

FIRST JUDICIAL DISTRICT COURT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO

No. D-101-CV-2022-00473

STATE OF NEW MEXICO, ex  
rel., MARCO WHITE, MARK  
MITCHELL, and LESLIE  
LAKIND,

Plaintiffs,

vs.

COUY GRIFFIN,

Defendant.

VIDEOCONFERENCE DEPOSITION OF MATTHEW STRUCK  
Volume 2  
August 5, 2022  
8:02 a.m. MST

PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
PROCEDURE, this deposition was:

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1   EXHIBITS continued:

2   NUMBER

3   35 Video clip                   39

4   97 Video clip                   49

5   98 Video clip                   49

6   101 Video clip                  50

7   104 Video clip                  51

8   105 Video clip                  53

9   106 Video clip                  54

10   107 Video clip                  55

11   108 Video clip                  57

12   109 Video clip                  58

13   110 Video clip                  59

14   111 Video clip                  60

15   112 Video clip                  61

16   113 Video clip                  62

17   114 Video clip                  62

18   115 Video clip                  63

19   116 Video clip                  64

20   117 Video clip                  66

21   118 Video clip                  67

22   119 Video clip                  68

23   120 Video clip                  70

24   121 Video clip                  71

25   122 Video clip                  72

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1           I N D E X

2                                   PAGE

3   EXAMINATION OF MATTHEW STRUCK

4    By Mr. Dodd                   6

5   CERTIFICATE OF COMPLETION OF DEPOSITION           90

6   WITNESS SIGNATURE/CORRECTION PAGE           92

7    EXHIBITS FORMALLY MARKED/IDENTIFIED

8   NUMBER

9   18 Video clip                   7

10   19 Video clip                   7

11   20 Video clip                   15

12   21 Video clip                   20

13   22 Video clip                   22

14   23 Video clip                   23

15   24 Video clip                   24

16   25 Video clip                   25

17   26 Video clip                   26

18   27 Video clip                   29

19   28 Video clip                   30

20   29 Video clip                   32

21   30 Video clip                   33

22   31 Video clip                   35

23   32 Video clip                   36

24   33 Video clip                   37

25   34 Video clip                   38

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1   EXHIBITS Continued

2   NUMBER

3   123 Video clip                  74

4   124 Video clip                  75

5   125 Video clip                  76

6   126 Video clip                  77

7   127 Video clip                  78

8   128 Video clip                  79

9   129 Video clip                  80

10   130 Video clip                  81

11   131 Video clip                  82

12   132 Video clip                  83

13   133 Video clip                  84

14   134 Video clip                  84

15   135 Video clip                  86

16   136 Video clip                  87

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1 MATTHEW STRUCK,  
2 after having been first duly sworn under oath,  
3 was questioned and testified as follows:  
4 EXAMINATION  
5 BY MR. DODD:  
6 Q. All right. Good morning again,  
7 Mr. Struck.  
8 **A. Morning.**  
9 Q. We're here for a continuation of the  
10 deposition that we were conducting last Wednesday.  
11 You understand all the instructions and everything  
12 that we talked about last week?  
13 **A. I believe so.**  
14 Q. Not to talk over each other, if you need a  
15 break, let us know, and we'll try and be as  
16 expeditious as we can with this process and try to,  
17 you know, get what we need and be able to wrap  
18 things up today. Okay?  
19 **A. Yeah, great. Whatever you need.**  
20 Q. So first of all, I want to just turn to  
21 some of the exhibits. As you recall last time, we  
22 were just going through exhibits, and you were  
23 watching the videos, and we were asking you some  
24 questions about those. Okay?  
25 **A. Correct. Yes.**

7

1 **(Exhibit 18 marked.)**  
2 Q. First I'd like to start with Exhibit  
3 Number 18 to this deposition. Give me just a  
4 moment, and I'll get it pulled up. Can you see  
5 that?  
6 **A. Yes.**  
7 Q. And I'd like to go ahead and play it, and  
8 then we'll talk about it. Okay?  
9 **A. Yeah, great.**  
10 **(Video playing from 8:04 to 8:14.)**  
11 Q. Mr. Struck, were you able to see Exhibit  
12 18 as I played it?  
13 **A. Yes.**  
14 Q. And is Exhibit 18 a true and accurate copy  
15 of what you recorded on your iPhone in the days  
16 leading up to January 6th, 2021?  
17 **A. Yes.**  
18 Q. Did you edit or alter Exhibit 18 in any  
19 way?  
20 **A. No.**  
21 **(Exhibit 19 marked.)**  
22 Q. Now I'd like to turn to what's been marked  
23 as Exhibit 19 to this deposition, and I'll now play  
24 Exhibit 19.  
25 **(Video playing from 8:14 to 8:16.)**

8

1 **A. One question. Why -- Question.**  
2 Q. Mr. Struck, I would ask that you please  
3 observe Exhibit 19, and then we'll discuss it after.  
4 **A. It's not playing correctly.**  
5 Q. What do you mean, it's not playing  
6 correctly?  
7 **A. The volume is not sunk up to the lips. It**  
8 **looks like the audio and video are different.**  
9 Q. I will restart playing Exhibit 19.  
10 **A. Okay. It's hard to tell if he's saying**  
11 **that or not. It's not sunk up.**  
12 **(Video playing from 8:16 to 8:17.)**  
13 **A. It's not right.**  
14 **(Video playing from 8:17 to 8:25.)**  
15 Q. Were you able to observe Exhibit 19 as I  
16 played it?  
17 **A. Yes.**  
18 Q. And is Exhibit 19 a true and accurate copy  
19 of what you recorded on your iPhone in Atlanta,  
20 Georgia, in the days leading up to January 6, 2021?  
21 **A. I can't confirm it. It was too out of**  
22 **sync. I can check on my end, but I don't know if --**  
23 **on your end was it that out of sync?**  
24 Q. No.  
25 **A. Okay. Yeah, the audio and video were not**

9

1 **matching up.**  
2 Q. Mr. Struck, here's what I'd like to do.  
3 **A. Yes.**  
4 Q. Why don't you pull up your iPhone and pull  
5 up this video on your iPhone --  
6 **A. Okay.**  
7 Q. -- and take a look at it.  
8 **A. Yes. Okay. Let me search for it.**  
9 **18246 -- okay. Let me see if it has that issue or**  
10 **not.**  
11 **(Video playing from 8:26 to 8:27.)**  
12 **A. Would you like me to watch this all the**  
13 **way through or not?**  
14 Q. No. Is the video we just watched on the  
15 Zoom videoconference the same video that you have on  
16 your iPhone?  
17 **A. It's different. It's out of sync. It's**  
18 **not --**  
19 Q. Okay.  
20 **A. Yeah, it's out of sync.**  
21 Q. Have you ever used Zoom before?  
22 **A. A few times, but not many times. No, I**  
23 **don't use it very often.**  
24 Q. Are you aware that perhaps there's just  
25 some delay between --

10	<p>1       <b>A. Sure.</b></p> <p>2       Q. -- the video and audio?</p> <p>3       <b>A. Yeah. You asked me -- there is -- there</b></p> <p>4       <b>could be delay. I just can't say that it -- it</b></p> <p>5       <b>looks different than what I have, is all I'm saying.</b></p> <p>6       Q. So do the video -- does the video portion</p> <p>7       of the Exhibit 19 that we just watched and the video</p> <p>8       portion of what's on your iPhone under this file</p> <p>9       name, do those appear to be the same?</p> <p>10      <b>A. No. The one is not playing correctly.</b></p> <p>11      <b>They're different looking to me.</b></p> <p>12      Q. The video portion? I'm not talking</p> <p>13      about --</p> <p>14      <b>A. The video portion is not playing smoothly.</b></p> <p>15      <b>It doesn't look the same to me.</b></p> <p>16      Q. Okay. So Mr. Struck --</p> <p>17      <b>A. Yes.</b></p> <p>18      Q. -- you produced a series of videos in</p> <p>19      response to a subpoena that we sent to you, correct?</p> <p>20      <b>A. Yes.</b></p> <p>21      Q. And the file titled</p> <p>22      1824696491030628-record.mov, that is one of the</p> <p>23      files that you turned over in response to the</p> <p>24      subpoena that we issued, correct?</p> <p>25      <b>A. Okay. Yes, it looks like it is. Take</b></p>	12
11	<p>1       <b>your word for it.</b></p> <p>2       Q. I'm not asking you to take my word.</p> <p>3       <b>A. I mean, I -- yes, it looks like -- I gave</b></p> <p>4       <b>you that video.</b></p> <p>5       Q. Okay.</p> <p>6       <b>A. I provided that video, and I -- yeah.</b></p> <p>7       Q. That's what I'm trying to ask you.</p> <p>8       <b>A. Yeah.</b></p> <p>9       Q. That's what you produced to us in response</p> <p>10      to the subpoena, correct?</p> <p>11      <b>A. I provided you that video.</b></p> <p>12      Q. Okay. And that video as you produced</p> <p>13      it --</p> <p>14      <b>A. Yes.</b></p> <p>15      Q. -- is a recording that you recorded on</p> <p>16      your iPhone in the days leading up to January 6,</p> <p>17      2021, correct?</p> <p>18      <b>A. That's correct.</b></p> <p>19      Q. And that video is a true and accurate copy</p> <p>20      of what you recorded on your phone, correct?</p> <p>21      <b>A. Yeah, it was the video I sent you -- the</b></p> <p>22      <b>videos, yes.</b></p> <p>23      Q. And you did not edit or alter that video</p> <p>24      in any way, correct?</p> <p>25      <b>A. I did not.</b></p>	13
10	<p>1       Q. Okay. And that video is a true and</p> <p>2       accurate copy of the recording that you took</p> <p>3       depicting Mr. Griffin addressing the camera,</p> <p>4       correct?</p> <p>5       <b>A. It doesn't -- to me, it looks different,</b></p> <p>6       <b>but according to you it is. I'll take your word for</b></p> <p>7       <b>it.</b></p> <p>8       Q. I'm not asking you to take my word for it.</p> <p>9       <b>A. I'll tell you it's different. It doesn't</b></p> <p>10      <b>look the same.</b></p> <p>11      Q. What you just looked at on your phone,</p> <p>12      that -- let me ask the question before you start</p> <p>13      answering. Okay?</p> <p>14      <b>A. Yes.</b></p> <p>15      Q. The video that you just looked at on your</p> <p>16      phone, has --</p> <p>17      (Zoom interruption.)</p> <p>18      Q. The video you just looked at on your</p> <p>19      phone --</p> <p>20      <b>A. Yes.</b></p> <p>21      Q. -- the long number titled record.mov, that</p> <p>22      file is a recording that you took of Mr. Griffin</p> <p>23      making a speech to the camera, correct?</p> <p>24      <b>A. Correct.</b></p> <p>25      Q. And it accurately captures the speech that</p>	11
11	<p>1       Mr. Griffin gave in the days leading up to</p> <p>2       January 6th, correct?</p> <p>3       <b>A. I'd have to confirm it. From your video,</b></p> <p>4       <b>it's out of -- it's completely out of sync. I need</b></p> <p>5       <b>to watch the video to see if it's the same thing. I</b></p> <p>6       <b>don't know if it's the same or not.</b></p> <p>7       Q. What you're telling me is we're going to</p> <p>8       have to watch every single video here today twice in</p> <p>9       order for you to --</p> <p>10      <b>A. Why?</b></p> <p>11      Q. Is that what you're telling me?</p> <p>12      <b>A. No, I'm not telling you anything.</b></p> <p>13      Q. All right.</p> <p>14      <b>A. I'm talking about this video right here.</b></p> <p>15      <b>This video is --</b></p> <p>16      Q. Mr. Struck --</p> <p>17      <b>A. Yes.</b></p> <p>18      Q. -- I am not asking about this video.</p> <p>19      <b>A. Okay.</b></p> <p>20      Q. I'm asking about the video you just looked</p> <p>21      at on your phone with the same title as this</p> <p>22      video --</p> <p>23      <b>A. Okay. What about it?</b></p> <p>24      Q. -- you produced to us.</p> <p>25      <b>A. Uh-huh.</b></p>	12

14	<p>1 Q. That is a video of Mr. Griffin --</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. -- speaking to the camera, correct?</p> <p>4 <b>A. Correct.</b></p> <p>5 Q. That occurred in the days leading up to</p> <p>6 January 6th, correct?</p> <p>7 <b>A. Yes. Correct.</b></p> <p>8 Q. And that video is an accurate depiction of</p> <p>9 what Mr. Griffin was saying on that date, correct?</p> <p>10 <b>A. What -- accurate description?</b></p> <p>11 Q. Depiction.</p> <p>12 <b>A. Explain depiction.</b></p> <p>13 Q. It captures what he said and where.</p> <p>14 <b>A. Correct. That is my video from my iPhone.</b></p> <p>15 <b>Correct.</b></p> <p>16 Q. It accurately captures Mr. Griffin's</p> <p>17 statements on that day, correct?</p> <p>18 <b>A. As far as accurately, what do you mean,</b></p> <p>19 <b>accurately? It's -- it is my phone video.</b></p> <p>20 Q. Are you saying that it is not an accurate</p> <p>21 depiction of the statements that Mr. Griffin made</p> <p>22 when he was talking to the camera?</p> <p>23 <b>A. Is it an accurate depiction of what he</b></p> <p>24 <b>said? I guess the depiction part is throwing me</b></p> <p>25 <b>off. It is what he said. It doesn't depict what he</b></p>	16	<p>1 Q. All right. I'm pausing the recording at</p> <p>2 11 seconds in.</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Mr. Struck, was that syncing up for you?</p> <p>5 <b>A. Correct. It was. We're good.</b></p> <p>6 Q. Then let's continue, and we will watch the</p> <p>7 entirety of Exhibit 20. Okay?</p> <p>8 <b>A. If it drifts off, I'll let you know or</b></p> <p>9 <b>not.</b></p> <p>10 Q. Sure.</p> <p>11 <b>A. Okay.</b></p> <p>12 <b>(Video playing from 8:35 to 8:37.)</b></p> <p>13 <b>A. Can you pause it for a second? I think if</b></p> <p>14 <b>you pause it and then play it again, I think it</b></p> <p>15 <b>might sync back up. It's hard to watch when it's</b></p> <p>16 <b>not in sync.</b></p> <p>17 Q. I'll continue playing the video.</p> <p>18 <b>A. Yeah. That should sync it back up</b></p> <p>19 <b>hopefully. We'll see. Thank you.</b></p> <p>20 <b>(Video playing from 8:37 to 8:38.)</b></p> <p>21 <b>A. Can you pause it a second? Yeah, just</b></p> <p>22 <b>trying to get that back in sync. Play it again,</b></p> <p>23 <b>yeah. Thank you.</b></p> <p>24 <b>(Video playing from 8:38 to 8:48.)</b></p> <p>25 <b>A. Can you pause it and start it up? We're</b></p>
15	<p>1 <b>said. It is what it is, right?</b></p> <p>2 MR. GRIFFIN: Mr. Dodd, I'd like to object</p> <p>3 right here. What I'd like to interject and what I</p> <p>4 see going on right now, is Matt --</p> <p>5 MR. DODD: Mr. Griffin, in a deposition,</p> <p>6 objections are only limited to objections as to form</p> <p>7 and objections as to foundation, and there are not</p> <p>8 speaking objections allowed. Okay?</p> <p>9 If you're going to note an objection, you</p> <p>10 may note an objection, but you must comply with the</p> <p>11 Rules of Civil Procedure in doing so.</p> <p>12 MR. GRIFFIN: I'd like to object to the</p> <p>13 foundation if that's okay.</p> <p>14 MR. DODD: Great.</p> <p>15 Q. (By Mr. Dodd) Now we're going to move on,</p> <p>16 and I'd like to look at Exhibit 20 to this</p> <p>17 deposition.</p> <p>18 <b>A. Okay.</b></p> <p>19 <b>(Exhibit 20 marked.)</b></p> <p>20 Q. I'm going to play a quick portion of</p> <p>21 Exhibit 20. And, Mr. Struck, I would like you to</p> <p>22 tell me whether or not the audio is syncing up with</p> <p>23 the video. Okay?</p> <p>24 <b>A. Okay.</b></p> <p>25 <b>(Video playing from 8:34 to 8:34.)</b></p>	17	<p>1 <b>losing sync. Thank you.</b></p> <p>2 <b>(Video playing from 8:48 to 8:49.)</b></p> <p>3 Q. Were you able to observe Exhibit 20 as I</p> <p>4 played it?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Is Exhibit 20 a true and accurate copy of</p> <p>7 what you recorded on your iPhone in the days leading</p> <p>8 up to January 6th in Hagerstown, Maryland?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And this video accurately captures the</p> <p>11 statements made by Mr. Griffin on the camera?</p> <p>12 <b>A. Accurately captures the statements? I</b></p> <p>13 <b>guess it does.</b></p> <p>14 Q. Did you edit or alter Exhibit 20 in any</p> <p>15 way?</p> <p>16 <b>A. No.</b></p> <p>17 MR. DODD: Before I move to the next</p> <p>18 exhibit, I actually just want to stop for a second.</p> <p>19 We didn't do a full introduction of everybody that</p> <p>20 was on the deposition this morning, so I just wanted</p> <p>21 to run through everyone.</p> <p>22 Present with us is myself, Christopher</p> <p>23 Dodd on behalf of Plaintiffs. We're also joined by</p> <p>24 the deponent, Matthew Struck.</p> <p>25 Mr. Griffin, the Defendant in this matter,</p>

18	<p>1 is also with us.</p> <p>2 Stanley Woodward, who is Mr. Struck's</p> <p>3 attorney, is with us.</p> <p>4 Also in the line is someone under the name</p> <p>5 of Frank's Tab A7. Could you please introduce</p> <p>6 yourself?</p> <p>7 MR. LUCERO: Can you hear me?</p> <p>8 MR. DODD: Yes.</p> <p>9 MR. LUCERO: I'm a member of the public</p> <p>10 just joining in to observe. That's it.</p> <p>11 MR. DODD: Where did you get this Zoom</p> <p>12 link from? This is not a public proceeding.</p> <p>13 MR. GRIFFIN: Mr. Dodd, Frank is helping</p> <p>14 me with the counsel with myself, and I figured since</p> <p>15 he's helping me, and I'm pro se, and I'm</p> <p>16 representing myself, I can have other people that</p> <p>17 watch a deposition to help me in my preparation.</p> <p>18 MR. DODD: All right. Frank, if you could</p> <p>19 please give us your full name.</p> <p>20 MR. LUCERO: Yes, sir. Can you still hear</p> <p>21 me?</p> <p>22 MR. DODD: Yes.</p> <p>23 MR. LUCERO: Frank Lucero.</p> <p>24 MR. DODD: Are you an attorney?</p> <p>25 MR. LUCERO: No, sir, I'm not.</p>	20	<p>1 Robin, you didn't need anything more from</p> <p>2 me, correct?</p> <p>3 THE COURT REPORTER: I do not.</p> <p>4 MR. DODD: Thank you.</p> <p>5 (Exhibit 21 marked.)</p> <p>6 Q. (By Mr. Dodd) Now I'd like to turn to</p> <p>7 Exhibit 21 of this deposition, and now I will play</p> <p>8 Exhibit 21.</p> <p>9 Mr. Struck, if the audio and video get</p> <p>10 unsynced, tell me to pause it, and I'll restart.</p> <p>11 <b>A. Yeah, that really helps. I appreciate</b></p> <p>12 <b>that.</b></p> <p>13 <b>(Video playing from 8:54 to 8:54.)</b></p> <p>14 <b>A. It's out of sync right now, yeah.</b></p> <p>15 Q. Let me try resharing.</p> <p>16 <b>A. Yeah, sure. It's really out of sync, that</b></p> <p>17 <b>one was.</b></p> <p>18 Q. This might make it better. I'm choosing</p> <p>19 an option for sharing, so hopeful, likely, this</p> <p>20 makes it better.</p> <p>21 <b>A. Great. Yeah, I can confirm it better this</b></p> <p>22 <b>way.</b></p> <p>23 Q. Let me restart Deposition Exhibit 21.</p> <p>24 (Video playing from 8:54 to 8:58.)</p> <p>25 Q. Were you able to observe Exhibit 21 as I</p>
19	<p>1 MR. GRIFFIN: Mr. Dodd, is there a problem</p> <p>2 with me being pro se and being -- representing</p> <p>3 myself and, in a sense, being an attorney? Is there</p> <p>4 a problem with me having somebody on this -- that is</p> <p>5 helping me?</p> <p>6 MR. DODD: Mr. Griffin, I'm not going to</p> <p>7 discuss these matters with you on the record.</p> <p>8 We're also joined by Donald Sherman, who</p> <p>9 is cocounsel for the Plaintiffs in this matter;</p> <p>10 Kayvan Farchadi, who's also with the Plaintiffs;</p> <p>11 Joseph Goldberg, who's also with the Plaintiffs;</p> <p>12 Jessica Lutkenhaus, who's also with the Plaintiffs;</p> <p>13 Cindy B., who's also with the Plaintiffs; Mark</p> <p>14 Nobile, who is with Mr. Woodward's office, and</p> <p>15 Walker's iPhone, which is Walker --</p> <p>16 MR. SHERMAN: Davis.</p> <p>17 MR. DODD: Walker Davis, who's also with</p> <p>18 the Plaintiffs. Thank you, Donald.</p> <p>19 MR. GRIFFIN: I would just like to</p> <p>20 interject, Mr. Dodd, and just say if there's any</p> <p>21 problem -- I don't know. Frank, go ahead and sign</p> <p>22 off, and thank you.</p> <p>23 MR. DODD: Mr. Griffin, I appreciate that.</p> <p>24 Thank you. Okay. Let's proceed with the</p> <p>25 deposition. I just wanted to get the introductions.</p>	21	<p>1 played it?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And did that play back better for you?</p> <p>4 <b>A. Yeah, that was much better. Thank you.</b></p> <p>5 Q. I'll make sure to use that function going</p> <p>6 forward.</p> <p>7 <b>A. Yeah, I can tell that the audio is going</b></p> <p>8 <b>with the video that way.</b></p> <p>9 Q. Good.</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Is Exhibit 21 a true and accurate copy of</p> <p>12 what you recorded on your iPhone in the days leading</p> <p>13 up to January 6, 2021?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And did you edit or alter Exhibit 21 in</p> <p>16 any way?</p> <p>17 <b>A. No.</b></p> <p>18 Q. And does Exhibit 21 capture statements</p> <p>19 by -- made by Mr. Griffin accurately?</p> <p>20 <b>A. It's a little hard to hear because of the</b></p> <p>21 <b>audio.</b></p> <p>22 Q. But the portions --</p> <p>23 <b>A. It captures what it can capture. It</b></p> <p>24 <b>captured -- yeah, it captured that. Some of it was</b></p> <p>25 <b>hard to hear because of the wind, my guess, is all I</b></p>

22	<p>1 <b>would say. Yeah.</b></p> <p>2 <b>(Exhibit 22 marked.)</b></p> <p>3 Q. Now liked to turn to Exhibit 22 of this</p> <p>4 deposition.</p> <p>5 <b>A. Okay.</b></p> <p>6 Q. And now I will play Exhibit 22.</p> <p>7 <b>A. Okay.</b></p> <p>8 <b>(Video playing from 8:59 to 9:16.)</b></p> <p>9 Q. Were you able to observe Exhibit 22 as I</p> <p>10 played it?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And is Exhibit 22 a true and accurate copy</p> <p>13 of what you recorded on your iPhone on January 5th,</p> <p>14 2021, in front of the nation's Capitol?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Does Exhibit 22 accurately -- is it an</p> <p>17 accurate recording of statements that Mr. Griffin</p> <p>18 made on January 5th, 2021, in front of the United</p> <p>19 States Capitol?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Did you edit or alter Exhibit 22 in any</p> <p>22 way?</p> <p>23 <b>A. No.</b></p> <p>24 MR. DODD: All right. At this point, I'd</p> <p>25 like to take our first restroom break. Can we go</p>	24	<p>1 Q. Is Exhibit 23 and true and accurate copy</p> <p>2 of what you recorded on your iPhone on January 7th,</p> <p>3 2021, in Roanoke, Virginia?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And is Exhibit 23 a true and accurate</p> <p>6 recording of statements made by Couy Griffin on</p> <p>7 January 7th, 2021?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Did you edit or alter Exhibit 23 in any</p> <p>10 way?</p> <p>11 <b>A. No.</b></p> <p>12 <b>(Exhibit 24 marked.)</b></p> <p>13 Q. Now I'd like to look at Exhibit 24 to this</p> <p>14 deposition, and now I'll play Exhibit 24.</p> <p>15 (Video playing 9:37 to 9:41.)</p> <p>16 Q. Were you able to observe Exhibit 24 as I</p> <p>17 played it?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Is Exhibit 24 a true and accurate copy of</p> <p>20 what you recorded on your iPhone in the days after</p> <p>21 January 6th, 2021, while in Oklahoma?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. And does Exhibit 24 truly and accurately</p> <p>24 reflect statements made by Couy Griffin in the days</p> <p>25 after January 6th, 2021?</p>
23	<p>1 off the record? We'll come back in five minutes.</p> <p>2 (Recess was taken from 9:16 to 9:22.)</p> <p>3 Q. (By Mr. Dodd) Mr. Struck, I'd like to go</p> <p>4 back real quick to Exhibit 18, which was the first</p> <p>5 video that we discussed. Let me just pull that up</p> <p>6 just to remind you which exhibit that was. Okay?</p> <p>7 <b>A. Okay.</b></p> <p>8 Q. All right. Can you see that?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Do you remember looking at Exhibit 18 with</p> <p>11 me?</p> <p>12 <b>A. I do.</b></p> <p>13 Q. And I just wanted to ask, Exhibit 18</p> <p>14 accurately captures some statements made by</p> <p>15 Mr. Griffin in Atlanta, Georgia, in the days leading</p> <p>16 up to January 6, 2021, correct?</p> <p>17 <b>A. Yes.</b></p> <p>18 <b>(Exhibit 23 marked.)</b></p> <p>19 Q. Okay. Now I'd like to turn to Exhibit 23,</p> <p>20 and now I'll play Exhibit 23.</p> <p>21 <b>A. Okay.</b></p> <p>22 <b>(Video playing from 9:23 to 9:36.)</b></p> <p>23 Q. Were you able to observe Exhibit 23 as I</p> <p>24 played it?</p> <p>25 <b>A. Yes.</b></p>	25	<p>1 <b>A. What do you mean, reflect? It was the</b></p> <p>2 <b>statements made on the phone. I recorded the</b></p> <p>3 <b>statements. Those are the statements he made, I</b></p> <p>4 <b>recorded.</b></p> <p>5 Q. It's an accurate recording of the</p> <p>6 statements he made after January 6th, 2021?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Did you edit or alter Exhibit 24 in any</p> <p>9 way?</p> <p>10 <b>A. No.</b></p> <p>11 <b>(Exhibit 25 marked.)</b></p> <p>12 Q. I'd like to turn to Exhibit 25, and now</p> <p>13 I'll play Exhibit 25 to this deposition.</p> <p>14 (Video playing from 9:43 to 9:54.)</p> <p>15 Q. Were you able to observe Exhibit 25 as I</p> <p>16 played it?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Is Exhibit 25 a true and accurate copy of</p> <p>19 what you recorded on your iPhone in the days after</p> <p>20 January 6th, 2021, somewhere in Texas?</p> <p>21 <b>A. I don't know about where it was.</b></p> <p>22 Q. Okay. Is Exhibit 25 a true and accurate</p> <p>23 copy of what you recorded on your iPhone in the days</p> <p>24 after January 6th, 2021, as you guys left</p> <p>25 Washington, DC, and made your way to California?</p>

26	<p>1       <b>A. Yes.</b></p> <p>2       Q. And is Exhibit 25 a true and accurate</p> <p>3 recording of statements made by Mr. Griffin in the</p> <p>4 days after January 6th, 2021?</p> <p>5       <b>A. I mean, all the statements are not</b></p> <p>6 <b>accurate, but it captured what he said.</b></p> <p>7       Q. Okay. The exhibit, Exhibit 25, accurately</p> <p>8 captures the statements made by Mr. Griffin,</p> <p>9 correct?</p> <p>10      <b>A. Yes. Yes.</b></p> <p>11      Q. Did you edit or alter Exhibit 25 in any</p> <p>12 way?</p> <p>13      <b>A. I did not.</b></p> <p>14           <b>(Exhibit 26 marked.)</b></p> <p>15      Q. I'd like to move to Exhibit 26, and now</p> <p>16 I'll play Exhibit 26.</p> <p>17           (Video playing from 9:56 to 10:01.)</p> <p>18      Q. Were you able to observe Exhibit 26 as I</p> <p>19 played it?</p> <p>20      <b>A. Yes.</b></p> <p>21      Q. Is Exhibit 26 a true and accurate copy of</p> <p>22 what you recorded on your iPhone sometime between</p> <p>23 election day and January 6th, 2021?</p> <p>24      <b>A. I don't remember filming this. I didn't</b></p> <p>25 <b>film this.</b></p>	28	<p>1       <b>A. Yeah.</b></p> <p>2       Q. And do you have any doubt that you</p> <p>3 recorded this video as it's on your phone?</p> <p>4       <b>A. Yes.</b></p> <p>5       Q. You have doubt?</p> <p>6       <b>A. Yes, because it's -- it's a locked off</b></p> <p>7 <b>camera. Maybe Couy recorded this himself. I don't</b></p> <p>8 <b>normally have it recorded like this. All my</b></p> <p>9 <b>recordings are free-floating. This is locked off.</b></p> <p>10 <b>Maybe someone recorded this without my knowledge. I</b></p> <p>11 <b>don't remember this video. It did come from my</b></p> <p>12 <b>phone.</b></p> <p>13      Q. What's that?</p> <p>14      <b>A. But it did come from my phone.</b></p> <p>15      Q. And so looking at Exhibit 26, do you have</p> <p>16 any doubt as to whether Exhibit 26 is a true and</p> <p>17 accurate copy -- or a true and accurate recording of</p> <p>18 statements made by Mr. Griffin sometime between</p> <p>19 election day and January 6th, 2021?</p> <p>20      <b>A. What day was election day?</b></p> <p>21      Q. I can't recall off the top of my head.</p> <p>22      <b>A. Okay.</b></p> <p>23      Q. Give me a moment.</p> <p>24      <b>A. Sure.</b></p> <p>25      Q. November 3rd of --</p>
27	<p>1       Q. Now, you produced this as a -- in response</p> <p>2 to the subpoena that we issued to you, correct?</p> <p>3       <b>A. Correct. Yes.</b></p> <p>4       Q. And I'd like you to look at your iPhone</p> <p>5 and see if you have this video as having been</p> <p>6 recorded on your iPhone.</p> <p>7       <b>A. Okay.</b></p> <p>8       Q. The name should be identical to what it is</p> <p>9 here.</p> <p>10      <b>A. Okay. I have one. It's not identical,</b></p> <p>11 <b>but it's close. It doesn't have the one after it,</b></p> <p>12 <b>just image 6526.mov, with the same length, 5:08.</b></p> <p>13      Q. It's the same video, correct?</p> <p>14      <b>A. Yes, it appears to be the same video.</b></p> <p>15      Q. And so as you recall, you testified at the</p> <p>16 initial time when we conducted this deposition last</p> <p>17 week --</p> <p>18      <b>A. Yes.</b></p> <p>19      Q. -- that you indicated that this naming</p> <p>20 convention here is the naming convention used by</p> <p>21 your phone when you record videos, correct?</p> <p>22      <b>A. Yeah, not the one part, but the image,</b></p> <p>23 <b>underscore, you know, number, number, number is --</b></p> <p>24 <b>yes.</b></p> <p>25      Q. Sure.</p>	29	<p>1           MR. WOODWARD: Tuesday, November --</p> <p>2       <b>A. This was recorded on November 5th, yes, so</b></p> <p>3 <b>after election day.</b></p> <p>4       Q. Okay.</p> <p>5       <b>A. Yes.</b></p> <p>6       Q. And so Exhibit 26 is a true and accurate</p> <p>7 recording of statements made by Mr. Griffin on, you</p> <p>8 said, November 5th of 2020; is that correct?</p> <p>9       <b>A. That's correct.</b></p> <p>10      Q. Okay. And did you edit or alter Exhibit</p> <p>11 26 in any way?</p> <p>12      <b>A. No.</b></p> <p>13           <b>(Exhibit 27 marked.)</b></p> <p>14      Q. I'd like to move to Exhibit 27.</p> <p>15      <b>A. Okay.</b></p> <p>16      Q. And now I'll play Exhibit 27.</p> <p>17           (Video playing from 10:05 to 10:14.)</p> <p>18      Q. Is Exhibit 27 a true and accurate copy of</p> <p>19 a recording on your iPhone on November 5th, 2021?</p> <p>20      <b>A. Yes.</b></p> <p>21      Q. And is Exhibit 27 a true and accurate</p> <p>22 recording of statements made by Mr. Griffin on</p> <p>23 November 5th of 2020?</p> <p>24      <b>A. Yes.</b></p> <p>25      Q. I'm sorry if I misspoke. I may have said</p>



30	<p>1 in the previous question 2021. I meant 2020.</p> <p>2 <b>A. I understand.</b></p> <p>3 Q. You agree this recording is from</p> <p>4 November 5th of 2020, correct?</p> <p>5 <b>A. Yes. Yes.</b></p> <p>6 Q. Okay. And did you edit or alter Exhibit</p> <p>7 27 in any way?</p> <p>8 <b>A. No.</b></p> <p>9 <b>(Exhibit 28 marked.)</b></p> <p>10 Q. I'd like to move to Exhibit 28.</p> <p>11 <b>A. Can we take a quick five-minute break,</b></p> <p>12 <b>please?</b></p> <p>13 MR. DODD: Sure. Robin, can we go off the</p> <p>14 record?</p> <p>15 (Recess was taken from 10:15 to 10:20.)</p> <p>16 Q. I'd like to turn to what's marked as</p> <p>17 Exhibit 28 to this deposition.</p> <p>18 <b>A. Okay.</b></p> <p>19 Q. And now I'll play Exhibit 28.</p> <p>20 (Video playing from 10:20 to 10:46.)</p> <p>21 Q. Were you able to observe Exhibit 28 as I</p> <p>22 played it?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. And is Exhibit 28 a true and accurate copy</p> <p>25 of a recording from your iPhone on November 5th of</p>	32	<p>1 any way?</p> <p>2 <b>A. I don't believe so. Like I said, the</b></p> <p>3 <b>other ones I may have cut down. I just want to</b></p> <p>4 <b>correct the record.</b></p> <p>5 Q. Looks like -- so it looks like Exhibits 26</p> <p>6 and 27 are segments of --</p> <p>7 <b>A. Yeah.</b></p> <p>8 Q. -- Exhibit 28, correct?</p> <p>9 <b>A. And I could have done that. I just don't</b></p> <p>10 <b>remember editing that.</b></p> <p>11 Q. That's fine. I appreciate you clarifying</p> <p>12 that for the record.</p> <p>13 <b>A. Sure. And I have to run one more time to</b></p> <p>14 <b>clear this coffee out. I'll be back. I'm good with</b></p> <p>15 <b>two minutes.</b></p> <p>16 MR. DODD: We'll take a five-minute break.</p> <p>17 (Recess was taken from 10:48 to 10:52.)</p> <p>18 (Exhibit 29 marked.)</p> <p>19 Q. (By Mr. Dodd) I'd like to turn to Exhibit</p> <p>20 29, and, Mr. Struck, before we watch this video,</p> <p>21 could you please look at your iPhone, and tell us</p> <p>22 what date this video was from?</p> <p>23 <b>A. 7th, it looks like. Hold on. Yes.</b></p> <p>24 Q. I'm sorry. The full date, please.</p> <p>25 <b>A. Yeah, I'm sorry, November 7th, 2020.</b></p>
31	<p>1 2020?</p> <p>2 <b>A. I don't believe that it came -- it was</b></p> <p>3 <b>shot with my camera, but I believe it came off of my</b></p> <p>4 <b>camera, if that makes sense.</b></p> <p>5 Q. And how did that video get onto your</p> <p>6 phone?</p> <p>7 <b>A. It must have come from Couy, because I</b></p> <p>8 <b>wasn't there the day before the election, and you</b></p> <p>9 <b>can see. And also I also want to correct the</b></p> <p>10 <b>record. On the last two videos appear to be just</b></p> <p>11 <b>cut-downs from this video. So they could have been</b></p> <p>12 <b>edited, I just don't remember doing that</b></p> <p>13 <b>necessarily, so -- but they were cut-downs from this</b></p> <p>14 <b>longer video, it appears to me, if that makes sense.</b></p> <p>15 Q. Do you have any reason to doubt that</p> <p>16 Exhibit 28 is a true and accurate recording of</p> <p>17 statements made by Couy Griffin on November 5th of</p> <p>18 2020?</p> <p>19 <b>A. They are the statements that he makes,</b></p> <p>20 <b>yeah. I'm sorry. Can you repeat the question?</b></p> <p>21 Q. You would agree that Exhibit 28 is a true</p> <p>22 and accurate recording of statements made by Couy</p> <p>23 Griffin on November 5th of 2020?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And did you edit or alter Exhibit 28 in</p>	33	<p>1 Q. Okay. So Exhibit 29 to this deposition</p> <p>2 was from -- is a recording from November 7th of</p> <p>3 2020; is that right?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Okay. Now I want to play Exhibit 29.</p> <p>6 (Video playing from 10:54 to 11:04.)</p> <p>7 Q. Were you able to observe Exhibit 29 as I</p> <p>8 played it?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Now, Exhibit 29, is that a video that was</p> <p>11 sent to you by Mr. Griffin?</p> <p>12 <b>A. It appears to be, yes.</b></p> <p>13 Q. And you said that the date on that video</p> <p>14 was November 7th of 2020, correct?</p> <p>15 <b>A. Correct.</b></p> <p>16 Q. And so is Exhibit 29 a true and accurate</p> <p>17 recording of statements made by Mr. Griffin on</p> <p>18 November 7th of 2020?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Did you edit or alter Exhibit 29 in any</p> <p>21 way?</p> <p>22 <b>A. No.</b></p> <p>23 <b>(Exhibit 30 marked.)</b></p> <p>24 Q. I'd like to move to Exhibit 30, and I'll</p> <p>25 play Exhibit 30.</p>

34

1 (Video playing from 11:05 to 11:06.)  
 2 Q. Were you able to observe Exhibit 30 as I  
 3 played it?  
 4 **A. Yes.**  
 5 Q. And Exhibit 30, is that a true and  
 6 accurate copy of a recording that you made on your  
 7 iPhone --  
 8 **A. Yes.**  
 9 Q. -- in Houston -- in Houston, Texas, in the  
 10 days before January 6th, 2020?  
 11 **A. Yes.**  
 12 Q. And Exhibit 30 is a true and accurate  
 13 recording of Mr. Griffin interacting with the  
 14 car-rental salesperson in Houston, Texas, correct?  
 15 **A. Yeah. Can't really hear him, but yes.**  
 16 **It's what was recorded by the camera, yes.**  
 17 Q. And so this is when you and Mr. Griffin  
 18 switched rental cars, correct?  
 19 **A. Correct.**  
 20 Q. And could you tell me -- look at your  
 21 iPhone, and tell me the date on this video, the date  
 22 it was recorded.  
 23 **A. This was recorded on January 1st, 2021.**  
 24 Q. And so this video depicts Mr. Griffin  
 25 switching rental cars from that small, white sedan

35

1 to the black Cadillac Escalade on January 1st, 2021,  
 2 at the Houston airport, correct?  
 3 **A. Yeah, part of -- part of that's what it's**  
 4 **partly showing, yes.**  
 5 Q. And did you edit or alter Exhibit 30 in  
 6 any way?  
 7 **A. No.**  
 8 **(Exhibit 31 marked.)**  
 9 Q. I'd like to turn to Exhibit 31, and now  
 10 I'll play Exhibit 31.  
 11 (Video playing from 11:09 to 11:09.)  
 12 Q. Were you able to observe Exhibit 31 as I  
 13 played it?  
 14 **A. Yes.**  
 15 Q. Is Exhibit 31 and true and accurate copy  
 16 of what you recorded on your iPhone on January 1st,  
 17 2021?  
 18 **A. Yes.**  
 19 Q. And Exhibit 31, is it a true and accurate  
 20 depiction of Mr. Griffin taking materials and  
 21 luggage out of the small, white sedan and putting it  
 22 into the Cadillac Escalade?  
 23 **A. Is it what?**  
 24 Q. Is it a true and accurate recording --  
 25 **A. What the camera captured, yes.**

36

1 Q. Okay. And it, in fact, depicts  
 2 Mr. Griffin unloading luggage and materials from the  
 3 white sedan and putting them in the Escalade,  
 4 correct?  
 5 **A. Yes.**  
 6 Q. And that's the Escalade that Mr. Griffin  
 7 and you then drove to Washington, DC, for January  
 8 6th, 2021, correct?  
 9 **A. Yes.**  
 10 Q. Did you edit or alter Exhibit 31 in any  
 11 way?  
 12 **A. No.**  
 13 **(Exhibit 32 marked.)**  
 14 Q. I'd like to turn to Exhibit 32, and I'll  
 15 play Exhibit 32.  
 16 (Video playing from 11:11 to 11:11.)  
 17 Q. Were you able to observe Exhibit 32 as I  
 18 played it?  
 19 **A. Yes.**  
 20 Q. And would you please check your iPhone,  
 21 and tell me on what date Exhibit 32 was recorded.  
 22 **A. This was recorded January 2nd, 2021.**  
 23 Q. And so is Exhibit 32 a true and accurate  
 24 copy of a video you recorded on your iPhone on  
 25 January 2nd, 2021, as you and Mr. Griffin made your

37

1 way to Washington, DC?  
 2 **A. Yes.**  
 3 Q. And Exhibit 32, is it a true and accurate  
 4 recording of a parking lot at night taken from the  
 5 inside of a vehicle?  
 6 **A. Yes.**  
 7 Q. And was there a firearm on the dashboard  
 8 of that vehicle at the time you took this recording?  
 9 **A. Yeah, perhaps. It looks like maybe.**  
 10 Q. Did you edit or alter Exhibit 32 in any  
 11 way?  
 12 **A. No.**  
 13 **(Exhibit 33 marked.)**  
 14 Q. I'd like to move to Exhibit 33. Now I  
 15 will play Exhibit 33.  
 16 **A. Okay.**  
 17 **(Video playing from 11:13 to 11:24.)**  
 18 Q. Were you able to observe Exhibit 33 as I  
 19 played it?  
 20 **A. Yes.**  
 21 Q. And could you tell me, please, what day  
 22 was Exhibit 33 recorded on?  
 23 **A. January 2nd, 2021.**  
 24 Q. Is Exhibit 33 a true and accurate copy of  
 25 a video recording that you made on your iPhone on

38

1 January 2nd, 2021, as you and Mr. Griffin traveled  
 2 to Washington, DC?  
 3 **A. Yes.**  
 4 Q. And Exhibit 33, is it a true and accurate  
 5 depiction or recording of a conversation between  
 6 Mr. Griffin and a resident of one of the towns that  
 7 you were driving through?  
 8 **A. Yes. It's a recording, yeah, accurate**  
 9 **recording.**  
 10 Q. Great. Did you edit or alter Exhibit 33  
 11 in any way?  
 12 **A. No.**  
 13 **(Exhibit 34 marked.)**  
 14 Q. I'd like to turn to Exhibit 34 of this  
 15 deposition. Now I'll play Exhibit 34.  
 16 (Video playing from 11:26 to 11:29.)  
 17 Q. Were you able to observe Exhibit 34 as I  
 18 played it?  
 19 **A. Yes.**  
 20 Q. And what date was Exhibit 34 recorded on?  
 21 **A. January 3rd, 2021.**  
 22 Q. Is Exhibit 34 a true and accurate copy of  
 23 what you recorded on your iPhone on January 3rd,  
 24 2021?  
 25 **A. Yes.**

39

1 Q. And is Exhibit 34 a true and accurate  
 2 recording of Mr. Griffin engaging in a conversation  
 3 on January 3rd, 2021?  
 4 **A. Yes.**  
 5 Q. Did you edit or alter Exhibit 34 in any  
 6 way?  
 7 **A. No.**  
 8 **(Exhibit 35 marked.)**  
 9 Q. I'd like to turn to Exhibit 35 of this  
 10 deposition, and now I'll play Exhibit 35.  
 11 (Video playing from 11:31 to 11:31.)  
 12 Q. Were you able to observe Exhibit 35 as I  
 13 played it?  
 14 **A. Yes.**  
 15 Q. What date was Exhibit 35 recorded on?  
 16 **A. January 3rd, 2021.**  
 17 Q. Is Exhibit 35 a true and accurate copy of  
 18 what you recorded on your iPhone on January 3rd of  
 19 2021?  
 20 **A. Yes.**  
 21 Q. Is Exhibit 35 a true and accurate  
 22 recording of you and Mr. Griffin driving at night on  
 23 January 3rd of 2021?  
 24 **A. Yes.**  
 25 Q. And the voice that we hear in that

40

1 recording, that is the voice of Mr. Griffin,  
 2 correct?  
 3 **A. Play it one more time. I'm sorry.**  
 4 Q. Sure.  
 5 **A. Yeah, I -- I don't remember --**  
 6 Q. I'll play Exhibit 35 once again.  
 7 **A. Thank you.**  
 8 **(Video playing from 11:33 to 11:33.)**  
 9 **A. Yes.**  
 10 Q. So the voice heard -- the voice heard on  
 11 Exhibit 35 is that of Mr. Griffin, correct?  
 12 **A. Correct.**  
 13 Q. Did you edit or alter Exhibit 35 in any  
 14 way?  
 15 **A. No.**  
 16 Q. Give me just a moment, please.  
 17 **A. Sure.**  
 18 Q. Now, you produced a large selection of  
 19 videos to the United States Government when they  
 20 requested them from you regarding Mr. Griffin's  
 21 criminal trial, correct?  
 22 **A. Yes.**  
 23 Q. And you sat down with the U.S. Attorney's  
 24 Office, and you went through those videos with them,  
 25 correct?

41

1 **A. Yes.**  
 2 Q. And you looked to see if the videos that  
 3 they had and that they were then going to use in  
 4 Mr. Griffin's criminal trial were, in fact, true and  
 5 accurate videos that you had recorded on your phone,  
 6 right?  
 7 **A. Yeah, they were the videos from my phone.**  
 8 Q. Right. So they were showing you what they  
 9 had and what they were going to use at trial the  
 10 next day.  
 11 **A. Correct.**  
 12 Q. And you told them, yes, those are the  
 13 videos that I recorded?  
 14 **A. That is correct.**  
 15 Q. And you then testified in Mr. Griffin's  
 16 criminal trial?  
 17 **A. Yes.**  
 18 Q. And through your testimony, there were a  
 19 series of exhibits that were admitted at that trial,  
 20 correct?  
 21 **A. Yes.**  
 22 Q. Those were recordings that you had made on  
 23 the date of -- predominantly on the date of  
 24 January 6th, correct?  
 25 **A. Correct.**

42	<p>1 MR. NOBILE: Objection, please. This is 2 Mr. Nobile. I'm just going to advise the witness -- 3 sorry, I'm going to instruct the witness not to 4 answer and advise him to assert his Fifth Amendment 5 right. 6 Q. Now, Mr. Struck, you had already answered 7 correct to my question. Are you wishing to instead 8 make your answer that you are invoking your Fifth 9 Amendment privilege and refusing to answer the 10 question? 11 <b>A. Okay. I'll take the advice of my -- the</b> 12 <b>lawyer.</b> 13 Q. Now I'm going to pull up a transcript from 14 your testimony at Mr. Griffin's criminal trial. 15 Okay? 16 <b>A. Okay.</b> 17 Q. Give me just a moment, please. Do you see 18 that? 19 <b>A. Yes.</b> 20 Q. Okay. And I'm going to scroll down to 21 your testimony. Okay? 22 <b>A. Okay.</b> 23 Q. All right. Do you see here on the bottom 24 of page 44 and onto the page 45 the prosecutor 25 states: The government calls Matthew Struck to the</p>	44	<p>1 Q. And they made you point him out and 2 identify a piece of clothing that he was wearing? 3 <b>A. Yes.</b> 4 Q. Now I want to scroll down to the portion 5 that discusses the exhibits. Okay? 6 <b>A. Great.</b> 7 Q. And so the government handed you an 8 envelope that was marked as Exhibits 10 through 69, 9 correct? 10 <b>A. Yes.</b> 11 Q. And you then opened up the envelope, and 12 there was a flash drive inside that envelope, 13 correct? 14 <b>A. Yes.</b> 15 Q. And that flash drive had your initials 16 written on it? 17 <b>A. Yes.</b> 18 Q. And you then testified about reviewing 19 that footage with the US attorneys the day before? 20 <b>A. Yes.</b> 21 Q. And then you testified that the videos 22 that were on that flash drive were the same videos 23 that you had reviewed in the office, correct? 24 <b>A. Yes.</b> 25 Q. And that those were videos that you had</p>
43	<p>1 stand? 2 <b>A. Yes.</b> 3 Q. And then you were sworn when you took the 4 stand, correct? 5 <b>A. Correct.</b> 6 Q. And then there was a discussion of a Fifth 7 Amendment privilege; is that right? 8 <b>A. Let me see here. What was the question?</b> 9 <b>I'm not sure I totally understand what you're asking</b> 10 <b>me here.</b> 11 Q. There was some discussion about the Fifth 12 Amendment, correct, and Mr. Woodward was with you? 13 <b>A. I'm not seeing the Fifth Amendment part.</b> 14 <b>Let me see. Okay. Yeah, we have a discussion about</b> 15 <b>Fifth Amendment. The court ordered Mr. Struck -- I</b> 16 <b>believe he understands the boundaries, but we don't</b> 17 <b>object to the court -- okay, yeah, we discussed the</b> 18 <b>Fifth Amendment, looks like, yeah.</b> 19 Q. Okay. And then your direct examination 20 began, and the government asked you questions? 21 <b>A. Yes.</b> 22 Q. Okay. And you were -- you identified 23 Mr. Griffin in that trial as a person being in that 24 courtroom? 25 <b>A. Yes.</b></p>	45	<p>1 recorded, correct? 2 <b>A. Yes.</b> 3 Q. And the videos that were then admitted 4 into evidence as Exhibits 10 through 62, those 5 videos were a fair and accurate depiction of the 6 events that you filmed on January 6 of 2021, 7 correct? 8 <b>A. No.</b> 9 Q. Did you not testify that they were a fair 10 and accurate depiction of the -- 11 MR. WOODWARD: Objection. 12 MR. DODD: Can I ask the question first, 13 please? 14 MR. WOODWARD: Yes. 15 Q. Mr. Struck, we're getting a lot of 16 background noise. 17 MR. WOODWARD: It's me. Matt, don't 18 answer the question until I can object. 19 Q. Mr. Struck, you testified at Mr. Griffin's 20 criminal trial that the videos marked as 21 Government's Exhibits 10 through 62 were all a fair 22 and accurate depiction of the events you filmed on 23 January 6, 2021. 24 MR. WOODWARD: Objection. I'm going to 25 instruct the witness to assert his Fifth Amendment</p>

46	<p>1 right and not answer the question.</p> <p>2 Q. Mr. Struck, are you following your</p> <p>3 attorney's advice on refusing to answer the question</p> <p>4 on the basis of the Fifth Amendment privilege?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And you're doing so despite the fact that</p> <p>7 you already testified to the facts at Mr. Griffin's</p> <p>8 criminal trial in March of this year; is that right?</p> <p>9 <b>A. I'm following my lawyer's advice.</b></p> <p>10 Q. Okay. Government's Exhibits 10 through 62</p> <p>11 were then admitted at the -- at Mr. Griffin's</p> <p>12 criminal trial, correct?</p> <p>13 MR. WOODWARD: Sorry. Can you repeat the</p> <p>14 question?</p> <p>15 Q. Government's Exhibits 10 through 62 were</p> <p>16 then admitted into evidence at Mr. Griffin's</p> <p>17 criminal trial, correct?</p> <p>18 MR. WOODWARD: No objection.</p> <p>19 <b>A. They were admitted, yes.</b></p> <p>20 Q. And they were admitted on the basis of</p> <p>21 your testimony; is that right?</p> <p>22 MR. WOODWARD: No objection.</p> <p>23 <b>A. Yeah, they were admitted. Yes. Yes, that</b></p> <p>24 <b>sounds right.</b></p> <p>25 Q. And so, Mr. Struck, you would agree that</p>	48	<p>1 Q. The same videos that you reviewed and that</p> <p>2 you then testified about were videos that you had</p> <p>3 recorded, correct?</p> <p>4 MR. WOODWARD: Object. I'm going to</p> <p>5 instruct the witness not to answer and to assert his</p> <p>6 Fifth Amendment right.</p> <p>7 Q. Mr. Struck, are you taking your attorney's</p> <p>8 advice and refusing to answer the question on the</p> <p>9 basis of your Fifth Amendment privilege?</p> <p>10 <b>A. I'm taking my lawyer's advice.</b></p> <p>11 MR. DODD: Stanley, just so I can clarify,</p> <p>12 to save some time, if I were to go through the</p> <p>13 exhibits that were used at Mr. Griffin's criminal</p> <p>14 trial, the video recordings, would -- would you be</p> <p>15 advising your client to invoke his Fifth Amendment</p> <p>16 privileges to questions regarding those videos?</p> <p>17 MR. WOODWARD: Yes.</p> <p>18 Q. (By Mr. Dodd) Mr. Struck, if I were to ask</p> <p>19 you those questions regarding the exhibits that were</p> <p>20 admitted at Mr. Griffin's criminal trial, would you</p> <p>21 take your attorney's advice and invoke your Fifth</p> <p>22 Amendment privilege and refuse to answer the</p> <p>23 questions?</p> <p>24 <b>A. I'm going to follow my lawyer's advice,</b></p> <p>25 <b>yes.</b></p>
47	<p>1 if we have the exhibits that were admitted at</p> <p>2 Mr. Griffin's criminal trial, that those exhibits</p> <p>3 would be the ones that you testified were a fair and</p> <p>4 accurate depiction of the events that you filmed on</p> <p>5 January 6th?</p> <p>6 MR. WOODWARD: Objection. I'm going to</p> <p>7 instruct the witness not to answer and assert his</p> <p>8 Fifth Amendment right against incrimination.</p> <p>9 Q. Mr. Struck, are you taking your attorney's</p> <p>10 advice on refusing to answer the question on the</p> <p>11 basis of the Fifth Amendment privilege?</p> <p>12 <b>A. I'm taking my lawyer's advice.</b></p> <p>13 Q. Just give me a moment. Okay?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Mr. Struck, assuming that we have true and</p> <p>16 accurate copies of the government's exhibits that</p> <p>17 you testified about at the criminal trial for</p> <p>18 Mr. Griffin --</p> <p>19 <b>A. Right.</b></p> <p>20 Q. -- you would agree that those would be the</p> <p>21 same videos that you reviewed when you were at the</p> <p>22 U.S. Attorney's Office the day before the criminal</p> <p>23 trial, correct?</p> <p>24 MR. WOODWARD: No objection.</p> <p>25 <b>A. Yes.</b></p>	49	<p>1 Q. Okay. Give me just a moment. Okay?</p> <p>2 <b>A. Thank you.</b></p> <p>3 <b>(Exhibit 97 marked.)</b></p> <p>4 Q. I'd like to turn to Exhibit Number 97 to</p> <p>5 this deposition. Now I'll play Exhibit 97.</p> <p>6 (Video playing from 11:47 to 11:50.)</p> <p>7 Q. Were you able to observe Exhibit Number 97</p> <p>8 as I played it?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And is Exhibit 97 a true and accurate copy</p> <p>11 of a video that you recorded on your iPhone on</p> <p>12 the -- in the early -- I'm sorry, in the early</p> <p>13 morning of January 6, 2021?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And is Exhibit 97 a true and accurate</p> <p>16 recording of you and Mr. Griffin walking down a line</p> <p>17 of other people in Washington, DC, on the morning of</p> <p>18 January 6, 2021?</p> <p>19 <b>A. Yeah. It's what my camera captured, yes.</b></p> <p>20 <b>(Exhibit 98 marked.)</b></p> <p>21 Q. Okay. Give me just a moment, please. I'd</p> <p>22 like to turn to Exhibit Number 98 to this</p> <p>23 deposition. Now I'll play Exhibit 98.</p> <p>24 <b>A. Okay.</b></p> <p>25 <b>(Video playing from 11:51 to 11:52.)</b></p>

50	<p>1 Q. Were you able to observe Exhibit Number 98 2 as I played it? 3 <b>A. Yes.</b> 4 Q. And is Exhibit Number 98 a true and 5 accurate copy of what you recorded on your iPhone on 6 the morning of January of, 2021? 7 <b>A. Let me check. Yeah, it looks like it is.</b> 8 Q. Is Exhibit 98 a true and accurate 9 recording of Mr. Griffin engaging in some 10 conversation with other people present in 11 Washington, DC, on the morning of January 6th, 2021? 12 <b>A. Yeah, they -- yes.</b> 13 Q. And did you edit or alter Exhibit 14 Number 98 in any way? 15 <b>A. No.</b> 16 Q. And actually, I don't recall if I already 17 asked this or not, but please allow me to ask it if 18 I'm asking it again. 19 Going back to Exhibit Number 97, you did 20 not edit or alter Exhibit Number 97 in any way, 21 correct? 22 <b>A. I did not alter 97 in any way.</b> 23 <b>(Exhibit 101 marked.)</b> 24 Q. Give me just a moment, please. I'd like 25 to turn to Exhibit 101 to this deposition.</p>	52	<p>1 played it? 2 <b>A. Yes.</b> 3 Q. And is Exhibit 104 a true and accurate 4 copy of what you recorded on your iPhone on 5 December 12th of 2020? 6 <b>A. Yes.</b> 7 Q. And is Exhibit 104 a true and accurate 8 recording of Mr. Griffin riding his horse around 9 Washington, DC, on December 12th of 2020? 10 <b>A. Yes.</b> 11 Q. Did you edit or alter Exhibit 104 in any 12 way? 13 <b>A. There was an edit in there, but I did not</b> 14 <b>make it.</b> 15 Q. And were you talking about that one 16 halfway through? 17 <b>A. Yeah, as we see before, maybe something</b> 18 <b>created it. Just to be clear, I didn't make that.</b> 19 Q. And it appears, does it not, that the 20 video continues without any major change to the 21 video, just like a little blip, correct? 22 <b>A. Yeah, looks like there was a portion</b> 23 <b>missing, but yes. I just wanted to be clear that I</b> 24 <b>didn't create that.</b> 25 Q. Okay. And so you're not sure how that</p>
51	<p>1 <b>A. Okay.</b> 2 Q. And now I will play Exhibit Number 101. 3 <b>A. Okay.</b> 4 <b>(Video playing from 11:43 to 11:55.)</b> 5 Q. Were you able to observe Exhibit 101 as I 6 played it? 7 <b>A. Yes.</b> 8 Q. Is Exhibit 101 a true and accurate copy of 9 a recording that you made with your iPhone on the 10 evening of January 6th, 2021? 11 <b>A. Yes.</b> 12 Q. And is Exhibit 101 a true and accurate 13 recording of a piece of conversation between you and 14 Mr. Griffin on the evening of January 6th, 2021? 15 <b>A. Yes.</b> 16 Q. Did you edit or alter Exhibit 101 in any 17 way? 18 <b>A. No.</b> 19 <b>(Exhibit 104 marked.)</b> 20 Q. Give me just a moment, please. I'd like 21 to turn to Exhibit 104 to this deposition. 22 <b>A. Okay.</b> 23 Q. And now I'll play Exhibit 104. 24 <b>(Video playing from 11:56 to 12:09.)</b> 25 Q. Were you able to observe Exhibit 104 as I</p>	53	<p>1 little blip gets there, but you would agree that 2 that does not change the substance of the recording, 3 correct? 4 <b>A. Correct.</b> 5 Q. And so you yourself did not edit or alter 6 Exhibit 104, correct? 7 <b>A. Correct.</b> 8 Q. At this point, I'd like to take a lunch 9 break. Why don't we come back at 1:00 p.m., in 50 10 minutes. 11 <b>A. 50 minutes. Yep.</b> 12 <b>(Recess was taken from 12:11 to 1:00.)</b> 13 <b>(Exhibit 105 marked.)</b> 14 Q. (By Mr. Dodd) Mr. Struck, I'd like to turn 15 to Exhibit Number 105 to this deposition. 16 <b>A. Okay. And I'll play Exhibit 105.</b> 17 <b>(Video playing from 1:01 to 1:10.)</b> 18 Q. Were you able to observe Exhibit 105 as I 19 played it? 20 <b>A. Yes.</b> 21 Q. Is Exhibit 105 a true and accurate copy of 22 a recording that you made on your iPhone on -- well, 23 on your way back from Washington, DC, in December of 24 2020? 25 <b>A. Yes.</b></p>

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1 Q. And actually, could you tell me on what  
 2 date did you record this video?  
 3 A. **Can you go to the first frame, please?**  
 4 Q. Sure.  
 5 A. **Not coming up. I'm getting no results on**  
 6 **that one. Let me see. That was around December.**  
 7 **Okay. Here it is, I think. Let me see. Okay.**  
 8 **This was December 13th, 2020.**  
 9 Q. Okay. And so Exhibit 105 is a true and  
 10 accurate copy of a recording you made on your iPhone  
 11 on December 13th of 2020?  
 12 A. **Yes.**  
 13 Q. And is Exhibit 105 a true and accurate  
 14 recording of statements that Mr. Griffin was making  
 15 as he spoke to the camera on that date?  
 16 A. **Yes.**  
 17 Q. Did you edit or alter Exhibit 105 in any  
 18 way?  
 19 A. **No.**  
 20 **(Exhibit 106 marked.)**  
 21 Q. I'd like to turn to Exhibit 106. Now I'll  
 22 play Exhibit 106.  
 23 (Video playing from 1:14 to 1:23.)  
 24 Q. Did you have an opportunity to observe  
 25 Exhibit 106 as I played it?

55

1 A. **Yes.**  
 2 Q. And is Exhibit 106 a true and accurate  
 3 copy of a recording that you made on your phone on  
 4 January 6th of 2021?  
 5 A. **Yes.**  
 6 Q. Is Exhibit 106 a true and accurate  
 7 recording of an event that you and Mr. Griffin  
 8 attended on January 6th of 2021?  
 9 A. **Yes.**  
 10 Q. Did you edit or alter Exhibit 106 in any  
 11 way?  
 12 A. **No.**  
 13 **(Exhibit 107 marked.)**  
 14 Q. I'd like to turn to Exhibit 107 to this  
 15 deposition.  
 16 (Video playing from 1:24 to 1:25.)  
 17 Q. Were you able to observe Exhibit 107 as I  
 18 played it?  
 19 A. **Yes.**  
 20 Q. Is Exhibit 107 a true and accurate copy of  
 21 a recording that you made on your iPhone on  
 22 January 6th of 2021?  
 23 A. **I don't know the date. I can check if you**  
 24 **want me to tell you the date.**  
 25 Q. Yes. Would you please give me the date on

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1 which you recorded Exhibit 107?  
 2 A. **That was actually on the 5th, not the 6th.**  
 3 Q. Exhibit 107 was recorded on January 5th of  
 4 2021?  
 5 A. **Correct, according to this.**  
 6 Q. What time on January 5th of 2021?  
 7 A. **3:17.**  
 8 Q. P.m. or a.m.?  
 9 A. **P.m.**  
 10 Q. And so is Exhibit 107 a true and accurate  
 11 copy of a recording that you made on your iPhone on  
 12 January 5th, 2021, at approximately 3:00 p.m. in the  
 13 afternoon?  
 14 A. **Yes.**  
 15 Q. And is Exhibit 107 a true and accurate  
 16 recording of Mr. Griffin and other individuals  
 17 walking down the street in Washington, DC, on  
 18 January 5th, 2021?  
 19 A. **Yes.**  
 20 Q. I'm sorry. Was that -- what was that?  
 21 A. **Yes. That was a yes.**  
 22 Q. Sorry.  
 23 A. **No, that's fine.**  
 24 Q. Did you edit or alter Exhibit 107 in any  
 25 way?

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1 A. **No.**  
 2 **(Exhibit 108 marked.)**  
 3 Q. I'd like to turn to Exhibit 108 to this  
 4 deposition. Before we watch Exhibit 108, could you  
 5 tell me what date you recorded this video on?  
 6 A. **Yes. January 7th, 2021.**  
 7 Q. And at what time?  
 8 A. **11:19 a.m.**  
 9 Q. Now I will play Exhibit 108.  
 10 (Video playing from 1:28 to 1:28.)  
 11 Q. Were you able to observe Exhibit 108 as I  
 12 played it?  
 13 A. **Yes.**  
 14 Q. And is Exhibit 108 a true and accurate  
 15 copy of a recording that you made on your iPhone on  
 16 January 7th, 2021, at approximately 11:19 a.m.?  
 17 A. **Yes. Yes.**  
 18 Q. And is Exhibit 108 -- well, let me ask  
 19 this. The voice that we hear present with you in  
 20 the vehicle as this is recording, that is the voice  
 21 of Couy Griffin, correct?  
 22 A. **One of the voices.**  
 23 Q. And Mr. Griffin is having, sounds like, a  
 24 speakerphone phone call with another individual; is  
 25 that right?

1           **A. Yes.**  
2           Q. And so is Exhibit 108, the audio portion  
3 of Exhibit 108, is that a true and accurate  
4 recording of a conversation or a part of a  
5 conversation that Mr. Griffin was having while you  
6 were present in the vehicle?  
7           **A. Yes.**  
8           Q. Did you edit or alter Exhibit 108 in any  
9 way?  
10          **A. No.**  
11          **(Exhibit 109 marked.)**  
12          Q. I'd like to turn to Exhibit 109 to this  
13 deposition. Before we watch Exhibit 109, can you  
14 tell me what date you recorded this video on?  
15          **A. Sure. This video was recorded**  
16 **January 7th, 2021, at 4:07 p.m.**  
17          Q. Now I'll play Exhibit 109.  
18             (Video playing from 1:30 to 1:32.)  
19          Q. Were you able to observe Exhibit 109 as I  
20 played it?  
21          **A. Yes.**  
22          Q. Is Exhibit 109 a true and accurate copy of  
23 a recording that you made on your iPhone on  
24 January 7th, 2021, at approximately 4:07 p.m.?  
25          **A. Yes.**

1           Q. And is Exhibit 109 a true and accurate  
2 recording of Mr. Griffin having a conversation with  
3 what appears to be a reporter on January 7th of  
4 2021?  
5           **A. Yes.**  
6           Q. Did you edit or alter Exhibit 109 in any  
7 way?  
8           **A. No.**  
9           **(Exhibit 110 marked.)**  
10          Q. I'd like to move to Exhibit 110 to this  
11 deposition. Before I play Exhibit 110, would you  
12 tell me what day did you record this recording on?  
13          **A. January 7th, 2021, at 5:26 p.m.**  
14          Q. I'm sorry. What time?  
15          **A. 5:26 p.m.**  
16          Q. I will now play Exhibit 110.  
17             (Video playing from 1:34 to 1:40.)  
18          Q. Were you able to observe Exhibit 110 as I  
19 played it?  
20          **A. Yes.**  
21          Q. Is Exhibit 110 a true and accurate copy of  
22 a recording that you made on your iPhone on  
23 January 7th of 2020 at approximately 5:26 p.m.?  
24          **A. Yes.**  
25          Q. Is Exhibit 110 a true and accurate copy --

1 a true and accurate recording of a conversation  
2 between Mr. Griffin and a reporter?  
3          **A. Yeah, part of a conversation.**  
4          Q. Did you edit or alter Exhibit 110 in any  
5 way?  
6          **A. No.**  
7          **(Exhibit 111 marked.)**  
8          Q. I'd like to move to Exhibit 111 to this  
9 deposition. Can you tell me what date you recorded  
10 this video?  
11          **A. This video was recorded January 8th, 2021,**  
12 **at 6:36 p.m.**  
13          Q. I will now play Exhibit 111.  
14             (Video playing from 1:41 to 2:00.)  
15          Q. Were you able to observe Exhibit 111 as I  
16 played it?  
17          **A. Yes.**  
18          Q. Is Exhibit 111 a true and accurate copy of  
19 a recording that you made on your iPhone on  
20 January 8th, 2021, at approximately 6:36 p.m.?  
21          **A. Yes.**  
22          Q. And is Exhibit 111 a true and accurate  
23 recording of Mr. Griffin having a speakerphone  
24 interview with a reporter on that date?  
25          **A. Yes.**

1           Q. Did you edit or alter Exhibit 111 in any  
2 way?  
3          **A. No.**  
4          **(Exhibit 112 marked.)**  
5          Q. I'd like to turn to Exhibit 112 to the  
6 deposition. What date and time did you record  
7 Exhibit 112?  
8          **A. January 9th, 2021, at 11:46 a.m.**  
9          Q. I'll now play Exhibit 112.  
10          (Video playing from 2:01 to 2:02.)  
11          Q. Were you able to observe Exhibit 112 as I  
12 played it?  
13          **A. Yes.**  
14          Q. Is Exhibit 112 a true and accurate copy of  
15 a recording that you made on your iPhone on  
16 January 9th of 2021 at approximately 11:46 a.m.?  
17          **A. Yes.**  
18          Q. Is Exhibit 112 a true and accurate  
19 recording of a portion of a conversation that  
20 Mr. Griffin was having with another person on the  
21 phone on January 9th, 2021?  
22          **A. Yes.**  
23          Q. Did you edit or alter Exhibit 112 in any  
24 way?  
25          **A. No.**



62	<p>1           <b>(Exhibit 113 marked.)</b></p> <p>2           Q. I'd like to move to Exhibit 113. On what</p> <p>3           date and at what time did you record Exhibit 113?</p> <p>4           <b>A. This was recorded on January 10, 2021, at</b></p> <p>5           <b>10:41 a.m.</b></p> <p>6           Q. And Exhibit 113 was recorded in San Diego,</p> <p>7           California; is that right?</p> <p>8           <b>A. That is correct.</b></p> <p>9           Q. I'll now play Exhibit 113.</p> <p>10          (Video playing from 2:04 to 2:09 )</p> <p>11          Q. Were you able to observe Exhibit 113 as I</p> <p>12          played it?</p> <p>13          <b>A. Yes.</b></p> <p>14          Q. Is Exhibit 113 a true and accurate copy of</p> <p>15          a recording that you made on your iPhone on</p> <p>16          January 10th, 2021, at approximately 10:41 a.m.?</p> <p>17          <b>A. Yes.</b></p> <p>18          Q. Is Exhibit 113 a true and accurate</p> <p>19          recording of Couy Griffin on January 10th, 2021?</p> <p>20          <b>A. Yes.</b></p> <p>21          Q. Did you edit or alter Exhibit 113 in any</p> <p>22          way?</p> <p>23          <b>A. No.</b></p> <p>24          <b>(Exhibit 114 marked.)</b></p> <p>25          Q. I'd like to move to Exhibit 114 to this</p>	64	<p>1           (Video playing from 2:17 to 2:21.)</p> <p>2           Q. Were you able to observe Exhibit 115 as I</p> <p>3           played it?</p> <p>4           <b>A. Yes.</b></p> <p>5           Q. Is Exhibit 115 a true and accurate copy of</p> <p>6           a recording that you made on your iPhone on</p> <p>7           January 10th, 2021, at approximately 10:58 a.m.?</p> <p>8           <b>A. Yes.</b></p> <p>9           Q. Is Exhibit 115 a true and accurate</p> <p>10          recording of an interaction between Mr. Griffin and</p> <p>11          other unknown people in San Diego, California, on</p> <p>12          January 10th, 2021?</p> <p>13          <b>A. Yes.</b></p> <p>14          Q. Did you edit or alter Exhibit 115 in any</p> <p>15          way?</p> <p>16          <b>A. No.</b></p> <p>17          <b>(Exhibit 116 marked.)</b></p> <p>18          Q. I'd like to turn to Exhibit 116 to this</p> <p>19          deposition. On what date did you record</p> <p>20          Exhibit 116?</p> <p>21          <b>A. Okay. It looks like that was recorded on</b></p> <p>22          <b>November 4th, 2020, at 1:32 p.m. My version is</b></p> <p>23          <b>horizontal. It doesn't make too much difference,</b></p> <p>24          <b>but just to make that note.</b></p> <p>25          Q. Okay. Now I will play Exhibit 116.</p>
63	<p>1           deposition. On what date and at what time did you</p> <p>2           record Exhibit 114?</p> <p>3           <b>A. January 10th, 2021, at 10:52 a.m.</b></p> <p>4           Q. I will now play Exhibit 114.</p> <p>5           (Video playing from 2:11 to 2:16.)</p> <p>6           Q. Were you able to observe Exhibit 114 as I</p> <p>7           played it?</p> <p>8           <b>A. Yes.</b></p> <p>9           Q. Is Exhibit 114 a true and accurate copy of</p> <p>10          a recording you made with your iPhone on January 10,</p> <p>11          2021 at approximately 10:52 a.m.?</p> <p>12          <b>A. Yes.</b></p> <p>13          Q. Is Exhibit 114 a true and accurate</p> <p>14          recording of statements made by Mr. Griffin on</p> <p>15          January 10th, 2021?</p> <p>16          <b>A. Yes.</b></p> <p>17          Q. Did you edit or alter Exhibit 114 in any</p> <p>18          way?</p> <p>19          <b>A. No.</b></p> <p>20          <b>(Exhibit 115 marked.)</b></p> <p>21          Q. I'd like to move to Exhibit 115 of this</p> <p>22          deposition. On what date and at what time did you</p> <p>23          record Exhibit 115?</p> <p>24          <b>A. January 10th, 2021, at 10:58 a.m.</b></p> <p>25          Q. I will now play Exhibit 115.</p>	65	<p>1           <b>A. Okay.</b></p> <p>2           <b>(Video playing from 2:24 to 2:26.)</b></p> <p>3           Q. Were you able to observe Exhibit 116 as I</p> <p>4           played it?</p> <p>5           <b>A. Yes.</b></p> <p>6           Q. Now, is Exhibit 116 a video that you</p> <p>7           recorded, or is it one of those that Mr. Griffin</p> <p>8           sent to you?</p> <p>9           <b>A. Yeah, I didn't record it, so it --</b></p> <p>10          <b>probably, most likely, he sent it to me.</b></p> <p>11          Q. Okay. Now, is Exhibit 116 a true and</p> <p>12          accurate copy of a recording that was sent to you by</p> <p>13          Mr. Griffin that is dated as having been recorded on</p> <p>14          November 4th of 2020?</p> <p>15          <b>A. The other possibility is I could have</b></p> <p>16          <b>downloaded it off of Facebook, possibly. I don't</b></p> <p>17          <b>remember how I got that, but that's the other</b></p> <p>18          <b>possibility. So can you repeat the next question?</b></p> <p>19          Q. So is Exhibit 116 a true and accurate copy</p> <p>20          of a recording that either Mr. Griffin sent to you</p> <p>21          or you downloaded off of Facebook that was recorded</p> <p>22          on November 4th, 2020?</p> <p>23          <b>A. Yes.</b></p> <p>24          Q. And is Exhibit 116 a true and accurate</p> <p>25          recording of a statement made by Mr. Griffin on</p>

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1 November 4th of 2020?

2 **A. Also, it's sideways. Like -- as I stated**  
3 **before, it being the same, it's sideways. It is a**  
4 **statement that Couy made that is recorded, yeah.**  
5 **Yes.**

6 Q. So Exhibit 116 is a true and accurate,  
7 besides being sideways, recording of a statement by  
8 Mr. Griffin on January -- or on November 4th, 2020?

9 **A. Yes.**

10 Q. And did you edit or alter Exhibit 116 in  
11 any way?

12 **A. No, I did not change that. Somehow it**  
13 **changed somewhere else.**

14 **(Exhibit 117 marked.)**

15 Q. I want to turn to Exhibit 117 to this  
16 deposition. On what date was Exhibit 117 recorded?

17 **A. There we go. Okay. That was recorded on**  
18 **November 7th, 2020, at 11:27 a.m. November 7th,**  
19 **2020, at 11:27 a.m.**

20 Q. I will now play Exhibit 117.

21 (Video playing from 2:30 to 2:31.)

22 Q. Were you able to observe Exhibit 117 as I  
23 played it?

24 **A. Yes.**

25 Q. Is Exhibit 117 a true and accurate copy of

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1 **A. The date this was recorded on**  
2 **November 8th, 2020, at 4:26 p.m.**

3 Q. I appreciate you clarifying that.

4 **A. Yeah, I was like, that doesn't make sense.**

5 Q. Is Exhibit 118 a true and accurate copy of  
6 a recording that was recorded on November 8th, 2020,  
7 and that Mr. Griffin sent to you?

8 **A. Yes.**

9 Q. And is Exhibit 118 a true and accurate  
10 recording of Mr. Griffin making statements to the  
11 camera on November 8th, 2020?

12 **A. Yes.**

13 Q. Did you edit or alter Exhibit 118 in any  
14 way?

15 **A. No.**

16 **(Exhibit 119 marked.)**

17 Q. I'd like to turn to Exhibit 119 to this  
18 deposition. On what date did you record  
19 Exhibit 119?

20 **A. These videos actually -- I want to**  
21 **clarify -- could be cut down from bigger videos. So**  
22 **I may have edited these. I want to apologize if I**  
23 **misspoke that I didn't.**

24 Q. We'll address that.

25 **A. Okay.**

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1 a recording that Mr. Griffin sent to you which was  
2 recorded on November 7th of 2020?

3 **A. Yes.**

4 Q. And is Exhibit 117 a true and accurate  
5 recording of Mr. Griffin making statements to the  
6 camera?

7 **A. Yes.**

8 Q. Did you edit or alter Exhibit 117 in any  
9 way?

10 **A. No.**

11 **(Exhibit 118 marked.)**

12 Q. I'd like to turn to Exhibit 118 to this  
13 deposition. On what date was Exhibit 118 recorded?

14 **A. This was recorded on September 24th, 2019,**  
15 **at 10:04 p.m.**

16 Q. I'm going to now play Exhibit 118.

17 (Video playing from 2:33 to 2:35.)

18 Q. Were you able to observe Exhibit  
19 Number 118 as I played it?

20 **A. Yes. I also misspoke just a second ago.**

21 Q. Okay. Was that with regards to the date  
22 of this?

23 **A. Yes.**

24 Q. Could you please give a date on when this  
25 video was recorded?

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1 Q. On what date did you record Exhibit 119?

2 **A. Let me try to find this one. These**  
3 **trimmed ones are a little bit more difficult to pull**  
4 **out for some reason. Okay. This was recorded on**  
5 **January 2nd, 2021, at 1:12 p.m.**

6 Q. I'll now play Exhibit 119.

7 **A. Okay.**

8 **(Video playing from 2:38 to 2:40.)**

9 Q. Were you able to observe Exhibit 119 as I  
10 played it?

11 **A. Yes.**

12 Q. Is Exhibit 119 a true and accurate copy of  
13 a recording that you made on your iPhone on  
14 January 2nd, 2021?

15 **A. Yes.**

16 Q. Is Exhibit 119 a true and accurate  
17 recording of Mr. Griffin making statements to a  
18 crowd on January 2nd, 2021?

19 **A. Yes.**

20 Q. Did you edit or alter Exhibit 119 in any  
21 way?

22 **A. Yes, I believe the ones that say "trim" I**  
23 **might have cut down from a bigger thing, a bigger**  
24 **portion of video, but as far as the contents in**  
25 **there it has not been edited inside the contents of**

70	<p>1 <b>the clip.</b></p> <p>2 Q. Just so I can clarify.</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. The trim videos, the videos that have the</p> <p>5 word trim in the title, what you're saying is that</p> <p>6 those videos may have been larger videos that were</p> <p>7 then cut down, correct?</p> <p>8 <b>A. Correct. Yes.</b></p> <p>9 Q. But that you didn't edit the content of</p> <p>10 those -- those smaller pieces in any way, correct?</p> <p>11 <b>A. Correct. That's absolutely correct.</b></p> <p>12 Q. All right. Thank you for clarifying.</p> <p>13 <b>A. Yeah, just want to make sure we're clear.</b></p> <p>14 <b>(Exhibit 120 marked.)</b></p> <p>15 Q. I'd like to turn to Exhibit 120. On what</p> <p>16 date was Exhibit -- on what date did you record</p> <p>17 Exhibit 120?</p> <p>18 <b>A. Okay. This was recorded on January 3rd,</b></p> <p>19 <b>2021, at 1:20 p.m.</b></p> <p>20 Q. I will now play Exhibit 120.</p> <p>21 (Video playing from 2:43 to 2:45.)</p> <p>22 Q. Were you able to observe Exhibit 120 as I</p> <p>23 played it?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. And is Exhibit 120 a true and accurate</p>	72	<p>1 <b>A. Yes.</b></p> <p>2 Q. Is Exhibit 121 a true and accurate copy of</p> <p>3 a recording that you made with your iPhone on</p> <p>4 January 7th, 2021, at approximately 1:56 p.m.?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Is Exhibit 121 a true and accurate</p> <p>7 recording of Mr. Griffin making statements on</p> <p>8 January 7th, 2021, at 1:56 p.m.?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Did you edit or alter Exhibit 121 in any</p> <p>11 way?</p> <p>12 <b>A. It may have been trimmed down. Looks like</b></p> <p>13 <b>it was trimmed town from a larger segment, but the</b></p> <p>14 <b>content within this clip has not been edited.</b></p> <p>15 <b>(Exhibit 122 marked.)</b></p> <p>16 Q. I'd like to move to Exhibit 122. On what</p> <p>17 day and at what time did you record Exhibit 122?</p> <p>18 <b>A. This was recorded on January 5th, 2021, at</b></p> <p>19 <b>7:32 p.m.</b></p> <p>20 Q. I'm sorry. What time again?</p> <p>21 <b>A. 7:32 p.m. 7:32 p.m.</b></p> <p>22 Q. I'm going to play Exhibit 122 now.</p> <p>23 <b>A. Okay.</b></p> <p>24 <b>(Video playing from 3:02 to 3:05.)</b></p> <p>25 Q. Were you able to observe Exhibit 122 as I</p>
71	<p>1 copy of what you recorded on your iPhone on</p> <p>2 January 3rd, 2021?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. And is Exhibit 120 a true and accurate</p> <p>5 recording of Mr. Griffin making statements to a</p> <p>6 crowd on January 3rd, 2021?</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. And did you edit or alter Exhibit 120 in</p> <p>9 any way?</p> <p>10 <b>A. It may have been cut down, but the</b></p> <p>11 <b>contents within the clip have not on altered or</b></p> <p>12 <b>edited in any way.</b></p> <p>13 MR. DODD: Thank you. At this point I'd</p> <p>14 like to take an afternoon break for ten minutes.</p> <p>15 (Recess was taken from 2:46 to 2:58.)</p> <p>16 (Exhibit 121 marked.)</p> <p>17 Q. (By Mr. Dodd) I'd like to turn to Exhibit</p> <p>18 121. Mr. Struck, on what date and time did you</p> <p>19 record Exhibit 121?</p> <p>20 <b>A. This was recorded on January 7th, 2021, at</b></p> <p>21 <b>1:56 p.m.</b></p> <p>22 Q. I will now play Exhibit 121.</p> <p>23 (Video playing from 2:58 to 3:01.)</p> <p>24 Q. Were you able to observe Exhibit 121 as I</p> <p>25 played it?</p>	73	<p>1 played it?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. Now, I just wanted to go back for a</p> <p>4 moment. What time did you say that this video was</p> <p>5 recorded?</p> <p>6 <b>A. It says it was recorded on January 5th,</b></p> <p>7 <b>2021, at 7:32 p.m.</b></p> <p>8 Q. Now, do you think that that may be</p> <p>9 incorrect given that Mr. Griffin, in the recording,</p> <p>10 stated good morning and that it's January outside of</p> <p>11 Washington, DC, and 7:30 p.m.?</p> <p>12 <b>A. Yeah, sure. Yeah. Yeah. Okay. Yeah, so</b></p> <p>13 <b>maybe that's the time I -- it was trimmed.</b></p> <p>14 Q. Okay.</p> <p>15 <b>A. Yeah, that would make more sense. Sorry</b></p> <p>16 <b>about that. That was --</b></p> <p>17 Q. No, I just wanted to clarify.</p> <p>18 <b>A. Yeah. Yeah, that makes sense. You're</b></p> <p>19 <b>right. That's the date that it was probably</b></p> <p>20 <b>modified, I guess. Like I said, it's modified,</b></p> <p>21 <b>segmented down.</b></p> <p>22 Q. Now, is Exhibit 122 a true and accurate</p> <p>23 copy of a recording that you made on your iPhone on</p> <p>24 January 5th, 2021?</p> <p>25 <b>A. Yes.</b></p>

<p style="text-align: right;">74</p> <p>1 Q. And is Exhibit 122 a true and accurate 2 recording of Mr. Griffin making statements, along 3 with other people, on January 5th, 2021? 4 <b>A. Yes.</b> 5 Q. Did you edit or alter Exhibit 122 in any 6 way? 7 <b>A. Like I said, it might have been cut down.</b> 8 Q. But you did not -- 9 <b>A. Not --</b> 10 Q. -- did not change the content of the 11 recording at all, correct? 12 <b>A. Correct. I did not change the contents of</b> 13 <b>the recording.</b> 14 <b>(Exhibit 123 marked.)</b> 15 Q. I'd like to turn to Exhibit 123. On what 16 date did you record Exhibit 123? 17 <b>A. Okay. I guess as we kind of determined,</b> 18 <b>this is the day it was modified. It was</b> 19 <b>January 2nd, 2021, at 9:11 p.m. is when it was a</b> 20 <b>cut-down from a larger clip, I would guess. Does</b> 21 <b>that make sense?</b> 22 Q. I will now play Exhibit 123. 23 <b>A. Okay.</b> 24 <b>(Video playing from 3:08 to 3:10.)</b> 25 Q. Were you able to observe Exhibit 123 as I</p>	<p style="text-align: right;">76</p> <p>1 Q. Were you able to observe Exhibit 124 as I 2 played it? 3 <b>A. Yes.</b> 4 Q. Is Exhibit 124 a true and accurate copy of 5 a recording that you made on your iPhone in the days 6 leading up to January 6th? 7 <b>A. Yes.</b> 8 Q. Is Exhibit 124 a true and accurate 9 recording of statements that Mr. Griffin made to a 10 crowd in the days leading up to January 6, 2021? 11 <b>A. Yes.</b> 12 Q. Did you edit or alter Exhibit 124 in any 13 way. 14 <b>A. Contents of this clip have not been</b> 15 <b>altered in any way.</b> 16 <b>(Exhibit 125 marked.)</b> 17 Q. I'd like to move to Exhibit 125. What 18 date do you have for Exhibit 125, Mr. Struck? 19 <b>A. This is January 7th, 2021, at 10:50 a.m.</b> 20 Q. At the time that you recorded this 21 recording, you were in Roanoke, Virginia, correct? 22 <b>A. Yes, I believe so.</b> 23 Q. And so that date and time does sound 24 accurate, does it not? 25 <b>A. Yeah, it would be probably fairly close, I</b></p>
<p style="text-align: right;">75</p> <p>1 played it? 2 <b>A. Yes.</b> 3 Q. Is Exhibit 123 a true and accurate copy of 4 a recording that you made on your iPhone on 5 January 2nd, 2021? 6 <b>A. Yes.</b> 7 Q. Is Exhibit 123 a true and accurate 8 recording of Mr. Griffin making statements to a 9 crowd on January 2nd, 2021? 10 <b>A. Yes.</b> 11 Q. Did you edit or alter Exhibit 13 in any 12 way? 13 <b>A. It looks like I cut it down from a larger</b> 14 <b>clip.</b> 15 Q. But you did not alter any of the content, 16 correct? 17 <b>A. Correct.</b> 18 <b>(Exhibit 124 marked.)</b> 19 Q. I'd like to turn to Exhibit 124. On what 20 date did you record Exhibit 124? 21 <b>A. That was the cut-down of the larger clip,</b> 22 <b>which this clip is, was on January 2nd, 2021, at</b> 23 <b>1:22 p.m.</b> 24 Q. I will now play Exhibit 124. 25 <b>(Video playing from 3:12 to 3:14.)</b></p>	<p style="text-align: right;">77</p> <p>1 <b>think. What time -- January 7th -- yeah, I would</b> 2 <b>think it would probably be fairly close to the time</b> 3 <b>it was recorded.</b> 4 Q. Okay. I will now play Exhibit 125. 5 <b>A. Okay.</b> 6 <b>(Video playing from 3:16 to 3:18.)</b> 7 Q. Were you able to observe Exhibit 125 as I 8 played it? 9 <b>A. Yes.</b> 10 Q. Is Exhibit 125 a true and accurate copy of 11 a recording that you made on your iPhone on 12 January 7th, 2021? 13 <b>A. Yes.</b> 14 Q. Is Exhibit 125 a true and accurate 15 recording of Mr. Griffin's statements on 16 January 7th, 2021? 17 <b>A. Yes.</b> 18 Q. Did you edit or alter Exhibit 125 in any 19 way? 20 <b>A. No. The content has not been altered.</b> 21 <b>(Exhibit 126 marked.)</b> 22 Q. I'd like to move to Exhibit 126. What 23 date do you have for Exhibit 126? 24 <b>A. I have a date for this one as January 1st,</b> 25 <b>2021, 8:50 p.m.</b></p>

78	<p>1 Q. I will now play Exhibit 126.</p> <p>2 A. Okay.</p> <p>3 (Video playing from 3:20 to 3:22 PM)</p> <p>4 Q. Were you able to observe Exhibit 126 as I</p> <p>5 played it?</p> <p>6 A. Yes.</p> <p>7 Q. Is Exhibit 126 a true and accurate copy of</p> <p>8 a recording you made on your iPhone on January 1st,</p> <p>9 2021?</p> <p>10 A. Yes.</p> <p>11 Q. Is Exhibit 126 a true and accurate</p> <p>12 recording of statements made by Mr. Griffin to a</p> <p>13 crowd on January 1st of 2021?</p> <p>14 A. Yes.</p> <p>15 Q. Did you edit or alter Exhibit 126 in any</p> <p>16 way?</p> <p>17 A. No.</p> <p>18 (Exhibit 127 marked.)</p> <p>19 Q. I'd like to move to Exhibit 127. On what</p> <p>20 date did you record Exhibit 127?</p> <p>21 A. That file's date is January 7, 2021, at</p> <p>22 10:26 a.m.</p> <p>23 Q. I will now play Exhibit 127.</p> <p>24 A. Okay.</p> <p>25 (Video playing from 3:24 to 3:26.)</p>	80	<p>1 a recording that you recorded on your iPhone on</p> <p>2 January 7th, 2021?</p> <p>3 A. Yes.</p> <p>4 Q. Is Exhibit 128 a true and accurate</p> <p>5 recording of Mr. Griffin making statements on</p> <p>6 January 7th, 2021?</p> <p>7 A. Yes.</p> <p>8 Q. Did you edit or alter Exhibit 128 in any</p> <p>9 way?</p> <p>10 A. No, the contents have not been altered.</p> <p>11 (Exhibit 129 marked.)</p> <p>12 Q. I'd like to move to Exhibit 129 to this</p> <p>13 deposition. On what date did you record Exhibit</p> <p>14 129?</p> <p>15 A. This clip comes from January 7th, 2021, at</p> <p>16 12:03 p.m.</p> <p>17 Q. Okay. Now, looking at the contents of the</p> <p>18 first frame here, does it appear that this may have</p> <p>19 actually been recorded on January 6th of 2021?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. I will now play Exhibit 129.</p> <p>22 (Video playing from 3:31 to 3:34.)</p> <p>23 Q. Were you able to observe Exhibit 129 as I</p> <p>24 played it?</p> <p>25 A. Yes.</p>
79	<p>1 Q. Were you able to observe Exhibit 127 as I</p> <p>2 played it?</p> <p>3 A. Yes.</p> <p>4 Q. Is Exhibit 127 a true and accurate copy of</p> <p>5 a recording you made on your iPhone on January 7,</p> <p>6 2021?</p> <p>7 A. Yes.</p> <p>8 Q. Is Exhibit 127 a true and accurate</p> <p>9 recording of statements made by Mr. Griffin on</p> <p>10 January 7th, 2021?</p> <p>11 A. Yes.</p> <p>12 Q. Did you edit or alter Exhibit 127 in any</p> <p>13 way?</p> <p>14 A. No.</p> <p>15 (Exhibit 128 marked.)</p> <p>16 Q. I'd like to turn to Exhibit 128. Did you</p> <p>17 also record Exhibit 128 on January 7th of 2021?</p> <p>18 A. Yes.</p> <p>19 Q. I will now play Exhibit 128.</p> <p>20 A. Okay.</p> <p>21 (Video playing from 3:27 to 3:30.)</p> <p>22 Q. Were you able to observe Exhibit 128 as I</p> <p>23 played it?</p> <p>24 A. Yes.</p> <p>25 Q. Is Exhibit 128 a true and accurate copy of</p>	81	<p>1 Q. Is Exhibit 129 a true and accurate copy of</p> <p>2 a recording that you made on your iPhone on</p> <p>3 January 6, 2021?</p> <p>4 A. Yes.</p> <p>5 Q. Is Exhibit 129 a true and accurate</p> <p>6 recording of Mr. Griffin moving through the crowd</p> <p>7 and of the crowd on January 6, 2021?</p> <p>8 A. Yes.</p> <p>9 Q. Did you edit or alter Exhibit 129 in any</p> <p>10 way?</p> <p>11 A. No.</p> <p>12 (Exhibit 130 marked.)</p> <p>13 Q. I'd like to move to Exhibit 130 to this</p> <p>14 deposition. Mr. Struck, do you know on which date</p> <p>15 you recorded Exhibit 103?</p> <p>16 A. This was recorded -- or this clip was made</p> <p>17 December 10th, 2020, at 10:32 a.m.</p> <p>18 Q. I will now play Exhibit 103.</p> <p>19 (Video playing from 3:35 to 3:37.)</p> <p>20 Q. Were you able to observe Exhibit 130 as I</p> <p>21 played it?</p> <p>22 A. Yes.</p> <p>23 Q. Is Exhibit 130 a true and accurate copy of</p> <p>24 a recording you made on your iPhone on</p> <p>25 December 10th, 2020?</p>

<p style="text-align: right;">82</p> <p>1       <b>A. Yes. It's the -- yes.</b>  2       Q. Is Exhibit 130 a true and accurate  3 recording of statements made by Mr. Griffin?  4       <b>A. Yes.</b>  5       Q. Did you edit or alter Exhibit 130 in any  6 way?  7       <b>A. I did not.</b>  8       <b>(Exhibit 131 marked.)</b>  9       Q. I'd like to turn to Exhibit 131 to this  10 deposition. Mr. Struck, is Exhibit 131 a video  11 recording you made in the days leading up to  12 January 6, 2021?  13       <b>A. Yes.</b>  14       Q. I will now play Exhibit 131.  15       (Video playing from 3:39 to 3:41.)  16       Q. Were you able to observe Exhibit 131 as I  17 played it?  18       <b>A. Yes.</b>  19       Q. Is Exhibit 131 a true and accurate copy of  20 a recording that you made on your iPhone on -- in  21 the days leading up to January 6, 2021?  22       <b>A. Yes.</b>  23       Q. Is Exhibit 131 a true and accurate  24 recording of statements made by Mr. Griffin to a  25 crowd in the days leading up to January 6, 2021?</p>	<p style="text-align: right;">84</p> <p>1       <b>A. No.</b>  2       <b>(Exhibit 133 marked.)</b>  3       Q. I'd like to turn to Exhibit 133 to this  4 deposition. Did you record Exhibit 133 in the days  5 leading up to January 6, 2021?  6       <b>A. Yes.</b>  7       Q. I will now play Exhibit 133.  8       (Video playing from 3:47 to 3:49.)  9       Q. Were you able to observe Exhibit 133 as I  10 played it?  11       <b>A. Yes.</b>  12       Q. Is Exhibit 133 a true and accurate copy of  13 a recording that you made on your iPhone in the days  14 leading up to January 6, 2021?  15       <b>A. Yes.</b>  16       Q. Is Exhibit 133 a true and accurate  17 recording of Mr. Griffin making statements to a  18 crowd in the days leading up to January 6th, 2021?  19       <b>A. Yes.</b>  20       Q. Did you edit or alter Exhibit 133 in any  21 way?  22       <b>A. No.</b>  23       <b>(Exhibit 134 marked.)</b>  24       Q. I'd like to turn to Exhibit 134 of this  25 deposition. Mr. Struck, Exhibit Number 134 appears</p>
<p style="text-align: right;">83</p> <p>1       <b>A. Yes.</b>  2       Q. Did you edit or alter Exhibit 131 in any  3 way?  4       <b>A. No.</b>  5       <b>(Exhibit 132 marked.)</b>  6       Q. I'd like to turn to Exhibit 132 to this  7 deposition. Is Exhibit 132 a recording that you  8 made in the days leading up to January 6th, 2021?  9       <b>A. It appears to be, yes.</b>  10       Q. I will now play Exhibit 132.  11       (Video playing from 3:42 to 3:45.)  12       Q. Were you able to observe Exhibit 132 as I  13 played it?  14       <b>A. Yes.</b>  15       Q. Is Exhibit 132 a true and accurate copy of  16 a recording you made on your iPhone leading up to  17 January 6, 2021?  18       <b>A. Yes.</b>  19       Q. Is Exhibit 132 a true and accurate  20 recording of statements made to members of the  21 public at a Trump rally in the days leading up to  22 January 6, 2021?  23       <b>A. Yes.</b>  24       Q. Did you edit or alter Exhibit 132 in any  25 way?</p>	<p style="text-align: right;">85</p> <p>1       to be a news report that you saved on your phone and  2 then disclosed to us pursuant to the subpoena; is  3 that correct?  4       <b>A. Yes.</b>  5       Q. On what date did you save this copy of  6 this news report?  7       <b>A. November 8th, 2020, at 1:27 p.m.</b>  8       Q. I will now play Exhibit 134.  9       (Video playing from 3:51 to 3:53.)  10       Q. Were you able to observe Exhibit 134 as I  11 played it?  12       <b>A. Yes.</b>  13       Q. Is Exhibit 134 a true and accurate copy of  14 the news broadcast that you downloaded on  15 November 8, 2020?  16       <b>A. Yes, it's the same copy that's on my</b>  17 <b>phone.</b>  18       Q. Did you edit or alter Exhibit 134 in any  19 way?  20       <b>A. I don't know.</b>  21       Q. What do you mean, you don't know?  22       <b>A. I may have. The beginning and the end</b>  23 <b>look the same, so I may have put the end at the</b>  24 <b>beginning. If you watch the very end of that clip</b>  25 <b>and then play the very beginning of it, I think I</b></p>

86	<p>1 <b>may have edited that, just to be clear.</b></p> <p>2 Q. Did you edit the content of the video at</p> <p>3 all?</p> <p>4 <b>A. No. I just duplicated the end to the</b></p> <p>5 <b>beginning. I believe that's the only edit I made in</b></p> <p>6 <b>that clip. Nothing would be removed.</b></p> <p>7 <b>(Exhibit 135 marked.)</b></p> <p>8 Q. I'd like to move to Exhibit 135. Exhibit</p> <p>9 135 was a video that you recorded in the lead-up to</p> <p>10 the December 12th, 2020, Jericho March in</p> <p>11 Washington, DC, correct?</p> <p>12 <b>A. That is correct.</b></p> <p>13 Q. I will now play Exhibit 135.</p> <p>14 (Video playing from 3:55 to 3:56.)</p> <p>15 Q. Now, were you able to observe Exhibit 135</p> <p>16 as I played it?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Now, I want to clarify. It appears that</p> <p>19 actually you were not the person who recorded that</p> <p>20 video; is that right?</p> <p>21 <b>A. That is correct.</b></p> <p>22 Q. It was a video that appears to have been</p> <p>23 recorded by Mr. Griffin himself?</p> <p>24 <b>A. That's correct.</b></p> <p>25 Q. And then Mr. Griffin sent the footage to</p>	88	<p>1 Q. I'd like to turn to Exhibit 136 to this</p> <p>2 deposition. Exhibit 136 was a video that you</p> <p>3 recorded on December 11th of 2020 in Washington, DC,</p> <p>4 correct?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. I'll now play Exhibit 136.</p> <p>7 (Video playing from 3:59 to 4:01.)</p> <p>8 Q. Were you able to observe Exhibit 136 as I</p> <p>9 played it?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Is Exhibit 136 a true and accurate copy of</p> <p>12 a recording that you made on your iPhone on December</p> <p>13 11th of 2020?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Is Exhibit 136 a true and accurate</p> <p>16 recording of Mr. Griffin making statements in front</p> <p>17 of the United States Capitol on December 11th, 2020?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Did you edit or alter Exhibit 136 in any</p> <p>20 way?</p> <p>21 <b>A. No.</b></p> <p>22 MR. DODD: Why don't we take a ten-minute</p> <p>23 break, and we'll try to get everything wrapped up.</p> <p>24 Okay?</p> <p>25 (Recess was taken from 4:02 to 4:12.)</p>
87	<p>1 you, and -- is that right?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And then you produced sort of the -- you</p> <p>4 put the music over it?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. And you put that sort of fade-out at the</p> <p>7 end; is that right?</p> <p>8 <b>A. Yes, correct.</b></p> <p>9 Q. Okay. And so is Exhibit 135 a true and</p> <p>10 accurate copy of a video that you were sent by</p> <p>11 Mr. Griffin and then turned into sort of a produced</p> <p>12 video in the days leading up to the December 12,</p> <p>13 2020, Jericho March?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Is Exhibit 135 a true and accurate</p> <p>16 recording of statements made by Mr. Griffin in the</p> <p>17 days leading up to the December 12, 2020, Jericho</p> <p>18 March in Washington, DC?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Now, beyond the -- doing the sort of</p> <p>21 effects on the video, did you edit or alter any of</p> <p>22 the contents of Exhibit 135?</p> <p>23 <b>A. I don't believe so. On that clip, I don't</b></p> <p>24 <b>remember editing it, so I don't believe so.</b></p> <p>25 <b>(Exhibit 136 marked.)</b></p>	89	<p>1 Q. So I just want to confirm to see if we can</p> <p>2 save a little bit of time. Mr. Woodward, your</p> <p>3 advice to your client is to plead the Fifth as to</p> <p>4 any and all questions regarding videos depicting the</p> <p>5 events at the US Capitol on January 6, 2021,</p> <p>6 correct?</p> <p>7 MR. WOODWARD: That is my advice.</p> <p>8 Q. And, Mr. Struck, you would follow your</p> <p>9 advice with regards -- you would follow</p> <p>10 Mr. Woodward's advice with regards to any questions</p> <p>11 I would ask you regarding footage taken at the</p> <p>12 United States Capitol on January 6th, 2021; is that</p> <p>13 correct?</p> <p>14 <b>A. That's correct.</b></p> <p>15 MR. DODD: With that, I think we can</p> <p>16 conclude this deposition. Thank you very much for</p> <p>17 your time.</p> <p>18 MR. WOODWARD: Thank you.</p> <p>19 (Deposition concluded at 4:13 p.m.)</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 FIRST JUDICIAL DISTRICT COURT  
 2 COUNTY OF SANTA FE  
 3 STATE OF NEW MEXICO  
 4 NO: D-101-CV-2022-00473  
 5 STATE OF NEW MEXICO, ex rel., MARCO  
 6 WHITE, MARK MITCHELL, and LESLIE  
 7 LAKIND,  
 8 Plaintiffs,  
 9 vs.  
 10 COUY GRIFFIN,  
 11 Defendant.  
 12 CERTIFICATE OF COMPLETION OF DEPOSITION  
 13 I, ROBIN A. BRAZIL, New Mexico CCR #154, DO  
 14 HEREBY CERTIFY that on August 5, 2022, volume 2 of  
 15 the deposition of MATTHEW STRUCK was taken before me  
 16 at the request of, and sealed original thereof  
 17 retained by:  
 18 CHRISTOPHER A. DODD  
 19 DODD LAW OFFICE, LLC  
 20 20 First Plaza, Suite 700  
 21 Albuquerque, New Mexico 87102  
 22  
 23 I FURTHER CERTIFY that copies of this  
 24 certificate have been mailed or delivered to all  
 25 counsel, and parties to the proceedings not  
 represented by counsel, appearing at the taking of  
 the deposition.  
 I FURTHER CERTIFY that examination of this  
 transcript and signature of the witness were required  
 by the witness and all parties present. On  
 \_\_\_\_\_, a letter was mailed or delivered  
 to STANLEY WOODWARD, JR., regarding obtaining  
 signature of the witness, and corrections, if any,  
 were appended to the original and each copy of the  
 deposition.  
 I FURTHER CERTIFY that the recoverable cost of  
 the original and one copy of the deposition,  
 including exhibits, to CHRISTOPHER A. DODD is

1 State of NM vs. Griffin  
 2 WITNESS SIGNATURE/CORRECTION PAGE  
 3 If there are any typographical errors to your  
 deposition, indicate them below:  
 4  
 5 PAGE LINE  
 6 \_\_\_\_\_ Change to \_\_\_\_\_  
 7 \_\_\_\_\_ Change to \_\_\_\_\_  
 8 \_\_\_\_\_ Change to \_\_\_\_\_  
 9 \_\_\_\_\_ Change to \_\_\_\_\_  
 10 Any other changes to your deposition are to be  
 11 listed below with a statement as to the reason for  
 12 such change.  
 13 PAGE LINE CORRECTION REASON FOR CHANGE  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 \_\_\_\_\_  
 17  
 18 I, MATTHEW STRUCK, do hereby certify that I have  
 19 read the foregoing pages of my testimony as  
 20 transcribed and that the same is a true and correct  
 21 transcript of the testimony given by me in this  
 22 deposition on August 5, 2022, except for the changes  
 23 made.  
 24 \_\_\_\_\_  
 25 MATTHEW STRUCK  
 (7055N) RAB  
 Date Taken: August 5, 2022  
 Proofed by: AB

1 I FURTHER CERTIFY that I did administer the oath  
 2 to the witness herein prior to the taking of this  
 3 deposition; that I did thereafter report in  
 4 stenographic shorthand the questions and answers set  
 5 forth herein, and the foregoing is a true and correct  
 6 transcript of the proceeding had upon the taking of  
 7 this deposition to the best of my ability.  
 8  
 9 I FURTHER CERTIFY that I am neither employed by  
 10 nor related to nor contracted with (unless excepted  
 11 by the rules) any of the parties or attorneys in this  
 12 case, and that I have no interest whatsoever in the  
 13 final disposition of this case in any court.  
 14  
 15 \_\_\_\_\_  
 16 Robin A. Brazil, RPR  
 17 BEAN & ASSOCIATES, INC.  
 18 201 Third Street, NW, Suite 1630  
 19 Albuquerque, New Mexico 87102  
 20 Certified Court Reporter NM #154  
 21 License Expires: 12/31/22  
 22  
 23 (7055N) RAB  
 24 Date Taken: August 5, 2022  
 25 Proofread by: AB

1 DATE DELIVERED: \_\_\_\_\_  
 2 STANLEY WOODWARD, JR.  
 3 BRAND WOODWARD LAW  
 4 202.302.7049  
 5 RE: State of NM vs. Griffin  
 6 DEPOSITION OF: MATTHEW STRUCK  
 7 DATE TAKEN: August 5, 2022  
 8 Dear MR. WOODWARD:  
 9  
 10 At the time of the above deposition/sworn statement,  
 11 it was requested that the witness read and sign  
 12 his/her transcript.  
 13  
 14 Enclosed is your copy of the transcript with the  
 15 original signature page. Please ask the  
 16 witness to read the transcript, make any  
 17 corrections on the signature page, and return  
 18 the original signature page to our Albuquerque  
 19 office.  
 20 Enclosed is your copy of the transcript. Please  
 21 read it, note any corrections on the signature  
 22 page, and return the original signature page to  
 23 our Albuquerque office. You may keep the  
 24 transcript for your files.  
 25 The transcript is now ready to review. Please  
 contact our Albuquerque office, 505-843-9494,  
 to make arrangements to have the transcript  
 read and signed. If you are outside the  
 Albuquerque area, please call 800-669-9492.  
 The transcript is now ready for review. Please  
 remit payment in the amount of \$ \_\_\_\_\_ to our  
 Albuquerque office. As soon as payment is  
 received, your transcript will be delivered.  
 If you choose not to pay, please contact our  
 Albuquerque office, 505-843-9494, to make  
 arrangements for signature.  
 Trial in this matter is set for \_\_\_\_\_. If  
 the transcript has not been read and signed  
 before that date, the original will be filed  
 without a signature.



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\_\_\_\_ Other: The transcript for this deposition is attached to the email. Please also find attached the signature-correction page for your convenience.

The New Mexico Rules of Civil Procedure provide the witness 30 days in most instances from the receipt of this letter to read and sign his/her transcript. If he/she has not read and signed the transcript in that time, we will file the original transcript without the signature page.

Sincerely,

BEAN & ASSOCIATES, INC.

(7055N) RAB

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RECEIPT

JOB NUMBER: 7055N RAB August 5, 2022  
WITNESS NAME: MATTHEW STRUCK  
CASE CAPTION: State of NM vs. Griffin  
\*\*\*\*\*  
ATTORNEY: CHRISTOPHER A. DODD  
DOCUMENT: Transcript / Exhibits / Disks / Other \_\_\_\_  
DATE DELIVERED: \_\_\_\_\_ DEL'D BY: \_\_\_\_\_  
REC'D BY: \_\_\_\_\_ TIME: \_\_\_\_\_  
\*\*\*\*\*

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**A**


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**advise** 42:2,4

**advising** 48:15

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**ago** 67:20

**agree** 30:3 31:21 46:25 47:20  
53:1

**ahead** 7:7 19:21

**airport** 35:2

**Albuquerque** 1:23 2:4,8 90:15  
91:15 93:11,14,16,18,20,21

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1 FIRST JUDICIAL DISTRICT COURT  
2 COUNTY OF SANTA FE  
3 STATE OF NEW MEXICO

4 NO: D-101-CV-2022-00473

5 STATE OF NEW MEXICO, ex rel., MARCO  
6 WHITE, MARK MITCHELL, and LESLIE  
7 LAKIND,

8 Plaintiffs,

9 vs.

10 COUY GRIFFIN,

11 Defendant.

12 CERTIFICATE OF COMPLETION OF DEPOSITION

13 I, ROBIN A. BRAZIL, New Mexico CCR #154, DO  
14 HEREBY CERTIFY that on August 5, 2022, volume 2 of  
15 the deposition of MATTHEW STRUCK was taken before me  
16 at the request of, and sealed original thereof  
17 retained by:

18 CHRISTOPHER A. DODD  
19 DODD LAW OFFICE, LLC  
20 20 First Plaza, Suite 700  
21 Albuquerque, New Mexico 87102

22 I FURTHER CERTIFY that copies of this  
23 certificate have been mailed or delivered to all  
24 counsel, and parties to the proceedings not  
25 represented by counsel, appearing at the taking of  
the deposition.

I FURTHER CERTIFY that examination of this  
transcript and signature of the witness were required  
by the witness and all parties present. On  
August 9, 2022, a letter was mailed or delivered  
to ~~STANLEY~~ STANLEY WOODWARD, JR., regarding obtaining  
signature of the witness, and corrections, if any,  
were appended to the original and each copy of the  
deposition.

I FURTHER CERTIFY that the recoverable cost of  
the original and one copy of the deposition,  
including exhibits, to CHRISTOPHER A. DODD is  
\$ \_\_\_\_\_.

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I FURTHER CERTIFY that I did administer the oath to the witness herein prior to the taking of this deposition; that I did thereafter report in stenographic shorthand the questions and answers set forth herein, and the foregoing is a true and correct transcript of the proceeding had upon the taking of this deposition to the best of my ability.

I FURTHER CERTIFY that I am neither employed by nor related to nor contracted with (unless excepted by the rules) any of the parties or attorneys in this case, and that I have no interest whatsoever in the final disposition of this case in any court.

*Robin A. Brazil*

Robin A. Brazil, RPR  
BEAN & ASSOCIATES, INC.  
201 Third Street, NW, Suite 1630  
Albuquerque, New Mexico 87102  
Certified Court Reporter NM #154  
License Expires: 12/31/22

(7055N) RAB  
Date Taken: August 5, 2022  
Proofread by: AB

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