

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Criminal Action
v.	)	No. 13-10200-GAO
	)	
DZHOKHAR A. TSARNAEV, also	)	
known as Jahar Tsarni,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

**JURY TRIAL - DAY TWENTY-NINE**  
**EXCERPT**  
**TESTIMONY OF ANTHONY IMEL**

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Monday, March 9, 2015  
12:10 p.m.

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Cheryl Dahlstrom, RMR, CRR  
Official Court Reporters  
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
<u>WITNESSES FOR THE GOVERNMENT:</u>				
ANTHONY IMEL				
By Mr. Weinreb	4		48	
By Ms. Conrad		34		

E X H I B I T S

<u>GOVERNMENT'S EXHIBIT</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>RECEIVED</u>
22	Compilation of images		20
15-11	Image depicting second explosion		33

1   P R O C E E D I N G S

2   \* \* \*

3   ANTHONY IMEL, duly sworn

4   THE CLERK: Have a seat. State your name, spell your  
5 last name for the record, keep your voice up and speak into the  
6 mic so everyone can hear you.

7   THE WITNESS: Anthony Imel, I-M-E-L.

8   DIRECT EXAMINATION

9 BY MR. WEINREB:

10 Q. Good afternoon, Mr. Imel.

11 A. Good afternoon.

12 Q. Where do you work?

13 A. I work for the Federal Bureau of Investigations at the  
14 Forensic Audio, Video and Image Analysis Unit in Quantico,  
15 Virginia.

16 Q. Okay. I'll ask you in a minute what that meant, but how  
17 long have you been at the FBI?

18 A. Four and a half years, sir.

19 Q. And have you worked all that time in the Digital Evidence  
20 Laboratory?

21 A. I have.

22 Q. What does the Digital Evidence Laboratory do?

23 A. The Digital Evidence Laboratory is the forensic laboratory  
24 for the FBI that deals with digital evidence. It can be cell  
25 phones, computers, and in my case, digital imagery.

1 Q. What does "forensic" mean?

2 A. Forensic is a type of science that we use for criminal  
3 investigations.

4 Q. So the lab examines digital evidence in connection with  
5 criminal investigations?

6 A. Yes, sir.

7 Q. Do you focus on a particular kind of digital evidence?

8 A. My focus is on digital video and still imagery.

9 Q. Where does that video and still imagery typically come  
10 from, what types of devices?

11 A. It comes from closed-circuit television systems, cell  
12 phones, digital cameras, anything that actually records digital  
13 images.

14 Q. During the past four years during your work in the lab,  
15 have you analyzed a lot of videos and photos?

16 A. Yes, I have, sir.

17 Q. When you analyzed them, what are you typically looking  
18 for?

19 A. It really depends on the case. So for video, typically I  
20 will just enhance the video to ensure that those individuals  
21 who view it see it clear. With images, I have the ability to  
22 do facial comparisons, image comparisons, make model  
23 comparisons, height determinations, things of those sorts.

24 Q. And just in the general sense, though, when the lab is  
25 investigating or looking at photos and videos in connection

1 with a criminal investigation, what are the kinds of things  
2 you're looking for in the video? What makes them useful?

3 A. Basically you're looking for identifiable marks: people's  
4 faces, the types of crimes that are being committed, enabling  
5 us to go back and find those individuals and show the purported  
6 crime that has been recorded.

7 Q. Have you had any specialized training related to your  
8 work?

9 A. Yes, sir. I've gone through two years worth' of training  
10 through the FBI. I've gone through a multitude of tests,  
11 reviews. I have to be able to speak in front of court systems.  
12 I've gone through several contracting courses outside of the  
13 FBI through video forensics, through image analysis and  
14 comparisons, facial comparisons. I've gone through Photoshop  
15 courses, Adobe Premier courses, an extensive training period  
16 over my lifetime as a forensic examiner.

17 Q. Are you trained in how to preserve the integrity of  
18 digital evidence?

19 A. That is one of the beginning courses that I take within  
20 the FBI.

21 Q. What does it mean to preserve the integrity of the  
22 evidence?

23 A. To ensure that there's no damage to the original evidence,  
24 to be able to go back to the original evidence if there's a  
25 question as to its authenticity.

1 Q. Have you taught others how to analyze images and video?

2 A. Yes, sir, quite a few.

3 Q. Before working at the FBI lab, did you do the same type of  
4 work elsewhere?

5 A. Yes, sir. I ran the video forensics laboratory for the  
6 State Department for two years.

7 Q. Were you assigned to the Boston Marathon bombing  
8 investigation?

9 A. I was, sir. I was requested to come up onsite the day  
10 after the explosion.

11 Q. When did you arrive?

12 A. It would be April 16th. The night of April 16th. I drove  
13 up.

14 Q. So when you say "the night of April 16th," are you  
15 saying -- well, what time on April 16th?

16 A. It was around midnight. I actually drove a van from  
17 Quantico. They had me pack the van up. I was on the road from  
18 about two o'clock on. 2 p.m.

19 Q. So when you arrived -- did you leave on April 15th?

20 A. No, sir. The next day.

21 Q. Okay. And when you arrived, what was your job?

22 A. My job was essentially to go to Black Falcon, which is a  
23 warehouse that the FBI acquired to process some of the  
24 imagery -- or all of the imagery. I was requested to go  
25 onsite, set up viewing stations. I set up -- I think it was

1 approximately ten viewing stations and several forensic  
2 stations. As the video was coming, or being received there at  
3 the evidence collection unit, it was passed to me. I was  
4 basically set up to put them on the computers and allow  
5 different analysts and examiners to review the video as it was  
6 coming in and identify any subjects that were identified on the  
7 video.

8 Q. What's a view station?

9 A. A viewing station was several Mac systems, Mac computers,  
10 that I set up in the Black Falcon area. And basically, a lot  
11 of the video that was coming in was proprietary video. I had  
12 to install those proprietary videos on the systems so we could  
13 view the video as it was recorded.

14 Q. Say more about that. What do you mean by proprietary  
15 system?

16 A. Each digital video recorder has its own proprietary system  
17 inherent into that system. When you export that video, many of  
18 the players, instead of having like a normal Windows operating  
19 player like an MOV or WMV, it's actually in its proprietary  
20 format. It's just a recording system that the manufacturer  
21 makes to allow you to view what has been recorded on that DVR.

22 Q. Okay. So basically for different types of surveillance  
23 systems, for example, you might need different types of  
24 software to play the video?

25 A. Yes, sir.



1 Q. What -- you said before you set up ten viewing stations  
2 and two forensic stations?

3 A. Approximately.

4 Q. What's a forensic station?

5 A. So the forensic station was there for my use. When a  
6 subject was identified on the video, that proprietary video was  
7 then reestablished onto my forensic viewing station. I  
8 processed the video, basically took it out of its proprietary  
9 format into an open format, took stills -- still images of that  
10 video, produced prints, put that video on a DVD or a CD, and  
11 then sent it up to our headquarters that we had there in  
12 Boston.

13 Q. What's an open format?

14 A. An open format is simply a video format that any open  
15 player can actually use. So, again, your media -- Windows  
16 media player, is an open format player.

17 Q. How many others were working with you doing this?

18 A. There was one other forensic examiner that last -- that  
19 was there onsite for about four days, and then just myself as  
20 far as a video examiner. There were a multitude of different  
21 analysts that came in from several agencies. We were working  
22 24 hours a day, seven days a week until the subject was found.

23 Q. How were the video images getting to Black Falcon?

24 A. Different officers and agents were collecting them  
25 throughout the city and then bringing them over to Black

1 Falcon. And that's where they were processed in and signed in  
2 as evidence.

3 Q. And what was that intake procedure like for the evidence?

4 A. The first place they could go as soon as they walked in  
5 the door was the evidence collection unit. Any media that they  
6 had or -- excuse me -- forensic media that they had, they would  
7 actually sign it in, and we would start a chain of custody  
8 right then and there, and then it was logged in to the FBI  
9 evidence logs.

10 Q. And what kind of information was kept track of in  
11 connection with each of these things?

12 A. The individual who collected the information, the  
13 individual actually signed in the information, where it was  
14 collected, what type of video we were expecting to see, whether  
15 it was images, video. And again, there was over 655 different  
16 types of submissions so -- brought in from all over the city.  
17 So it was numerous different types of information.

18 Q. All right. So among the information, did it include where  
19 the video images came from?

20 A. Yes. Yes, there was a standard sheet that they filled out  
21 requesting that information, as much as they could provide.

22 Q. And were these items assigned some kind of number to track  
23 them?

24 A. Yes. As it came in, it was assigned a D number, or  
25 digital number, 1 through a continuous number until we shut

1 down the operating area sometime in mid-May.

2 Q. And after items came in and were processed in this  
3 fashion, what's the next thing that happened to them?

4 A. Usually those pieces of evidence were logged in. Once  
5 they were logged in, they came over to my station. I either  
6 uploaded them or ensured that the individual who checked it out  
7 uploaded it onto the system, made sure that those viewing  
8 systems were operational, and that that individual could  
9 actually view the video clearly without any problems, after  
10 which they were sent back into evidence.

11 The viewing system continued on, and then at some point  
12 the computer folks would come in and actually upload those  
13 systems to a larger hard drive, which we could draw multiple  
14 videos at any point in time without actually having to get  
15 ahold of the original evidence.

16 Q. How long were you at Black Falcon doing this?

17 A. I was there for approximately one month.

18 Q. What were your hours like during those days?

19 A. My hours usually started out about between 6 and 7 a.m.,  
20 and I usually got out of there about midnight.

21 Q. Did you follow the evidence-handling procedures that  
22 you've described throughout?

23 A. I did, sir. There were three or four young ladies that  
24 were very adamant in the evidence collection system that I did  
25 not touch it without a signature.

1 Q. And so to the best of your knowledge, did everybody else  
2 working there that you could observe follow the same  
3 evidence-handling procedures?

4 A. Yes, sir.

5 Q. How many videos and images were analyzed at Black Falcon?

6 A. By my count, I took in 655 submissions.

7 Q. And how many actual distinct images and videos were in  
8 those submissions?

9 A. Are you asking about as far as which ones contained the  
10 subject?

11 Q. No, just total.

12 A. Total? Well, so one submission could include a single  
13 image. I found one submission that included up to 22,000  
14 images. Over the course of three to four months, I actually  
15 reviewed every one that was submitted through Black Falcon.

16 Q. Every single video and digital image you personally  
17 reviewed?

18 A. Yes, sir. Yes, sir.

19 Q. In the course of reviewing these videos and images, did  
20 the FBI identify suspects in the marathon bombings?

21 A. They did.

22 Q. Now, when they were initially identified, did the FBI know  
23 who the people pictured were?

24 A. No, sir, they did not.

25 Q. How were they referred to at that time?

1 A. At that point we referred to them as "white hat" and  
2 "black hat."

3 Q. And is that because of the colors of the hats each one was  
4 wearing?

5 A. Yes, sir.

6 Q. Did you, in fact, find images of these two suspects in  
7 more than one video and photo?

8 A. Yes, sir, quite a few.

9 Q. What did you do when you found videos or photos of the  
10 suspects?

11 A. So during the review process at Black Falcon, if myself or  
12 one of the examiners actually viewed one of the subjects,  
13 again, that system or that video would be processed over to my  
14 forensic system. Individual images were taken of those  
15 subjects, an open format video was extracted from the  
16 proprietary format, if it was in the proprietary format, and  
17 then we sent it up -- sent it up to Boston to the command post  
18 for their knowledge base.

19 While I was back at Quantico, during the review process  
20 if, again, I did find or identify one of the images that was  
21 not previously identified, again, I would process it and alert  
22 the folks at -- in Boston.

23 Q. And when these videos and images were copied from the  
24 original devices they came in on onto the system and the hard  
25 drive, did you do that copying?

1 A. Can you state that again, sir?

2 Q. Sure. When these images and videos came in, were copied  
3 from the -- extracted from the devices that they originally  
4 came in to Black Falcon on, and were copied or uploaded onto  
5 the system or copied onto a hard drive, did you do that  
6 personally?

7 A. No, sir. The computer forensics folks there were hashing  
8 the systems, one for one. So we kept two folders: One which  
9 was a complete hash, or an identical copy of the originals, and  
10 one working copy that we processed our images from. Myself,  
11 during the process there at Black Falcon, there were many times  
12 that identified problems with the upload over onto the open  
13 format, which I actually fixed by pulling the original evidence  
14 back out.

15 Q. Okay. And were you overseeing this whole process?

16 A. Yes, sir.

17 Q. So the copies that were made of the images and videos from  
18 the original devices they came in on to where everybody could  
19 view them, was that done to preserve the images in a fair and  
20 accurate manner?

21 A. Yes, sir. That's one of the processes that the FBI has  
22 set up to ensure that we're not always working with the  
23 originals, that we are working with a forensic clone of the  
24 digital imagery.

25 Q. A clone meaning an exact copy?

1 A. Yes, sir.

2 Q. Is it possible to tell from the videos and the images that  
3 you received there exactly what time they were taken?

4 A. They're approximate. On many of the videos and images  
5 there are date timestamps that are associated with those videos  
6 or images. That is limited to whoever records that video and  
7 what time that they put in on that individual system or the  
8 camera itself.

9 Q. When you have video and images that are overlapping or  
10 depict some of the same things, is it possible to use that  
11 information to reconcile the times and come up with a more  
12 accurate account of the timeline of the events?

13 A. So if there's an action within the video that you can see  
14 or visualize and you can actually account that to a specific  
15 time period that is recorded with a true and accurate clock,  
16 there is ways to back that up and find out exactly when that  
17 picture image is taken. In this case, a lot of the runners had  
18 numbers across them, and as they crossed the finish line, you  
19 could actually adjust the time for those individuals.

20 Q. And did you do that?

21 A. Me personally? No, sir.

22 Q. But was that done, to your knowledge?

23 A. I believe that there were some instances where those  
24 runners' times were recorded.

25 Q. Similarly, is it possible to tell from a photo as opposed

1 to a video what time the photo was taken?

2 A. So again, depending on the camera and the individual using  
3 the camera, there are instances where the individual has the  
4 time stamped directly on the image itself. There are also ways  
5 to go in and retrieve what they call metadata, which is  
6 information that is contained within that image to extract when  
7 that image was taken. Again, this is approximate and it is  
8 limited to that individual on who sets up the time within the  
9 camera.

10 Q. When you viewed videos and images of let's say the events  
11 on Boylston Street, were you able to tell exactly where the  
12 places were that were pictured in the images and the videos?

13 A. Yes, sir. On several occasions I actually went down to  
14 Boylston Street. I also used Google Maps extensively so I  
15 could get down into the street view of Google Maps while I was  
16 in Virginia so I could identify where those streets are, where  
17 those businesses were within the videos.

18 Q. Did there come a time where you put together a compilation  
19 of videos and photographs that traces the paths of the two  
20 suspects who were known then as "white hat" and "black hat" as  
21 they walked down Boylston Street and then later leave Boylston  
22 Street?

23 A. Yes, sir, I've put several compilations, video  
24 compilations, together from the time the subject was arrested  
25 up until I think December of last year. Yes, I have done



1 several timelines.

2 Q. And the one -- is there one in particular that you  
3 reviewed with me the other day?

4 A. Yes, there is, sir.

5 Q. The video and photos that were used to create that, are  
6 they fair and accurate copies of the actual video and photo  
7 evidence that was seized from surveillance cameras on Boylston  
8 Street and cameras and other things?

9 A. Yes, sir. I've actually gone back to the original  
10 evidence and ensured that the integrity of those images are  
11 true and accurate to the original formats.

12 Q. And are they, to the best of your ability to determine, in  
13 chronological order on that tape?

14 A. Approximately with the limitation of the time and those  
15 people that actually set the times, but yes, sir.

16 Q. Now, in the video compilation that you created, are there  
17 captions added showing where the videos were taken from?

18 A. Yes, sir, there are.

19 Q. And did you put those there?

20 A. They are, yes, sir.

21 Q. And are those a fair and accurate account of where the  
22 videos and pictures were -- what's pictured in them, where they  
23 are?

24 A. They're just title screens before each video to show you  
25 where that recording was taken and the approximate time, if I

1 had that available to me.

2 Q. What steps have you taken to make sure that those captions  
3 are accurate?

4 A. I re-reviewed them multiple times. I have been able to  
5 look at those videos. And the video timeline itself is limited  
6 as far as how many videos that we had produced. There's  
7 multiple cameras showing the same angles. I've produced the  
8 best possible pictures in this timeline, but outside of this  
9 one that you will see here later on, there are other videos and  
10 images connected to this timeline that verify, in different  
11 angles and different individuals that recorded, that accurately  
12 depict the same actions.

13 Q. Okay. And did you actually walk Boylston Street to see  
14 where the surveillance cameras are on the buildings and where  
15 they're pointed at and make sure that the -- what you're seeing  
16 in the video seems to line up with where the cameras are?

17 A. I have.

18 Q. You said you looked at other videos and pictures that  
19 aren't in this timeline. Approximately how many images and  
20 videos did you examine that include the two -- one or both of  
21 the suspects?

22 A. With the media that was sent down to Black Falcon that I  
23 processed the 655 submissions, there were over 70 different  
24 submissions with images depicting the subjects.

25 Q. And some of those were duplicates?

1 A. Yes, sir.

2 Q. But some of the submissions had more than one image?

3 A. Yes, sir.

4 Q. Okay. Those particular images and videos, how many times  
5 have you analyzed each one?

6 A. Unfortunately, I'd have to say that I've seen each one of  
7 these videos hundreds of times. I've seen the explosions well  
8 over 500 times. It's been an interesting case for me.

9 MR. WEINREB: Bring up Exhibit 22 just for the  
10 witness.

11 Your Honor, we're going to bring up Exhibit 22 just  
12 for the witness and the Court.

13 Q. Do you recognize this as the first slide of the  
14 compilation that you put together?

15 A. Yes, sir.

16 MR. WEINREB: Your Honor, the government offers  
17 Exhibit 22.

18 MS. CONRAD: Your Honor, we have no objection to this  
19 as a chalk, but to the extent there are these cards -- title  
20 cards inserted, we do think those should only be -- come in as  
21 a chalk. The videos themselves, the pictures themselves, we  
22 have no objections to.

23 MR. WEINREB: Your Honor, photos and videos themselves  
24 frequently have this --

25 MS. CONRAD: Your Honor, I would object to this

1 argument being heard in open court.

2 THE COURT: That's all right. The objection is  
3 overruled. I actually think it may be admitted. It may be  
4 admitted on the existing foundation, but I think it may also  
5 qualify as a 1006. So it may be admitted.

6 (Government Exhibit No. 22 received into evidence.)

7 BY MR. WEINREB:

8 Q. Now, based on the information --

9 THE COURT: Do you want it exposed at this point or --

10 MR. WEINREB: No, not yet, your Honor. Thank you.

11 BY MR. WEINREB:

12 Q. Based on the information that you developed from analyzing  
13 all of these photographs and videos and everything else that  
14 you've said, have you been able to determine what paths the two  
15 suspects took walking down Boylston Street and then retreating  
16 from Boylston Street?

17 A. Yes, I have.

18 MR. WEINREB: And if we could just bring up for the  
19 witness and the Court Exhibit 623.

20 Q. Just keep your eyes on the exhibit for a minute.

21 (Video recording played.)

22 Q. Okay. What you've just seen, is that a fair, accurate  
23 account of the paths that were taken by the two suspects  
24 walking down Boylston Street?

25 A. It is.

1 MS. CONRAD: Objection.

2 THE COURT: Overruled.

3 MS. CONRAD: Well, with respect -- well, when we get  
4 to this coming in, we again maintain this is a chalk.

5 THE COURT: It might be.

6 BY MR. WEINREB:

7 Q. Now, please keep your eye on it again.

8 (Video recording played.)

9 Q. Okay. And does that accurately and fairly represent the  
10 exit paths?

11 A. It is, sir.

12 Q. And now this diagram of Boylston Street, based on your  
13 acquaintance with that area, that you described having walked  
14 it and checked surveillance cameras and so on and so forth, is  
15 this a fair and accurate depiction of the section of Boylston  
16 Street that's pictured here?

17 A. It is, sir.

18 MR. WEINREB: Your Honor, the government offers  
19 Exhibit 623.

20 MS. CONRAD: Again, we submit it's a chalk --

21 THE COURT: Yeah, I'll reserve on it. It can be used  
22 as a chalk, at least, but I'll reserve on it.

23 MR. WEINREB: Can we bring up 620, please.

24 BY MR. WEINREB:

25 Q. Mr. Emil, do you recognize this?

1 A. I do, sir.

2 Q. Okay. Is this the same diagram of Boylston Street we were  
3 just looking at?

4 A. It is.

5 Q. There are dots on the diagram. What does each one of  
6 those represent?

7 A. Each one of those dots represents a security camera that  
8 was recording at the time of the explosion, sir, during the  
9 marathon.

10 Q. And do those fairly and accurately represent the locations  
11 of the cameras?

12 A. They do, sir.

13 Q. All right. And I'm going to click on one of the dots  
14 right now. And a frame has popped up. What is that?

15 A. So this is the security camera that recorded from the  
16 Whiskey's bar and grill. This is the initial point where the  
17 subjects enter Boylston Street rounding this corner.

18 Q. Okay. And if I click on the "play" button in that little  
19 box -- first I can enlarge it here. And if I click on the  
20 "play" button, what are we seeing here?

21 A. It is a time-lapsed video, basically a recording that was  
22 recorded at the Whiskey's bar of the -- what was going on at  
23 that time period during the marathon.

24 Q. And then when I click on one of the dots representing the  
25 cameras, if you look at the dot, there's a blue sort of

1 fan-shaped image connected to the dot. What does that  
2 represent?

3 A. So that would be the field of view of the camera. So  
4 every camera has a point at which it records from the far left  
5 and the far right. So it's just a view of the camera.

6 Q. And does the directional -- the direction of the cameras,  
7 as reflected in those blue images, is that a fair and accurate  
8 representation of the direction of the cameras at the time the  
9 videos were taken?

10 A. It is, sir.

11 Q. And are the videos themselves fair and accurate copies of  
12 the videos that were taken by those cameras that you analyzed?

13 A. They are.

14 MR. WEINREB: I'm going to offer Exhibit 620.

15 MS. CONRAD: Wait. I'm sorry. Same objection. It's  
16 a chalk.

17 THE COURT: All right. Same ruling for the time  
18 being.

19 MR. WEINREB: Very well.

20 Can we have 623?

21 BY MR. WEINREB:

22 Q. So 623 again, please --

23 THE CLERK: I just have to check the mics here.

24 THE COURT: All right.

25 MR. WEINREB: Your Honor, may we have 623 for the

1 jury? That's what's up there right now.

2 BY MR. WEINREB:

3 Q. Mr. Emil, is this the diagram you referred to earlier that  
4 shows the paths of the two suspects as they walked down  
5 Boylston Street?

6 A. It is, sir.

7 Q. All right. And yellow was the path of the suspect who  
8 later was identified as Jahar Tsarnaev?

9 A. It is.

10 Q. And orange, the path of the suspect later identified as  
11 Tamerlan Tsarnaev?

12 A. Yes, sir.

13 Q. And then clicking on this arrow that I've highlighted  
14 right here, does that show their combined paths?

15 A. Yes, sir.

16 Q. At this point I'm going to play...

17 (Video recording played.)

18 Q. So just for the record, this shows the two suspects  
19 rounding the corner of Gloucester and Boylston, onto Boylston  
20 Street, and then walking eastbound towards the marathon finish  
21 line?

22 A. It does, sir.

23 Q. And can you -- using the pad of your finger, can you  
24 circle the finish line?

25 A. I believe the finish line is right there (indicating).



1 Q. And using the pad of your finger, can you circle the Forum  
2 restaurant?

3 A. (Witness complies.)

4 Q. Now, by clicking on the arrow again, I'll show the paths  
5 taken by the suspects as they left the location. So again for  
6 the record, this shows the suspect identified as Tamerlan  
7 Tsarnaev walking back along the original direction on Boylston  
8 Street, rounding the corner on to Exeter?

9 A. Yes, sir.

10 Q. And then going north, correct?

11 A. Yes, sir.

12 Q. All right. And there's a building pictured on the map  
13 where the last dot shows him. What building is that?

14 A. That's the Montessori school.

15 Q. And was surveillance video taken at the Montessori school?

16 A. There were two video cameras at that location, yes, sir.

17 Q. And then the animation shows the suspect identified as  
18 Jahar Tsarnaev going back the same way he came and rounding the  
19 corner onto Fairfield Street. Is that correct?

20 A. Yes, sir.

21 Q. And it stops. Why does it stop there? Is that --

22 A. There were no other video cameras or images recorded past  
23 that point.

24 MR. WEINREB: Let's have 620, please.

25 Q. So this is the exhibit that has been identified as 620.

1 I'm clicking on camera locations. And are these the pink dots  
2 that we were discussing earlier?

3 A. Yes, sir.

4 Q. And I'll just click on one here. And for the record, I'm  
5 clicking on one that is -- moving from the left of the image to  
6 the right, the second building. There's a bunch of dots  
7 representing cameras and then a break, and then we see some  
8 more. And I'm clicking on the first of the others.

9 And what is that?

10 A. That would be an internal camera to the Bank of America.

11 Q. And clicking on the right-hand corner of it, I'm enlarging  
12 it. And then clicking on this "play" button at the bottom, do  
13 you see what that camera captured?

14 A. Yes, sir.

15 (Video recording played.)

16 MR. WEINREB: May we now have Exhibit 22, please.

17 Q. Now, is this the timeline video that you created?

18 A. It is, sir.

19 Q. So I'm playing it now.

20 (Video recording played.)

21 Q. What are we looking at here?

22 A. This is the corner of Boylston and Gloucester, the Whiskey  
23 bar. Throughout this, to show where exactly this is, I took  
24 Google Maps' images to identify this location just because it's  
25 easier to follow the videos themselves.

1 Q. So this is a photo you took just to illustrate what the  
2 corner looks like?

3 A. It's one that I took off of the Internet from Google Maps,  
4 yes, sir.

5 (Video recording played.)

6 Q. What are we seeing here?

7 A. You're seeing the two subjects approach the corner of  
8 Gloucester and Boylston.

9 Q. And have those circles been drawn around them to make it  
10 easier to keep track of where they are in the frame?

11 A. Yes, sir. It's easier to identify subjects in a crowd if  
12 you highlight them or circle them.

13 Q. Now, as we move forward during just this little section  
14 here, what are we going to see happen?

15 A. You're going to see this camera fade over to then come  
16 across the corner and then enter Boylston Street.

17 Q. And then do you then just switch from one camera on  
18 Whiskey's to another as they round the corner and begin walking  
19 away?

20 A. Yes, sir, as they round the corner and continue up  
21 Boylston.

22 (Video recording played.)

23 Q. Okay. Now, focusing on the individual in the white hat,  
24 is he carrying a bag over his shoulder?

25 A. Yes, sir. It appears to be a backpack.

1 Q. So this image, we see Whiskey's here on the left. Where  
2 is the Back Bay Social Club in relation to Whiskey's?

3 A. The Back Bay Social Club is right next to Whiskey's. It's  
4 the building right -- yes, sir, right there, with "867" printed  
5 on the outside.

6 (Video recording played.)

7 Q. So now these -- I'm going to just point here. These  
8 captions here, "Back Bay Social Club," is that the same Back  
9 Bay Social Club that we were just seeing in the video?

10 A. Yes, sir. I just put these in just to allow you to see  
11 where they progress through the video walking up Boylston  
12 Street just to identify that location.

13 Q. All right. And where is the Bank of America that was just  
14 referenced in the caption?

15 A. Just to the right of the Back Bay Social Club.

16 (Video recording played.)

17 Q. And the Walgreens, where is that in relation to the Bank  
18 of America?

19 A. It's just to the right side of Bank of America. It's the  
20 next door over.

21 (Video recording played.)

22 Q. Which suspect is that crossing in front of the monitor?

23 A. This would be Tamerlan, the older brother.

24 (Video recording played.)

25 Q. The caption said "Crate and Barrel." And for the record,

1 the Crate and Barrel is pictured in the screen we're looking at  
2 now, just to the left of center?

3 A. Yes, sir.

4 Q. And where is the Forum restaurant in comparison to that?

5 A. So you have the Crate and Barrel, you'll have the Atlantic  
6 Fish Company, and the Forum is on the right side of that.

7 Q. These are images taken of the suspect pictured in front of  
8 the Crate and Barrel?

9 A. It is.

10 (Video recording played.)

11 Q. Now, I want to stop this for a moment. Is the backpack  
12 still on this person's shoulder?

13 A. It appears to be, sir, yes.

14 Q. In all of the videos and images that you saw of him  
15 leading up to this point, does he have the backpack on his  
16 shoulder?

17 A. Yes, sir.

18 (Video recording played.)

19 Q. After that momentary dip to the right and then back up, do  
20 we ever see the backpack on his back again?

21 A. Not on his back, no, sir.

22 Q. Where do you see it in future pictures?

23 A. There is an image with the backpack at his feet.

24 (Video recording played.)

25 Q. Do you see the backpack in that photo?

1 A. Yes, sir, down at his feet through the crowd.

2 Q. Can you circle it, please?

3 A. (Witness complies.)

4 (Video recording played.)

5 Q. Now, throughout the video that you said you've watched  
6 hundreds of times, are there people moving behind the  
7 defendant -- I'm sorry -- behind the person pictured in the  
8 video?

9 A. Yes, sir.

10 Q. But the people in front of him are stationary?

11 A. Pretty much. They move around left to right, but they  
12 don't seem to exit the area.

13 Q. And is that true of the children standing on the railing  
14 facing the street?

15 A. Yes, sir.

16 (Video recording played.)

17 Q. What just happened with the subject there?

18 A. It appears that he made a phone call.

19 Q. Okay. I'm going to pause the video here for a minute and  
20 then ask Mr. Bruemmer to bring up Exhibit 1170.

21 MR. WEINBERG: If we could have the second page of it,  
22 please.

23 Q. Now, does this -- if you could just tell us, who is  
24 the -- looking to billing account name, the third line down,  
25 who is this phone billed to?

1 A. Tamerlan Tsarnaev.

2 Q. And looking further down to where it says "mobile number  
3 name," who is the person using the phone?

4 A. Again, it's Tamerlan Tsarnaev.

5 Q. And the telephone number of the phone, what are the last  
6 four numbers of it?

7 A. 4634.

8 MR. WEINREB: And if we could have the next page,  
9 please.

10 Q. Now, who is the -- looking at the third line down, who is  
11 this phone billed to?

12 A. Jahar, I believe it's Tsarni. I'm not sure really how to  
13 say that name.

14 Q. And then looking down to the mobile number name, is it the  
15 same?

16 A. It is.

17 Q. And what -- looking at the "date account established,"  
18 when was that phone account established?

19 A. That would be April 14, 2013, the day before the  
20 marathon -- two days before the marathon -- one day before the  
21 marathon, yes.

22 Q. Just one day before the marathon?

23 A. Yes, sir.

24 Q. What are the last four numbers of the phone?

25 A. 9151.

1 MR. WEINREB: And if we could have Exhibit 1172,  
2 please.

3 Q. If I could direct your attention to this call right here  
4 that I'm underlining, what does it indicate about the phone  
5 that made that call?

6 A. It indicates an outgoing call at 2:49:06  
7 from number -- excuse me -- connected to 4634, would be the  
8 last four.

9 Q. And so it was originated by the 9151?

10 A. 9151. So Jahar actually called Tsarnaev [*sic*].

11 Q. And it's a voice call?

12 A. Yes.

13 Q. And it lasts for 19 seconds?

14 A. Yes, sir.

15 MR. WEINREB: If we could go back to Exhibit 22,  
16 please. And now continue playing the video.

17 (Video recording played.)

18 Q. Now, what did you just see the crowd do in that video?

19 A. They were alerted to the first explosion, so everybody was  
20 turning left towards that explosion.

21 Q. Now I'll ask you to keep your eyes on the individual in  
22 the white hat.

23 (Video recording played.)

24 Q. Can you tell us what the individual is doing at this  
25 point?



1 A. He's looking back to where he was standing prior to.

2 (Video recording played.)

3 MR. WEINREB: Your Honor, if we could have the ELMO  
4 just for the witness for a moment.

5 Q. Okay. Showing you Exhibit 15-11, do you recognize that?

6 A. I do.

7 Q. Is that one of the images you analyzed in connection with  
8 making this video?

9 A. It is, sir.

10 Q. And what does it depict?

11 A. This depicts the second explosion at the Boston Marathon.

12 MR. WEINREB: The government offers Exhibit 15-11.

13 MS. CONRAD: Objection to the caption, your Honor.

14 THE COURT: I think it's all right. It will be  
15 admitted.

16 (Government Exhibit No. 15-11 received into evidence.)

17 MR. WEINREB: And if we could publish it to the jury,  
18 please.

19 Your Honor, if we could return to the...

20 (Video recording played.)

21 BY MR. WEINREB:

22 Q. Now, is this the building you referenced earlier when you  
23 were describing the exit path of Tamerlan Tsarnaev?

24 A. It is. This is the Montessori school.

25 (Video recording played.)

1 Q. And is this the corner you referenced earlier when you  
2 were discussing the exit path of the suspect identified as  
3 Jahar Tsarnaev?

4 A. It is.

5 (Video recording played.)

6 MR. WEINREB: I have no further questions.

7 MS. CONRAD: I do have some cross, your Honor. I  
8 don't know if you want me to start now or after lunch.

9 THE COURT: How long -- well, so you won't feel  
10 pressured, we'll do it after lunch.

11 MS. CONRAD: Thank you.

12 THE COURT: We'll take the lunch recess, ladies and  
13 gentlemen.

14 THE CLERK: All rise for the Court and the jury. The  
15 Court will take the lunch recess.

16 (The Court and jury exit the courtroom and there is a  
17 recess in the proceedings at 1:04 p.m.)

18 (The Court and jury entered the courtroom at 2:09 p.m.)

19 CROSS-EXAMINATION BY MS. CONRAD:

20 Q. Good afternoon, Mr. Imel. My name is Miriam Conrad. I'm  
21 one of Mr. Tsarnaev's lawyers.

22 A. Yes, ma'am.

23 Q. You said you put together several of these composites or  
24 more than one composite?

25 A. Over the last two years, yes, ma'am.

1 Q. And how many did you put together?

2 A. I would say, round-about figure, probably about 20 of  
3 them.

4 Q. The one that we're seeing today is the last one you put  
5 together?

6 A. Yes, ma'am.

7 Q. You told us that the times that appear on the cards that  
8 are interspersed with the different scenes that we see are not  
9 a hundred percent accurate, correct?

10 A. No, ma'am. It really depends on who set up the actual  
11 times on those video cameras or the cameras themselves. It was  
12 just an approximate as the information that I had for me at  
13 that time.

14 Q. And just to make sure I understand, you took a lot of  
15 different images from a lot of different cameras, right?

16 A. Yes, ma'am.

17 Q. And some of those cameras had timestamps on them, right?

18 A. They did, yes.

19 Q. Like the Forum video has a timestamp?

20 A. Yes, ma'am.

21 Q. You don't know if that timestamp, for example, on the  
22 Forum video is accurate?

23 A. No, ma'am.

24 Q. And with respect to some of the still photos, you said  
25 that you took metadata from the camera images that you found,

1 correct?

2 A. I did, yes.

3 Q. And metadata is basically internal information from that  
4 camera that tells you a little bit about the creation of that  
5 image, right?

6 A. Yes. The definition of metadata is basically data about  
7 data.

8 Q. And, again, that depends on each individual camera that  
9 was used to take those pictures, right?

10 A. Yes. The information placed on there is usually defined  
11 by the user and the manufacturer of the camera.

12 Q. And so each of these different sources may have different  
13 times even if they were taken at the same time?

14 A. Yes, ma'am.

15 Q. And when you put these together, you just put times on the  
16 cards that we see in between the scenes that you thought best  
17 represented the sequence of events, correct?

18 A. That was given to me from that imagery at that time, yes.  
19 It is all approximate, yes.

20 Q. I'm sorry. When you say given to you from that image --

21 A. Derived from the evidence that I received.

22 Q. Okay. If we can just take a look at Exhibit 22 for a  
23 moment, and I'm just going to --

24 MS. CONRAD: If I could just have my laptop hooked up  
25 to the display, if I can get it plugged in, which I hope I can.

1 Q. So where we see here, this in front of Whiskey's, is that  
2 right, or Back Bay Social Club?

3 A. That would be the Back Bay Social Club, yes.

4 Q. The times that we see on the lower left hand, where did  
5 that time come from?

6 A. That would be derived from the metadata.

7 Q. You wrote that down somewhere?

8 A. That would be -- yeah. That would be from the metadata  
9 itself. If you go onto the imagery, a right click and do  
10 properties, you can receive the metadata from there.

11 Q. My question is: Did you keep a record somewhere of that  
12 metadata as you compiled this?

13 A. I can go back to the original imagery and extract it any  
14 time I need.

15 Q. Can you just tell me whether you wrote it down?

16 A. No, ma'am. Other than on the imagery, no.

17 Q. If we go forward from here just to the Bank of America  
18 image, now, Bank of America, as someone's heading east on  
19 Boylston Street, is after Back Bay Social Club, right?

20 A. Can you state that again, please?

21 Q. Sure. As someone walks east on Boylston Street, they  
22 would get to Bank of America after Back Bay Social Club, right?

23 A. Yes, if you go towards the finish line.

24 Q. Right, okay. So this is -- you see both locations in this  
25 image, correct?

1 A. Yes.

2 Q. Just for the record, that's at 1:44 on the timeline.

3 A. Okay.

4 Q. And on this, the time and date that appears sort of in the  
5 lower portion of that image, indicates 2:28:53 p.m., right?

6 A. 2:28, yes, ma'am.

7 Q. And so that's the time that was recorded by that camera,  
8 right?

9 A. If it was on there, yes. Again, that is outside of what I  
10 would apply on there, yes.

11 Q. I'm sorry. Can you just explain that to me for a minute?

12 A. So with the proprietary players, you have the ability,  
13 some of them, to actually apply the date/time group or not  
14 apply the date/time group. I was asked during the processing,  
15 that if it did have a date/time group, to ensure that that  
16 date/time group was visible regardless if the time was correct  
17 or not.

18 Q. So 2:28:53 would actually -- if that time were accurate,  
19 would place that image before the previous image we saw, which  
20 was in front of Back Bay Social Club, correct?

21 A. Correct.

22 Q. We know that's probably not true because one wouldn't get  
23 to Bank of America until after passing the Back Bay Social  
24 Club, correct?

25 A. Correct.

1 Q. Did you insert a time down here? It's a little hard for  
2 me to see. But on the bottom, it says, "Boylston Street  
3 office" --

4 A. No, ma'am. That was probably off of the proprietary as  
5 well.

6 Q. Now -- and you told us that you put these in order as best  
7 you could, right?

8 A. I could, yes.

9 Q. And you put the image of the Montessori -- that's not  
10 where I want to be. That's in front of the Montessori, right?

11 A. Yes, ma'am.

12 Q. Those legs that are circled, that's Tamerlan Tsarnaev,  
13 right?

14 A. They are, yes.

15 Q. The Montessori school is a greater distance from Marathon  
16 Sports than Fairfield and Boylston Street is from the Forum, is  
17 that correct?

18 A. Yes, ma'am.

19 Q. So -- and the time that you have on here of -- it says,  
20 "14:50:24"?

21 A. Yes.

22 Q. Again, that's information that came from the camera, and  
23 you don't know if that's accurate?

24 A. Correct.

25 Q. And so you don't know whether Tamerlan Tsarnaev passed the

1 Montessori school on Exeter Street before or after Jahar  
2 Tsarnaev turned the corner of Fairfield and Boylston?

3 A. No, I do not. Again, this was just a timeline video that  
4 I placed on there: first explosion, second explosion, and then  
5 the exodus of the two subjects, the first individual and then  
6 the second individual.

7 Q. And it's at least possible, if not even likely, that Jahar  
8 Tsarnaev passed the corner of Fairfield Street before Tamerlan  
9 Tsarnaev passed the Montessori school?

10 MR. WEINREB: Objection.

11 THE COURT: It's a bit of a compound question.

12 MS. CONRAD: Okay. I'll break it down.

13 Q. So you decided to place the image of Jahar Tsarnaev  
14 passing the corner of Fairfield and Boylston Street after the  
15 image of Tamerlan Tsarnaev passing the Montessori school,  
16 right?

17 A. I did.

18 Q. And what was that based on?

19 A. It was just the proper way that I laid it out. There was  
20 no specific reason why I placed one in front of the other.

21 Q. And did you take into account the distances involved?

22 A. No, I did not.

23 Q. And you did not have any images of Tamerlan Tsarnaev  
24 between the point where he was in front of Marathon Sports to  
25 the point where he passed the Montessori school?



1 A. Not a positive image, no, no, ma'am.

2 Q. Well, you certainly don't see one in here, right?

3 A. No.

4 MS. CONRAD: If we could see Exhibit 620 for a moment,  
5 please?

6 THE COURT: Is this switching back to the other  
7 computer?

8 MS. CONRAD: To Mr. Bruemmer who has kindly offered to  
9 assist me.

10 Q. So looking at what's -- has not been introduced but the  
11 jury has seen as Exhibit 620, the red dots over to the right of  
12 Exeter Street near the finish line, that's approximately in  
13 front of Marathon Sports, is that right?

14 A. It is.

15 Q. And then the two red dots we see a little past the corner  
16 of Exeter and Newbury Street are other cameras, right?

17 A. Correct.

18 Q. And so the -- there are no cameras between the finish line  
19 and --

20 MS. CONRAD: Oops, I didn't mean to do that. How do I  
21 clear this? Thank you. Thank you, Mr. Watkins.

22 Q. So there are no cameras between those two points, right?

23 A. I believe there might have been some interior cameras but  
24 not exterior.

25 Q. But you don't have any images showing exactly where or how

1 Tamerlan Tsarnaev went from Point A, being Marathon Sports, to  
2 Point B, being the Montessori school, right?

3 A. No, ma'am.

4 Q. Now --

5 MS. CONRAD: If we could have Exhibit 623, please?

6 And if you could play the combined path, please? If you could  
7 pause if that's possible? Thank you. Oops. It's not  
8 possible? Okay. I'll do the best I can with this, then.

9 Thank you very much, Mr. Bruemmer.

10 Q. So this animation, if you will, shows Mr. Jahar Tsarnaev  
11 and Tamerlan Tsarnaev walking in a path where they are side by  
12 side from Gloucester Street going down to Boylston Street,  
13 correct?

14 A. Yes, ma'am.

15 Q. And that's not what the videos show, right?

16 A. I believe their positions switched several times  
17 throughout the walk between those places.

18 Q. I'm sorry. When you say "switched," what do you mean?

19 A. Yes, sir -- yes, ma'am. One would be in the lead, and  
20 then the other one would be in the lead.

21 Q. There's actually no images where Jahar Tsarnaev is in the  
22 lead, are there?

23 A. I do believe, outside of the Back Bay Social Club, he was  
24 in front of his brother at some point.

25 Q. Okay. Well, let's take a look at that then.

1           Actually, Back Bay Social Club is about where they split  
2 up, isn't it?

3           A.    No, ma'am.  They split up just before the Forum.

4           Q.    Okay.  Well, let's just --

5                       MS. CONRAD:  If I could have the laptop on the  
6 display, please?

7           Q.    Is that the image you're talking about?

8           A.    No, ma'am.  Again, if you go through those images one  
9 after the other, you can see their positions switch back and  
10 forth.

11          Q.    Okay.  Let's just play that.

12          (Video recording played.)

13          Q.    At that point, it looks like Jahar is by himself, right?

14          A.    He's actually -- his brother is off to the left as we look  
15 at it.  So he's behind that first runner.

16          Q.    Can you just circle where you see him?

17          A.    Yes.

18          Q.    I'm sorry.  I'm not seeing.  Did you circle it on the  
19 screen?

20          A.    Oh, I would say that he is right behind there  
21 (indicating).

22          Q.    Okay.  Actually, let me back up a little bit more first.

23          (Video recording played.)

24          Q.    So as they're coming onto Boylston Street, would you agree  
25 with me that Tamerlan is in the lead?

1 A. Of course, yes, ma'am.

2 Q. By about five feet?

3 A. I wouldn't have any area of measure on this.

4 Q. And as they continue along, that distance at some point  
5 gets much greater, right?

6 A. Actually, it closes because you can see right there that  
7 Tamerlan -- or, excuse me, Dzhokhar, he actually goes to the  
8 left, and his brother is to the right.

9 Q. But would you agree with me that they are not in lockstep  
10 the entire way down Boylston Street?

11 A. It depends on when you're talking because there's several  
12 places where they stop and they are standing together.

13 Q. Okay. But in the video -- excuse me. In the animation  
14 that's been introduced as 620 -- 3, excuse me, it appears that  
15 they are walking side by side the whole time?

16 A. That is correct.

17 Q. And that is not accurate, correct?

18 A. There are several positions where they actually do stop  
19 and then switch places. But in the videos that I have seen, he  
20 is -- the older brother is leading these two individuals.

21 Q. And that's not what's shown on 623, right?

22 A. Correct.

23 Q. Okay.

24 MS. CONRAD: If I could just go a little further  
25 along. Thank you.

1 Q. Now, this is in front of Crate & Barrel. And you only see  
2 Jahar in that image, right?

3 A. Correct. Tamerlan has actually continued past the Forum  
4 past this point.

5 Q. So they split up before the Forum?

6 A. Yes, ma'am.

7 Q. I'm sorry. I thought you said a few minutes ago they  
8 split up at the Forum.

9 A. No, prior to the Forum. They stopped here. He went  
10 forward on the Forum that we can see in the video, and then he  
11 follows on.

12 Q. And, in fact, when you look at the Forum video, you  
13 actually see Tamerlan go through the frame alone before you see  
14 Jahar go through, correct?

15 A. Correct. This is -- his brother has actually already  
16 continued on before this.

17 Q. Okay, thank you.

18 And the image -- maybe I asked you this already, in which  
19 case I apologize. But the image of Fairfield and Boylston does  
20 not have a time on it, correct?

21 A. Well, listed, no. However, I did go back this morning;  
22 and in the -- within the metadata, there is a timestamp in  
23 there of 2:49 and then one past it; there was one at 2:50.

24 Q. Of 2:50, right?

25 A. Yes.

1 Q. Again, the image of Tamerlan in front of Montessori school  
2 is also 2:50, right?

3 A. Correct.

4 Q. Again, those are individual to those cameras and do not  
5 necessarily reflect the relevant -- the relative period of  
6 time?

7 A. The accurate time, no, ma'am.

8 Q. You testified about a phone call that's visible on the  
9 Forum video at the time that shows on the Forum video as  
10 somewhere around -- I think it's 4:49?

11 A. Yes, ma'am.

12 Q. Again, you don't know that that's the actual time, right?

13 A. No, ma'am. That was precisely what the phone records  
14 list.

15 MS. CONRAD: And if I could just have a moment to get  
16 to that image. Again, could I have the laptop for presentation  
17 purposes? Actually, let me back up a little bit from that.

18 Q. Now, we're watching -- that's Jahar within the circle,  
19 right?

20 A. Yes, ma'am.

21 Q. And just for the record, we're approximately 14:48:21 on  
22 the Forum timestamp?

23 A. Yes, ma'am. 14:48:27, yes.

24 Q. And the original Forum video had the times down to  
25 hundreds of a second, right?

1 A. I would have to look at it. Depending on what player you  
2 have, depending on what outline you laid, you could switch it  
3 out. This was a very simple timestamp that was displayed on  
4 the proprietary player.

5 Q. Okay. Well, we'll go back to that in a second.

6 This is at 14:48:44, right?

7 A. Yes, ma'am.

8 Q. And it looks like it's -- Jahar is looking down, right?

9 A. Yes, ma'am.

10 Q. Then he's looking up. He's not on the phone, right?

11 A. He is on the phone now.

12 Q. And you don't know if this phone call actually occurred at  
13 14:49, do you?

14 A. No, ma'am. I would have to go back to the phone records  
15 to see what timeline they have.

16 Q. You looked at the phone records before. And here's  
17 Exhibit 1172. And there's an out-going call at 2:49:06, right?

18 A. Yes, ma'am.

19 Q. And that would be from Jahar to Tamerlan, right?

20 A. Yes, ma'am.

21 Q. And there's an incoming call at 2:51, correct?

22 A. I see three -- which one are we talking about?

23 Q. The one right under 2:49.

24 A. Okay. Yes, I see it. Yes, ma'am.

25 Q. Do you see that there's an incoming call at 2:51, correct?

1 A. Yes, yes.

2 Q. And same phone numbers, right?

3 A. Yes.

4 Q. Is it fair to say that appears to be a phone call from  
5 Tamerlan to Jahar?

6 A. Let's see here. Incoming, yes.

7 Q. Is that correct?

8 A. I believe so, yes.

9 Q. And so you don't know, as you sit here today, whether the  
10 phone call that we just saw on the Forum video is a phone call  
11 from Jahar to Tamerlan or from Tamerlan to Jahar?

12 A. Again, it's all about time, and then I don't have a  
13 relative time that's accurate. So I can only tell you what I  
14 see on the records versus the video.

15 Q. But, again, those two times don't correlate with each  
16 other necessarily, right?

17 A. Correct.

18 Q. So your answer to my question is, no, you don't know which  
19 of those two phone calls is depicted?

20 A. No, ma'am.

21 MS. CONRAD: Thank you very much.

22 MR. WEINREB: Just briefly, your Honor.

23 REDIRECT EXAMINATION BY MR. WEINREB:

24 Q. You were asked on cross whether the time depicted on the  
25 video at the Montessori school was 2:50?



1 A. Yes.

2 Q. And the answer is yes?

3 A. That was the depiction, yes.

4 Q. And then you were asked whether the time in the metadata  
5 for the photograph of Jahar Tsarnaev rounding the corner onto  
6 Fairfield Street was 2:50?

7 A. Yes.

8 Q. And the answer to that was also yes?

9 A. One of the images are, yes.

10 Q. Okay. And it may well be that those are both accurate?

11 A. It's possible, yes.

12 Q. You just can't necessarily -- you can't say for sure that  
13 it's accurate?

14 A. No, sir. I did not actually extract these videos, and I  
15 wasn't on-site during that time period.

16 Q. Similarly, the Forum video shows the explosion take place  
17 at a particular time, correct?

18 A. Correct.

19 Q. And the phone record shows that the call that took place  
20 right before that explosion was from Jahar Tsarnaev to his  
21 brother Tamerlan Tsarnaev, correct?

22 MS. CONRAD: Objection to --

23 THE COURT: Sustained.

24 MS. CONRAD: Thank you.

25 Q. And the -- there was a time on the Forum video for the

1 explosion?

2 A. Yes.

3 Q. And there was a time on the phone call from Jahar Tsarnaev  
4 to Tamerlan Tsarnaev?

5 A. There was.

6 Q. And how did they -- in what order do they take place  
7 according to those records?

8 MS. CONRAD: Objection.

9 THE COURT: He may answer it.

10 A. They correlated.

11 Q. Which happens first? The phone call?

12 A. The phone call and then the explosion.

13 MR. WEINREB: That's all. Thank you, your Honor.

14 THE COURT: All right, sir. Thank you. You may step  
15 down.

16 . . . END OF EXCERPT.)

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## C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

/s/ Cheryl Dahlstrom  
CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: March 18, 2015