

1 UNITED STATES DISTRICT COURT  
 2 WESTERN DISTRICT OF ARKANSAS  
 3 FAYETTEVILLE DIVISION

4 UNITED STATES OF AMERICA, )

5 Plaintiff, )

6 VS. )

7 ANTHONY ALLEN JEAN, )

8 Defendant. )

CASE NO.  
 5:15-CR-50087-001

9 TRANSCRIPT OF MOTION HEARING  
 10 BEFORE THE HONORABLE TIMOTHY L. BROOKS  
 11 June 23, 2016; 1:08 p.m.  
 FAYETTEVILLE, ARKANSAS

12 FOR THE GOVERNMENT:

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17 FOR THE DEFENDANT:

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22 Proceedings recorded in realtime via machine shorthand.

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 24 Dana Hayden, CCR, RMR, CRR  
 Federal Official Court Reporter  
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1 THE COURT: Mr. Alfaro?

2 MR. ALFARO: I do have a few questions.

3 THE COURT: All right.

4 CROSS-EXAMINATION

5 BY MR. ALFARO:

6 Q. We're talking about sending information over the  
7 Internet, correct?

8 A. Yes.

9 Q. Does the FBI encrypt its websites?

10 A. I'm sorry. Could you clarify the question?

11 MR. DEAN: Objection. I don't see how this is  
12 relevant to the motion TO suppress.

13 MR. ALFARO: I'll connect it in a few  
14 questions, Judge.

15 THE COURT: Better get there quick.

16 (By Mr. Alfaro:)

17 Q. Are there benefits for sending information through  
18 the Internet on an encrypted connection?

19 A. In some instances, yes.

20 Q. Does that prevent from tampering?

21 A. It can help, but it does not prevent it, not  
22 entirely.

23 Q. Does it make it less likely?

24 A. In some instances, yes.

25 Q. Was the NIT sent back -- when it was collected from

1 the defendant's computer and sent back to Virginia, was  
2 that sent over an encrypted network? That's a yes or  
3 no.

4 A. The -- sorry then. Can you repeat the question? I  
5 didn't hear if you said encrypted or unencrypted.

6 Q. Yes, agent.

7 The information that was collected by the NIT,  
8 was it sent back over an encrypted network?

9 A. No. It was sent in clear text over the regular  
10 Internet.

11 Q. Did the NIT collect the IP address from the  
12 computer?

13 A. As I stated during my direct, the NIT collects the  
14 information from the computer and then sends it back to  
15 the government, and the government can see what IP  
16 address that information originates from.

17 Q. So the NIT sees the IP address from, directly from  
18 the computer, from Mr. Jean's computer?

19 A. From a very low-level technical perspective, no; in  
20 a high level, yes. So I would need you to be more  
21 specific in your question.

22 Q. Would I be correct in saying that it only got --  
23 that it got the IP address from whatever it was  
24 receiving from the NIT? From whatever the NIT was  
25 coming back from, whatever IP address the NIT was coming