you learn that he had traveled to D.C.?

20          **A.**    Through a message between my sister, Peyton, and  
21 my father in the group chat.

22          **Q.**    And what day was that?

23          **A.**    Um, I don't remember.

24          **Q.**    Would seeing the message again help refresh your  
25 memory?

1           **A.**    Yes, it would.

2           **MS. BERKOWER:**   If we could have Government's  
3   Exhibit -- actually the PowerPoint we were just on -- the  
4   PowerPoint version of 1B4.0, please.

5           **COURTROOM DEPUTY:**   Should I publish?

6           **MS. BERKOWER:**   One moment. It is admitted into  
7   evidence, but Ms. Rohde is pulling it up. Yes, we can  
8   publish.

9           **BY MS. BERKOWER:**

10          **Q.**    Can you see that on the screen in front of you,  
11   Jackson?

12          **A.**    Yes, I can.

13          **Q.**    Now, this is a message that is in evidence as part  
14   of Government's Exhibit 1B4.0. Could you read this message?

15          **THE COURT:**   Wait. Ms. Berkower, is this to  
16   refresh his recollection?

17          **MS. BERKOWER:**   Yes, Your Honor. It's already in  
18   evidence. Yes, if you -- you can read it to yourself.

19          **THE COURT:**   Just ask him if it refreshes his  
20   recollection.

21           **BY MS. BERKOWER:**

22          **Q.**    Does this message refresh your recollection on how  
23   you learned your father was in D.C.?

24          **A.**    Yes, of course.

25          **Q.**    So can you explain how you learned your father was

1 in D.C.?

2           **A.** I received this message pretty early in the  
3 morning, at 9 a.m. I was at my girlfriend's house. I was  
4 not home at the time to learn that he had left. But I had  
5 received this, and I realized that he had probably went to  
6 D.C.

7           **Q.** And did you get this message at the time it was  
8 sent or later in the day?

9           **A.** I believe at the time it was sent, but I did not  
10 see it until later in the day.

11           **Q.** You didn't see it until later in the day?

12           **A.** Yes. I believe I woke up later.

13           **Q.** Okay. So around what time did you see this  
14 message?

15           **A.** Probably around 10, 11.

16           **Q.** And what did you do when you saw this message?

17           **A.** I pretty much said to myself, Okay. I got to go  
18 home and find out what is going on.

19           **Q.** So did you do that?

20           **A.** Yes.

21           **Q.** Could you explain what specifically you did?

22           **A.** I just threw on some clothes, and I went to -- got  
23 in my car, went to my house to see what was exactly going  
24 on.

25           **Q.** And did this message -- did you also see a

1 response from your father?

2 **A.** Yes, I did.

3 **MS. BERKOWER:** If we could have the next slide.

4 **BY MS. BERKOWER:**

5 **Q.** Is this the response that you saw?

6 **A.** Yes, it is.

7 **Q.** Could you read this message, please?

8 **A.** "I have no intentions on throwing it away. I love  
9 ALL of you with ALL of my heart and soul. This is for our  
10 country and for ALL OF YOU and your kids. God bless us one  
11 and all."

12 **Q.** You said you went home to your parents' house?

13 **A.** Yes.

14 **Q.** What did you find when you got there?

15 **A.** I believe it was my mom and one of my sisters in  
16 the main living room, next to the kitchen, watching the  
17 news. And it showed a photo of Secret Service members  
18 barricading doors in the Capitol with guns drawn.

19 **Q.** And what happened next?

20 **A.** I pretty much stood there in awe, in  
21 disappointment, saddened and scared. My mom said --

22 **MR. WELCH:** Objection.

23 **THE COURT:** What was it?

24 (Sidebar discussion.)

25 **THE COURT:** She asked, What happened next?

1                   **MR. WELCH:** And he's about to say what his mom  
2 said. He's about to say what his mom said; that's hearsay.

3                   **MS. BERKOWER:** Your Honor, I submit it's not being  
4 offered for its truth. It's being offered for the effect on  
5 this witness.

6                   **MR. WELCH:** We don't know that yet. He just went  
7 right into what she said.

8                   **THE COURT:** Let me hear what Ms. Berkower will say  
9 his later answer will be.

10                  **MS. BERKOWER:** He is going to say his mom said,  
11 Your father is there or something to that effect.

12                  **THE COURT:** And therefore what effect did it have  
13 on him?

14                  **MS. BERKOWER:** Yes.

15                  **THE COURT:** What is that?

16                  **MS. BERKOWER:** He was going to say? I was  
17 extremely disappointed, upset and disgusted.

18                  **THE COURT:** He already said that. What happened  
19 based on hearing that?

20                  **MS. BERKOWER:** He's going to talk about some  
21 additional messages and responses that he exchanged with his  
22 father in, like, the time after his father was involved in  
23 the events at the Capitol.

24                  **THE COURT:** Okay. Well, I don't think that's  
25 responsive to this. If you were telling me based on what

1 the mom said, he then called the FBI or something, I'd allow  
2 it. But he's already said he was sad and disappointed or  
3 whatever. So you can move on.

4 **MS. BERKOWER:** I think, Your Honor, he hasn't  
5 explained yet how he knows -- how he came -- why he believed  
6 his father was there. He said he saw Secret Service  
7 barricading the doors, but he hasn't explained why he  
8 believed his father was there.

9 **THE COURT:** Ask him that question.

10 **MS. BERKOWER:** I will. Thank you.

11 (Sidebar concluded.)

12 **BY MS. BERKOWER:**

13 **Q.** Did you believe your father was in D.C. as part of  
14 the -- what was going on at the Capitol?

15 **MR. WELCH:** Objection.

16 **THE COURT:** Sustained.

17 **BY MS. BERKOWER:**

18 **Q.** Why did you believe your father was there?

19 **A.** My mother had said so.

20 **MR. WELCH:** Objection.

21 **THE COURT:** Sustained. I don't think he's  
22 testified that his father was there, has he?

23 **BY MS. BERKOWER:**

24 **Q.** What, if anything, made you think your father was  
25 there?

1           **A.**    From the news and my mom --

2           **MR. WELCH:** Objection.

3           **THE COURT:** Overruled.

4           **THE WITNESS:** -- or from what my mother had said

5           --

6           **MR. WELCH:** Objection.

7           **BY MR. NESTLER:**

8           **Q.**    You may answer. What, if anything, made you think  
9    your father was there at the Capitol?

10          **A.**    His previous messages, as well as my mom saying --

11          **MR. WELCH:** Objection.

12          **THE COURT:** Overruled.

13          **THE WITNESS:** -- saying he was there.

14          **BY MS. BERKOWER:**

15          **Q.**    And where were you when she said he was --

16          **MR. WELCH:** Objection.

17          **THE COURT:** Overruled.

18          **THE WITNESS:** I was in the living room standing in  
19    front of our couch, while my mom was sitting in the corner  
20    of it on her phone, watching the news with her, when she  
21    told me that.

22          **MR. WELCH:** Objection. Motion to strike what she  
23    told him.

24            (Sidebar discussion.)

25          **MS. BERKOWER:** Your Honor, I think we established

1 we are not offering it for the truth of what Mrs. Reffitt  
2 was saying, but just for him explaining why she thought he  
3 was there; that's the only purpose for which it is being  
4 offered.

11 MR. WELCH: The problem, When she said X.

15 THE COURT: All right. All right.

16 MR. WELCH: It's hearsay.

19 (Sidebar concluded.)

22 BY MS. BERKOWER:

23 Q. Where were you when your mother told you your  
24 father was in D.C. at the Capitol?

25 || MR. WELCH: Objection.

1                   **THE COURT:** Overruled.

2                   **THE WITNESS:** I was in my main front living room  
3 watching TV with my mom.

4                   **THE COURT:** Keep your voice up, please.

5                   **THE WITNESS:** Apologies. I was in the main living  
6 room next to the kitchen with my mom standing there while  
7 she sits on the couch with my sister, I believe, younger  
8 sister, Peyton.

9                   **BY MS. BERKOWER:**

10                  **Q.** Was the TV on?

11                  **A.** Yes.

12                  **Q.** You mentioned it showed the Secret Service. Did  
13 you see other information relating to January 6th events at  
14 the Capitol?

15                  **A.** Of course. The clips, the live clips of what was  
16 going on. The live updates. Of course they were covering  
17 it.

18                  **Q.** And how did you feel as you were watching TV that  
19 day?

20                  **A.** I was terrified. I believe we all were for the  
21 people there, what's going to happen, as well as just I was  
22 just at a loss for words.

23                  **Q.** Now, up until that time, had you known whether or  
24 not your father was out of town?

25                  **A.** No.

1           **Q.**    After your mom told you --

2           **MR. WELCH:** Objection.

3           **THE COURT:** Overruled.

4           **BY MS. BERKOWER:**

5           **Q.**    -- that he had gone to D.C., did you figure out if  
6 he had taken one of the family's cars?

7           **A.**    I had assumed once I walked inside --

8           **MR. WELCH:** Objection.

9           **THE COURT:** What's the basis?

10           (Sidebar discussion.)

11           **MR. WELCH:** Objection to what the witness assumes.  
12 He either knows something or doesn't know something.

13           **THE COURT:** Okay. Sustained. Rephrase the  
14 question.

15           **MS. BERKOWER:** Your Honor --

16           (Sidebar concluded.)

17           **BY MS. BERKOWER:**

18           **Q.**    How did your father get to D.C.?

19           **A.**    Through my mom's car.

20           **Q.**    How do you know that?

21           **A.**    Because my mom was at home while his truck was  
22 there, and my mother's car was gone.

23           **Q.**    And later on, did you -- were you home when your  
24 father got back?

25           **A.**    Yes.

1           **Q.**    And what car did he come back in?

2           **A.**    In my mom's car.

3           **Q.**    What kind of car is that?

4           **A.**    I believe a Chevy Equinox.

5           **Q.**    Is that the car we saw in Government's Exhibit  
6 106?

7           **A.**    Yes, it is.

8           **Q.**    Now in the time before your father returned from  
9 D.C., did you exchange messages with him on the family text  
10 chain?

11          **A.**    Yes.

12          **Q.**    And in those messages, did he talk about what he  
13 had been doing?

14          **A.**    Yes.

15           **MS. BERKOWER:**   So if we could have the PowerPoint  
16 -- Mr. Rohde, has already pulled it up. Thank you.

17           Government's Exhibit 1B4.0, if we could go on to  
18 the next slide, please, Ms. Rohde.

19           **BY MS. BERKOWER:**

20          **Q.**    Now, Jackson, turning your attention to the screen  
21 in front of you. Is this one of the messages your father  
22 sent after you learned he was in D.C. ?

23          **A.**    Yes, it is.

24          **Q.**    Could you tell us the date?

25          **A.**    January 8th, 2021.

1           **Q.**    Can you tell us the time?

2           **A.**    12:07 a.m.

3           **Q.**    And what was -- could you read the message,  
4           please?

5           **A.**    "Me telling Patriots to hold my beer and watch  
6           this."

7           **MS. BERKOWER:** And, Ms. Rohde, if we could advance  
8           to the next slide, please.

9           **BY MS. BERKOWER:**

10          **Q.**    Is this also a message you received on the thread?

11          **A.**    Yes.

12          **Q.**    Who sent this?

13          **A.**    My father.

14          **Q.**    Could you read it, please?

15          **A.**    "Shot multiple times with clay balls and pepper  
16          sprayed heavily. We took the United States Capitol. We are  
17          the Republic of the People."

18          **Q.**    What was the date of the message?

19          **A.**    January 8, 2021, at 12:21 a.m.

20          **MS. BERKOWER:** If we could go to the next message,  
21          please.

22          **BY MS. BERKOWER:**

23          **Q.**    Is this the next message on the thread?

24          **A.**    Yes.

25          **Q.**    Who sent it?

1           **A.**    My father.

2           **Q.**    Could you read what it says?

3           **A.**    "I'm in Nashville and heading home tomorrow."

4           (Heart emojis)

5           **Q.**    What date is this?

6           **A.**    January 8th, 2021 at 12:15 a.m.

7           **Q.**    So is that late -- around midnight from the 7th  
8           into the 8th?

9           **A.**    Yes, it is.

10           **Q.**    From this message, what did you understand him to  
11           be telling you?

12           **A.**    That he is coming home now.

13           **Q.**    And where was he?

14           **A.**    In Nashville.

15           **MR. BERKOWER:**   If we could go to the next slide,  
16           please.

17           **BY MS. BERKOWER:**

18           **Q.**    Do you recognize what this is?

19           **A.**    Yes, I do.

20           **Q.**    What is it?

21           **A.**    It is a link he sent of a Fox News clip, where you  
22           can spot my father.

23           **Q.**    And was this sent over the family text chain?

24           **A.**    Yes, it was.

25           **Q.**    Could you read the date and time?

1           **A.**     January 8th, 9:29 a.m.

2           **MS. BERKOWER:** And could we go on to the next  
3 slide, please.

4           **BY MS. BERKOWER:**

5           **Q.**     Was this a message sent around the at the same  
6 time?

7           **A.**     Yes, it is.

8           **Q.**     Could you read it, please?

9           **A.**     "30 minutes, 40 seconds in. That's my starting in  
10 the blue."

11          **Q.**     Did you click on the link he sent?

12          **A.**     Yes, I did.

13          **Q.**     What did you find when you clicked on the link?

14          **A.**     A Fox News clip that featured him.

15          **Q.**     What did you see in the clip? What did it show?

16          **A.**     Him on -- in his blue coat and helmet on the  
17 stairs of the Capitol.

18          **Q.**     And did you go to this timestamp on the video?

19          **A.**     I believe I did, yes.

20          **Q.**     What did you see there?

21          **A.**     My father.

22          **Q.**     Is that the clip you just referenced?

23          **A.**     Yes.

24          **MS. BERKOWER:** Now, going onto the next slide if  
25 we could, please, Ms. Rohde.

1           **BY MS. BERKOWER:**

2           **Q.**    Is this a message you received through the text  
3        chain?

4           **A.**    Yes, it is.

5           **Q.**    Who sent it?

6           **A.**    My father.

7           **Q.**    Could you read it, please?

8           **A.**    "I'll show you when I get home. Don't believe the  
9        media. They are full of shit. I was there. They are  
10       lying."

11           **MS. BERKOWER:** And if we could go on to the next  
12        slide, please.

13           **BY MS. BERKOWER:**

14           **Q.**    Is this a message from your father?

15           **A.**    Yes, it is.

16           **Q.**    Could you read it, please?

17           **A.**    "No. Keep watching and you will see me walking up  
18        the stairs handrail in my Kuwaiti blue coat and light blue  
19        jeans. They started shooting me, and then they pepper  
20        sprayed me."

21           **Q.**    And what was the date and time on that message?

22           **A.**    January 8th, 2021, 9:45 a.m.

23           **Q.**    Do you know your father to own a blue coat?

24           **A.**    Yes.

25           **MS. BERKOWER:** If you can take down this exhibit

1 and have for the Court, counsel and witness only,  
2 Government's Exhibit 108, please.

3 **BY MS. BERKOWER:**

4       **Q.** Do you recognize what is in Government's Exhibit  
5 108?

6       **A.** Yes, I do.

7       **Q.** What is it?

8       **A.** That is my father's blue coat.

9       **Q.** Is that an accurate photograph?

10      **A.** Yes, it is.

11       **MS. BERKOWER:** Your Honor, I would ask if we can  
12 admit and publish Government's Exhibit 108.

13       **THE COURT:** Any objection?

14       **MR. WELCH:** No, Your Honor.

15       **THE COURT:** It's admitted.

16       (Government's Exhibit 108 admitted into evidence.)

17       **MS. BERKOWER:** And can we publish?

18       **BY MS. BERKOWER:**

19       **Q.** So, Jackson can you explain what this photo shows?

20       **A.** This shows a blue coat my father has owned, that  
21 he wore to January 6th.

22       **Q.** And have you seen him wear it prior to that date?

23       **A.** I believe so, yes.

24       **MS. BERKOWER:** Your Honor, I don't know if the  
25 Court wants to take an afternoon break, but this may be a

1 good stopping point.

2                   **THE COURT:** Ladies and gentlemen, would you prefer  
3 to finish this testimony or are you ready for a break now?  
4 Not the whole testimony but the government's direct.

5                   **MS. BERKOWER:** Your Honor, we have a good deal  
6 more to cover with this witness.

7                   **THE COURT:** Okay. I'm asking the jury if they  
8 want a break. Do you all want a break now or do you want to  
9 wait?

10                  **JURORS:** Wait.

11                  **THE COURT:** Proceed, Ms. Berkower.

12                  **MS. BERKOWER:** Ms. Rohde, if you could please pull  
13 up, again, Government's Exhibit 1B4.0, the PowerPoint at  
14 slide 43.

15                  **BY MS. BERKOWER:**

16                  **Q.** Did you respond to your father's messages on  
17 January 8th?

18                  **A.** Yes, I did.

19                  **Q.** Is this one of their responses?

20                  **A.** Yes, it is.

21                  **Q.** Could you read it, please?

22                  **A.** "Yeah, the guy in the bottom left corner, in the  
23 blue coat and light blue jeans, walking up the stairs  
24 handrail."

25                  **Q.** Did he respond to you?

1           **A.**    Yes.

2           **MS. BERKOWER:** Could we go to the next slide,  
3 please?

4           **BY MS. BERKOWER:**

5           **Q.**    Is this his response?

6           **A.**    Yes.

7           **Q.**    Could you read it?

8           **A.**    "Yeah, bottom right."

9           **MS. BERKOWER:** If we could go on to the next  
10 slide, please.

11           **BY MS. BERKOWER:**

12           **Q.**    Did he send you another message?

13           **A.**    Yes, he did.

14           **Q.**    Is this from him?

15           **A.**    Yes, it is.

16           **Q.**    Could you read it?

17           **A.**    "I'm looking for the video of me sitting after  
18 being pepper sprayed and trying to flush my eyes with  
19 water."

20           **Q.**    And did you respond to that?

21           **A.**    Yes, I did.

22           **Q.**    Is this your response?

23           **A.**    Yes, it is.

24           **Q.**    Could you read it?

25           **A.**    "A hero."

1           **Q.**    Why did you say that?

2           **A.**    It was sarcasm.

3           **Q.**    And did he respond to you?

4           **A.**    Yes, he did.

5           **Q.**    Was this one of the responses?

6           **A.**    Yes, it is.

7           **Q.**    Could you explain what this is?

8           **A.**    This is another Fox News link directing to a  
9 specific clip.

10          **Q.**    Did you go to this link?

11          **A.**    Yes, I did.

12           **MS. BERKOWER:** And if we could go on -- actually  
13 -- sorry. If we could go on to the next slide, please.

14           **BY MS. BERKOWER:**

15          **Q.**    Did this message also come from your father?

16          **A.**    Yes, it did.

17          **Q.**    Could you read it, please?

18          **A.**    "1 minute in you can see me trying to clear my  
19 sight from the pepper spray."

20          **Q.**    Now, did you ever take screenshots of these last  
21 two messages you just read?

22          **A.**    Yes, I did.

23           **MS. BERKOWER:** For the Court, counsel and witness  
24 only, could we please have Government's Exhibit 212.1.

25

1       **BY MS. BERKOWER:**

2           **Q.**    Can you see that, Jackson?

3           **A.**    Yes, I can.

4           **Q.**    Do you recognize it?

5           **A.**    Yes, I do.

6           **Q.**    What is it?

7           **A.**    That is a screenshot I took of our family group  
8       chat of my dad sending a link to a Fox News clip.

9           **Q.**    And at a later time, did you provide this to the  
10      FBI?

11       **A.**    Yes, I did.

12       **MS. BERKOWER:** Your Honor, I move to admit  
13      Government's Exhibit 212.1.

14       **THE COURT:** Any objection?

15       **MR. WELCH:** No, Your Honor.

16       **THE COURT:** It's admitted.

17       (Government's Exhibit 212.1 admitted into evidence.)

18       **MS. BERKOWER:** If we could publish it, please.

19       **BY MS. BERKOWER:**

20       **Q.**    Now, why did you take this screenshot?

21       **A.**    Because I thought it'd be somewhat important for  
22      the FBI for a specific link to show what my father was doing  
23      on January 6th.

24       **Q.**    Had you spoken to anyone from the FBI at that  
25      point?

1           **A.**    At the point of screenshotting this?

2           **Q.**    Yeah.

3           **A.**    I don't remember. I believe I was.

4           **Q.**    And why did you think it was something that the  
5    FBI would want to know?

6           **A.**    Because he was -- it's clear video evidence that  
7    he was there on January 6th.

8                   **MS. BERKOWER:** Ms. Rohde, if we could go back to  
9    the PowerPoint for Government's Exhibit 1B4.0, please? And  
10   go on to slide 49, please. I think the next slide.

11           **BY MS. BERKOWER:**

12           **Q.**    Did you respond to your father's messages sending  
13    the link?

14           **A.**    Yes, I did.

15           **Q.**    Is this one of your responses?

16           **A.**    Yes, it is.

17           **Q.**    Could you read it, please?

18           **A.**    "Yeah you know they are tracking down everyone who  
19    was there. Right?"

20           **Q.**    Why did you send that message?

21           **A.**    Because it was the thing that was going on. They  
22    were sending out --

23           **Q.**    Did he respond to that?

24           **A.**    Yes, he did.

25                   **MS. BERKOWER:** If we could go on to the next

1 slide, please.

2 **BY MS. BERKOWER:**

3 **Q.** Was this his response?

4 **A.** Yes, it is.

5 **Q.** Could you read it?

6 **A.** "Yeppers."

7 **Q.** What did you understand that to believe?

8 **A.** As a yep. I don't care.

9 **Q.** Have you ever heard him say that before?

10 **A.** Yes, occasionally.

11 **MS. BERKOWER:** And going on to the next slide,  
12 please.

13 **BY MS. BERKOWER:**

14 **Q.** Did you respond to him?

15 **A.** Yes, I did.

16 **Q.** Could you -- is this one of your responses?

17 **A.** Yes, it is.

18 **Q.** Could you read it, please?

19 **A.** "Through the media and cell phone footage?"

20 **Q.** Did you send another message after that?

21 **A.** Yes, I did.

22 **Q.** Is this one of those messages?

23 **A.** Yes, it is.

24 **Q.** Could you read it, please?

25 **A.** "Isn't that, ya know, bad?"

1           **Q.**    What were you talking about in those two messages?

2           **A.**    Isn't that bad that you are well aware they are  
3 tracking people down? And trying to make him realize that  
4 that is not a good thing for him.

5           **Q.**    And did he respond to you?

6           **A.**    Yes, he did.

7           **MS. BERKOWER:** Can we have the next slide, please.

8           **BY MS. BERKOWER:**

9           **Q.**    Was that his response?

10          **A.**    Yes, it is.

11          **Q.**    Can you read it, please?

12          **A.**    "Yep, don't care. I broke know laws."

13          **Q.**    Did you respond to him?

14          **A.**    Yes, I did.

15          **MS. BERKOWER:** Before we go on, can you go back?

16          I'm sorry, Ms. Rohde, if we could go on to the  
17 next slide, please?

18          **BY MS. BERKOWER:**

19          **Q.**    Is this how you responded to him?

20          **A.**    Yes, I did.

21          **Q.**    What did you say?

22          **A.**    "Like felons and 20 years in prison."

23          **Q.**    And why did you say that?

24          **A.**    To try to make him realize how bad the situation  
25 is.

1                   **MS. BERKOWER:** And if you could go on to the next  
2 slide, please?

3                   **BY MS. BERKOWER:**

4                   **Q.** Did he respond?

5                   **A.** Yes, he did.

6                   **Q.** What did he say?

7                   **A.** "Like nope. Didn't break any laws."

8                   **Q.** And after this, did he respond to you?

9                   **A.** Yes, he did.

10                   **Q.** Did you respond to him.

11                   **A.** Yes, I did.

12                   **Q.** How did you respond?

13                   **A.** "I thought you overtook the United States  
14 Capitol?"

15                   **Q.** Why did you send that?

16                   **A.** To yet again make him realize how serious this  
17 situation is and when taken literally.

18                   **Q.** Did you send him another message after that?

19                   **A.** Yes, I did.

20                   **MS. BERKOWER:** Can we have the next slide, please.

21                   **BY MS. BERKOWER:**

22                   **Q.** Is this one of the messages you sent?

23                   **A.** Yes, it is.

24                   **Q.** Can you read what you wrote?

25                   **A.** "And broke through police barricades."

1           **Q.**    Why did you say that?

2           **A.**    I believe he -- that is what happened on January  
3 6th, and that is what he was part of.

4           **Q.**    Who first referenced police barricades, as far as  
5 you know?

6           **A.**    I don't remember.

7           **Q.**    Did you send another message after that?

8           **A.**    Yes, I did.

9           **Q.**    Can you read it, please?

10          **A.**    "And assaulted by police."

11          **Q.**    Did he respond to you?

12          **A.**    Yes, he did.

13           **MS. BERKOWER:**   If we could have the next message,  
14 please.

15           **BY MS. BERKOWER:**

16          **Q.**    What did he say?

17          **A.**    "We did. But I didn't break any laws. Told you.  
18 Not trust the news. We are buying."

19          **Q.**    Did he send another response after that?

20          **A.**    Yes, he did.

21          **Q.**    Can you read it, please?

22          **A.**    "I was there. I know."

23          **Q.**    Did he send a third response after that?

24          **A.**    Yes.

25          **Q.**    Could you read it, please?

1           **A.**    "Like I said before. 'Hold my beer, watch this.'"

2           **Q.**    What did you understand him to be saying here?

3           **A.**    To pretty much be bragging about it.

4           **MS. BERKOWER:** Now, if we could take this down,

5           please, and pull up for the Court, counsel and witness only,

6           Government's Exhibit 212.2.

7           **BY MS. BERKOWER:**

8           **Q.**    Jackson, do you recognize Government's Exhibit  
9           212.2?

10           **A.**    Yes, I do.

11           **Q.**    What is it?

12           **A.**    It is screenshots that my dad took of the news  
13           coverage with circles around himself.

14           **Q.**    Did you receive these messages?

15           **A.**    Yes, I did.

16           **Q.**    Where did they come from or who did they come  
17           from?

18           **A.**    My father.

19           **Q.**    And is this an accurate picture of what you saw  
20           that day?

21           **A.**    Yes, it is.

22           **MS. BERKOWER:** Your Honor, I would ask to move  
23           this exhibit into evidence.

24           **THE COURT:** Any objection?

25           **MR. WELCH:** No, Your Honor.

1                   **THE COURT:** It's admitted.

2                   (Government's Exhibit 212.2 admitted into evidence.)

3                   **MS. BERKOWER:** If we could publish please.

4                   **BY MS. BERKOWER:**

5                   **Q.** So, Jackson, could you explain what we are looking  
6 at in this exhibit?

7                   **A.** We are looking at screenshots that my dad has sent  
8 to our group chat on -- and he had screenshotted a -- the  
9 footage from Fox News that contained him in the background.

10                  **Q.** And do you see him in a photograph in this image?

11                  **A.** Yes, I do, both of them.

12                  **Q.** Could you explain where that is that you see  
13 him --

14                  **A.** I see him walking up the handrail above a sea of  
15 people.

16                  **Q.** And do you see any yellow markings on that  
17 photograph?

18                  **A.** Yes, I do.

19                  **Q.** Could you explain what those yellow markings are?

20                  **A.** Those yellow markings are edits he had made to his  
21 screenshot to point out who he is in the crowd.

22                  **Q.** Do you see one or two images in this exhibit?

23                  **A.** Two.

24                  **Q.** And do you see one or two yellow markings?

25                  **A.** Two.

1           **Q.**    And what -- do both of those yellow markings have  
2 significance to you?

3           **A.**    Yes, they do.

4           **Q.**    Could you explain why?

5           **A.**    Those outline my father in the crowd.

6           **Q.**    And was there a text message that came with these  
7 photos?

8           **A.**    Yes, there is.

9           **Q.**    Could you read what it says?

10          **A.**    "Me telling Patriots to hold my beer and watch  
11 this."

12          **Q.**    Now, at the time that you received these messages,  
13 was your father home yet?

14          **A.**    I do not remember.

15          **Q.**    Do you remember when he got back?

16          **A.**    I believe Friday night.

17          **Q.**    So it was -- did you say night?

18          **A.**    Yes, later at night.

19           **MS. BERKOWER:** We can take this down, Ms. Rohde.

20          Thank you.

21           **BY MS. BERKOWER:**

22          **Q.**    Let's talk now about when your father got back.

23          Was he with anyone?

24          **A.**    Yes, he was.

25          **Q.**    So can you tell us what happened when he got back

1 and who he was with?

2           **A.**    He showed up very happy.  He showed up with an  
3 older gentleman.  I do not remember his name, but he was  
4 some older white guy.  They had both driven up to  
5 D.C. together.  And when they showed back up, obviously,  
6 everyone was happy at what they had accomplished.

7           **Q.**    And where were you in your house when your father  
8 and this man arrived?

9           **A.**    I was sitting in my main living room watching a  
10 movie when they showed up and they were all chitchatting in  
11 the kitchen.

12           **Q.**    So --

13           **MS. BERKOWER:**  Ms. Rohde, if we could have  
14 Government's Exhibit 121A.

15           If we could publish it, please.

16           **BY MS. BERKOWER:**

17           **Q.**    Does this photograph show the area of the house  
18 you were in when he arrived home?

19           **A.**    Yes, it does.

20           **Q.**    Could you explain where you were based on this  
21 photograph?

22           **A.**    I was sitting on the closest section of our couch,  
23 and my family was in between the brown table and the island  
24 in the kitchen talking.

25           **Q.**    And when you say "your family," who are you

1 talking about?

2           **A.** My mom, my dad and the older gentleman, but he is  
3 not family.

4           **Q.** At some point did the older gentleman stay or  
5 leave?

6           **A.** He stayed for a little while, not too long. I  
7 believe under an hour and then they left.

8           **Q.** Were they in this area of the house the entire  
9 time or did they go to a different area?

10          **A.** I believe they were in that house or the area the  
11 entire time.

12          **Q.** Now, what were they doing while they were talking?

13          **A.** Just chitchatting about what's been done and what  
14 they accomplished and what they are going to keep doing.

15          **Q.** When your father got home, did he have luggage  
16 with him?

17          **A.** Yes, he did.

18          **Q.** And what did he do with the luggage?

19          **A.** He laid it out in the kitchen, as well as his  
20 bedroom. He had brought it in from my mom's car.

21          **Q.** And what luggage did he have?

22          **A.** I believe he had a small black briefcase, a  
23 see-through, opaque trash bag liner filled with clothes and  
24 what not, as well as his gun case that carried his AR.

25          **Q.** When you say see-through opaque bag, can you

1 explain a little bit more about what kind of bag this was?

2           **A.** It was, like, an over-sized trash can liner that  
3 you see in hotels, like in their rubbish bins and what not.

4           **Q.** What color was it?

5           **A.** White but opaque and see through a little. You  
6 can see the fading colors come through the bag.

7           **Q.** So what colors could you see through the bag?

8           **A.** Blue, black and more white.

9           **Q.** And where did he put these items?

10          **A.** I believe just against the island in between the  
11 dining -- that brown dining table and the island.

12          **Q.** And you said that he had his -- a rifle case?

13          **A.** Yes.

14          **Q.** What did he do with that?

15          **A.** Later in the night he moved it. I do not know  
16 where he got it from. I believe he had it next to the front  
17 door after taking it out of the car, and later in the night  
18 he moved it into the living room to take it out.

19          **Q.** Do you know if anything was inside of the case?

20          **A.** Yes.

21          **Q.** How do you know that?

22          **A.** He took it out in front of me.

23          **Q.** What was inside?

24          **A.** His AR.

25          **Q.** Now, when you saw your father come in, did he have

1 any other weapons with him?

2 **A.** Yes.

3 **Q.** What did he have?

4 **A.** His handgun.

5 **Q.** Where was it?

6 **A.** On his hip.

7 **Q.** And you said that your father and mother and this  
8 man were talking?

9 **A.** Yes.

10 **Q.** What were they saying?

11 **MR. WELCH:** Objection.

12 (Sidebar discussion.)

13 **THE COURT:** So, Ms. Berkower, obviously his  
14 statements are admissions. And to the extent the other  
15 statements are necessary to give context to whatever he is  
16 saying, Mr. Welch. I assume that is your objection is  
17 hearsay?

18 **MR. WELCH:** It's hearsay as far as what  
19 Mrs. Reffitt and the older white man were saying.

20 **THE COURT:** But his -- don't we need those  
21 statements in order to give context to whatever statements  
22 Mr. Reffitt was making? Is that a possibility?

23 **MR. WELCH:** It's a possibility but we don't know  
24 at this point.

25 **THE COURT:** All right. Can you make a proffer,

1 Ms. Berkower?

2 **MS. BERKOWER:** Can you hear me?

3 **THE COURT:** Yeah.

4 **MS. BERKOWER:** I think he's going to say that they  
5 were talking generally -- the older gentleman and  
6 Mr. Reffitt were talking generally about their experience in  
7 D.C. That they were pleased. That they were glad they  
8 could accomplish what they had accomplished. And that -- I  
9 don't know if it's going to go much further than that.

10 **THE COURT:** Well, why don't you try to focus on  
11 Mr. Reffitt's comments. Obviously, there might need to be  
12 some back and forth to give context to what -- you know, a  
13 question he's answering or something, but to the extent you  
14 can focus on the admissions.

15 **MS. BERKOWER:** I will, Your Honor.

16 We would -- to the extent any other statements  
17 come in, it would not be for the truth but to provide the  
18 context for the conversation --

19 **THE COURT:** All right.

20 Mr. Welch, with this and with the other statement,  
21 I will give a limiting instruction any time you want to ask  
22 for it.

23 **MR. WELCH:** I understand.

24 The other thing I want to flag for the Court right  
25 now, I believe there would be coming up through this

1 conversation talks about going to the media and going to  
2 California to blow up the media and stuff like that.

3 **THE COURT:** Do you think there is any risk of  
4 that, Ms. Berkower?

5 **MS. BERKOWER:** I have never heard that witness say  
6 that before. So I don't expect he is going to say that.

7 **THE COURT:** You'll know before we know?

8 **MS. BERKOWER:** I will stop it.

9 **THE COURT:** You need to stop that.

10 **MS. BERKOWER:** Yes.

11 **THE COURT:** All right. Okay.

12 (Sidebar concluded.)

13 **THE COURT:** You may proceed.

14 **BY MS. BERKOWER:**

15 **Q.** Did the conversation include a discussion of what  
16 happened in D.C.?

17 **A.** Yes.

18 **Q.** What was said about what happened in D.C.?

19 **A.** I do not remember exactly, but they expressed how  
20 glad they were that it had happened and --

21 **Q.** When you say "they," who are you talking about?

22 **A.** My father and the older guy.

23 **Q.** Now, after -- at some point you said the older  
24 gentleman left?

25 **A.** Yes.

1           **Q.**    And what did you all do after that?

2           **A.**    My mother and my father were kind of chitchatting,  
3 and later in their conversation I kind of joined along out  
4 of boredom.

5           **Q.**    And where were you in the house when you joined in  
6 on their conversation?

7           **A.**    I rotated over to the brown seating table off the  
8 -- in the kitchen.

9           **Q.**    Can you see that table in the exhibit that is  
10 currently on the screen, Government's Exhibit 121A?

11           **A.**    Yes, I can.

12           **Q.**    And where were you sitting?

13           **A.**    I was sitting -- from this angle to the left.

14           **MS. BERKOWER:**   Actually, let's pull up 121. I  
15 think that might give a better picture.

16           **BY MS. BERKOWER:**

17           **Q.**    Does this give a better picture of -- does this  
18 picture allow you to better explain where you were sitting?

19           **A.**    Yes.

20           **Q.**    Could you explain where you were sitting?

21           **A.**    The chair on the far right is the chair I moved  
22 to.

23           **Q.**    And as you were talking, did the topic of January  
24 6th come up?

25           **A.**    Yes.

1           **Q.** Who was talking about January 6th?

2           **A.** Mainly my father and my mother.

3           **Q.** And at that point in time, did you make a  
4 decision?

5           **A.** Yes.

6           **Q.** What decision did you make?

7           **A.** To record the conversation.

8           **Q.** Why did you decide to record the conversation?

9           **A.** Because I was afraid that if no one actually  
10 believed me, what my father had done and is saying, that  
11 it's better his word against mine.

12           **Q.** And how did you decide to record the conversation?  
13 Like, how did you actually do it, make the recording?

14           **A.** I downloaded an app on my phone, because I didn't  
15 know how else to record. I downloaded it right then and  
16 there and started recording.

17           **Q.** Did you have any familiarity with that recording  
18 app?

19           **A.** No.

20           **Q.** Do you even remember what it was?

21           **A.** No.

22           **Q.** And how did you find that app?

23           **A.** Just, like, recording software on the Google Play  
24 Store on an Android.

25           **Q.** And when you downloaded the app, what did you do

1 to use it? Like, how did it work?

2           **A.** I believe it was just a little red circle button  
3 with a microphone on it. And you just pressed record, and  
4 it recorded via the speaker microphone.

5           **Q.** And how are you feeling as you did all of that?

6           **A.** I felt pretty gross, and I felt pretty  
7 uncomfortable for even thinking about doing something like  
8 this, but I knew that it would help immensely.

9           **Q.** Help immensely? What do you mean by that?

10          **A.** By proving that he is saying this in this  
11 conversation, and it doesn't have to go through me.

12          **Q.** Did you have concerns about whether or not you  
13 would be believed?

14          **A.** Of course.

15          **Q.** Why?

16          **A.** This is a lot and very weird topic, and I just --  
17 better safe than sorry.

18          **Q.** Now, before coming to court, have you been -- did  
19 you review what has been marked as Government's Exhibit 214,  
20 215, 216, 217 and 218?

21          **A.** Yes.

22          **Q.** Do you know those to be copies of the recordings  
23 you made?

24          **A.** Yes, it is.

25          **Q.** And do you know them to be true and accurate

1 copies?

2 **A.** Yes.

3 **MS. BERKOWER:** Your Honor, I would move to admit  
4 Government's Exhibit 214, 215, 216, 217, 218 and to publish  
5 them as we go.

6 **THE COURT:** Any objection?

7 **MR. WELCH:** No, Your Honor.

8 **THE COURT:** All right. They are admitted.

9 (Government's Exhibits 214, 215, 216, 217 and 218 were  
10 admitted into evidence.)

11 **MS. BERKOWER:** Your Honor, if we may have our  
12 sidebar conversation for a moment.

13 (Sidebar discussion.)

14 **MS. BERKOWER:** Your Honor, I was just going to say  
15 that these recordings also have transcripts. I wanted to  
16 flag that for the Court. I didn't know if you wanted to  
17 give another instruction about that.

18 **THE COURT:** Yes. Thank you. Thank you.

19 (Sidebar concluded.)

20 **THE COURT:** All right. Ladies and gentlemen,  
21 before the government plays these tapes, I want to remind  
22 you there will be transcripts attached. Again, those  
23 transcripts aren't evidence, but what's on the tapes is.  
24 And to the extent there is any conflict, the tape is the  
25 evidence, not the transcript.

1                   **MS. BERKOWER:** Your Honor, may we proceed?

2                   **THE COURT:** Yes.

3                   **BY MS. BERKOWER:**

4                   **Q.** So before we play these, I want to ask you, did  
5 the recordings in these exhibits capture the entire  
6 conversation that you had that evening?

7                   **A.** Not entirely.

8                   **Q.** And were you able to capture the entire  
9 conversation that evening?

10                   **A.** No.

11                   **Q.** So what happened?

12                   **A.** I don't know. I think I was messing -- so if you  
13 go to a certain app that uses a microphone, it will cut off  
14 recording and specify to that specific app or it might have  
15 just done something weird. But that is what I think  
16 happened.

17                   **Q.** Did you turn on and off the recording that night  
18 -- I'm sorry. I think the jurors can't hear.

19                   **THE COURT:** Yes. Both of you keep your voices up,  
20 please.

21                   **THE WITNESS:** Will do.

22                   **BY MS. BERKOWER:**

23                   **Q.** I'll go back a question. Did you record the  
24 entire conversation you were having that night?

25                   **A.** No.

1           **Q.**    Why not?

2           **A.**    Because it kept stopping.

3           **Q.**    Do you know why -- were you intentionally stopping  
4 the recording?

5           **A.**    No, of course not.

6           **Q.**    So why was it stopping?

7           **A.**    I'm not entirely sure.

8           **Q.**    Have you listened to all of the recordings in  
9 their entirety?

10          **A.**    Yes, I have.

11          **Q.**    And based on what you heard, do you feel that they  
12 capture the context of that evening's discussion?

13          **A.**    Yes, of course.

14           **MS. BERKOWER:** So I think at this time we will  
15 start, Ms. Rohde, if you could pull up -- oh, I'm sorry. A  
16 few other questions.

17           **BY MS. BERKOWER:**

18          **Q.**    While you were recording, who was in the room?

19          **A.**    My father and my mother and me and briefly you can  
20 hear Peyton and Cade.

21          **Q.**    So do you hear several different voices on some of  
22 these recordings?

23          **A.**    Yes, of course.

24          **Q.**    Do you hear your father's voice?

25          **A.**    Yes, I do.

1      **Q.**    Do you occasionally hear your voice?

2 | **A.** Yes.

3 Q. Do you occasionally hear your mother's voice?

5 Q. And occasionally Peyton's voice?

6 | **A.** Yes.

7           **Q.**    Okay. Could you briefly explain -- I think you  
8        mentioned someone named Cade. I don't know we've heard that  
9        name before. Can you explain who he is?

10           **A.**    Cade is my younger sister, Peyton Reffitt's,  
11 boyfriend, I believe.

12                   **MS. BERKOWER:** So, Ms. Rohde, if we can start with  
13 Government's Exhibit 216 and we'll play from 0 seconds to 10  
14 seconds on the ticker. I'm sorry. If I said 214, I meant  
15 216. Sorry. 216.

17                           **MS. BERKOWER:** I think if we could start 0 seconds  
18 to play to 10 seconds.

19 (Played video.)

20 BY MS. BERKOWER:

21 Q. Now did you hear a male voice?

22                   **A.**     Yes, I did.

23 || Q. Whose voice was that?

24                   **A.**     My father's.

25 Q. And did you also hear other noise?

1           **A.**    Yes.

2           **Q.**    What was that other noise?

3           **A.**    Like, it was the crowd chanting and yelling from  
4 the GoPro video that my father was showing me on his laptop.

5           **Q.**    So at the time you made these recordings, what was  
6 he doing?

7           **A.**    He was narrating over his video and showing me on  
8 his laptop.

9           **Q.**    Where did that video come from?

10          **A.**    From his GoPro helmet, his helmet.

11          **Q.**    And where were you in your house, as he is showing  
12 you that video?

13          **A.**    Sitting on the chair I said previously.

14          **Q.**    And where was he?

15          **A.**    To the right of me, the furthest chair that you  
16 could see in that exhibit.

17          **Q.**    I think if you could keep your voice up, please.

18          **A.**    Yes. Sorry. He was sitting to the right of me.

19          **Q.**    At some point while you were recording, did he  
20 talk about January 6th?

21          **A.**    Yes.

22           **MS. BERKOWER:** If we could go to 3:32 on the  
23 recording, please. Let's stop it there. Thank you. At  
24 4:06?

25

1           **BY MS. BERKOWER:**

2           **Q.**    Now, in that clip did you hear a male's voice?

3           **A.**    Yes.

4           **Q.**    Whose voice was that?

5           **A.**    My father's.

6           **Q.**    Did you also hear a woman's voice?

7           **A.**    Yes.

8           **Q.**    Whose voice was that?

9           **A.**    That was my mother.

10          **Q.**    And in this clip, did you hear a reference to him  
11         being in the security of his own home?

12          **A.**    Yes.

13          **Q.**    Could you explain what was being talked about at  
14         that point in time?

15          **A.**    My mother had pretty much stopped him from talking  
16         about something. And my mother -- and my father responded,  
17         This is my house. I can say whatever I want in here.

18          **Q.**    And when your mom stopped him from talking, what  
19         had you been talking about?

20          **A.**    What he was doing.

21          **Q.**    What he was doing when?

22          **A.**    On January 6th.

23          **MS. BERKOWER:** Now, if we could jump forward to 6  
24         minutes on the recording and play to 6 minutes and 10  
25         seconds, please.

1 (Played video.)

2 **MS. BERKOWER:** Yes, and we stopped at 6:11.

3 **BY MS. BERKOWER:**

4 **Q.** Did you hear your father talking there?

5 **A.** Yes.

6 **Q.** Did you hear him say -- refer to turning his  
7 camera back on?

8 **A.** Yes.

9 **Q.** What was he talking about there?

10 **A.** He was talking about whenever he stopped recording  
11 to preserve battery on his GoPro to then record it once he  
12 starts making the move on the Capitol.

13 **Q.** And what happened when he -- did he have a video  
14 of that?

15 **A.** Briefly.

16 **Q.** So explain what he had and what he didn't have.

17 **A.** He had a one-second clip and that was it. It  
18 seemed to have died or just stopped recording.

19 **Q.** On that clip we just heard, did you hear saying,  
20 "Going up to the insurrection"?

21 **A.** Yes.

22 **Q.** What did you understand him saying there?

23 **A.** Charging the Capitol.

24 **MS. BERKOWER:** If we could go to 6:40 on the  
25 timestamp, please.

1 (Played audio.)

2 **MS. BERKOWER:** Let's stop there at 6:40, please.

3 **BY MS. BERKOWER:**

4 **Q.** So what happened in that clip that we just  
5 listened to?

6 **A.** He was attempting to show us the clip that he had  
7 taken once he had started recording, again.

8 (Sidebar discussion.)

9 **MS. BERKOWER:** I didn't know if we should take a  
10 break or --

11 **THE COURT:** How much more do we have?

12 **MR. NESTLER:** There's a bunch more recordings to  
13 go through. I am just saying maybe, Your Honor, to wake  
14 them up.

15 **THE COURT:** No. No. I thought you were getting  
16 close. You got more videos than this? How much more do you  
17 have, Ms. Berkower?

18 **MR. NESTLER:** Maybe about 40 or 45 minutes to get  
19 through the recordings, Your Honor.

20 **THE COURT:** Forty-five minutes? All right.

21 (Sidebar concluded.)

22 **THE COURT:** Mr. Hopkins, we are going to take a  
23 break. So let's hold off.

24 All right, ladies and gentlemen --

25 **COURTROOM DEPUTY:** Hold on, Your Honor.

1                   **THE COURT:** All right, ladies and gentlemen, we  
2 are going to take a 10-minute break now. So if you could  
3 please be back at 3:40.

4                   **COURTROOM DEPUTY:** All rise.

5                   **THE COURT:** I'm going to stay on the bench to talk  
6 to counsel.

7                   **COURTROOM DEPUTY:** Okay.

8                   (Jurors exited the courtroom.)

9                   **THE COURT:** All right. You can sit.

10                  I just wanted to raise two issues. One,  
11 Mr. Welch, I don't understand why you are so concerned about  
12 Reffitt's wife telling Jackson Reffitt he was in D.C. If  
13 you want a limiting instruction on that, it wasn't offered  
14 for the truth of the matter, I will give it. The texts that  
15 he was in D.C., he's not disputing he was in D.C. I guess  
16 I'm missing why you were so concerned about that.

17                  **MR. WELCH:** I did not know what else he might say  
18 his mother said during that conversation, Your Honor. I  
19 mean --

20                  **THE COURT:** All right. Well, that was the only  
21 thing that I caught that she said. It wasn't offered for  
22 the truth. If you want a limiting instruction, I just want  
23 to be clear. I will give that. But the fact he was in  
24 D.C. is not disputed. Right?

25                  **MR. WELCH:** It's not disputed.

1                   **THE COURT:** All right.

2                   **MR. WELCH:** And as it played out, that is all --

3                   **THE COURT:** All right. All right.

4                   **MR. WELCH:** I was concerned that something more  
5 might come in.

6                   **THE COURT:** That's not the point you made but  
7 anyway. I get it. I get it.

8                   As far as breaks, folks, if you all need a  
9 restroom break or, you know, a drink of water, let me know.  
10 I will give you that break. Just ask me. Otherwise, I'm  
11 going to wait for the jury, for signs that they need to go.  
12 All right? So don't suggest this would be a good time to  
13 break, unless -- just ask the question, May we have a break?  
14 I'm not trying to keep anyone here who is uncomfortable.  
15 But I want to move this case. As long as the jury is  
16 attentive, I want to keep this going. This is taking longer  
17 than I expected, so I want to move it.

18                   **MR. NESTLER:** Your Honor, so I can make a record.  
19 The reason I mentioned that, I saw a juror --

20                   **THE COURT:** I'm glad you did. I'm not  
21 complaining. I want you all to know I will take a break for  
22 you all as well as the jury. I am not going to break when  
23 the government thinks it's a good time to break. All right?  
24 I am going to wait until I think the jury needs a break,  
25 unless you need one.

1                   **MR. NESTLER:** Yes, Your Honor.

2                   (Recess.)

3                   **THE COURT:** So, Counsel, I sure hope we can get to  
4 the cross today. Do you think that's realistic to go to  
5 3:45?

6                   **MS. BERKOWER:** Um, do you mean 4:45?

7                   **THE COURT:** I mean 4:45.

8                   **MS. BERKOWER:** I think it is realistic, Your  
9 Honor. I will try to pick up the pace a little bit.  
10 Unfortunately, with the recordings, they play at their  
11 normal speed. But I will try to make this go a little  
12 faster.

13                  **THE COURT:** Mr. Reffitt, I want to remind you, you  
14 are still under oath. Keep your voice up. You have a  
15 tendency to answer and drop off as you are answering.

16                  **THE WITNESS:** I do. How is this?

17                  **THE COURT:** Better.

18                  **THE WITNESS:** I will keep it like that. Please  
19 let me know.

20                  **THE COURT:** I will give you a hand signal. I hate  
21 to keep interrupting your testimony.

22                  (Jurors entered the courtroom.)

23                  **COURTROOM DEPUTY:** Parties can be seated.

24                  **THE COURT:** All right. You may proceed,  
25 Ms. Berkower.

1                   **MS. BERKOWER:** Thank you.

2                   **THE COURT:** You may remove your mask.

3                   **THE WITNESS:** Oh, yeah.

4                   **BY MS. BERKOWER:**

5                   **Q.** I will remind you, you are still under oath. You  
6 understand that. Right?

7                   **A.** Of course.

8                   **Q.** And if you could continue to speak into the  
9 microphone.

10                   **A.** How is that?

11                   **Q.** All right.

12                   **MS. BERKOWER:** We are going to move on to  
13 Government's Exhibit 214. Mr. Hopkins, if you can remove  
14 the jurors' view of the screen for a moment.

15                   **COURTROOM DEPUTY:** Absolutely.

16                   **MS. BERKOWER:** Ms. Rohde, if you could cue it to  
17 28 seconds, please? Mr. Hopkins, if we could please have  
18 the jury view. And if you could please play it, Ms. Rohde.

19                   (Played audio.)

20                   **MS. BERKOWER:** You can stop it there.

21                   **BY MS. BERKOWER:**

22                   **Q.** Jackson, did you hear two female voices on that  
23 recording?

24                   **A.** I did.

25                   **THE COURT:** Wait. Did we lose the mic?

1                   **COURTROOM DEPUTY:** I don't think so.

2                   **THE WITNESS:** Check? How is this?

3                   **THE COURT:** Much better.

4                   **THE WITNESS:** There we go.

5                   **MS. BERKOWER:** Okay. All right. May I proceed,  
6 Your Honor?

7                   **THE COURT:** Yes.

8                   **BY MS. BERKOWER:**

9                   **Q.** Did you hear two female voices in that clip?

10                  **A.** Yes, I did.

11                  **Q.** Who was the first female voice talking about a  
12 moment of sadness?

13                  **A.** My mother.

14                  **Q.** Who was the second female voice asking why?

15                  **A.** Peyton.

16                  **MS. BERKOWER:** Now, if we could play from 35  
17 seconds to 45 seconds, Ms. Rohde.

18                  (Played audio.)

19                  **MS. BERKOWER:** You can stop at 48 seconds.

20                  **BY MS. BERKOWER:**

21                  **Q.** Did you hear a male voice there?

22                  **A.** Yes, I did.

23                  **Q.** Whose voice was that?

24                  **A.** My father's.

25                  **MS. BERKOWER:** If we could continue playing

1 through 1:45 seconds.

2 (Played audio.)

3 **MS. BERKOWER:** You can stop it there. And,  
4 Ms. Rohde, if we could fast forward to 3:03 on the timestamp  
5 and play to 3:38, please.

6 (Played audio.)

7 **MS. BERKOWER:** We stopped at 3:38.

8 **BY MS. BERKOWER:**

9 **Q.** Did you hear a reference to a bag right there?

10 **A.** Yes, I did.

11 **Q.** What was he referring to?

12 **A.** The opaque plastic trash bag liner that was  
13 holding his clothes.

14 **MS. BERKOWER:** And, Ms. Rohde, if we could go to  
15 4:29 on the timestamp, please, and play to 5:30.

16 (Played audio.)

17 **MS. BERKOWER:** Stop there at 5:31.

18 **BY MS. BERKOWER:**

19 **Q.** Did you hear your father say that he, "Take on the  
20 Capitol police like nobody else was doing"?

21 **A.** Yes, I did.

22 **Q.** What did you understand him to be talking about  
23 there?

24 **A.** His confrontation with the police on January 6th  
25 at the Capitol.

1                   **MS. BERKOWER:** And, Ms. Rohde, if you could  
2 continue playing this through 6:03.

3                   (Played audio.)

4                   **MS. BERKOWER:** Stop there at 6:04.

5                   Ms. Rohde, could you please advance to 6:30 and  
6 play to 6:40.

7                   (Played audio.)

8                   **MS. BERKOWER:** Stop there at 6:41.

9                   We'll go on now to Government's Exhibit 218. If  
10 we could take down the jury's view while Ms. Rohde cues the  
11 recording. And if we could have the jury view back, please?  
12 Thank you.

13                   And, Ms. Rohde, if you could play the start of  
14 there to 34 seconds.

15                   (Played audio.)

16                   **MS. BERKOWER:** You can stop that there.

17                   If we could go on, fast forward to 3:23, and play  
18 that for a little over 2 minutes.

19                   (Played audio.)

20                   **MS. BERKOWER:** Stop right there. It stopped at  
21 what looks like 5:48.

22                   **BY MS. BERKOWER:**

23                   **Q.** Do you recall your father telling you the things  
24 you heard in this clip?

25                   **A.** Yes, I do.

1 Q. What was his demeanor as he was telling you this?

3                           **MS. BERKOWER:** If we could go, Ms. Rohde, to 6:26  
4 and play til 7:54. Thank you.

5 (Played audio.)

6 MS. BERKOWER: You can stop there. We stopped at  
7 7:26.

8 BY MS. BERKOWER:

9           **Q.**    Did you hear your father say, "This gun right here  
10          was loaded"?

12 Q. What was he talking about?

13                   **A.**    The gun on his hip.

14                   **Q.**     How do you know that?

15           **A.**    Because I believe he lifted it out of his holster  
16 and showed it.

17                           **MS. BERKOWER:** Ms. Rohde, if you could please pick  
18 back up where we left off at 7:26.

19 (Played audio.)

20 MS. BERKOWER: You can stop there at 7:55.

21 BY MS. BERKOWER:

22 Q. In those two clips we just listened to, did you  
23 hear your father refer to the preface -- or the beginning?

25 Q. And what did you understand him to mean?

1           **A.**    That he was going to do more and that --

2           **Q.**    How did that make you feel?

3           **A.**    Scared, paranoid and worried.

4           **Q.**    And why?

5           **A.**    Because January 6th was already so bad and for  
6           that to just be the beginning is scary, and to hear my  
7           father say that is scary.

8           **MS. BERKOWER:** Going on now to 10:45 and play to  
9           11:15, please. We will start at 10:42. Thank you.

10           (Played audio.)

11           **MS. BERKOWER:** Well, actually, keep playing for a  
12           second.

13           (Played audio.)

14           **MS. BERKOWER:** Stop there. We stopped at 1:19.

15           **BY MS. BERKOWER:**

16           **Q.**    Did you, in that clip, talk about fighting for  
17           months yourself?

18           **A.**    Yes.

19           **Q.**    What were you talking about?

20           **A.**    Me speaking up about what I think is wrong and  
21           going to protests and advocating for them.

22           **Q.**    And what kind of protests have you been going to?

23           **A.**    Peaceful rallies around city blocks, as well as  
24           speaking out online.

25           **Q.**    What kind of causes were you going for?

1           **A.**    BLM, as well as just advocating for trans' rights  
2 and et cetera.

3           **Q.**    Were there causes that you had -- that you knew  
4            your father and mother had opinions about?

Q. And did your opinions agree or disagree with them?

7                   **A.**    They disagreed.

8           **Q.**    And why did you raise going to those rallies and  
9 events at this point in the conversation?

10                   **A.** To compare what he's doing to what I'm doing.

11                           **MS. BERKOWER:** Now, if we could go ahead to 13:07,  
12 Ms. Rohde, and play to 13:48, please?

13 (Played audio.)

14                           **MS. BERKOWER:** We stopped at 13:48. Ms. Rohde --  
15 Mr. Hopkins, if you could take down the jury view. We will  
16 go on, Ms. Rohde, to Government's Exhibit 215 in evidence.  
17 Ms. Rohde -- and we can have the jury screen up again,  
18 please, Mr. Hopkins. Thank you.

19 Ms. Rohde, if we can cue this up at 3:11 and play  
20 to 4:18.

21 (Played audio.)

22                           **MS. BERKOWER:** We can stop there. That's at 4:17.  
23 If you could, Ms. Rohde, go to 4:17 and play until 5:48.

24 (Played audio.)

25 MS. BERKOWER: I think that's the end. We can

1 stop right there. And, Mr. Hopkins, if you could take the  
2 jury view down. We have one more recording.

3 Ms. Rohde, if you could please cue that up. And  
4 Mr. Hopkins, if you don't mind showing the jury again. And,  
5 Ms. Rohde, we will start this at 12 seconds. And you can  
6 play that.

7 (Played audio.)

8 **MR. BERKOWER:** We stopped at 1:34.

9 **BY MS. BERKOWER:**

10 **Q.** What did you understand your father to be talking  
11 about there?

12 **A.** To be talking about, he brought a weapon onto --  
13 with him to the Capitol.

14 **MS. BERKOWER:** And if we could go, Ms. Rohde, to  
15 2:25, please, and play to 3:25.

16 (Played audio.)

17 **BY MS. BERKOWER:**

18 **Q.** Did you hear your father say, "I'm not done yet"  
19 in this clip?

20 **A.** Yes, I did.

21 **Q.** What did you understand him to mean by that?

22 **A.** That he was going to keep doing what he was doing.

23 **Q.** And did you take him seriously?

24 **A.** At this time, yes.

25 **Q.** Why at this time?

1           **A.**    Because clearly he wasn't just talking at this  
2 point. He had proven that he can say stuff and act out on  
3 them.

4           **Q.**    And hearing all of this from your father, how did  
5 this make you feel that night?

6           **A.**    Uncomfortable.

7           **Q.**    And how did this evening end? Well, how did the  
8 night end?

9           **A.**    We just went our separate ways.

10          **Q.**    So let's talk about what happened after your  
11 father got home and the days after. Okay? When you first  
12 got home, did he seemed concerned about the consequences of  
13 what he had done?

14          **A.**    Yes.

15          **Q.**    And describe what you mean by that?

16          **A.**    He had stopped me in the hallway one morning,  
17 after I came back home to pick up some stuff, and he had  
18 mentioned that he had -- that the FBI was watching him and  
19 that he had to delete everything.

20          **Q.**    And was this right after he got home? A few days  
21 later? Much later? Can you orient us in time, please?

22          **A.**    It was a few days later.

23          **Q.**    And how did you respond when he told you this  
24 about being watched?

25          **A.**    I pretty much had said -- I mean, yeah, you were

1 at the Capitol on January 6th.

2       **Q.** And when he said he had to delete everything, what  
3 did you understand him to be talking about?

4       **A.** I don't know specifically.

5       **Q.** What did you do upon having this conversation with  
6 him?

7       **A.** I pretty much tried grabbing my stuff. I was,  
8 like -- I did not want to be there for that conversation.

9       **Q.** Did you leave your house?

10      **A.** I don't remember.

11      **Q.** So was that the only time that your father -- that  
12 conversation in the hallway that you just described, was  
13 that the only time your father expressed concerns about  
14 getting caught?

15      **A.** No.

16      **Q.** Was there another conversation as well?

17      **A.** Yes.

18      **Q.** So let's talk about that conversation. Was that  
19 conversation the same day that you later met with the FBI?

20      **A.** Yes, it is.

21      **Q.** So was that in the morning?

22      **A.** Yes, it was.

23      **Q.** Who else was a part of this conversation that you  
24 had with your father?

25      **A.** My younger sister, Peyton.

1           **Q.**    Was there anyone else in the room?

2           **A.**    Her friend Cade.

3           **Q.**    How did this conversation start?

4           **A.**    I'm not entirely sure. I walked in while my  
5 sister and my dad were talking.

6           **Q.**    And what were they talking about?

7           **A.**    My younger sister was expressing how she did not  
8 agree that my father went on January 6th, and my dad was  
9 defending it.

10          **Q.**    Did you weigh in on the conversation yourself?

11          **A.**    Yes, I did.

12          **Q.**    What did you do?

13          **A.**    I told you this was going to happen, clearly, as  
14 you did what you did.

15          **Q.**    What did you mean, I told you this would happen?  
16 What were you referring to?

17          **A.**    A previous exchange through our messages, such as  
18 me saying, Aren't they watching everyone going there and  
19 everyone on social media, et cetera.

20          **Q.**    And what happened after you weighed in?

21          **A.**    My father got more upset as the conversation went  
22 on.

23          **Q.**    And upset in what way? How could you tell?

24          **A.**    He -- I perceived it as almost as him being  
25 cornered by me and my sister, by communicating how a lot of

1       stuff can go wrong whenever you do something like this.

2           **Q.**    And what was he saying?

3           **A.**    He was -- he went on to talk about all these  
4       families are turning each other in, and we both agreed that  
5       that is going to happen.

6                   He got progressively more upset, labeling those  
7       who do that as traitors. And then later saying, If you turn  
8       me in, you are traitor. Traitors get shot.

9           **Q.**    And what did you do when you heard him say that?

10          **A.**    I looked at my sister. She looked at me. We were  
11       both -- from what I could tell -- flabbergasted and  
12       confused. And I was pretty grossed out hearing my father  
13       say that to me and pretty worried about my sister.

14          **Q.**    Did anyone say -- did either you or your sister  
15       say anything to your father?

16          **A.**    Yes. We retaliated being, like, Why did you say  
17       that?

18          **Q.**    Can you keep the microphone up?

19          **A.**    Yes, I apologize.

20          **Q.**    I'm sorry. You said one of you did respond to  
21       him?

22          **A.**    Yes.

23          **Q.**    Could you explain who responded and what either of  
24       you said?

25          **A.**    Yes. We both retaliated and said, Why would you

1 say that? And expressed that that's not cool to say to your  
2 kids. That's a threat.

3 **Q.** And how were you feeling when this was all going  
4 on?

5 **A.** Scared. Not only for myself but my sister.

6 **Q.** And why were you scared?

7 **A.** Because what he said was a threat and he could  
8 perceive it in any way. That's not okay to say to your  
9 kids.

10 **Q.** What happened when you spoke back to your father  
11 about that?

12 **A.** He argued that we are putting words in his mouth.

13 **Q.** And did you feel that you were?

14 **A.** No.

15 **Q.** So what did you say?

16 **A.** I said, You said what you said literally. You  
17 said that.

18 **Q.** And what happened next?

19 **A.** I believe Peyton later moved over to the island in  
20 the kitchen on a barstool, and she was on her phone. Later  
21 in the conversation my father snapped at her and said, um,  
22 You better not be recording this or I will put a bullet in  
23 your phone.

24 **Q.** And what was your understanding what Peyton was  
25 doing with her phone at that point?

1           **A.**    She was going through her apps. Because whenever  
2    she is flustered or frustrated with a conversation, she will  
3    just swipe through her phone.

4           **Q.**    And what happened when he said that to her?

5           **A.**    She pretty much gasped and was, like, What? No.  
6    No. She said -- she denied that she would do that. And I  
7    don't think she took it as seriously as she should have.

8           **Q.**    Did you take it seriously?

9           **A.**    Of course.

10          **Q.**    Why?

11          **A.**    Cause that's a violent action towards my little  
12        sister.

13          **Q.**    And at the time that he was saying these things,  
14        what was his demeanor?

15          **A.**    Towards the start of the conversation, he was  
16        relatively calm standing his ground. But as it grew and I  
17        focused on him being more cornered, and that's what I  
18        perceived, he grew more frustrated, red. His eyes grew a  
19        little larger. He was shaking a little. He was clearly  
20        very, very, very upset.

21          **Q.**    Later that same day, did you meet with the FBI in  
22        person?

23          **A.**    Yes, I did.

24          **Q.**    Had -- was that the first time?

25          **A.**    Yes, it was.

1           **Q.**    And did you want to go to that meeting?

2           **A.**    Yes.

3           **Q.**    Why?

4           **A.**    I felt obligated to tell someone about what's been  
5 going on.

6           **Q.**    And before you went, how were you feeling about  
7 it?

8           **A.**    Terrified. Clearly never done something like that  
9 before.

10          **Q.**    Did you have any concerns that your family would  
11 find out?

12          **A.**    Yes.

13          **Q.**    Did you take any steps to avoid being found out?

14          **A.**    Yes, I did.

15          **Q.**    What did you do?

16          **A.**    I had -- I was paranoid, since my father owned a  
17 GPS tracker that he could attach to the bottom of a car. I  
18 had not seen it in his gun safe prior. So I took the action  
19 to drive to my local high school where some old friends  
20 were. And wait there for about 15 minutes and hang out.  
21 And then proceed to the restaurant where I was meeting the  
22 FBI agent with.

23          **Q.**    And why did you think that would help you from  
24 being caught by anyone in your family?

25          **A.**    Because it would give me some sort of story to say

1 that I was actually doing that day.

2           **Q.** Now, when you met with the agent, who did you meet  
3 with?

4           **A.** FBI Agent Hightower.

5           **Q.** And did you give him anything?

6           **A.** Of course.

7           **Q.** What did you give him?

8           **A.** I gave him screenshots from our group chat.

9           **Q.** Were those the screenshots you testified about  
10 earlier today?

11           **A.** Yes, it is.

12           **Q.** What else did you give him?

13           **A.** Audio recordings that I made.

14           **Q.** Were those the audio recordings we just listened  
15 to here in court?

16           **A.** Yes, it is.

17           **Q.** What else did you tell him?

18           **A.** Pretty much everything that I could -- I have  
19 known from my father's snowballing into a former extreme  
20 militia, to his recent activities of his meeting in my  
21 house, traveling around and going to other meetings.

22           **Q.** And did you tell him what you had learned from  
23 your father about his activities on the 6th?

24           **A.** Yes.

25           **Q.** Did you also tell the agent about the conversation

1 you had had earlier that day with your father and Peyton?

2 **A.** Yes, I did.

3 **Q.** What was the main message you were trying to  
4 convey with the agent when you were telling him about that?

5 **A.** That he threatened me and my little sister.

6 **Q.** Now, about five days after that, did the FBI come  
7 and search your house and place your father under arrest?

8 **A.** Yes.

9 **Q.** In the time between when you met with Agent  
10 Hightower and the day that the FBI came to your house, where  
11 did you spend most of your time?

12 **A.** Usually at my girlfriend's house.

13 **Q.** Did you also spend time at your parents' house?

14 **A.** Yes.

15 **Q.** And how were you feeling at that point?

16 **A.** Terrified and guilty.

17 **Q.** So why did you --

18 **A.** No, you are perfect.

19 **Q.** You said terrified, guilty and what?

20 **A.** Gross.

21 **Q.** And why did you stay at home, if that's how you  
22 were feeling?

23 **A.** Because I wanted to be there and pretty much  
24 comfort my family. But I also didn't want to be there to  
25 have any sort of clash.

1           **Q.**    Did you engage in much conversation with your  
2 father during that time period?

3           **A.**    Not much, no.

4           **Q.**    Why not?

5           **A.**    Because I didn't want to be around him.

6           **Q.**    On the day of the search, were you home when the  
7 FBI came?

8           **A.**    No.

9           **Q.**    Where were you?

10          **A.**    At my girlfriend's house.

11          **Q.**    Did you know ahead of time they were coming?

12          **A.**    Of course not.

13          **Q.**    And how did you find out they had come?

14          **A.**    I believe my mom called me. I don't remember the  
15 time.

16          **Q.**    And what did you do when she called you?

17          **A.**    I ran right over. It was a very brief  
18 conversation.

19          **Q.**    And when you went -- when you got to your house,  
20 how were you feeling?

21          **A.**    Surreal and nervous, obviously. But I just wanted  
22 to be there to comfort my family.

23          **Q.**    Now, in the first few days after the search, did  
24 you still keep your belongings at home and live at home?

25          **A.**    Of course.

1           **Q.**    During those days, what, if anything, did your  
2 family know about your previous contact with the FBI?

3           **A.**    None.

4           **Q.**    And did there come a time when they learned you  
5 had been in touch with the FBI?

6           **A.**    Yes.

7           **Q.**    How did your mother and sisters react to that  
8 news?

9           **A.**    Pretty hard. But --

10          **Q.**    And -- sorry. Keep finishing your answer. I  
11 didn't realize you had more.

12          **A.**    No, that's okay.

13          **Q.**    Did you make the decision to move out?

14          **A.**    Yes.

15          **Q.**    Have you had much contact with your family since  
16 then?

17          **A.**    Not much, no.

18          **Q.**    And how does that make you feel?

19          **A.**    Sad. It's difficult. It's, yet again, surreal.  
20 I've never had this happen to me and be this long without  
21 any sort of contact, but when we do talk it's nice.

22          **Q.**    In the days after your father's arrest, did you  
23 give interviews to the media?

24          **A.**    Yes.

25          **Q.**    Did you get paid for any of those interviews?

1           **A.**    No.

2           **Q.**    Why did you give all of those interviews?

3           **A.**    I thought it would be a good thing to talk about  
4    for a lot of families that are going through this.

5           **Q.**    What do you mean "a lot of families that are going  
6    through this"?

7           **A.**    There were hundreds of people involved in January  
8    6th, and they all have families, and everyone is attached to  
9    them.

10          **Q.**    And after some of these media appearances, did you  
11    start a GoFundMe account?

12          **A.**    Yes, I did.

13          **Q.**    Why?

14          **A.**    People were asking for it.

15          **Q.**    What was the stated purpose of the money in the  
16    GoFundMe account?

17          **A.**    College, living expenses, dental care, as well as  
18    to help me get around in my car.

19          **Q.**    At that point, were you living with your family?

20          **A.**    No.

21          **Q.**    Did you have support monetarily from your family?

22          **A.**    No.

23          **Q.**    And did people contribute to your GoFundMe  
24    account?

25          **A.**    Yes, they did.

1           **Q.**    At the present time, how much money has been  
2 contributed?

3           **A.**    158,000.

4           **Q.**    What have you used that money for, to the extent  
5 you've used it?

6           **A.**    Getting started in my apartment, as well as my  
7 college expenses, my car as well.

8           **Q.**    Did you also get dental care?

9           **A.**    Yes, I do now.

10          **Q.**    Did you buy any gifts with this money?

11          **A.**    No.

12          **Q.**    Did you take any trips?

13          **A.**    No.

14          **Q.**    Did you buy new cars, fancy cars?

15          **A.**    No.

16          **Q.**    Did you take vacations?

17          **A.**    No.

18          **Q.**    How do you feel about people donating all of that  
19 money to you under these circumstances?

20          **A.**    I -- I -- I almost feel guilty but they are  
21 helping me throughout all of this and I'm so grateful.

22          **Q.**    Jackson, did you come forward to the FBI to get  
23 famous?

24          **A.**    No.

25          **Q.**    Did you come forward to get money in a GoFundMe

1 account?

2 **A.** No.

3 **Q.** Why did you send a tip to the FBI on Christmas  
4 Eve?

5 **A.** Because I was scared and paranoid, and I didn't  
6 know what was going to happen.

7 **Q.** Why did you record your father when he came home  
8 from D.C. ?

9 **A.** Because I was afraid no one would believe me.

10 **Q.** And why did you meet with the FBI after January  
11 6th?

12 **A.** Because I wanted to talk to someone.

13 **Q.** Sitting here today, how do you feel about your  
14 decision to report this to the FBI?

15 **A.** I don't regret it but it's a lot. I don't have  
16 words to really describe it. I think this is the best-case  
17 scenario.

18 **Q.** Is this an emotional topic for you?

19 **A.** Of course.

20 **Q.** Is it hard for you to testify about these things?

21 **A.** Of course.

22 **MS. BERKOWER:** Court's brief indulgence.

23 No further questions for this witness, Your Honor.

24 **THE COURT:** Mr. Welch?

25 **MR. WELCH:** Yes, please.

1                   **CROSS-EXAMINATION OF JACKSON REFFITT**2                   **BY MR. WELCH:**3                   **Q.**    Good afternoon, Mr. Reffitt.4                   **A.**    Hi.5                   **Q.**    My name is Bill Welch. I am also going to ask you  
6    some questions. Isn't it true that your dad rants a lot?7                   **A.**    Yes, he does.8                   **Q.**    And in those pictures that the government was  
9    showing you of your dad's nightstand, did you see the  
10   bottles on that table?11                  **A.**    Yes, the Corona bottles.12                  **Q.**    The Corona bottles. To be explicitly clear, what  
13    is Corona?14                  **A.**    It's a beer. A Mexican beer.15                  **Q.**    And does your dad drink?16                  **A.**    Yes.17                  **Q.**    And, in fact, on the day when you made those  
18    recordings, he had been drinking. Correct?19                  **A.**    Casually, yes.20                  **Q.**    And would you agree that he was at least tipsy  
21    when you made those recordings?22                  **A.**    Yes.23                  **Q.**    Have you seen him tipsy on other occasions?24                  **A.**    Yes, of course.25                  **Q.**    Have you seen him intoxicated on other occasions?

1           **A.**    Yes, I have.

2           **Q.**    How often would you say that you have seen him  
3    intoxicated?

4           **A.**    Heavily intoxicated?

5           **Q.**    Yes, please.

6           **A.**    Very rarely. Every couple months.

7           **Q.**    Every couple of months. And how often do you see  
8    him drink?

9           **A.**    Pretty much any time he is lounging.

10          **Q.**    And how often was that, say, in the time between  
11    August of 2020 and when you moved out in January of 2021?

12          **A.**    How much as -- had he drank in between that  
13    period?

14          **Q.**    How often was he lounging?

15          **A.**    Pretty consistently. About every night he was  
16    lounging before he actually went to bed.

17          **Q.**    Every night. So that would mean he was drinking  
18    every night. Correct?

19          **A.**    Almost every night, yes.

20          **Q.**    Does your dad take any medications that you know  
21    of?

22          **A.**    Yes, he does.

23          **Q.**    What medications does he take?

24          **A.**    I know Xanax but that is all I know.

25          **Q.**    And do you know what he takes the Xanax for?

1           **A.**    I believe his back pain is his reason.

2           **Q.**    Okay. Isn't Xanax a medication for anxiety?

3           **A.**    Yes.

4           **Q.**    To your knowledge, does your father have anxiety?

5           **A.**    Yes, he does.

6           **Q.**    Do you know whether you're supposed to be drinking  
7 when you take Xanax?

8           **MS. BERKOWER:** Objection, Your Honor.

9                    (Sidebar discussion.)

10           **MS. BERKOWER:** I don't know that there is any  
11 foundation that this witness has the information.

12           **THE COURT:** Mr. Welch, I don't think that is an  
13 appropriate question for him.

14           **MR. WELCH:** If he knows, Your Honor. He might not  
15 know.

16           **THE COURT:** He doesn't establish he has medical  
17 expertise or any knowledge of Xanax. I just don't think  
18 this is the appropriate witness to get into this. You can  
19 talk about his drinking and how he appears but getting into  
20 that, unless you know the kid takes Xanax himself.

21           **MR. WELCH:** Well, maybe I can ask him whether he  
22 knows. And if he doesn't know, then I am stuck with the  
23 answer.

24           **THE COURT:** Do you have a good-faith basis for  
25 asking that question?

1                   **MR. WELCH:** He is familiar with the fact that his  
2 dad takes medication. He takes Xanax.

3                   **THE COURT:** Keep your voice down.

4                   Do you have a good-faith basis for knowing that he  
5 takes Xanax?

6                   **MR. WELCH:** That Jackson takes Xanax? No, I don't  
7 know whether he takes it.

8                   **THE COURT:** I'm not going to allow the question.

9                   (Sidebar concluded.)

10                  **BY MR. WELCH:**

11                  **Q.** Turning to January the 11th, 2021, do you know  
12 whether your dad had been drinking that day?

13                  **A.** Yes, he had.

14                  **Q.** Do you know how much he had had to drink that day?

15                  **A.** Not much, no.

16                  **Q.** And it was still the morning; is that right? In  
17 other words, when you had your conversation with you, your  
18 dad and your sister, that would have been in the morning.  
19 Correct?

20                  **A.** Oh, um -- that's January 11th. I thought January  
21 11th was the day he got back.

22                  **Q.** We were talking about January the 11th, the day  
23 that you and Peyton and your dad were having a conversation.

24                  **A.** I don't know if he was drinking.

25                  **Q.** You don't?

1                   **MR. WELCH:** Court's indulgence, please.

2                   **BY MR. WELCH:**

3                   **Q.** I believe you indicated during that conversation  
4 that your dad was clearly upset. Correct?

5                   **A.** Yes.

6                   **Q.** And you thought it would be a good idea to  
7 continue that conversation, even though your dad was clearly  
8 upset; is that right?

9                   **A.** Yes.

10                  **Q.** You didn't decide to stop that conversation, even  
11 though you knew your dad was clearly upset. Correct?

12                  **A.** So was my sister, yes.

13                  **Q.** Did you consider asking your sister to leave the  
14 room with you?

15                  **A.** Of course.

16                  **Q.** But you didn't do that?

17                  **A.** No.

18                  **Q.** You decided to continue the conversation?

19                  **A.** With him, yes.

20                  **Q.** Now, you also indicated that after that  
21 conversation, you turned to stay at home with your family,  
22 despite the threat, in order to comfort your family; is that  
23 right?

24                  **A.** I had went out after that threat.

25                  **Q.** Correct. But then you did return home later that

1 day. Correct?

2 **A.** Yeah.

3 **Q.** Okay. And between the 11th of January, 2021 and  
4 whenever you ultimately moved out, when was that?

5 **A.** I don't exactly remember.

6 **Q.** Excuse me. I couldn't hear you.

7 **A.** I don't exactly remember.

8 **Q.** You don't remember when you moved out?

9 **A.** No.

10 **Q.** But you did continue living at home with your dad  
11 even after that threat. Correct?

12 **A.** Of course. I wanted to be with my sisters and my  
13 mom.

14 **Q.** To comfort them. Correct?

15 **A.** Of course.

16 **Q.** Okay. How did they learn that you had turned your  
17 dad in?

18 **A.** Through the Chris Cuomo interview on CNN.

19 **Q.** So you didn't tell your mom or your sisters that  
20 you were going to do that interview; is that correct?

21 **A.** No.

22 **Q.** Did you tell them that you were going to do the  
23 Good Morning America interview?

24 **A.** No.

25 **Q.** Did you tell them that you were speaking to anyone

1 else in the media?

2           **A.**    No.

3           **Q.**    Did you consider, as a way to try to comfort your  
4 family, at least giving them a heads up that these  
5 interviews were going to happen?

6           **A.**    No. That would have been a much bigger conflict  
7 between us and I did not want that.

8           **Q.**    Don't you think it would have been shocking for  
9 them to learn through the television --

10          **A.**    Of course.

11          **Q.**    -- that you were going to talk about that?

12          **A.**    Yes, of course, but I did not want to have that  
13 clash in person at all. I cannot tell them myself.

14          **Q.**    But if you stayed home in order to comfort them,  
15 didn't you?

16          **A.**    After the CNN interview I left. I did not want to  
17 have that clash.

18          **Q.**    And in terms of comforting them, have you, from  
19 your new found GoFundMe fortune, offered to them help them  
20 at all?

21          **A.**    Yes.

22          **Q.**    What did you do to help them?

23          **A.**    I offered.

24          **Q.**    In fact, isn't what you said to your mom, It's  
25 GoFundMe, not go fund us?

1           **A.**    That is not a quote. It is from the Vice article.

2   It is not a quote.

3           **Q.**    So you deny that?

4           **A.**    Yeah, I believe my sister said that in SnapChat.

5           **Q.**    You said today that you took your father's words  
6   literally on January the 11th. Correct?

7           **A.**    Of course.

8           **Q.**    But isn't it true that you also said to T.J.  
9   Holmes on Good Morning America, "I never thought he would  
10   act on it." Isn't that true?

11           **A.**    I believe, yes.

12           **Q.**    The Court's indulgence, please.

13           I'm going to change topics now and talk a little  
14   bit about what you are studying. Okay? You are studying  
15   political science; is that right?

16           **A.**    Yes.

17           **Q.**    And would you agree that you have strong political  
18   feelings yourself?

19           **A.**    Yes.

20           **Q.**    Like your dad has strong political feelings.

21           **A.**    Yes, but not as aggressive.

22           **Q.**    But they are the opposite political feelings.

23           **A.**    Yes.

24           **Q.**    And wouldn't you also agree that you feel that  
25   your dad talks down to anyone who is against his opinion; is

1 that a fair statement?

2           **A.** Yes.

3           **Q.** And having such strong political feelings  
4 yourself, you must not like that when he does it to you?

5           **A.** Anyone does it to anyone.

6           **Q.** But you choose to argue with him about that. You  
7 don't choose to let it go; is that fair to say?

8           **A.** I learned my lesson and learned to pick my  
9 battles.

10           **Q.** When did you learn that lesson?

11           **A.** Throughout the many years.

12           **Q.** Well, if you learned it throughout the many years,  
13 then why on January the 11th, 2011, did you choose to keep  
14 that political conversation going, when you knew he was  
15 clearly upset?

16           **A.** I don't know.

17           **MR. WELCH:** Court's indulgence, please.

18           **BY MR. WELCH:**

19           **Q.** On February the 25th of this year, basically a  
20 week or so ago, isn't it true that you said you were "pretty  
21 sure" that your dad used the words "traitors get shot"?

22           **A.** Yes.

23           **MR. WELCH:** Court's indulgence, please.

24           **BY MR. WELCH:**

25           **Q.** You indicated in your direct testimony with

1 Ms. Berkower that you were concerned about your father. Do  
2 you remember saying that?

3 **A.** Yes.

4 **Q.** Were you concerned about only what he was doing or  
5 were you concerned about something else?

6 **A.** I don't know what you mean.

7 **Q.** Well, were you concerned about his well-being at  
8 all?

9 **A.** Of course.

10 **Q.** What specifically were you concerned about in  
11 terms of his well-being?

12 **A.** If he were to go to a protest, he could get into a  
13 fight, get shot. Later down the line, SWAT might have  
14 broken into our house. He pulls his AR out. Gets shot  
15 himself. It was for everyone's sake. I mean, anyone could  
16 have gotten hurt.

17 **Q.** Anyone could have gotten hurt. And that's true  
18 when people goes to protests. Correct?

19 **A.** Yes.

20 **Q.** You don't control everybody in a protest.  
21 Correct?

22 **A.** Yes.

23 **Q.** You yourself go to protests.

24 **A.** Yes.

25 **Q.** You don't know everybody at the protest. Correct?

1           **A.**    Of course.

2           **Q.**    Even if you go with peaceful intentions, you don't  
3    know if everybody around you necessarily shares those same  
4    peaceful intentions. Correct?

5           **A.**    Yeah.

6           **Q.**    So when you go to a protest, likewise, you could  
7    get injured. Correct?

8           **A.**    Yes, that is true.

9           **Q.**    If somebody had a gun, you could get shot.  
10    Correct?

11          **A.**    It's true.

12          **Q.**    So, likewise, when anyone goes to a protest, that  
13    is a risk. Correct?

14          **A.**    Yes, but yet again, I choose my battles.

15          **Q.**    Even if you choose a peaceful path, you can't  
16    control everybody else. Correct?

17          **A.**    Yes.

18          **Q.**    When you were concerned about your dad and his  
19    well-being, did you consider saying anything to your mother  
20    about that?

21          **A.**    I have.

22          **Q.**    You did speak to your mother about that?

23          **A.**    I have spoken several times to her.

24          **Q.**    What did you tell your mom?

25          **A.**    That I'm worried about what he is doing. She

1 herself would come into my room every month or so and  
2 express her paranoia to me. And I would speak back about my  
3 paranoia about him as well.

4       **Q.**    So when you talked about what he was doing, did  
5 you express any concerns about what his thinking was?

6       **A.**    Of course.

7       **Q.**    And what were those concerns that you expressed?

8       **A.**    That he doesn't know what he is doing.

9       **Q.**    He doesn't know what he is doing. He might not be  
10 well; is that right? Is that a fair way to put it?

11      **A.**    My dad is a smart guy.

12      **Q.**    I didn't say he wasn't smart. Would you agree  
13 with me somebody could be intelligent and suffering from a  
14 mental illness at the same time?

15      **MS. BERKOWER:** Objection.

16      **THE COURT:**   Sustained.

17      **BY MR. WELCH:**

18      **Q.**    Are you saying that your belief is that a smart  
19 person cannot suffer from mental illness?

20      **MS. BERKOWER:** Objection.

21      **THE COURT:**   He can answer the question.

22      **THE WITNESS:** I am not. Of course a smart person  
23 can suffer from a mental illness.

24      **BY MR. WELCH:**

25      **Q.**    Okay. So he could be a very smart person and he

1 could be suffering from some sort of mental illness at the  
2 same time. Correct?

3           **A.** That could happen, yes, to someone.

4           **Q.** Did you discuss that with your mother?

5           **A.** I don't remember.

6           **Q.** Did you express any concerns to your sister,  
7 Sarah, about how your dad was acting?

8           **A.** Of course.

9           **Q.** Did you talk to your sister, Peyton, and express  
10 any concerns to her about how your dad was acting?

11           **A.** Of course.

12           **Q.** In your conversations with your mother, did you  
13 talk to her about what, if anything, you all might be able  
14 to do to address those concerns with your dad?

15           **A.** I don't think so, no.

16           **Q.** In your conversations with your sister, Sarah, did  
17 the two of you discuss what, if anything, you might be able  
18 to do to address your concerns about your dad?

19           **A.** I don't remember, no.

20           **Q.** In your conversations with your sister, Peyton,  
21 did you discuss with her what, if anything, you might be  
22 able to do to address your concerns about your dad?

23           **A.** I don't remember.

24           **Q.** Your initial contact was to leave an online tip  
25 with the FBI, is that correct, when you reached out for

1 help?

2 **A.** Yes.

3 **Q.** Yes. Did you consider calling 911?

4 **A.** Yes, but I decided not to.

5 **Q.** Why did you decide not to?

6 **A.** They are an immediate response. I did not want an  
7 immediate response. There was no urgent emergency. There  
8 was the overarching thing that my dad might be planning to  
9 do, although I'm not sure exactly what.

10 **Q.** And you say your feelings about that changed on  
11 January 6th; is that correct?

12 **A.** Yeah.

13 **Q.** Okay. And did you call the FBI again on January  
14 the 6th?

15 **A.** I did not call them, no. They called me.

16 **Q.** So if they had not called you on January the 6th,  
17 would you not have reached out to anyone again?

18 **A.** Of course not. I would have no real way to.

19 **Q.** Well, you could call 911.

20 **A.** That's immediate response, though. I didn't  
21 really need that.

22 **Q.** You didn't feel this was an emergency?

23 **A.** It was but the cops aren't going to do anything.

24 **Q.** Did you give them the chance?

25 **MS. BERKOWER:** Your Honor, I'm going to object.

1 (Sidebar discussion.)

2                   **MS. BERKOWER:** Your Honor, I think we are talking  
3 about a completely hypothetical situation here, and I think  
4 it's gone a little far afield.

7                           **MR. WELCH:** He's indicated this was an emergency.  
8 At the same time he said he did not reach out --

9                   **THE COURT:** I know. You've asked the 9-1-1  
10 question a couple of times. He's answered if. You are  
11 arguing with him now. It's cumulative. I think you need to  
12 move on.

19 (Sidebar concluded.)

20 BY MR. WELCH:

21           **Q.**    When you met with Sergeant Hightower on January  
22           the 11th, 2021, did you disclose to him that when you  
23           originally reached out, on December the 24th of 2020, you  
24           had had an argument with your dad?

25 MS. BERKOWER: Objection. I don't know there is

1 any foundation. I'm sorry, Your Honor.

2 (Sidebar discussion.)

3 **MS. BERKOWER:** I'm sorry, Your Honor.

4 **THE COURT:** You say one-word objection until I --

5 **MS. BERKOWER:** Sorry.

6 **THE COURT:** -- pick up the phone.

7 So what's the problem?

8 **MS. BERKOWER:** I don't think there is any  
9 foundation for what he's asking about at this point. I  
10 don't remember the exact wording of the question, but it is  
11 assuming testimony that hasn't been given yet.

12 **THE COURT:** He said, When you met with Sergeant  
13 Hightower on January 11th, did you disclose to him that when  
14 you originally reached out on December 24th, 2020, that you  
15 had an argument with your dad?

16 What's not in evidence about that?

17 **MS. BERKOWER:** I don't know that he testified  
18 about an argument with his father that day. If he's  
19 referring to the text messages then, I guess, we just ask to  
20 orient the witness to that. But I don't think there was  
21 testimony about an actual argument.

22 **THE COURT:** Is that what you are referring to,  
23 Mr. Welch?

24 **MR. WELCH:** What I am referring to, Your Honor, is  
25 that there has already been testimony that his initial

1 contact was an online report to the FBI, an online tip.

2 **THE COURT:** Understood.

3 **MR. WELCH:** I have a good-faith basis to ask now  
4 because the --

5 **THE COURT:** Ask what? What are you asking --

6 **MR. WELCH:** To ask about the argument --

7 **THE COURT:** The argument in text or what?

8 **MR. WELCH:** No, no. The argument --

9 **THE COURT:** Well, ask him, Did you have an  
10 argument with your father on Christmas Eve? Ms. Berkower's  
11 point is she is not sure that is in evidence.

12 **MR. WELCH:** I understand. I was simply trying to  
13 orient the witness to the time --

14 **THE COURT:** Do that. Do that. There's a lot in  
15 that question and some of it's not in evidence. So orient  
16 him to December 24th. Ask if he had an argument that day.  
17 Ask if he told Hightower on that day about the argument.

18 **MR. WELCH:** All right. I understand.

19 (Sidebar concluded.)

20 **THE COURT:** Mr. Welch, you may proceed. But we  
21 are going to need to stop in about two minutes. All right?

22 **MR. WELCH:** Fair enough. I will try to wrap up,  
23 Your Honor. I think I can do it in the next five or ten  
24 minutes.

25 **THE COURT:** Completely?

1                   **MR. WELCH:** Yes.

2                   **THE COURT:** All right. I don't want to go too  
3 much beyond that. So I will give you five minutes?

4                   **MR. WELCH:** That will be fine.

5                   **THE COURT:** All right.

6                   **MR. WELCH:** Thank you, very much.

7                   **BY MR. WELCH:**

8                   **Q.** On December the 24th, 2020, isn't it true that you  
9 submitted the tip to the FBI after having an argument with  
10 your dad?

11                  **A.** I wouldn't call it an argument but, yes, I  
12 submitted a tip after that conversation.

13                  **Q.** Well, isn't it true that when you met with Agent  
14 Hightower on January the 11th and had a conversation with  
15 him, you told him that you had submitted the original tip,  
16 the online tip, back on Christmas Eve, after having an  
17 argument with your dad?

18                  **A.** I did.

19                  **Q.** You did tell him that.

20                  **MR. WELCH:** Court's indulgence.

21                  Your Honor, I will pass the witness.

22                  **THE COURT:** Ms. Berkower, can you be brief?

23                  **REDIRECT EXAMINATION OF JACKSON REFFITT**

24                  **BY MS. BERKOWER:**

25                  **Q.** Good afternoon.

1           **A.**    Good afternoon.

2           **Q.**    Jackson, Mr. Welch asked you questions about going  
3 to protests. Do you remember being asked about that?

4           **A.**    Yes, I do.

5           **Q.**    And he asked you -- I think he asked you a  
6 question that you could go -- even if you go to a protest  
7 with peaceful intentions, you could get hurt. Right? He  
8 asked you that?

9           **A.**    Yeah.

10          **Q.**    Have you ever worn body armor to a protest?

11          **A.**    No, I have not.

12          **Q.**    Have you ever worn a helmet to a protest?

13          **A.**    No, I have not.

14          **Q.**    Have you ever brought a firearm to a protest?

15          **A.**    No.

16          **Q.**    Have you ever brought flex cuffs to a protest?

17          **A.**    No.

18          **Q.**    And Mr. Welch asked you questions about the  
19 conversation with your father and Peyton in the kitchen on  
20 the morning of January 11th. Do you remember being asked  
21 about that?

22          **A.**    Yes, I do.

23          **Q.**    When your father said the words "traitors get  
24 shot" to you and your sister, how did that make you feel?

25          **A.**    Terrified. I never really thought my father would

1 || ever say that to us.

2 Q. Were you upset?

3                   **A.**     Of course.

4           **Q.**    Did your father end the conversation seeing that  
5            you were upset?

6                   **A.**     No, he did not.

7 Q. How old are you?

9 Q. How old is he?

10                   **A.**     He is 50.

11 MS. BERKOWER: No further questions.

14 MR. WELCH: Yes.

17 **COURTROOM DEPUTY:** You can leave that there.

18 Thank you.

19

20 THE COURT: All right. Ladies

21 that concludes the testimony for today. I am going to  
22 dismiss you until 9:30 tomorrow. We will return 9:30  
23 tomorrow, and we will go until just 4 p.m. tomorrow.

Again, I will remind you, please don't read about the case, talk about the case, do any research. I hope you

1 have a good night and we will see you back tomorrow at 9:30.

2 Counsel, I'm going to have you stay for just a  
3 moment.

4 **COURTROOM DEPUTY:** All rise.

5 (Jurors exited the courtroom.)

6 **THE COURT:** All right. Very long day for  
7 everybody. All right, Counsel, is there anything we need to  
8 cover before we adjourn for the day?

9 **MR. NESTLER:** Not from the government's  
10 perspective.

11 **THE COURT:** Can you tell me, Mr. Nestler, is Agent  
12 Wade the next witness?

13 **MR. NESTLER:** In the morning we will first have  
14 Mr. Schwager testify, and then we will go to Agent Wade, and  
15 then Rocky Hardie will testify. And the Karla Kennedy, the  
16 photographer from Dallas will testify. We have additional  
17 witnesses after that who will be on call. But that will  
18 probably take us through tomorrow.

19 **THE COURT:** All right. And remind me. After  
20 that, what, you have three Capitol witnesses after that and  
21 Peyton Reffitt?

22 **MR. NESTLER:** After that we have two Capitol  
23 police officer witnesses, Adam DesCamp and Matthew Flood;  
24 two FBI case agents, Laird Hightower and Tom Ryan. Both of  
25 them are pretty short.

1                   **THE COURT:** Okay.

2                   **MR. NESTLER:** And then we have Peyton Reffitt, who  
3 will also be quite short. I think we will end by the end of  
4 the day on Monday.

5                   **THE COURT:** All right. Great. And you've got the  
6 jury instructions to take a look at? I know it's early but  
7 I just wanted you all to have. It's premature but I just  
8 want to make sure you got them.

9                   **MR. NESTLER:** Understood.

10                  **THE COURT:** All right. Mr. Reffitt, I will see  
11 you tomorrow at 9:00.

12                  (Proceedings concluded at 4:52 a.m.)

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1                   **C E R T I F I C A T E**  
23                   **I, Lorraine T. Herman, Official Court**4                   **Reporter**, certify that the foregoing is a true and correct  
5                   transcript of the record of proceedings in the  
6                   above-entitled matter.

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**March 4, 2022****DATE**

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**/s/****Lorraine T. Herman**

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