

DCBBKURT1 Trial

1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 UNITED STATES OF AMERICA,

4 v.

S1 12 Cr. 376(RMB)

5 RUDY KURNIAWAN, a/k/a "Dr. Conti,"
5 a/k/a "Mr. 47,"

6 Defendant.

7 -----x

8 December 11, 2013
8 9:07 a.m.

9 Before:

10 HON. RICHARD M. BERMAN,

11 District Judge

12 APPEARANCES

13 PREET BHARARA,
14 United States Attorney for the
15 Southern District of New York
16 JASON HERNANDEZ,
16 JOSEPH FACCIPONTI,
16 Assistant United States Attorneys

17 WESTON, GARROU & MOONEY
18 Attorneys for defendant
18 BY: JEROME MOONEY

19 VERDIRAMO & VERDIRAMO, P.A.
20 Attorneys for defendant
20 BY: VINCENT S. VERDIRAMO

21 - also present -

22 Ariel Platt, Government paralegal

23 SA James Wynne, FBI
24 SA Adam Roeser, FBI

DCBBKURT1 Trial

1 (Trial resumed)

2 (At the sidebar)

3 THE COURT: Are we having Court Direct service?

4 MR. MOONEY: No. You said no on that.

5 THE COURT: Well, I went to a party in my building
6 last night and one of my neighbors came up and said, "I know
7 everything because I get e-mail alerts and I've got all your
8 transcripts."

9 MR. VERDIRAMO: Somehow or another one of the
10 transcripts ended up on the internet. I have no idea how.

11 MR. MOONEY: There's a blogger. I don't know how the
12 person is doing the trial. Somebody from my office last night
13 sent me a picture of the blogging. The person was basically
14 doing steno themselves and sending out blogs.

15 THE COURT: It wasn't steno. This guy is a lawyer and
16 he said, "My office has transcripts." He said, "You don't have
17 to tell me anything."

18 MR. VERDIRAMO: There is absolutely someone that was
19 able to get a transcript onto the internet. That's absolutely
20 correct.

21 THE COURT: In realtime?

22 MR. MOONEY: Yes.

23 MR. VERDIRAMO: And somebody else or another has been
24 Tweeting and we even have his name. I believe I know who it is
25 in the courtroom. Apparently they came up, saw the bottles,

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1 and there were tweets on-line within minutes.

2 THE COURT: Well, I mean, if they went out after and
3 did it, if they're media people--

4 MR. VERDIRAMO: How these other people got ahold of
5 the transcript is beyond me.

6 MR. MOONEY: You said no to Court Direct.

7 THE COURT: I'll find out.

8 MR. HERNANDEZ: It's not coming from us. This is news
9 to us.

10 MR. VERDIRAMO: There would be no advantage to us
11 whatsoever.

12 THE COURT: I was floored.

13 MR. VERDIRAMO: We weren't happy about it either,
14 Judge.

15 THE COURT: The only way it can be so is if there is a
16 Court Direct hookup in this courtroom, so that someone may
17 have connected. Not you guys, but someone may have connected
18 to the courtroom, I guess. Court Direct has been all over, all
19 over the judges to let them wire the courtrooms, and I've said
20 no.

21 MR. MOONEY: Well, they were all over us and gave us--
22 you need to know. They gave us the impression -- we were
23 contacted before trial, Oh, this is the regular thing, this is
24 how you do it. All you have to do is submit this for Judge
25 Berman and you'll sign off on it and everything will be fine.

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1 THE COURT: Which I didn't.

2 MR. MOONEY: Exactly. We were a little surprised.

3 They've been less than forthright with us.

4 THE COURT: I'll look into it.

5 (Continued on next page)

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1 (In open court; jury not present)

2 THE COURT: Good morning, everybody. Please be
3 seated. So I have two preliminary issues. One we discussed
4 yesterday and I wanted to go over in a little bit more detail
5 about two evidentiary matters which I discussed yesterday with
6 you at 2 p.m.

7 So the first is regarding the three auction catalogs
8 which are Government Exhibit Numbers 15-3, 15-4, and 15-5,
9 about which you recall I asked some questions of the witness
10 yesterday. I believe it was Mr. Truly. And just so you
11 understand, my intention in asking those questions was to avoid
12 juror confusion and to clarify the record.

13 I was aware that jurors did not have individual copies
14 of those catalogs, although they were admitted in their
15 entirety into the record. And the catalogs were briefly passed
16 around among the jurors and jurors were shown certain pages of
17 each of those publications.

18 It seemed clear to me that from the exhibits
19 themselves and the testimony, that the three auctions were over
20 90 percent -- my estimate -- about the defendant's wines that
21 he had consigned to auction and I wanted to clarify that
22 matter. I was uncertain-- in fact, doubtful-- that the jurors
23 entirely understood that.

24 The second was with regard to e-mails between
25 Mr. Kurniawan and John Kapon. I don't have the government

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1 exhibit numbers, but I think you recall that conversation from
2 yesterday. And I admitted those into evidence over the defense
3 objection, expecting that the government will lay a foundation
4 with respect to those e-mails through the testimony of another
5 witness, as well as testimony perhaps about the content of
6 those e-mails through that same additional witness or
7 witnesses. And as I mentioned yesterday in the afternoon, I
8 may consider my ruling admitting the e-mails if that proper
9 connection is not made.

10 Also, I mentioned to you there was a preliminary
11 instruction to jurors regarding questions I might ask. There
12 will also be a more definitive instruction in the final charges
13 to jurors. So that's number one.

14 Number two is, it turns out that even though I had
15 requested that there not be a Court Direct or other direct feed
16 from this proceeding to the public, there does seem to be one.
17 I'm not sure how that's coming about, but I'm endeavoring to
18 make sure that it's discontinued. This is not a Court Direct
19 proceeding and there is no authority for anyone to record this
20 proceeding and then transmit it to the public in realtime,
21 which I learned yesterday was, in fact, happening. And the
22 court reporter has assured me that any transcripts that are
23 developed in that fashion are not official court transcripts in
24 any case. So I'm going to talk to our communications people
25 and endeavor to stop that practice if it's going on.

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1 So other than that, I think the jury is all here. So
2 we'll recall -- I think we had Mr. Wynne on the stand and we'll
3 get the jury and get started.

4 (Continued on next page)

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DCBBKURT1 Wynne - direct

1 (In open court; jury present)

2 THE COURT: How are you? Nice to see you. So, good
3 morning, everybody. Nice to see you. Please be seated.

4 We had Mr. Wynne on the stand yesterday when we ended,
5 and we will resume with his direct testimony this morning.

6 THE DEPUTY CLERK: Sir, I'd like to remind you that
7 you're still under oath.

8 THE WITNESS: Yes, ma'am.

9 MR. HERNANDEZ: Your Honor, may the agent step down to
10 the table here to continue with the exhibits?

11 THE COURT: Yes, he certainly can.

12 And we'll do the best we can, and one or two jurors
13 may have to wait it out. By the way, you can move to the back
14 row if you like.

15 JAMES WYNNE, resumed.

16 DIRECT EXAMINATION (continued)

17 BY MR. HERNANDEZ:

18 Q. Special Agent Wynne, where we left off yesterday, we
19 weren't complete with this box and the exhibits you hadn't gone
20 through are in that Redweld.

21 Can you go through each exhibit bag, identify it by
22 number, and tell the jury what's in the exhibit?

23 A. Exhibit 1-122 is tissue paper or wrapping paper from
24 Chateau Latour.

25 THE COURT: From where?

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DCBBKURT1 Wynne - direct

1 THE WITNESS: Chateau Latour.

2 A. Grand Jury Exhibit 1-124 is a group of corks and capsules
3 from wine bottles.

4 THE COURT: So these are the continuation of the
5 contents that you recovered from the search of Mr. Kurniawan's
6 home that you had described yesterday. Is that right?

7 THE WITNESS: Yes, your Honor.

8 THE COURT: These are additional contents that you
9 recovered at that search?

10 THE WITNESS: Yes, your Honor.

11 A. Grand Jury Exhibit 1-139 is --

12 Q. Government Exhibit.

13 A. I'm sorry, Government Exhibit 1-139 is a group of labels
14 for Domaines de la Romanee-Conti.

15 Government Exhibit 1-142 is a group of labels, both
16 main labels and what's called strip labels and neck labels.

17 THE COURT: Do you recall where in the home these were
18 recovered? Were these all in the kitchen?

19 THE WITNESS: These were in another room, your Honor,
20 designated as a storage room by us.

21 MR. HERNANDEZ: Your Honor, when Agent Wynne is done
22 with this box, I'm going to ask him to return to the witness
23 stand and then we're going to show photographs of different
24 rooms.

25 THE COURT: All right.

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DCBBKURT1 Wynne - direct

1 A. Government Exhibit 1-143 is a group of labels for Bordeaux
2 wineries.

3 Government Exhibit 1-144 is a group of wine labels
4 from Burgundy and other locations, a mixture.

5 That finishes this box.

6 Q. All right. Then, Agent Wynne, I'm going to ask you to
7 return then to the witness stand so we can look at some
8 additional photographs that were admitted into evidence
9 yesterday of the defendant's home.

10 THE COURT: Counsel, do you want to pass those around
11 just for a minute before --

12 MR. HERNANDEZ: Yes, Judge. I'm going to pick just a
13 sampling of a few of the different exhibits if that's all
14 right.

15 THE COURT: Sure.

16 (Pause)

17 BY MR. HERNANDEZ:

18 Q. Agent Wynne, yesterday you testified about some photographs
19 that were taken of the defendant's home the day of his arrest,
20 and we showed the jury photographs of the kitchen.

21 Do you remember that?

22 A. Yes, sir.

23 Q. Were there photographs of additional rooms in the
24 defendant's home that were taken the day of the arrest?

25 A. Yes, sir.

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DCBBKURT1 Wynne - direct

1 MR. HERNANDEZ: Your Honor, may we just display
2 Government Exhibit 2-14?

3 THE COURT: Sure.

4 MR. HERNANDEZ: I'm going to hand hard copies to Agent
5 Wynne. I'm going to ask him to look at 2-14 through 2-25.

6 Q. Tell me if you recognize those photographs.

7 (Pause)

8 A. I've reviewed Exhibits 2-15 through 2-25 and recognize them
9 as photographs taken on March 8th, 2011, at Mr. Kurniawan's
10 house.

11 Q. Did you also look at Government Exhibit 2-14?

12 A. I don't see 2-14 here.

13 Q. Can you look at your screen that you have in front of you?
14 Do you see 2-14?

15 A. Oh, I'm sorry. Yes, I have it. I'm sorry. I missed that
16 one. Yes, I do see it.

17 Q. Do you recognize that photo?

18 A. Yes, I do. It's a photo of a dining area in
19 Mr. Kurniawan's home.

20 Q. And are the photographs that are marked Government Exhibit
21 2-14 through 2-25 fair and accurate representations of the
22 defendant's home on March 8, 2012?

23 A. Yes.

24 MR. HERNANDEZ: Your Honor, we offer Government
25 Exhibits 2-14 through 2-25.

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DCBBKURT1 Wynne - direct

1 THE COURT: Are you going to publish this for the jury
2 on the screens?

3 MR. HERNANDEZ: We'd like to, and then go through all
4 of them right now.

5 THE COURT: Sure.

6 (Government's Exhibits 2-14 through 2-25 received)

7 THE COURT: That will appear on that large screen back
8 there as well. Right?

9 MR. HERNANDEZ: Yes.

10 BY MR. HERNANDEZ:

11 Q. So if we could begin then with Government Exhibit 2-14.

12 MR. HERNANDEZ: Has that been published to the jury?

13 MR. PLATT: Yes.

14 Q. All right. Agent Wynne, can you tell us what we can see in
15 Government Exhibit 2-14? First tell us the room and what we
16 can see in the room.

17 A. This is a dining room. We designated it as Room C. And
18 you can see a table to the right, you can see indoor shutters
19 closed, and you can see in the back left corner a large
20 commercial-sized printer.

21 Q. Can you explain why the FBI labels the rooms with letters?

22 A. So we can organize the evidence when we collect it from
23 each individual room.

24 MR. HERNANDEZ: And can we see Government Exhibit
25 2-15?

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DCBBKURT1 Wynne - direct

1 Q. What room is Government Exhibit 215?

2 A. This is a room we called the storage room. And it is
3 designated as Room I. You can see it in the upper right-hand
4 corner there.

5 Q. Is this a room you searched?

6 A. Yes, it is.

7 Q. Did you retrieve any evidence from the storage room?

8 A. Yes, a significant amount of evidence came out of this
9 room.

10 Q. Now, there are some boxes that are on top of the wine rack
11 there.

12 Do you know what was in those?

13 A. There were wine labels in each box organized in a fashion
14 by vineyard or in some other logical manner.

15 Q. And what can we see on the floor?

16 A. On the floor you see bottles of wine. You can see, towards
17 the right in the back, below the shelving, a black piece of
18 paper. That's a stencil to apply to some other kind of object:
19 Words, letters. You can see a blue pail to the left containing
20 some labels. You can see a file cabinet to the left in front.
21 On top of it you can see another blue container. You can see
22 mailings, boxes, in sort of the center. On top of those boxes
23 is another blue container containing wine kind of paraphernalia
24 and labels.

25 Q. All right. We have additional photographs of the storage

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DCBBKURT1 Wynne - direct

1 room, Agent Wynne?

2 A. Yes, we do.

3 Q. Can we go to 2-16?

4 A. 2-16 is an image of wine racks in that room.

5 THE COURT: That's in that storage room?

6 THE WITNESS: Yes, your Honor.

7 MR. HERNANDEZ: Would it be possible, Mr. Platt, to
8 zoom in on just the middle of the wine rack?

9 Q. And is there anything that you observed about the bottles
10 of wines that are stored on the wine rack in the storage room,
11 Agent Wynne?

12 A. A good number of them have no capsules, as if they're not
13 finished product.

14 Q. What is the capsule again?

15 A. The capsule is either the metal coating that goes around
16 the cork or a wax coating that goes around the top of the cork.

17 Q. And the cork is the brown thing that's protruding from
18 those bottles?

19 A. Yes, sir.

20 Q. Can we look at Government Exhibit 2-17?

21 A. Exhibit 2-17 is another view of the floor in the storage
22 room. You can see the white paper with the black paint. It's
23 a stencil. You can see the blue pail -- depending on how
24 you're looking at that photo -- below it containing corks. You
25 can see bottles laying on their sides. Large-format bottles.

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DCBBKURT1 Wynne - direct

1 You can see regular-size bottles as well, all throughout the
2 floor in there.

3 Q. Is the jury going to get to see that stencil later?

4 A. Yes, sir.

5 Q. You said is it had lettering on it. Was it wine-related
6 lettering?

7 A. Yes, it is.

8 Q. These large bottles that are laying on the floor, can you
9 make out-- maybe Mr. Platt can zoom in on those bottles-- what
10 bottles these are or who the producer is?

11 A. Well, I can see just in the lower part of the photograph
12 Romanee-Conti, two bottles laying on their sides. I can see
13 Chateau Latour. I can see Chateau Mouton Rothschild. I can
14 see Petrus. All bottles by the great vineyards in France.

15 Q. Can you look at Government Exhibit 2-18?

16 A. Exhibit 2-18 is an image of a closet in the storage room
17 and it contains three gray filing cabinets on top of which you
18 can see, to the right, silver cups that contain wax. On top of
19 that is shelving with bottles on top of the shelving.

20 Q. Are those bottles open or closed? Do we have wine in them?

21 A. They're empty bottles.

22 Q. Can you look at Government Exhibit 2-19?

23 A. 2-19 is an image of what was in one of the drawers in the
24 silver file cabinets.

25 Q. This is one of the drawers we saw in Government Exhibit

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DCBBKURT1 Wynne - direct

1 2-18?

2 A. That's correct.

3 Q. What's in that drawer?

4 A. Clearly visible in the drawer are neck labels for vintages.
5 There are what's called strip labels for importers. There are
6 some stamps, as well, in the upper-right corner. Oh, I'm
7 sorry, there are stacks-- they're not stamps. They are stacks
8 of labels, back labels.

9 Q. And then, finally, if you would look at Government Exhibit
10 2-20.

11 A. Exhibit 2-20 is another image of a drawer from one of the
12 silver filing cabinets containing neck labels for Romanee-Conti
13 wines and strip labels, back labels for Romanee-Conti wines,
14 vintage or neck labels for Burgundy wines.

15 Q. And this is also from the storage room?

16 A. That's correct. And you also can see on top some kind of
17 document that reads "Atelier Gargoyle," which is a supplier.

18 Q. Is that a company?

19 A. It's a company supplying stamping or waxing materials.

20 Q. All right. Can you look, then, at Government Exhibit 2-21
21 and tell us what room this is a photograph of?

22 A. Exhibit 2-21 is an image of four bottles of wine produced
23 by a company called Patriache -- spelled P-A-T-R-I-A-C-H-E --
24 of vintages 1943, two bottles, and 1955, two bottles.

25 Q. All right. Agent Wynne, there's going to be testimony

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1 about Patriache later on in the trial so I'm not going to ask
2 you about those bottles right now.

3 We can look at Government Exhibit 2-22.

4 A. 2-22 is an image taken from another room in the house, it's
5 from one of the bedrooms, and it depicts wine labels, in the
6 middle and to the right, including La Tache, which is a Domaine
7 de la Romanee-Conti wine. And to the left, stencils and
8 stamps. You see Ideal, which is a Bates stamp device to
9 number. Paper and other wine paraphernalia in that brown bag
10 that's sitting right there to the left.

11 Q. In the upper right-hand corner of the exhibit, you said
12 that there's a label for La Tache.

13 Does that appear to you to be a label from a bottle of
14 wine or something else?

15 A. These are scans of labels that are now printed or copied on
16 to regular 8 x 10 size paper.

17 Q. All right. And this label says, in the bottom right, that
18 it's a 6L bottle. Is that six liter?

19 A. Yes, sir.

20 Q. All right. If we could look then at Government Exhibit
21 2-23.

22 A. 2-23 is an image of bags and two containers containing
23 corks for wine bottles.

24 THE COURT: Can you tell if they are new or used
25 corks?

DCBBKURT1 Wynne - direct

1 THE WITNESS: They look to me to be used, your Honor.

2 THE COURT: How can you determine that?

3 THE WITNESS: They look aged to me. And you will see
4 later images of new corks, as well, that are pristine.

5 Q. Then Government Exhibit 2-24.

6 A. 2-24 is an image of hallway in Mr. Kurniawan's house that
7 was set up with wine racks, lower part. Above it, a shelf in
8 white, with a white background, used as a makeshift photography
9 setup to photograph bottles.

10 Q. Then, if we look at Government Exhibit 2-25, that's the
11 final photograph, what's that?

12 A. It's an image of those four bottles on that shelf in this
13 makeshift photo studio setup.

14 Q. And what's behind the bottles?

15 A. It's just a white background.

16 Q. Agent Wynne, you testified at the end of yesterday and the
17 beginning of today about evidence that came from the box that's
18 on the table that's Government Exhibits 1-121 through 1-144.

19 What room in the house did this evidence come from?

20 A. It came from the storage room.

21 Q. Is there more evidence from the storage room?

22 A. Yes, sir.

23 MR. HERNANDEZ: And, your Honor, may the witness come
24 down so we can show that evidence to the jury?

25 THE COURT: Sure.

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DCBBKURT1 Wynne - direct

1 Q. So I'm going to ask you to look at this box which has
2 Government Exhibits 1-145 to 1-161. Tell us if you recognize
3 these exhibits and where they came from.

4 A. I recognize all of the exhibits because I processed them, I
5 bagged them. I was there when it was seized from
6 Mr. Kurniawan's house.

7 MR. HERNANDEZ: Your Honor, the government offers
8 Government Exhibits 1-145 to 1-161 into evidence.

9 THE COURT: I'll allow them.

10 (Government's Exhibits 1-145 through 1-161 received)

11 MR. MOONEY: 151 was that?

12 MR. HERNANDEZ: It's 1-145 to 1-161.

13 Q. Agent Wynne, if you could, taking each bag, each exhibit
14 out, tell the jury the exhibit number and tell them what's in
15 the bag.

16 A. Exhibit 1-147 is a bag containing stamps for serial
17 numbers.

18 Q. And could you describe what a serial number is in relation
19 to wine or this case?

20 A. Some of the vineyards place a serial number on their label.
21 Domaine de la Romanee-Conti does, Chateau Mouton Rothschild
22 does.

23 Q. Could you pass that exhibit around to the jury?

24 MR. HERNANDEZ: Your Honor, may I?

25 THE COURT: Yes.

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- 1 A. Exhibit Number 1-148 is another bag of stamps for serial
2 numbers.
- 3 Q. Agent Wynne, these stamps and several of the other stamps
4 that you testified about, are they new and never used or do
5 some of them appear to be used?
- 6 A. Some of them appear to be used. You can see ink on them.
7 Exhibit 1-149 is a bag containing stamps for
8 lettering.
- 9 Q. Agent Wynne, I think we have two bags with the jury now.
10 We'll just keep going until we find something we haven't seen
11 before.
- 12 A. 1-150 is a bag containing vintage stamps.
13 1-160 is a bag containing capsules.
14 1-159 is a bag containing capsules and corks.
- 15 Q. Okay.
- 16 A. Exhibit 1-145 is a bag containing stamps for serial
17 numbers. You can see the blue ink used on the stamps.
- 18 Q. Could you pass that exhibit around to the jury?
- 19 A. Yes.
- 20 Q. And then I'm going to ask you if you could address
21 Government Exhibit 1-157 next.
- 22 A. 1-157 is a bag containing numerous ink pads for use with
23 stamps.
- 24 Q. And what are some of the colors of those ink pads?
- 25 A. Midnight, brown, gold, copper. There's blue as well.

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DCBBKURT1 Wynne - direct

1 There's a reddish.

2 Exhibit 1-146 is a bag of stamps for serial numbers.

3 Q. All right.

4 A. Exhibit 1-151 is a bag containing stamps for wineries,
5 primarily Domaine de la Romanee-Conti, to be used -- to be
6 placed into the wax to create --

7 Q. Agent Wynne, I don't think we've seen this before so I'm
8 going to remove one of the stamps from 1-151. And I'm going to
9 ask you to take this stamp and if you could just take a step
10 towards the jury and show the jury how that stamp is used.

11 A. You can see the imprint on the object. You put it on an
12 ink pad or, rather, you put it into the wax and make an
13 impression and it creates a logo.

14 THE COURT: And what's the logo on the one in your
15 hand? Can you tell?

16 THE WITNESS: Oh, Domaine de la Romanee-Conti.

17 Q. Can you continue?

18 A. 1-152 are pads to stamp original wooden crates and they
19 bear the title of Chateau Latour.

20 Exhibit 1-154 is a stencil, both plastic, clearly
21 used, and a smaller paper kind of stencil numbered with black
22 lettering-- with black paint on it that's clearly been used.

23 Exhibit 1-153 is a stamp.

24 Q. Is that a shipper's stamp?

25 A. It is. Duclot & Company.

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DCBBKURT1

Wynne - direct

1 Exhibit 1-155 is a bag containing stencils and pads
2 that you can use to create both lettering and numbering.

3 Exhibit 1-158 is a bag containing cork pulls of the
4 kind we talked about yesterday that don't pierce the cork.

5 Q. About how many are in that government exhibit?

6 A. There's six or seven in here.

7 Exhibit 1-161 is a bag of capsules.

8 Exhibit 1-156 is a bag containing soft foam brushes.

9 Q. Do any of the brushes appear to be used?

10 A. Yes, they do.

11 Q. How do you know that?

12 A. I can see the worn-- one of them, for example, here, is
13 worn.

14 Q. Do any of them have ink on them?

15 A. This one right here you can see has some-- has been used
16 and there's some ink residue still on it.

17 Q. Okay. Thank you.

18 Now I'm going to ask you to look at another box which
19 contains Government Exhibits 1-162 to 1-172.

20 Can you tell us what room this is from and whether you
21 recognize these exhibits?

22 A. This is from the storage room at Mr. Kurniawan's house. It
23 was collected during the search, shipped to me. I processed
24 it. I've added the government exhibit stickers to it as well.

25 MR. HERNANDEZ: Your Honor, the government offers

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DCBBKURT1 Wynne - direct

1 Exhibits 1-162 to 1-172.

2 THE COURT: I'll allow it.

3 (Government's Exhibits 1-162 to 1-172 received)

4 Q. And the same process, Agent Wynne; if you could explain
5 what each exhibit is to the jury.

6 A. 1-162 is a stencil that you saw in the photograph with the
7 black paint applied for use on an original wooden crate.

8 Q. For what winery is that stencil?

9 A. This is for Domaine de la Romanee-Conti.

10 Q. And could we pass that exhibit around?

11 A. Government Exhibit 163 is a similar stencil for the same
12 winery, Domaine de la Romanee-Conti.

13 Government Exhibit 1-164 is another type stencil for a
14 Domaine de la Romanee-Conti wine La Tache, 1978.

15 Q. Agent Wynne, I think you can leave that one there on the
16 table.

17 A. 1-165 is a bag of new corks.

18 Exhibit 1-167 is a bag of plastic capsules.

19 Exhibit 1-166 is another bag of plastic capsules.

20 Q. Now, I notice that that exhibit is not in a clear plastic
21 bag.

22 Is that how you found this bag of capsules?

23 A. Yes, sir.

24 Q. All right.

25 A. Exhibit 1-169 is a bag of metal capsules.

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DCBBKURT1 Wynne - direct

1 Exhibit 1-170 is a bag of metal capsules.

2 Exhibit 1-168 is a bag of corks and some wine labels.

3 Exhibit 1-172 is a bag of wax sticks.

4 Q. Could you pass that exhibit around to the jury?

5 A. Yes.

6 THE COURT: Do you have any understanding what one
7 would do with a wax stick?

8 THE WITNESS: My understanding, your Honor, is it
9 would be melted and it would be applied to the top of a wine
10 bottle to seal the cork.

11 Q. Agent Wynne, are we going to see later some of the melted
12 wax and the cups from the photographs we saw earlier today?

13 A. Yes, sir.

14 Exhibit 1-171 is a bag of stamps for Domaine de la
15 Romanee-Conti, some vintage stamps, and a makeshift device
16 similar to the other stamps used with the wax to place the logo
17 into the wax on a bottle.

18 Q. Those are a pair of pliers you're holding up, Agent Wynne?

19 A. It's a pair of pliers with, like, a medallion with the logo
20 fused to the top.

21 Q. So now I'll ask you to look at Government Exhibit 1-173.

22 In this instance the exhibit is the entire box, the contents of
23 the entire box.

24 Could you tell us whether you recognize this exhibit
25 and how you do recognize it?

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1 A. I do recognize it as material taken from Mr. Kurniawan's
2 house and it was shipped to me here in New York and processed
3 and the exhibit sticker was placed on it in preparation for the
4 case.

5 MR. HERNANDEZ: We offer 1-173.

6 THE COURT: I'll allow it.

7 (Government's Exhibit 1-173 received)

8 Q. Now, it appears that there are two major contents to this
9 exhibit, to this box. Can you describe what each of them are?

10 A. The box primarily is composed of bags of capsules.

11 Q. And when you found them, were they sorted in this manner or
12 did you put them into these plastic bags?

13 A. They were in these bags when we collected them at his
14 house. There are notations on the bags referring to a master
15 list for organization purposes that was at his house.

16 In addition, there's a spiral notebook containing
17 tasting notes starting in October of 2009. The book is full.

18 Q. What is a tasting note?

19 A. Tasting notes are impressions or opinions about a
20 particular wine when the person is trying it; to, in effect,
21 analyze it.

22 Q. And are these tasting notes of the kinds of wines that
23 we've been hearing about during the trial, the great wines of
24 Burgundy and Bordeaux?

25 A. Yes.

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DCBBKURT1

Wynne - direct

1 THE COURT: Could you give us an idea of one or two?

2 MR. HERNANDEZ: I'm going to put them on the ELMO.

3 THE COURT: Okay.

4 MR. HERNANDEZ: If that's all right, your Honor.

5 THE COURT: Sure.

6 MR. HERNANDEZ: Your Honor, if it's all right with
7 you, some of the handwriting may be difficult to read. What
8 I'd like to do is just page through some of the pages and that
9 way the jury and the observers can maybe read to themselves and
10 get a sense for what the notebook contains.

11 THE COURT: Okay.

12 MR. HERNANDEZ: And I'll just add that, while it's
13 difficult to read, there are some words that I think are
14 discernible, such as in the top here, "1976 Roumier" -- which
15 is a wine which the jury has heard about -- "Domaine."

16 THE COURT: Can you make out any of the text below
17 that or not?

18 MR. HERNANDEZ: Personally I find it difficult to read
19 all of the words, but --

20 THE COURT: Okay.

21 MR. HERNANDEZ: -- I can pick up certainly some of
22 the words, like a mention of "menthol" and maybe "Roumier
23 style," "full and rich." There's maybe a reference to
24 "tannin," and certainly the word "juicy" at the end.

25 THE COURT: So the jury will get those later?

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DCBBKURT1 Wynne - direct

1 MR. HERNANDEZ: The jury will have access to these.

2 THE COURT: They can look through that.

3 MR. HERNANDEZ: The next page I think is a bit easier
4 to read. The top, that's 1972 Rousseau Chambertin. And I
5 believe the first note is "mature color."

6 On the next page, the top I believe is "1976 Lafleur."

7 I'll just turn to a couple of more pages and conclude.

8 (Pause)

9 BY MR. HERNANDEZ:

10 Q. The next box, Agent Wynne, contains Government Exhibits
11 1-174 to 1-206.

12 Can you look at these exhibits and tell me whether you
13 recognize them and where they came from?

14 THE COURT: Before you do that, if we can just quickly
15 pass around the notebook of tasting notes so they can get an
16 idea of what it looks like.

17 MR. HERNANDEZ: We will, your Honor.

18 A. I recognize Exhibits 1-174 through 1-206 as coming from
19 Mr. Kurniawan's house and having been collected there and
20 brought to New York for the case.

21 MR. HERNANDEZ: We offer Government Exhibits 1-174 to
22 1-206.

23 THE COURT: I'll allow it.

24 (Government's Exhibits 1-174 to 1-206 received)

25 Q. Can you describe what each exhibit contains, Agent Wynne?

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DCBBKURT1

Wynne - direct

- 1 A. 1-204 is a sheet containing shield labels for Burgundy
2 wines.
- 3 Q. Can you describe what the sheet looks like?
- 4 A. It's a flat piece of cream paper with punch-out little
5 shields to be applied to a wine bottle, to the neck of the wine
6 bottle. There are only certain vintages there.
- 7 Q. Are these precut?
- 8 A. These are all-- all of these shield labels are all precut.
9 You slide one out and they just come right out of the paper.
- 10 Q. All right.
- 11 A. Exhibit 1-182 is a stack of Domaine Roumier wine labels
12 from various years, including 1923 through the '50s, all cut in
13 exactly the same way.
- 14 Q. All right.
- 15 A. Exhibit 1-200 is another bag of Domaine Roumier
16 Bonnes-Mares labels.
- 17 Q. And, Agent Wynne, with the last two exhibits that you've
18 handed around, is it fair to say that there are hundreds of
19 those Domaine Roumier labels?
- 20 A. Yes, sir.
- 21 Q. All right.
- 22 A. 1-185 is a bag containing a pack of Musigny De Vogue
23 labels.
- 24 Q. What's De Vogue?
- 25 A. It's a producer in Burgundy.

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DCBBKURT1 Wynne - direct

1 Q. And those labels look a little bit larger than some of the
2 ones you've been handing around?

3 A. They would be placed on a large-format bottle, a bigger
4 bottle.

5 Exhibit 1-187 is another bag containing packs of
6 Musigny labels for bottles and possibly a larger format. Also
7 De Vogue.

8 Q. Agent Wynne, you've already handed out De Vogue. I think
9 just in the interests of time...

10 A. All right. Exhibit 1-181 is a bag containing packs of
11 labels for Clos de la Roche wines produced by Ponsot.

12 Exhibit 1-205 are back labels produced for wine
13 bottles.

14 Q. All right.

15 A. Exhibit 1-198 is a pack of Chateau Lafleur labels, both for
16 large-format bottles and regular bottles.

17 Exhibit 1-196 is a pack of labels for Chateau Lafite
18 Rothschild.

19 Q. All right.

20 A. Exhibit 1-190 is a pack of labels for two different
21 Burgundy vineyards.

22 Q. Is one of those actually in Burgundy?

23 A. Yes.

24 Q. I'm sorry. Is one of these actually in Bordeaux as well?

25 A. That's correct.

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DCBBKURT1 Wynne - direct

1 Q. All right. And let me ask you just a quick question, Agent
2 Wynne, about Government Exhibit 1-181. Those are the Ponsot
3 labels. They have yellow backs to them. Do you know anything
4 about those yellow backs?

5 A. That's to peel away from the back of the label to place it
6 on the bottle.

7 Q. So it --

8 A. It's self-adhesive paper.

9 Q. Thank you.

10 A. Exhibit No. 1-184 are more packs of Musigny De Vogue
11 labels.

12 Q. All right.

13 A. Government Exhibit 1-179 are packs of Domaine de la
14 Romanee-Conti labels.

15 Government Exhibit 1-186 is another pack of Musigny
16 De Vogue labels.

17 Exhibit 1-188 is a pack of labels for Chambertin by
18 Rousseau and La Tache by Nicolas. Also some other vineyards,
19 La Mission Haut-Brion labels as well.

20 Government Exhibit 1-197 are packs of Mouton
21 Rothschild labels.

22 Q. All right.

23 A. Government Exhibit 1-203 are more shield labels on the
24 sheets that just pop right out.

25 Exhibit 1-177 are packs of Domaine de la Romanee-Conti

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DCBBKURT1 Wynne - direct

1 labels for various La Tache vintages.

2 Q. Can you read just a couple of the vintages that are on
3 there?

4 A. 1962, 1953, 1978, 1933, 1955, 1990.

5 Exhibit 1-178 is another pack of Domaine de la
6 Romanee-Conti labels for La Tache. Vintage is 1959, 1962, 1952
7 and large-format 1990.

8 Exhibit 1-174 is a pack of Domaine de la Romanee-Conti
9 labels for Romanee-Conti wines, vintages 1969, 1972, 1959,
10 1999, 1990.

11 Exhibit 1-180 is a pack of Domaine de la Romanee-Conti
12 labels for Les Gaudichots wines.

13 Q. Can you spell?

14 A. L-E-S G-A-U-D-I-C-H-O-T-S.

15 Q. Can you read the vintages on those wine labels?

16 A. 1915, 1911, 1929, 1900.

17 Exhibit 1-183 are packs of additional Domaine Roumier
18 Bonnes-Mares labels and Musigny labels.

19 Exhibit 1-195 are packs of La Mission Haut-Brion wine
20 labels from Bordeaux.

21 Q. Okay.

22 (Continued on next page)

23

24

25

Dcbdkur2 Wynne - direct

1 A. (Continuing) Exhibit No. 1-176 are packs of Domaine de la
2 Romanee-Conti wines, Richebourg, with vintages of 1919, 1926,
3 1923.

4 Exhibit 1-175 are packs of Domaine de la Romanee-Conti
5 wines, for Romanee-Conti in particular, with vintages from
6 1923, 1926, 1900, 1929, 1936, 1935, 1915.

7 Q. Can you just tell us what exhibit that is? I am going to
8 place it on the elbow.

9 A. 1-192.

10 MR. HERNANDEZ: OK. I am going to place 1-192 on the
11 Elmo.

12 Q. Can you tell us what that is, what is Government Exhibit
13 1-192 is?

14 A. It is an image of a wine label for a Burgundy wine,
15 Chambertin.

16 Q. It is for Mazis-Chambertin?

17 A. Yes.

18 Q. What does it say? Is there handwriting on this document?

19 A. There is.

20 Q. What does it say?

21 A. The language is embossed in the upper center part of the
22 image, and there is a circle to the shield on the top label.

23 Q. Did you see more evidence like this with handwriting on
24 labels?

25 A. Yes, sir.

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Dcbdkur2 Wynne - direct

1 Q. I will ask you to continue, then.

2 A. Exhibit 1-189 is a bag containing various labels. Visible
3 are some Burgundy labels.

4 1-201 is a bag containing labels for chateau Cheval
5 Blanc in packs.

6 Exhibit 1-193 is a bag containing Chateau Haut-Brion
7 labels, both large format and regular bottle size.

8 1-194 is a bag containing labels for Hermitage Paul
9 Jaboulet.

10 Q. Is that a winery in Rhone?

11 A. Yes, sir.

12 Exhibit 1-191 is a small pack of Musigny labels,
13 vintage 1937, from de Vogue.

14 1-199 is a bag of labels for Le Pin 1989. It is
15 visible. 1982 is in the bag, as well, and some others.

16 1-206 is a bag of shield labels from wine bottles.

17 1-202 is a bag of shield labels to be used on wine
18 bottles.

19 THE COURT: Is that finished?

20 MR. HERNANDEZ: It is.

21 Q. Now may I ask you to look at Government Exhibits 1-207 to
22 1-232. Tell me if you recognize what those exhibits are.

23 A. Exhibit 1-207 to 1-232 reflect material taken from
24 Mr. Kurniawan's house shipped to New York, to me, and processed
25 in preparation for the case with exhibit stamps.

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Dcbdkur2 Wynne - direct

1 Q. What room were these exhibits taken from?

2 A. This is also from the storage room.

3 MR. HERNANDEZ: The government offers 1-207 to 1-232.

4 THE COURT: I will allow it.

5 (Government's Exhibits 1-207 to 1-232 received in
6 evidence)

7 Q. Could you please go through each exhibit and tell the jury
8 what it is.

9 A. 1-218 is a pack of strip labels for various wine --
10 wineries. It is a sheet, self-adhesive, peels off, and it has
11 importers for Roumier, Esquin Imports. It has Dreyfus Abby.
12 It has some other -- it has Frank Schoonmaker, who is an
13 importer, and it has some other labels that are applied to wine
14 bottles. And they are all on strip self-adhesive. They just
15 peel right off.

16 1-224 is a bag containing neck labels and vintage
17 labels that go on the neck of the bottles for Burgundy and
18 other wine.

19 Exhibit 1-227 is a bag of strip labels, self-adhesive.
20 You just peel off the back and apply it.

21 Q. And do some of those strip labels, just to read a couple of
22 the names, there is some from Sherry Wine & Spirits?

23 A. That is correct.

24 Q. Address is 679 Madison Avenue, New York, New York, is that
25 right?

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Dcbdkur2

Wynne - direct

1 A. Yes.

2 Q. Could you just remind us again what a strip label is?

3 A. A strip label is a small label that is applied to the
4 bottle to reflect the entity that's importing the wine into the
5 country.

6 1-217 is another bag of the same kind of strip labels.

7 Q. So just to give an example from the exhibit you just used,
8 which has "Frank Schoonmaker Selection" at the very top, is
9 that right?

10 A. Yes.

11 Q. So Frank Schoonmaker is an importer?

12 A. That's correct.

13 Q. Who brings the wines in from another country and applies
14 their label to the bottle?

15 A. That's correct.

16 Exhibit 216 is a bag of back labels about decanting
17 the wine on peel-off adhesive kind of paper. Just to peel it
18 off and apply it to the bottle. There is a pack of them.

19 Exhibit 1-215 is a pack of Reserve Nicolas labels that
20 go on the neck of the bottle.

21 Q. Remind us again -- you told us yesterday -- what Nicolas
22 is.

23 A. Nicolas is a company that would receive barrels and bottle,
24 and put their sticker, their label on the bottle. They would
25 receive the barrel from the vineyard because the vineyard

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Dcbdkur2 Wynne - direct

1 wasn't bottling but Nicolas was. And Nicolas would then market
2 the wine.

3 Q. Nicolas, N-i-c-o-l-a-s?

4 A. That's correct.

5 Exhibit 1-208 is a pack of Roumier main labels for
6 Bonnes-Mares.

7 Exhibit 1-225 is a pack of strip labels and other
8 labels for wine bottles.

9 1-231 is a pack of shield labels.

10 1-232 is a pack of large-sized labels for large format
11 bottles from Petrus.

12 Q. Those labels that you just held up, are they new or do they
13 look distressed?

14 A. They look distressed to me.

15 1-223 is a pack of shield labels for Domaine de la
16 Romanee-Conti and some importer labels as well.

17 Q. Is there any relationship that you know of between that
18 import and Domaine de la Romanee-Conti?

19 A. No, I don't. And there are also back labels for Domaine de
20 la Romanee-Conti as well.

21 1-229 is a bag of labels used by Domaine de la
22 Romanee-Conti on the necks of the bottle.

23 1-207 is a small pack of Ponsot labels and a small bag
24 containing fragments of a label.

25 1-226 is a pack of strip labels and some neck labels.

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Dcbdkur2 Wynne - direct

1 1-222 is a pack of various labels from Musigny from
2 Maxim and other Bordeaux wineries.

3 1-230 is a pack of back labels for Domaine de la
4 Romanee-Conti wines.

5 Q. I am going to show you 1-214. Tell us what it is, and then
6 I am going to put it on the Elmo quickly.

7 A. 1-214 is a strip label for a company Percy Fox & Company
8 Limited, 32 Sackvilee Street.

9 Q. I am going to show it on the Elmo.

10 What is Percy Fox?

11 A. Percy Fox is an importer.

12 Q. I am going to place 1-214 on the Elmo, and I am going to
13 ask you a question.

14 You see it says Percy Fox & Company, Limited and there
15 is an address underneath?

16 A. Yes.

17 Q. Do you notice anything about the address?

18 A. The address is misspelled.

19 Q. How?

20 A. There is an additional E. "Sackvilee" is incorrect. It
21 should be Sackville. It's spelled S-a-c-k-v-i-l-e-e in the
22 exhibit, which is incorrect.

23 THE COURT: And how should it be spelled?

24 THE WITNESS: S-a-c-k-v-i-l-l-e.

25 Q. Is there going to be further testimony in the trial about

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Dcbdkur2

Wynne - direct

1 Sackville Street and Domaine de la Romanee-Conti?

2 A. Yes, sir.

3 Q. Can you continue?

4 A. Exhibit 1-213 is a pack of Chateau Cheval Blanc labels.

5 Exhibit 1-221 is a pack of various labels both from
6 Burgundy and Bordeaux and the Rhone.

7 1-212 is a pack of Le Pin labels.

8 1-211 is a pack of the decant labels and back labels.

9 1-220 is a pack of Chateau Mouton Rothschild labels,
10 both main labels and an additional decorative label that they
11 placed on some bottles.

12 1-219 is a pack of Chateau Petrus, both bottle and
13 large format labels.

14 1-209 is a pack of Domaine de la Romanee-Conti labels
15 of various wines that they produce.

16 1-210 is a pack of small back labels for American
17 producer Screaming Eagle.

18 1-228 is a pack of sandpaper for a small clamp sander.

19 Q. Does it appear to be used?

20 A. Yes, sir.

21 Q. Now I am going to ask you to look at Government Exhibits
22 1-233 to 1-243. Tell me if you recognize those exhibits.

23 A. Exhibit 1-233 through 1-243 are material that came from
24 Mr. Kurniawan's house and was shipped here to New York, to me,
25 in connection with the case.

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Dcbdkur2

Wynne - direct

1 MR. HERNANDEZ: We offer 1-233 through 1-243.

2 THE COURT: I will allow it.

3 (Government's Exhibits 1-233 through 1-243 received in
4 evidence)

5 Q. Could you explain to us what each exhibit is?

6 A. Exhibit 1-235 is melted wax in a cup.

7 Q. Now, is that the wax that we saw in the photograph of the
8 storage room?

9 A. Yes. We saw it in the storage room in the closet on the
10 top of the gray filing cabinets.

11 Q. Before you hand it to the jury, could you show them the
12 bottom?

13 A. (Indicating)

14 Q. Any observation about the bottom?

15 A. The bottom has been used. It's burned.

16 Q. All right. Can you hand that exhibit to the jury, please.
17 And then let's take all the rest together.

18 A. 1-233 is another cup of wax.

19 1-234 is another cup of wax.

20 1-236 is another cup of wax.

21 1-237 is another cup of wax.

22 Q. And if you could, could you make just any observations that
23 you have about what is in these exhibits?

24 A. In the exhibits are melted wax like from the sticks that
25 you saw earlier.

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Dcbdkur2 Wynne - direct

1 Q. Are they all the same?

2 A. The colors are different.

3 (Publishing to the jury)

4 Q. OK. Could you continue.

5 The label fell off this one.

6 (Pause)

7 A. 1-243 is a bag containing three stamping devices for
8 Domaine de la Romanee-Conti.

9 I'm sorry. One is actually for Rousseau.

10 1-239 is a bag containing vintage stamps.

11 1-240 is a bag containing vintage stamps.

12 Q. Now, 1-238 contains stamps as well?

13 A. Yes, it does.

14 Q. And those stamps all have a word on it that's rebouche,
15 r-e-b-o-u-c-h. Did I spell that right?

16 A. C-h-e.

17 Q. C-h-e?

18 A. Right.

19 Q. Do you know what that means?

20 A. I believe it means that it's been rebottled.

21 Q. OK. And I am going -- your Honor, can I put this on the
22 Elmo? It may be an easier way to see this particular exhibit.

23 THE COURT: Yes.

24 (Pause)

25 Q. On the Elmo is 1-238.

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Dcbdkur2

Wynne - direct

- 1 And then there are two final exhibit bags in this box.
2 Can you address those two?
3 A. 1-241 is a bag containing stamps for vintage and/or for the
4 actual producer, like Latour or you might say Pomerol or a
5 stamp for, for example, Selection Raymond Baudoun.
6 Q. Can you spell that?
7 A. Selection R-a-y-m-o-n-d B-a-u-d-o-u-n.
8 Q. And then the final, 1-242.
9 A. 1-242 is a bag containing ink pads and various stamps for
10 wineries. And stamps for Nicolas as well, the company I
11 explained a little bit ago which would receive barrels and
12 produce bottles and sell and market.
13 Q. Now I ask you to look at Government Exhibit 1-261 to 1-272.
14 Do you recognize these exhibits?
15 A. I do. These are exhibits collected at Mr. Kurniawan's
16 house and shipped here to New York for the case.
17 Q. Now, are these also from the storage room or are these from
18 a different location?
19 A. These are from a bedroom.
20 Q. Where was the bedroom in terms of the layout of the home?
21 First floor? Second floor?
22 A. The bedrooms were on the second floor of the house. There
23 were four bedrooms.
24 Q. You already said that these are from Mr. Kurniawan's home?
25 A. Yes.

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Dcbdkur2 Wynne - direct

1 MR. HERNANDEZ: The government offers Government
2 Exhibit 1-261 to 1-272.

3 THE COURT: I will allow it.

4 (Government's Exhibits 1-261 to 1-272 received in
5 evidence)

6 Q. Agent Wynne, can you go through each exhibit again for the
7 jury.

8 A. 1-264 is a bag containing strip labels with the
9 self-adhesive backs.

10 1-272 is a bag containing various wine labels.

11 1-268 is a bag containing various strip labels.

12 1-271 is a bag containing various wine labels,
13 bottle -- main labels for the bottles and one large -- at least
14 one large format from de Vogue.

15 1-263 is a bag containing Romanee-Conti neck labels
16 and some strip labels as well.

17 1-262 is a bag containing strip labels with adhesive
18 backs and sheets of Nicolas bottle neck labels.

19 1-261 is a box of soft gloss laser printer paper
20 containing scans of Domaine de la Romanee-Conti labels, 1971
21 Vintages.

22 Q. Hold a few of those up maybe for the jury so they can see
23 what they are.

24 Can you just display them.

25 (Publishing to the jury)

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Dcbdkur2 Wynne - direct

1 A. There were also some scans of neck labels as well.

2 Exhibit 1-270, some Romanee St. Vivant labels.

3 1-269 is a bag containing miscellaneous main bottle
4 labels, small back labels, large format labels.

5 1-267 is a bag containing Zachy's shipping documents
6 that would be applied to a shipping box and some Rousseau
7 labels for Chambertin wine.

8 1-265 is a bag containing Paul Jaboulet labels and
9 some handwritten correspondence and a large Jaboulet label with
10 some added vintage stuck with a clip.

11 1-266 are photographs of an event at, I believe,
12 Christie's, a wine auction.

13 Q. All right. The next exhibit, Agent Wynne, the box is
14 marked as the exhibit but the exhibit are the contents. So it
15 is just one single exhibit, Government Exhibit 1-273.

16 Can you tell us, do you recognize this exhibit?

17 A. I do. This is a box collected at Mr. Kurniawan's house and
18 delivered here to New York for the case, Exhibit 1-273. It is
19 a box containing wine corks.

20 Q. Do you remember where this was recovered from?

21 A. It was recovered from a bedroom designated as room L.

22 MR. HERNANDEZ: The government offers 1-273.

23 THE COURT: I will allow it.

24 (Government's Exhibit 1-273 received in evidence)

25 BY MR. HERNANDEZ:

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Dcbdkur2 Wynne - direct

1 Q. And I will hold it up. Can you just describe what is in
2 here?

3 A. There are a significant number of used corks for French
4 wineries.

5 (Publishing to the jury)

6 Q. Next I am going to show you Government Exhibits 1-274 to
7 1-294. Tell me if you recognize these exhibits.

8 A. I do. 1-274 to 1-294 are objects seized from
9 Mr. Kurniawan's house and transported here for the case.

10 Q. Do you remember where they were recovered from?

11 A. They were recovered from room -- a bedroom which we
12 designated as room L.

13 MR. HERNANDEZ: The government offers 1-274 to 1-294.

14 THE COURT: I will allow it.

15 (Government's Exhibits 1-274 to 1-294 received in
16 evidence)

17 Q. Could you tell us what each of those exhibits are?

18 A. Exhibit 1-280 is a bag containing stencils, flexible
19 stencils. You pull the numbers or the letters and you create
20 the lettering or the numbering you want.

21 Exhibit 1-283 is another deluxe stamp kit with a
22 similar kind of stenciling capability.

23 1-284 are two devices to stamp a logo on paper.

24 Q. What is the logo?

25 A. "Etablissements Nicolas."

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Dcbdkur2

Wynne - direct

1 Q. Can I see this exhibit for a moment, Agent Wynne?

2 MR. HERNANDEZ: Your Honor, may I use the Elmo for
3 just a brief demonstration of 1-284?

4 THE COURT: Yes.

5 Did you just stamp that?

6 MR. HERNANDEZ: Yes. I am going to describe it right
7 now.

8 I took one of the stamps, the Nicolas stamp, from
9 1-284, and on some paper that I put on the Elmo I stamped it.
10 And it creates a circular impression that says Etablissements,
11 S-t-a-b-l-i-s-s-e-m-e-n-t-s, Nicolas, N-i-c-o-l-a-s.

12 Q. And, Agent Wynne, are we going to see some other bottles or
13 another Nicolas material throughout the rest of the case?

14 A. Yes, we are.

15 Exhibit 1-277 is a stamp. It reads "Romanee-Conti."

16 THE COURT: Do you want to do a sample of that, too,
17 Mr. Hernandez?

18 MR. HERNANDEZ: I would. So this is 1-277.

19 (Publishing to the jury)

20 BY MR. HERNANDEZ:

21 Q. And the impression created by 1-277 reads "Romanee-Conti?"

22 A. That's correct.

23 1-282 is a bag containing four devices used to stamp
24 either dates or numbers on paper and a few foam brushes.

25 Exhibit 1-279 is a bag containing vintage stamps and
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Dcbdkur2

Wynne - direct

1 the Romanee-Conti monopole stamps and some other back labels.

2 Q. What is the date on the rectangular stamp?

3 A. 1926. They are self-adhesive stamps.

4 1-294 is a large Romanee-Conti label from Montrachet
5 wine.

6 MR. MOONEY: What is that?

7 THE WITNESS: 294.

8 A. And some back labels as well.

9 1-281 is a bag containing photocopied Cheval Blanc
10 labels and some gold paper.

11 1-293 are some strip labels from various companies.

12 1-291 is another Cheval Blanc photocopied label and
13 other various miscellaneous wine labels and back labels.

14 1-288 is a large Jaboulet wine label and other
15 miscellaneous labels for Roumier and de Vogue.

16 1-292 are strip labels.

17 1-290 are Romanee-Conti labels.

18 MR. MOONEY: What number was that?

19 THE WITNESS: 290.

20 A. 1-285 is a stencil.

21 1-275 is a copy of a La Tache Romanee-Conti label.

22 Q. When you say "copy," could you be more specific?

23 A. It's a photocopy or a scan. It is not an actual label. It
24 is a photocopy or a scan of a label including, readily
25 apparent, a serial number inserted into like a cut-and-paste.

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Dcbdkur2 Wynne - direct

1 Q. I will place it on the Elmo. I am going to ask you why you
2 say the serial number you think has been cut and pasted into
3 1-275?

4 A. If you look at the --

5 Q. I'm sorry. Let me remove it from the plastic so we get it
6 as clear as possible.

7 A. If you look at the serial number, you can see it is clearly
8 overlaid on the copy of the original label. You can see
9 definition of the addition of that serial number just to the
10 main label. When I say the serial number, I am referring to
11 000066.

12 Q. Thank you.

13 Can you continue with the rest of the exhibits, Agent
14 Wynne?

15 A. 1-286 is a bag containing some wine labels that have been
16 mounted onto plain bond paper, laminated, and they are -- there
17 is a group of labels in here. both for Jayer wine, J-a-y-e-r,
18 and also some other documents and catalogs as well.

19 Exhibit 1-276 is a bag containing labels.

20 1-287 is a bag containing labels, both main bottle
21 labels and strip labels.

22 1-274 is a bag containing Romanee-Conti labels for
23 various wines, both for bottles and for large format. There is
24 a 6 liter there, at least. And a whole group of different
25 Romanee-Conti labels.

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Dcbdkur2

Wynne - direct

1 1-278 is a bag containing vintage labels from 1900,
2 1928, 1929, 1911, 1915, 1922 and other years.

3 1-289 is a bag containing Romanee-Conti neck labels
4 from various years -- 1980, 1966, 1899, 1979, 1996, 1988, 1981.
5 Q. I will ask you to return these, then, to the box.

6 (Pause)

7 Now I am going to show you Government Exhibits 1-295
8 to 1-317. Can you look at these exhibits and tell me if you
9 recognize them.

10 A. I do. These are materials that were seized from
11 Mr. Kurniawan's house and brought here to New York for the
12 case.

13 Q. And do you remember where they were from?

14 A. They are from a bedroom in the home. We designated it as
15 room L.

16 MR. HERNANDEZ: The government offers 1-295 to 1-317.

17 THE COURT: I will allow it.

18 (Government's Exhibits 1-295 to 1-317 received in
19 evidence)

20 Q. And, Agent Wynne, can you again walk the jury through each
21 of the exhibits?

22 A. Exhibit 1-309 is a strip label that reads Percy Foy &
23 Company, 32 Sackville Street, London.

24 MR. HERNANDEZ: Your Honor, can we place this one on
25 the Elmo again?

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Dcbdkur2 Wynne - direct

1 THE COURT: Yes.

2 MR. HERNANDEZ: This is 1-309 that I am placing on the
3 Elmo, which has several labels in it. I am just going to place
4 the top one.

5 Q. And you testified previously about a Percy Fox & Company.
6 Is this label different from the Percy Fox & Company label that
7 you testified about?

8 A. Yes, it is. This reads Percy Foy & Company.

9 Q. So there is a misspelling here?

10 A. There is a misspelling in Foy and there is a correct
11 spelling in Sackville. If you remember, I testified
12 "Sackvilee" was on the other Percy Fox label.

13 Q. Then I am going to remove the top label that's paper
14 clipped and I'm going to compare the two.

15 So you testified about the Percy Foy misspelling, and
16 then below it how is Percy Foy spelled?

17 It is right above it in the Elmo.

18 Is it spelled correctly?

19 A. The top one, the company is spelled correctly.

20 THE COURT: So that is the company --

21 THE WITNESS: Percy Fox & Company.

22 THE COURT: Right. So the top label is the correct
23 label?

24 THE WITNESS: Yes.

25 THE COURT: Or is the correct spelling?

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Dcbdkur2 Wynne - direct

1 THE WITNESS: Yes.

2 BY MR. HERNANDEZ:

3 Q. Can you continue with the other exhibits?

4 A. Exhibit 1-308 contains some Roumier Musigny labels.

5 1-307 contains some Musigny from de Vogue.

6 1-312 contains peel-off government warning labels that
7 go on the back of wine bottles.

8 Government 1-301 are packs of strip labels and decant
9 labels --

10 MR. MOONEY: I'm sorry, what number was that?

11 THE WITNESS: 301.

12 A. -- that are peel-off.

13 1-299 are packs of the Nicolas labels for the neck and
14 for the back.

15 1-316 is a pack of miscellaneous wine labels,
16 including one that's laminated and mounted on a larger piece of
17 paper for Cheval Blanc.

18 MR. MOONEY: What number is that one?

19 THE WITNESS: That is 316.

20 A. 1-314 are some old Christie's Auction Company small records
21 of sales for particular lots and some transparencies for
22 companies such as Domaine de la Romanee-Conti and other
23 wineries that I'm having difficulty to read right here, and
24 additional small labels for the backs of bottles.

25 1-313 is a Musigny de Vogue label containing some

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Dcbdkur2

Wynne - direct

1 notations circling the crest or logo on the label with an X.

2 1-302 is another pack of strip labels.

3 1-300 is another pack of Nicolas decant labels.

4 1-306 is a pack of Romanee-Conti labels from 1906 and
5 other vintages.

6 1-305 is a small cyan or blue ink pad.

7 1-310 is a pack of vintage and back labels and a small
8 foam brush that's been used.

9 1-315 is a pack of Domaine de la Romanee-Conti labels
10 packed together for various vintages and/or wines.

11 Q. One of those labels in 1-315 has some writing on it. If
12 you can make it out, can you read it?

13 A. It says, "Drink with Harvey 2/9/96."

14 MR. HERNANDEZ: Could we pass that exhibit around to
15 the jury.

16 (Pause)

17 Q. If you can continue, Agent Wynne?

18 A. 1-317 is another pack of labels for Bordeaux wine Chateau
19 Latour 1909, and a whole group of other labels.

20 1-304 is a group of Chateau Latour labels, one of
21 which has a circle over the logo or crest on the label.

22 1-298, a small pack of Chateau Latour labels for a
23 large format bottle, and on the back some writing, both words
24 and numbers.

25 Exhibit 1-311 is a pack of strip labels.

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Dcbdkur2

Wynne - direct

1 Exhibits 1-303 is another pack of strip labels.

2 Exhibit 1-297 is a pack of strip labels and some neck
3 labels as well.

4 1-296 is a pack of strip labels.

5 1-295 is a pack of Romanee-Conti labels, both packed
6 together in bands and two singular in another plastic container
7 in the bag, Romanee-Conti 1911.

8 THE COURT: All right. Is that box finished?

9 THE WITNESS: Yes, sir.

10 THE COURT: You might just leave them on the table.

11 We might take a five-minute break, excuse the jurors,
12 maybe give the opportunity for some of those -- we will excuse
13 the jurors.

14 (Continued on next page)

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Dcbdkur2 Wynne - direct

1 (Jury not present)

2 THE COURT: So if you all, maybe in two groups, want
3 to take a look at what's on the table, I don't know if you have
4 an interest in doing that or not. Mr. Hernandez, you can just
5 sort of supervise that for a couple of minutes, and then we
6 will switch groups and have others who hadn't seen them take a
7 look. OK?

8 (Recess)

9 (Continued on next page)

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DCBBKURT3 Wynne - direct

1 (In open court; jury present)

2 THE COURT: All right. So please be seated,
3 everybody.

4 THE DEPUTY CLERK: Sir, I'd like to remind you you're
5 still under oath.

6 THE WITNESS: Yes, ma'am.

7 THE DEPUTY CLERK: Thank you.

8 BY MR. HERNANDEZ:

9 Q. Agent Wynne, the last exhibit from this box which you
10 haven't testified yet about is 1-300. Can you tell the jury
11 what that is?

12 A. Exhibit 1-300 is a series of Nicolas decant labels on
13 sheets packed in one bag.

14 Q. Thank you.

15 Agent Wynne, you have in front of you several bottles
16 of wine and a couple of those plastic bags that are marked with
17 exhibit stickers. It should be 1-401, 1-401A, 1-402, 1-402A,
18 1-402B, 1-403, 1-404, 1-405. Please stop me if there's one
19 that's missing.

20 A. Okay.

21 Q. 1-406, 1-407.

22 A. Okay.

23 Q. 1-408, 1-409 and 1-410.

24 A. Yes.

25 Q. Do you have all of those exhibits in front of you?

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DCBBKURT3

Wynne - direct

1 A. Yes, I do.

2 Q. Tell us if you recognize those exhibits.

3 A. I do recognize Exhibit 1-401, 401A, 402A, 402B, 403, 404,
4 405, 406, 407, 408, 409 and 410 as coming from Mr. Kurniawan's
5 house, and were shipped here to New York for this case.

6 MR. HERNANDEZ: Your Honor, the government offers
7 those exhibits into evidence.

8 THE COURT: I'll allow them.

9 (Government Exhibits 1-401, 1-401A, 1-402A, 1-402B,
10 1-403, 1-404, 1-405, 1-406, 1-407, 1-408, 1-409 and 1-410
11 received.)

12 MR. HERNANDEZ: And, your Honor, for this testimony
13 some of the bottles have writing on them that is pertinent to
14 the case. With your Honor's permission, I'd like to hand out
15 just the first page, a hard copy of Government Exhibit 23-11.
16 It's already been admitted into evidence. The personal
17 financial statement from Fine Art Capital has handwriting on
18 it. It may be helpful for the jury to be able to look at this
19 document and look at the handwriting.

20 THE COURT: Sure. And if you're careful and you want
21 to show some of those bottles on that ledge over there, you can
22 do that too.

23 MR. HERNANDEZ: We'll do that. Thank you, your Honor.

24 THE COURT: Do you want to put that on the ELMO, too,
25 that Fine Art Capital?

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DCBBKURT3 Wynne - direct

1 MR. HERNANDEZ: We will. I think actually we can just
2 call up the exhibit.

3 THE COURT: I see.

4 MR. HERNANDEZ: We may be using the ELMO to show parts
5 of certain bottles if that's okay.

6 THE COURT: All right.

7 MR. HERNANDEZ: Thank you.

8 BY MR. HERNANDEZ:

9 Q. So I'm going to join you over here for a moment, Mr. Wynne,
10 if you don't mind.

11 I want to begin with 1-407. Can you take this bottle,
12 maybe stand in front of the jury box and tell them what the
13 wine label is on this wine?

14 A. This is a 2006 Marcassin pinot noir from California.

15 Q. All right. And I'll just hold the bottles so the jury can
16 see that it says "Marcassin 2006" from California.

17 I'm going to also show this, but maybe we'll use the
18 ELMO because it may be a bit difficult. There appears to be
19 some writing on the side of the bottle.

20 Do you see that?

21 A. I do.

22 Q. Okay. To the best of your ability-- and I'll try to use
23 the ELMO so everyone can see this -- can you read what the
24 writing on the side of the bottle is?

25 A. I cannot read the upper portion, but the bottom portion

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DCBBKURT3 Wynne - direct

1 reads to be "40s/50s DRC."

2 MR. HERNANDEZ: I'm just going to walk this around and
3 I'm going to attempt to use the ELMO for this as well.

4 Q. So you read that as 40s/50s DRC?

5 A. That's correct.

6 Q. Do you understand DRC to be an abbreviation for anything?

7 A. DRC is an abbreviation for Domaine de la Romanee-Conti.

8 MR. HERNANDEZ: And if we could switch to the ELMO,
9 I'm going to attempt to see how this works.

10 THE COURT: I think you've got it.

11 MR. HERNANDEZ: All right. And we would ask --

12 THE COURT: So on the left you're saying those are the
13 numbers, right, from left to right? Is that what you're
14 saying?

15 THE WITNESS: Yes, your Honor.

16 THE COURT: And then to the right, the furthest right,
17 is that where you see the DRC?

18 THE WITNESS: Yes, your Honor.

19 BY MR. HERNANDEZ:

20 Q. I'll just point out, also, on the label you see it says
21 Marcassin Pinot Noir?

22 A. Yes, sir.

23 Q. And in the bottom left it says Windsor, California?

24 A. That's correct.

25 Q. Will there be some further testimony about this bottle and

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DCBBKURT3

Wynne - direct

1 this particular wine later on in the trial, Agent Wynne, do you
2 know?

3 A. Yes, sir, there will.

4 Q. I'm going to ask you to do the same exercise for Government
5 Exhibit 1-408.

6 A. 1-408 is a bottle of Duckhorn Vineyards from Napa Valley,
7 California 2007. And it also has writing in silver on the side
8 of the bottle.

9 Q. Can you read it?

10 A. To me it reads "40s-60s Pomerol Graves."

11 Q. And Pomerol is P-O-M-E-R--

12 A. -- o-l, Graves, G-R-A-V-E-S.

13 Q. And do those words mean anything to you?

14 A. To me they mean areas of Bordeaux, the wine-producing area
15 in France.

16 MR. HERNANDEZ: And can you show the jury 1-409?

17 Q. Does that bottle have any handwriting on it?

18 A. It does.

19 Q. Okay.

20 A. It's a bottle of Laboure-Roi Gevrey-Chambertin 1990. It's
21 a French producer from Burgundy. The bottle contains some
22 silver handwriting.

23 Q. And can you read it?

24 A. It reads "40s/50s DRC."

25 Q. The last bottle we'll pass around to the jury, but we'll

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DCBBKURT3 Wynne - direct

1 also put on the ELMO, which is 1-410.

2 Can you tell us what that is?

3 A. 1-410 is a half bottle with no labeling that has writing in
4 silver on it.

5 Q. Now, can you make out what the writing is in this instance?

6 A. It's very difficult for me to tell. There are some letters
7 and numbers.

8 Q. All right. And on the other side of the bottle? Even if
9 you can't make out the writing, what does it appear to be to
10 you or look like to you?

11 A. To me it appears to be some type of formula where there's
12 writing plus something else plus something else.

13 Q. All right. Is there going to be another witness in this
14 trial who is going to testify more about this bottle?

15 A. Yes, there is.

16 MR. HERNANDEZ: We're going to pass this bottle around
17 to the jury after I put it up on the ELMO. We'll briefly pass
18 it around. I'm going to hand this bottle to the jury.

19 Q. All right. And then one other bottle that has some writing
20 on it that I wanted you to testify about is 1-402A. Can you
21 tell us what that is?

22 A. 1-402A is a bottle without any label. It has a wax capsule
23 and it has writing in silver on it that appears to read "1899
24 RC? 1875?" and then another line that I can't decipher.

25 Q. "RC," do you understand that to be an abbreviation known in

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DCBBKURT3

Wynne - direct

1 the world of wine?

2 A. Yes, RC is an abbreviation for Romanee-Conti.

3 Q. Okay. So I'm going to hold this bottle up for the jury
4 just momentarily and then ask you to testify about 1-402. If
5 you could come over here, hold it up so the jury can see it
6 while you testify about it.

7 What is that?

8 A. 1-402 is a bottle that's labeled "Romanee-Conti 1899."
9 This is the wax capsule. It has the Nicolas decant sticker on
10 the back.

11 Q. And then I'll hold up in my other hand 1-402B. Can you
12 tell us what that is?

13 A. 1-402B is a bag containing a Romanee-Conti label for a
14 vintage 1899 and a Nicolas decant sticker, both pulled from
15 other exhibits you saw earlier today.

16 Q. So when you say "pulled from other exhibits you saw
17 earlier today" -- and if you could back up, Agent Wynne -- do
18 you mean there are more examples of the types of things in
19 402B?

20 A. Yes, I do.

21 Q. All right. And I'd like to do a similar exercise with you
22 with 1-401.

23 Can you tell us what that is?

24 A. This is a bottle labeled "Romanee-Conti 1945." It has a
25 "Selection Raymond Baudouin" strip label. It has a Monopole

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DCBBKURT3 Wynne - direct

1 1945 label. Nothing on the back at all.

2 Q. And could you --

3 A. Oh, and it has partial wax capsule and it has a wax with
4 the imprint of the logo of Romanee-Conti.

5 Q. And you testified earlier about some stamps that were on
6 some wooden sticks.

7 A. That's correct.

8 Q. Does that bear a relation to what we're seeing on the top
9 of 1-401?

10 A. That's correct. The wax is applied and the stamp makes the
11 imprint.

12 Q. And then could you compare then 1-401, this bottle in my
13 right hand, to 1-401A? I'll let you hold that.

14 A. 1-401A contains, number one, Domaine bottle label 1945. It
15 contains the Baudouin strip label. It has the wax of the paint
16 color and it has the Romanee-Conti stamp used to imprint the
17 logo onto the wax.

18 Q. Okay. I'll ask that --

19 A. It also has the 45 Monopole, as well, that goes around the
20 neck.

21 MR. HERNANDEZ: Your Honor, may we pass these two
22 around together?

23 THE COURT: Yes.

24 Q. Agent Wynne, if you could maybe come around to the side
25 here so you can testify about these remaining bottles.

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DCBBKURT3

Wynne - direct

1 1-405, can you tell us what that is?

2 A. This is a bottle that is labeled Clos de la Roche by
3 Domaine Ponsot, 1962. It has Domaine bottle label and the
4 shield label. It has no capsule. You can view the cork.

5 Q. Exhibit 1-404 is a bottle labeled 1937 Romanee-Conti. It
6 has a Nicolas strip label. It has a Monopole label. It has
7 writing in silver on the bottle dated 2/8/2008, 8:38 p.m. And
8 it's signed by a number of people. It also has the decant, the
9 Nicolas decant label, on the back. It has the wax capsule.

10 And, last, we have Exhibit 1-403 which is a magnum of
11 Corton Grand Cru, a Patriarche, 1908.

12 Can you describe what the bottle looks like?

13 A. The bottle is quite dirty, like dusty kind of dirt, very
14 light. And I know, I got it all over me when I brought it up.
15 And it has the alcohol strip label on the back. It's a metal
16 capsule.

17 Q. Thank you, Agent Wynne.

18 MR. HERNANDEZ: Your Honor, I think for the remainder
19 of the testimony, except for a brief period where we have some
20 electronic devices, I think Agent Wynne can return to the stand
21 if that's all right.

22 THE COURT: Sure.

23 MR. HERNANDEZ: At this time, your Honor, I'd like to
24 enter into the record a stipulation that's again marked
25 Government Exhibit 29-5 regarding some translations.

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DCBBKURT3

Wynne - direct

1 THE COURT: So the jury will recall that a stipulation
2 is something that's agreed to by both sides, and Mr. Hernandez
3 is about to read one to you.

4 MR. HERNANDEZ: The stipulation in the United States
5 v. Kurniawan, 12 CR 376, reads:

6 "It is hereby stipulated and agreed by and among the
7 United States of America, by Preet Bharara, United States
8 Attorney for the Southern District of New York, Joseph P.
9 Facciponti and Jason P. Hernandez, Assistant United States
10 Attorneys, of counsel, and Rudy Kurniawan, the defendant, by
11 and with the consent of his attorneys, Jerome Mooney, Esquire,
12 and Vincent Verdiramo, Esquire, that:

13 "Number 1, if called to testify, an interpreter who is
14 fluent in English and Indonesian, would testify that the
15 English language translations that appear in Government
16 Exhibits 1-2T, 1-4T, 1-6T, 1-8T, 1-10T, 1-11T, 1-12T, 1-14T,
17 1-21T, 1-22T, 1-23T, 1-50T, 1-58T, 1-59T, 1-65T, 1-67T, 1-76T
18 and 1-77T are fair and accurate translations of the Indonesian
19 language writings that appear in Government Exhibits 1-2, 1-4,
20 1-6, 1-8, 1-10, 1-11, 1-12, 1-14, 1-21, 1-22, 1-23, 1-50, 1-58,
21 1-59, 1-65, 1-67, 1-76, and 1-77.

22 "Number two, Government Exhibits 11-3 are true and
23 correct copies of documents of Caveau de la Tour; the original
24 records remain at or near the time by, or from information
25 transmitted by, a person with knowledge of the matters set

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Wynne - direct

1 forth in the records; they were kept in the course of a
2 regularly conducted business activity; and it was the regular
3 practice of that business activity to make the records.

4 "If called to testify, an interpreter who is fluent in
5 English and French would testify that the English language
6 translations that appear in Government Exhibit 11-3T are fair
7 and accurate translations of the French language writings that
8 appear in Government Exhibit 11-3.

9 "It is further stipulated and agreed that Government
10 Exhibits 1-2, 1-4, 1-6, 1-8, 1-10, 1-11, 1-12, 1-14, 1-21,
11 1-22, 1-23, 1-50, 1-58, 1-59, 1-65, 1-67, 1-76, 1-77, 1-2T,
12 1-4T, 1-6T, 1-8T, 1-10T, 1-11T, 1-12T, 1-14T, 1-21T, 1-22T,
13 1-23T, 1-50T, 1-58T, 1-59T, 1-65T, 1-67T, 1-76T, 1-77T, 11-3
14 and 11-3T and this stipulation may be received in evidence at
15 the trial of the above-referenced matter.

16 "Dated: December 9, 2003."

17 Signed by the United States and by counsel for the
18 defendant.

19 Thank you.

20 THE COURT: So the jury will recall that during the
21 voir dire on Monday I said there would be translations from
22 Indonesian to English and French to English, and this
23 stipulation describes and the exhibits which will be presented
24 will be those certified translations.

25 Go ahead.

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DCBBKURT3

Wynne - direct

1 BY MR. HERNANDEZ:

2 Q. Agent Wynne, I'm going to hand you a Redweld folder which
3 has Government Exhibits 1-1 through 1-94. Tell me whether you,
4 before testifying here today, have seen these exhibits.5 MR. HERNANDEZ: While Agent Wynne is doing that, your
6 Honor, we're going to offer 29-5 and all of the exhibits
7 referenced therein into evidence.

8 THE COURT: Sure. I'll allow it.

9 (Government's Exhibits 1-2, 1-4, 1-6, 1-8, 1-10, 1-11,
10 1-12, 1-14, 1-21, 1-22, 1-23, 1-50, 1-58, 1-59, 1-65, 1-67,
11 1-76, 1-77, 1-2T, 1-4T, 1-6T, 1-8T, 1-10T, 1-11T, 1-12T, 1-14T,
12 1-21T, 1-22T, 1-23T, 1-50T, 1-58T, 1-59T, 1-65T, 1-67T, 1-76T,
13 1-77T, 11-3, 11-3T and 29-5 received)

14 (Pause)

15 BY MR. HERNANDEZ:

16 Q. Agent Wynne, have you reviewed those exhibits?

17 A. Yes, I have.

18 Q. Do you recognize them?

19 A. I do. I recognize them as coming from Mr. Kurniawan's
20 house and having been transported here for presentation in the
21 case.22 MR. HERNANDEZ: Your Honor, the government offers
23 Government Exhibits 1-1 through 1-94 in evidence.

24 THE COURT: I'll allow it.

25 (Government's Exhibits 1-1 through 1-94 received)

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Wynne - direct

1 Q. Agent Wynne, I believe that those exhibits are in order.
2 I'm going to ask you to take out a few of them, because there
3 are a few exhibits that I'd like to ask you some questions
4 about first.

5 Can you pull out the following exhibits: 1-18, 1-65,
6 1-70 and 1-72 and 1-91?

7 MR. HERNANDEZ: Your Honor, these are exhibits that we
8 would like to pass around out of this group. I think it would
9 be helpful if we could display them, if we can, on the ELMO so
10 we can just see what the exhibit is and then pass around the
11 actual exhibit since it may be helpful to see the actual
12 exhibit.

13 THE COURT: Okay.

14 A. Could you repeat the last exhibit number for me, please?

15 Q. 1-91.

16 MR. HERNANDEZ: Mr. Platt, if you can, can you pull up
17 1-18? Do you have the translation? Okay.

18 We'll do this in reverse, your Honor. I'm going to
19 take these-- I'll just take what you have. So what I'm going
20 to show on the ELMO -- and I'm going to pass around first -- is
21 1-18.

22 Q. This is a multi page exhibit. Is that correct, Agent
23 Wynne?

24 A. Yes, it is.

25 Q. I'm just going to show the first page. I'll try and take

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DCBBKURT3 Wynne - direct

1 it in a couple of pieces.

2 Can you tell us what it is that we see in 1-18?

3 A. 1-18 is a list that's typed of Domaine Romanee-Conti La
4 Tache wines and Domaine Romanee-Conti wines, descriptions and
5 lists, price lists, and with further identifiers such as strip
6 label like Leroy or Lebeque or Percy Fox.

7 Q. Is there something on the paper that isn't typed on printed
8 from a computer?

9 A. Yes. There are apparently stamps applied to this paper.
10 There are what appear to be serial numbers stamped throughout
11 the bottom of the document. There are handwritten notations as
12 well about RC 78, RC 71, RC 59.

13 Q. Okay. Thank you.

14 MR. HERNANDEZ: Your Honor, I'm just going to pass
15 these along as we finish with each one.

16 Q. Then I'm going to ask you about 1-65.

17 MR. HERNANDEZ: This is an exhibit, your Honor, that
18 has a translation, so I'm going to put up 1-65, which is the
19 nontranslated exhibit.

20 Q. Agent Wynne, can you just tell us what this is?

21 A. This is an image of a Montrachet label, a wine made by
22 Romanee-Conti. And the label describes how many bottles were
23 produced. It has the serial number. It has the vintage. It
24 has the alcohol volume. And there are notes below the-- it has
25 the line for "Product of France" circled and crossed out and

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Wynne - direct

1 below it it has notations in what I understand to be
2 Indonesian.

3 Q. I'm just going to lay over it the translation. We know it
4 it's the translation because it has the "T" at the end of the
5 exhibit number for that same document. And I'm going to zoom
6 in on the translation.

7 Could you just read to us what the translation in
8 English, which is in bold right below the Indonesian, says?

9 A. It reads "It should b" -- just the letter B -- "3314."
10 Underneath that it reads "(make the number "1" a bit shorter.
11 Not the same a bit higher)."

12 Q. Now, the next two exhibits that I'll show, they don't have
13 translations.

14 1-72, can you describe very quickly what this is?

15 A. This is an image of a Romanee-Conti label. It appears to
16 be scanned on a plain piece of white blank paper. It's for a
17 1953 vintage and it has some lettering about export information
18 about the United States across the label in red.

19 Q. And then 1-70.

20 A. 1-70 is a La Tache label. It appears to be scanned. It
21 has a serial number 000020. The vintage is 1985.

22 Q. And then 1-91 I'm going to remove from the plastic. It
23 contains two labels.

24 Can you describe what the first label looks like in
25 this exhibit?

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1 A. This is a Romanee-Conti label for a Methuselah, serial
2 number 000008, vintage 1990.

3 Q. Is there anything about the way this label is composed that
4 you noticed?

5 A. If you look at the number of bottles produced, it's an
6 overlay or a cut-and-paste job that identifies the number of
7 bottles produced.

8 THE COURT: Which numbers are you talking about?

9 THE WITNESS: It's on the screen, your Honor, now.
10 It's that "7.446."

11 THE COURT: Anything else on that?

12 THE WITNESS: The section on Methuselah and it says
13 "No." Serial number is cut and paste as well.

14 THE COURT: Anything else?

15 THE WITNESS: No, sir.

16 THE COURT: No?

17 THE WITNESS: Oh, I can see the-- I'm sorry. The
18 signatures are cut and paste as well. You can see the "en
19 bouteille au domaine" just below his name. The second
20 signature on the document has the raised paper signature for
21 the signature.

22 Q. All right. Now I'm going to ask you, Agent Wynne, if you
23 can remove 1-1 and 1-89. I'll take those from you.

24 We heard some testimony about an importer label called
25 Percy Fox. Do you remember that?

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DCBBKURT3

Wynne - direct

1 A. Yes, sir.

2 Q. And this is Government Exhibit 1-1 now that I'm going to
3 show which contains a packet of Percy Fox labels.

4 MR. HERNANDEZ: And I'll just show the jury that
5 there's more than one in the packet and remove the rubber band
6 and just lay them out.

7 There are more in my hand, your Honor. I put three on
8 the ELMO, but there are easily five or six more.

9 Q. Agent Wynne, when you look at these labels, first of all do
10 they look brand new or do they look distressed?

11 A. The --

12 Q. Would you like to see them in person?

13 A. Yes. Yes.

14 Q. Do these look like brand new, shiny labels or do they look
15 distressed?

16 A. They look brand new to me.

17 Q. And then Government Exhibit 1-89, this is also from the
18 defendant's home. Correct?

19 A. Yes, it is.

20 Q. Everything that you've been testifying that has a "1" dash
21 is from the defendant's home. Right?

22 A. That's correct.

23 Q. So you found this newspaper article?

24 A. Yes, sir.

25 Q. And what's the title of the article?

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DCBBKURT3 Wynne - direct

1 A. "Sniffing Out Fraud in the Bottle."

2 Q. What's the article generally about?

3 A. It's about wine counterfeiting, detecting fraud in
4 connection with wine.

5 Q. And I'm going to turn the page. It goes on to page 8, but
6 you said this is generally about detecting counterfeiting and
7 wine fraud?

8 A. Yes.

9 Q. It's not a complete sentence, but just read the last part
10 on the first page.

11 A. "The federal government" --

12 THE COURT: Wait.

13 Q. Could you read the last sentence on the first page?

14 A. "The federal government is now investigating..."

15 Q. Then I'm going to turn to page 8. Continue the sentence.

16 A. "... whether auction houses, collectors or importers
17 knowingly sold wines that were not from the vintages listed on
18 the labels."

19 Q. And this article goes on to identify-- or shows a
20 photograph of one person in particular. Do you know who that
21 is?

22 A. That's John Kapon, who is the chief executive at Acker
23 Merrall & Condit.

24 Q. And then this article goes on to include some information
25 about some auctions held by Acker Merrall?

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Wynne - direct

1 A. Yes, it does.

2 Q. Okay. Do you see the paragraph there referencing an
3 auction sold almost \$24.7 million worth of wine and \$10
4 million?

5 A. Yes, I do.

6 Q. Whose name does it say the wine belonged to?

7 A. Rudy Kurniawan.

8 Q. And are those auctions The Cellar I and Cellar II that we
9 heard testimony about?

10 A. That's Cellar II, I believe.

11 Q. And one last thing. Could you read for us the date that
12 this article appeared in the New York Times?

13 A. This appeared March 14, 2007.

14 MR. HERNANDEZ: Now I'm going to ask Mr. Platt to pull
15 up a couple of documents that have translations on them.

16 First, if we could pull up 1-14T. And if we could zoom in on
17 the portion that has the handwritten text and the translations.

18 Q. Agent Wynne, if you could just read the English portions,
19 if you could.

20 A. Asterisk "make it 1959 (1) 1962 (2)."

21 Q. Is there more English translation on there?

22 A. To the left, it's off my screen a bit. It says "Add '730
23 CL," in quotes, on the left and on the right "and replace it
24 with."

25 And then, on the bottom of that, it reads, asterisk

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1 "the logo shouldn't be dark/scan."

2 MR. HERNANDEZ: Okay. If we could switch just over to
3 the ELMO, I'm going to show 1-14.

4 THE COURT: Could you go back there for a minute?

5 MR. HERNANDEZ: I'm sorry.

6 THE COURT: So your understanding is that where
7 there's English language, it is the translation of the language
8 immediately nearest to that translation?

9 THE WITNESS: Yes, your Honor.

10 Q. So that's the translation. The original document that you
11 seized is 1-14.

12 MR. HERNANDEZ: If we could switch to the ELMO, I'd
13 like to show that because we can see then how the document
14 appeared when it was seized.

15 Q. So there are two labels attached to these notations when it
16 was seized. Is that right?

17 A. That's correct.

18 Q. And they're for De Vogue?

19 A. Yes, 1962.

20 Q. Then I'd like to then show you 1-20, which I can put up
21 here on the screen. 1-20 is a handwritten document. At the
22 top it says "1/2008." Correct?

23 A. That's correct.

24 Q. And then, without reading all of the document, Agent
25 Wynne, just tell us what this document contains or what it

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1 describes.

2 A. It describes a list of wines and instructions apparently
3 about that wine.

4 Q. Maybe if you could read line 2.

5 A. Line two reads "Add Nicolas stamp. Petrus 1920, 1921,
6 1926, 1928, 1929, 1950" -- underlined -- "1959, 1.5 liter."

7 Q. And then, just to remind us again, Nicolas, that's that red
8 stamp that I did up here on the ELMO?

9 A. That's correct.

10 Q. And Petrus is a winery in Bordeaux?

11 A. That's correct.

12 MR. HERNANDEZ: Your Honor, I'm going to pass this
13 around if that's all right.

14 THE COURT: Sure.

15 Q. Then 1-21, also on the ELMO, this is another handwritten
16 document?

17 A. Yes, it is.

18 Q. What does it read at the top?

19 A. "Very important."

20 Q. Underneath that?

21 A. "All sizes and years."

22 Q. Then maybe just read the first line that's not in
23 parentheses.

24 A. "Romanee-Conti."

25 Q. And then it goes on to list a number of other wines as

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Wynne - direct

1 well?

2 A. It does. Roumier Musigny, Roumier Bonnes-Mares, Vogue
3 Musigny.

4 Q. Number 5?

5 A. Ponsot Clos de la Roche.

6 Q. Then there's a notation number 6, small labels of years,
7 and then there's some symbols there. Correct?

8 A. Yes.

9 Q. What do those symbols look like to you?

10 A. The first is a symbol for a shield label for Burgundy
11 wines, and the second is a Monopole label for Romanee-Conti
12 wines.

13 Q. I'm going to show 1-37. And this document also contains a
14 list of different names of wineries and years?

15 A. And the first is an importer, Frederick Wildman, yes.

16 Q. I'm going to show you 1-83. Now, 1-83, what does it say at
17 the very top?

18 A. "M45 (October sale)."

19 Q. And then what appears on the page in blue?

20 A. What appears below is the list of serial numbers, some
21 beginning M00, others beginning 07 comma and three additional
22 digits.

23 Q. Do you know from the serial numbers what wines -- any of
24 these wines apply to?

25 A. I believe they apply to Mouton Rothschild.

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Wynne - direct

1 Q. Is that a common abbreviation for Mouton Rothschild, to
2 have the "M" and then the number of the year?

3 A. Yes.

4 MR. HERNANDEZ: At this point I'm going to ask if we
5 could switch, Mr. Platt, if you could show us Government
6 Exhibit 15-4, the catalog for The Cellar II, which has already
7 been admitted into evidence. And what we're looking at is a
8 page, page 114, from that catalog. If we can zoom in on the
9 two bottles on the left and if we take them individually
10 perhaps, it would be helpful.

11 Q. I'm going to hand you 1-83, Agent Wynne, that list of all
12 of those stamps in blue under M45.

13 MR. HERNANDEZ: And if we could zoom in, if we could,
14 on the actual stamp on that bottle.

15 Q. Before we do, what kind of wine is this being photographed
16 in the Cellar II catalog?

17 A. This is a 1945 Mouton Rothschild.

18 Q. Okay.

19 MR. HERNANDEZ: If we could zoom in on that stamp
20 there as best we could. Can you make that out? I don't know
21 if backing up would make a difference.

22 Q. We also have the catalog.

23 A. I think I should see the catalog.

24 Q. Okay. I'm going to hand you 15-4. I've already marked for
25 you with the Post-It the page of the catalog.

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DCBBKURT3 Wynne - direct

1 MR. HERNANDEZ: And we'll hand this around as well,
2 your Honor.

3 Q. Can you make out what the stamp, the serial number is on
4 the bottle? Let's start with the bottle on the right side of
5 the page.

6 THE COURT: So this is one of the catalogs that the
7 jury saw yesterday with respect to one of three auctions that
8 we talked about yesterday.

9 MR. HERNANDEZ: That's right, your Honor.

10 A. So I see the bottle. You're talking about the bottle
11 closest to the binding?

12 Q. Yes.

13 A. Okay.

14 Q. What number is that?

15 A. Serial number is 07,332.

16 Q. Now, take Government Exhibit 1-83, that yellow sheet of
17 paper that we just saw on the ELMO.

18 A. Yes, sir.

19 Q. Do you see 07,332 in blue ink stamp in the same font on
20 that document?

21 A. Yes, I do.

22 Q. And then let's back up and look at the other bottle on that
23 page, the one that's to the left. Can you read the serial
24 number on that bottle?

25 A. Yes, I can.

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Wynne - direct

1 Q. What is it?

2 A. M00,767.

3 Q. And then look at 1-83 again, the yellow sheet of paper you
4 seized from the defendant's home.

5 Do you see that serial number stamp in the same spot
6 in the same color on that sheet?

7 A. Yes, I do.

8 Q. And, again, what is the heading that is on 1-83 on that
9 page?

10 A. "M45 (October sale)."

11 Q. Okay. And what month was The Cellar II, the catalog that
12 you're holding in your hand?

13 A. It was October 2006.

14 Q. All right.

15 MR. HERNANDEZ: Can I see these two exhibits so we can
16 pass these around together, your Honor?

17 THE COURT: Sure.

18 Q. And the last exhibit from this collection is 1-93.
19 Government Exhibit 1-93.

20 A. Yes, sir.

21 Q. Do you see this?

22 A. I do.

23 Q. What is this?

24 A. This is a book titled "The Billionaire's Vinegar." And
25 it's a reporting about an investigation into fake bottles of

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DCBBKURT3 Wynne - direct

1 rare wine. Really artifacts.

2 Q. Okay. So this is a book about counterfeit wine?

3 A. It's about counterfeit wine.

4 Q. From the defendant's home this was seized?

5 A. Yes, sir.

6 Q. All right. Now I'm going to ask you about a different
7 kind of evidence that you may have seized from the defendant's
8 home.

9 Did the search warrant that you got for the
10 defendant's home allow you to search and seize for computers or
11 other similar devices?

12 A. Yes, it did.

13 Q. Did you seize any computers or other electronic devices
14 from the defendant's home?

15 A. Yes, we did.

16 Q. What did you do with them after you seized them?

17 A. The digital evidence was seized and was transported also to
18 New York like the other evidence. When I received it, I sent
19 it to a computer analysis squad that loads all of the
20 information into a program that enables an investigator, like
21 me, to search the files and select things that are of
22 evidentiary value.

23 Q. Agent Wynne, I'm going to hand you a number of physical
24 exhibits in a second: I'm going to hand you a laptop that's
25 Government Exhibit 12-8; I'm going to hand you a second laptop

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1 that has kind of a gunmetal blue, 12-7; 12-6, which is an
2 exhibit that contains a number of different thumb drives; 12-9,
3 which is a BlackBerry Torch phone; 12-10, which is a Sony
4 camera. So you should have 6, 7, 8, 9 and 10.

5 Do you have those?

6 A. I have seven.

7 Q. Okay. Do you have --

8 A. I have Government Exhibit 12-7, Government Exhibit 12-8.

9 Q. Yes.

10 A. Oh, I'm sorry, Government Exhibit 12-6 containing three
11 devices.

12 Q. Okay.

13 A. Government Exhibit 12-9 containing the BlackBerry Torch,
14 and 12-10, Sony camera.

15 Q. Do you recognize those exhibits?

16 A. I do recognize these exhibits.

17 Q. How do you recognize them?

18 A. They came from Mr. Kurniawan's house and were then
19 delivered here to New York and are part of the evidence that
20 went to the computer analysis squad.

21 Q. Is there anything on them that tells you that they were
22 processed by the FBI after being seized?

23 A. Well, I placed the government exhibits on the devices.
24 There's a bar code on the bottom of the computers that
25 establish that the computer analysis people had received the

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DCBBKURT3 Wynne - direct

1 materials. There are bar codes on the devices that identify
2 the computer analysis team as having received them. There's a
3 bar code on the telephone, as well, and a bar code on the
4 BlackBerry Torch.

5 MR. HERNANDEZ: Government offers 12-6 through 12-10.

6 THE COURT: I'll allow them.

7 (Government's Exhibits 12-6 through 12-10 received)

8 Q. Then I'm also going to hand you a CD that's been marked as
9 Government Exhibit 14-15. Tell me, have you seen that CD
10 before today?

11 A. Yes, I have.

12 Q. And what does it contain?

13 A. It contains images selected from all of the digital devices
14 that have evidentiary value in connection with this case.

15 Q. Okay. Does that include images from Government Exhibit
16 12-6, those different thumb drives?

17 A. Yes, it does.

18 Q. And from Government Exhibit 12-9, the BlackBerry Torch?

19 A. Yes, sir.

20 Q. And from that Sony laptop that's Government Exhibit 12-7?

21 A. Yes, sir.

22 Q. And, finally, does it have images and other documents from
23 the Sony laptop that's 12-8?

24 A. Yes, it does.

25 MR. HERNANDEZ: Your Honor, I'm not going to offer

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Wynne - direct

1 that CD in at the moment. We have another witness who's going
2 to connect it to the devices, but I just wanted to lay that
3 foundation.

4 THE COURT: Okay.

5 Q. And you testified about getting a search warrant for the
6 defendant's home.

7 Did you ever get a search warrant for any e-mail
8 accounts in this case?

9 A. Yes, I did.

10 Q. Are you familiar with the e-mail account ri8@hotmail.com?

11 A. Yes, I am. It's Mr. Kurniawan's personal e-mail account.

12 Q. Did you get a search warrant from a judge to search that
13 e-mail account for evidence in this case?

14 A. Yes, I did.

15 Q. I'm going to show you what's been marked as Government
16 Exhibit 12-1. It's a thumb drive. Correct?

17 A. Yes, it is.

18 Q. And how did you receive the e-mails from ri8@hotmail.com
19 after you served the search warrant?

20 A. They sent them electronically.

21 Q. Was that sent by Microsoft?

22 A. Yes, it was.

23 Q. And what happened after you received those e-mails
24 electronically?

25 A. The e-mails were then placed on a device, then loaded into

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Wynne - direct

1 a program so that they could be viewed and read.

2 Q. All right. And is 12-1 the thumb drive that contains the
3 data that was retrieved from Microsoft via the search warrant?

4 A. Yes, it is.

5 MR. HERNANDEZ: All right. At this time, your Honor,
6 I'd like to offer a stipulation into evidence, which is 29-4,
7 regarding e-mail.

8 A stipulation in the United States v. Kurniawan, 12 CR
9 376. It reads:

10 "It is hereby stipulated and agreed by and among the
11 United States of America, by Preet Bharara, United States
12 Attorney for the Southern District of New York, Joseph P.
13 Facciponti and Jason P. Hernandez, Assistant United States
14 Attorneys, of counsel, and Rudy Kurniawan, the defendant, by
15 and with the consent of his attorneys, Jerome Mooney, Esquire,
16 and Vincent Verdiramo, Esquire, that:

17 "Number 1, Government Exhibits 13-1 and 13-2 consist
18 of true and correct copies of documents of Microsoft,
19 Incorporated, doing business as Hotmail.com (hereinafter
20 'Microsoft'). The information contained in Government Exhibits
21 13-1 and 13-2 was recorded by Microsoft at or near the time
22 that the activity reflected therein took place by, or from
23 information transmitted by, a person of knowledge; was kept in
24 the regular course of business of Microsoft's business
25 activity; and was created and relied upon as a regular practice

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1 of Microsoft; and

2 "2, Government Exhibit 12-1 consists of a disk that
3 contains, in electronic format and produced by Microsoft, true
4 and accurate copies of stored e-mails and other stored content
5 information for the e-mail account ri8@hotmail.com.

6 "It is further stipulated and agreed that Government
7 Exhibits 13-1 and 13-2 and this stipulation may be received in
8 evidence at the trial of the above-referenced matter.

9 "Dated: December 5, 2013."

10 Signed by the government and counsel for the
11 defendant.

12 We move 29-4 and the exhibits referenced therein into
13 evidence.

14 THE COURT: I'll allow it.

15 (Government's Exhibits 29-4, 13-1 and 13-2 received)

16 BY MR. HERNANDEZ:

17 Q. Now, there's some testimony in this trial about some
18 e-mails previously that I'd like to show to you at the moment,
19 if we could.

20 MR. HERNANDEZ: If Mr. Platt could pull up 13-4.

21 Q. And these are e-mails that have already been introduced
22 through the trial, Agent Wynne. I'm going to ask you about
23 five of them. I'm going to ask you the same question for all
24 of them, so maybe we can move through them quickly since the
25 jury's already seen the e-mails.

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Wynne - direct

1 But do you know whether 13-4 was an e-mail that you
2 retrieved from the documents or the e-mails that Microsoft sent
3 to you pursuant to the search warrant for ri8@hotmail.com?

4 A. Yes, it was.

5 MR. HERNANDEZ: The government offers 13-4 into
6 evidence.

7 THE COURT: I'll allow it.

8 (Government's Exhibit 13-4 received)

9 MR. HERNANDEZ: And, Mr. Platt, could we have 13-7?
10 And if you could just zoom in on the exhibit itself so Agent
11 Wynne can look at it.

12 Q. Agent Wynne, do you know whether Government Exhibit 13-7
13 was an e-mail that you retrieved pursuant to the search warrant
14 for ri8@hotmail.com?

15 A. Yes, it was.

16 MR. HERNANDEZ: Government moves 13-7 into evidence.

17 THE COURT: I'll allow it.

18 (Government's Exhibit 13-7 received)

19 MR. HERNANDEZ: Mr. Platt, could we have 13-8?

20 Q. Agent Wynne, do you know whether 13-8 is an e-mail that you
21 received from the search warrant for ri8@hotmail.com?

22 A. Yes, it was.

23 MR. HERNANDEZ: Government offers 13-8.

24 THE COURT: I'll allow that.

25 (Government's Exhibit 13-8 received)

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DCBBKURT3

Wynne - direct

1 MR. HERNANDEZ: If we could put up 13-9.

2 Q. And, Agent Wynne, do you know whether 13-9 is an e-mail you
3 retrieved from the search warrant for ri8@hotmail.com?

4 A. Yes, it was.

5 MR. HERNANDEZ: Government offers 13-9.

6 THE COURT: I'll allow that.

7 (Government's Exhibit 13-9 received)

8 MR. HERNANDEZ: Then if we could have 13-11 put up.

9 Q. Agent Wynne, do you know whether 13-11 is a document that
10 you received from the search warrant for ri8@hotmail.com?

11 A. Yes, it was.

12 MR. HERNANDEZ: Government offers 13-11.

13 THE COURT: I'll allow that.

14 (Government's Exhibit 13-11 received)

15 THE COURT: And the jury will recall you saw these
16 yesterday.

17 MR. HERNANDEZ: Now there are two exhibits I'd like to
18 show just to the witness.

19 Q. Agent Wynne, I'm just going to ask you the same question
20 that I did about these two e-mails. These haven't been seen
21 yet, but there's going to be another witness that testifies
22 about them.

23 So if you could look at Government Exhibit 13-26.

24 MR. HERNANDEZ: And, Mr. Platt, can you pull that up
25 just for Agent Wynne? And could you just focus on the top of

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DCBBKURT3 Wynne - direct

1 the e-mail for him?

2 Q. Do you recognize this e-mail, Agent Wynne?

3 A. Yes, I do.

4 Q. How do you recognize it?

5 A. From the production by Microsoft.

6 Q. So this is part of the e-mails you got pursuant to the
7 search warrant?

8 A. Yes.

9 Q. All right.

10 MR. HERNANDEZ: And if we could then go to 13-27.

11 Q. Tell me if you recognize this e-mail.

12 A. I do.

13 Q. How do you recognize it?

14 A. It's an e-mail from the production by Microsoft.

15 THE COURT: And both 13-26 and 13-27 are from Douglas

16 E. Barzelay. Is that correct?

17 THE WITNESS: Right, to ri8@hotmail.com.

18 THE COURT: To ri8@hotmail.com?

19 THE WITNESS: Right.

20 MR. HERNANDEZ: All right. If we could show Agent
21 Wynne 13-12, and focus in on just the text.

22 Q. Do you recognize 13-12?

23 A. Yes, I do.

24 Q. How do you recognize it?

25 A. It's another e-mail from the Microsoft production on the

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DCBBKURT3 Wynne - direct

1 ri8@hotmail.com account.

2 Q. Is this e-mail exchange between ri8@hotmail.com and someone
3 named Robert Bohr, spelled B-o-h-r?

4 A. Yes, it is.

5 Q. Do you know who Robert Bohr is?

6 A. Robert Bohr is an individual in the wine market. He's a
7 sommelier. He owns a restaurant and he represents private
8 clients in connection with their wine collections.

9 Q. Generally speaking, do you know what the e-mail exchange
10 here between the defendant and Robert Bohr is about?

11 A. It's about the return of bottles by Mr. Bohr to
12 Mr. Kurniawan.

13 Q. What kind of bottles?

14 A. Fine wine bottles.

15 Q. Full?

16 A. No, these are empties. These have been opened and they're
17 empties. And they had to be returned to Mr. Kurniawan.

18 Q. So these are e-mails about Mr. Bohr sending empty bottles
19 of wine, fine wine, to the defendant?

20 A. That's correct.

21 MR. HERNANDEZ: The government offers 13-12.

22 THE COURT: I'll allow it.

23 (Government's Exhibit 13-12 received)

24 MR. HERNANDEZ: May we publish this to the jury?

25 THE COURT: Sure.

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DCBBKURT3 Wynne - direct

1 MR. HERNANDEZ: Mr. Platt, I can't tell, does this
2 e-mail begin with the bottom? Is there a second page to this?
3 Is it a single-page document? So we'll go back to where you
4 were. If you could zoom in.

5 Q. Agent Wynne, the bottom e-mail from ri8@hotmail.com is
6 dated October 23rd, 2006, and the subject is "Don't forget to
7 ship." Correct?

8 A. That's correct.

9 Q. Okay. Could you read what's written underneath that?

10 A. "My bottles. I would like you to put a cork on all bottles
11 so sediments won't flow all over (don't wash them as I need
12 them to look originals for photo shoot, use" some corks --

13 THE COURT: Use.

14 A. "Use just some corks you have in restaurant...)"

15 "Thanks Robert. Ship two or three day air to: Rudy
16 Kurniawan, 9638 East Naomi Avenue, Arcadia, California 91007,
17 626-429-4680.

18 "Thanks."

19 Q. Okay. And above it, Robert Bohr, his e-mail address is
20 Robert@cru-nyc.com.

21 Do you see that?

22 A. Yes, I do.

23 Q. Have we heard the name Cru before in this trial?

24 A. We have. Cru is a restaurant in New York City where the
25 Acker sales were held.

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DCBBKURT3

Wynne - direct

1 Q. So the auctions that we've been hearing about, The Cellar
2 auctions, at least one of them took place at Cru?

3 A. That's correct.

4 Q. What did Bohr respond?

5 A. Bohr responded "Thanks for your generosity" -- first he
6 says, "OK...I'll send them out later this week."

7 He continues, "Thanks for your generosity this
8 weekends...I had a great time. Congrats on a hugely successful
9 sale. RB."

10 MR. HERNANDEZ: If we could show the witness
11 Government Exhibit 13-13.

12 Q. And tell us if you know what that is.

13 A. The lower e-mail is an e-mail from Mr. Kurniawan to Robert
14 Bohr and John Kapon.

15 Q. And is this a continuation of the conversation about empty
16 bottles?

17 A. Yes, it is. This is a November 28, '06 e-mail.

18 Q. Did you receive this e-mail via the search warrant you've
19 been testifying about?

20 A. Yes, I did.

21 MR. HERNANDEZ: Government offers 13-13.

22 THE COURT: I'll allow it.

23 (Government's Exhibit 13-13 received)

24 MR. HERNANDEZ: May we publish this to the jury, your
25 Honor?

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DCBBKURT3 Wynne - direct

1 THE COURT: Yes.

2 Q. Starting from the bottom, Agent Wynne, we have an e-mail
3 from the defendant to Robert Bohr and to John Kapon dated
4 November 28, 2006. And the subject is "Broken Bottles."

5 Can you read what comes underneath that?

6 A. "Robert/John, I received all the wines we drank at Cru
7 (some missing) and all"-- in capital letters-- "but two are
8 broken. They were placed in carton boxes and not packed
9 properly. (Very unprofessional - perhaps Robert missed looking
10 after them and someone just carelessly pack them.) I am
11 extremely bothered by it since this is second time it happened.
12 (ESP" -- or especially, I assume -- "the 23 Roumier BM"--
13 meaning Bonnes-Mares-- "bottle that I" wanted to keep --

14 THE COURT: That I want.

15 A. -- "that I want to keep). In any event, we are not able to
16 do the photo shoot we originally planned to record this
17 historical event. What a pity... RK."

18 MR. HERNANDEZ: Now, if we could show the witness
19 Government Exhibit 13-30. Can we zoom in on the top portion of
20 that?

21 Q. Do you recognize this e-mail?

22 A. Yes, I do.

23 Q. How do you recognize it?

24 A. It's an e-mail from the Microsoft production on the
25 ri8@hotmail.com account.

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DCBBKURT3

Wynne - direct

- 1 Q. All right. And the indented portion of this e-mail shows
2 that it's the defendant, ri8@hotmail.com, writing something.
3 Is that correct?
4 A. Yes, that's correct.
5 Q. And generally what is this e-mail about?
6 A. It's a question about whether Acker can get Dar 100 to 200
7 cases of cheap 80s Bordeaux, or bord.
8 MR. HERNANDEZ: Government offers 13-30.
9 THE COURT: I'll allow it.
10 (Government's Exhibit 13-30 received)
11 A. It continues, "like 81 to 88?"
12 MR. HERNANDEZ: Has this been published to the jury?
13 It is? Thank you.
14 Q. So just read the portions where the defendant
15 ri8@hotmail.com writes. What does he write?
16 A. "Can you get Dar 100 to 200 cases of cheap 80s bord? Like
17 81 to 88? 400 - 700 a cs," case.
18 Q. Do you have an understanding what "bord" means?
19 A. Bordeaux wine.
20 Q. And it says "400 to 700 a" and the letter "cs." Do you
21 have an understanding of what "cs" means?
22 A. Case.
23 MR. HERNANDEZ: And if we could look at Government
24 Exhibit, just for the witness, 13-32.
25 Q. Before I ask you a question about this exhibit, Agent
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- 1 Wynne, you mentioned in the previous e-mail it read "Can you
2 get the wine for Dar," D-A-R?
3 A. Yes.
4 Q. Have we heard testimony about who Dar is in this case so
5 far?
6 A. I believe we have.
7 Q. From Truly Hardy?
8 A. That's correct.
9 Q. Could you remind us who Truly Hardy said he was?
10 A. Dar is Mr. Kurniawan's brother.
11 Q. Okay. And if you could look at 13-32 and tell me if you
12 recognize this series of e-mails as well.
13 A. Yes, I do.
14 Q. How do you recognize it?
15 A. E-mails from the Microsoft production pursuant to the
16 search warrant for ri8@hotmail.com account.
17 Q. And some of these e-mails are from a person named Jancis
18 Robinson to and from the defendant.
19 Do you know who Jancis Robinson is?
20 A. Yes, I do.
21 Q. Who is it?
22 A. She's a wine author and expert. She writes for Financial
23 Times. She's also an author of large-format coffee-style kind
24 of books about wine.
25 Q. Do you know whether she's ever interviewed the defendant,

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DCBBKURT3 Wynne - direct

1 Rudy Kurniawan?

2 A. Yes, she has.

3 Q. Is this e-mail about the interview of the defendant, Rudy
4 Kurniawan?

5 A. Yes, it is.

6 Q. And does this e-mail have Ms. Robinson quoting the
7 defendant about something the defendant told her?

8 A. Yes, it does.

9 MR. HERNANDEZ: The government offers 13-32.

10 THE COURT: I'll allow it.

11 (Government's Exhibit 13-32 received)

12 MR. HERNANDEZ: Can we begin at the very beginning of
13 the e-mail chain, Mr. Platt? I don't think that's the
14 beginning, Mr. Platt. I think there's a second page. Possibly
15 a third page. It's a trick. It's the second and third page.
16 We could do both. We're going to have to start on the second
17 page at the bottom.

18 Q. Okay. So this is Jancis Robinson, the wine author and
19 critic writing on November 2nd, 2006, to the defendant.

20 Correct?

21 A. That's correct.

22 Q. Can you just read what she wrote?

23 A. "Hi, Rudy, here's what I have just cobbled together from
24 our telephone call which is currently a bit too long - but
25 better than sending you something that's shorter than what I

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DCBBKURT3 Wynne - direct

1 will eventually file. Ideally I'd like to send it tomorrow as
2 one of the columns I syndicate to about a dozen magazines
3 around the world. You can find the list of them at
4 www.JancisRobinson.com/articles/aboutwheretofind.

5 "I suggest that to make any comments on deletions to
6 what I attach, you click on Tools > Track changes so that all
7 your marks are in another colour.

8 "Hoping to hear from you very soon, appreciatively,
9 Jancis."

10 MR. HERNANDEZ: If we could go back to the second page
11 and see what the preceding e-mail is.

12 Q. And then what does the defendant write here in response to
13 Ms. Robinson?

14 A. "Oops... forgot to attach..."

15 Q. It happens.

16 MR. HERNANDEZ: Can we then go to the e-mail up top?
17 We're going to have to go to the first page to go through it.

18 Q. And then what does Jancis Robinson write in response to
19 "Oops...forgot to attach"?

20 A. "I'm always doing that too ! (forgetting attachments).

21 "Thanks so much for looking at this so promptly. I
22 will of course do what you suggest but how about this instead
23 for the final paragraph (which I'd be happy to move up the
24 piece, say to just after the paragraph that starts '50
25 years...);

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DCBBKURT3

Wynne - direct

1 "Mr. big is quite aware how naturally questions of
2 provenance arise with a collection like this: 'When I go to
3 restaurants and drink great wines, I'm very careful to ensure
4 that the empty bottles are trashed or the labels are marked so
5 they can't be reused. But I don't keep records. I'm quite
6 amazed when I look at auction catalogs which detail house sales
7 that have receipts back to the 1960s. In Asia we don't keep
8 records. I throw away my bank statements next day. I don't
9 like paperwork."

10 "Either that or I" would-- "WD"-- "have to insert
11 after the sentence 'But how the heck...'"

12 "People are increasingly worried about provenance
13 nowadays [which of course they are].

14 "And then comes your explanation.

15 "V best, Jancis."

16 Q. Now, Agent Wynne, a few questions about this e-mail and
17 other parts of the investigation.

18 MR. HERNANDEZ: I would like to keep that up if we
19 could.

20 Q. In the portion of the e-mail you just read, where Jancis
21 Robinson is quoting the defendant, he says that he ensures that
22 empty bottles are trashed or the labels are marked so they
23 can't be reused. Correct?

24 A. That's correct.

25 Q. He goes on to say "I don't keep records." Correct?

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DCBBKURT3

Wynne - direct

- 1 A. Yes, he does.
2 Q. When you searched the defendant's home, did you find any
3 bank or financial records?
4 A. Yes.
5 Q. Can you give us a sense of the volume?
6 A. We found extensive records, especially on offerings of
7 wines. We found records on wine transactions, purchases and
8 sales. We found some bank records as well.
9 Q. With just respect to purchases or sales of wine, you found
10 records in the defendant's home?
11 A. Yes, sir.
12 Q. A couple sheets of paper?
13 A. No, we found voluminous records for transactions that he
14 engaged in with respect to purchases and sales.
15 Q. Hundreds of pages?
16 A. Yes, sir.
17 Q. And you examined the defendant's e-mail account
18 ri8@hotmail.com?
19 A. Yes.
20 Q. Were there any records of wine purchases or sales kept in
21 the e-mail account?
22 A. Yes.
23 Q. Hundreds?
24 A. Yes.
25 Q. Thousands?

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DCBBKURT3 Wynne - direct

1 A. Well, I didn't count them.

2 Q. But do they span several years?

3 A. Yes, they do.

4 Q. All right. Thank you.

5 MR. HERNANDEZ: We can take the exhibit down now.

6 Q. And then, Agent Wynne, I'm going to ask you about four more
7 e-mail exhibits, and the question for each of them is going to
8 be whether these were the e-mails received from the ri8
9 subpoena that you served on Microsoft.

10 MR. HERNANDEZ: First, can we show the witness 13-15?

11 Q. And once you've seen the e-mail, you just let us know
12 whether that is something that was retrieved via the search
13 warrant.

14 A. Yes, it was.

15 Q. And 13-16?

16 A. Yes, it was.

17 Q. And 13-17?

18 A. Yes, it was.

19 Q. And, finally, 13-29?

20 A. Yes, it was.

21 Q. Now I'm going to ask you to look at a few more bottles,
22 which may require you to step down.

23 Do you know someone named Susan Twellman?

24 A. Yes, I do.

25 Q. How do you know her?

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DCBBKURT3 Wynne - direct

1 A. I know her as a result of his investigation. She is the
2 administrative assistant and associate, business associate, of
3 a collector by the name of David Doyle.

4 Q. Has Ms. Twellman sent you any wine bottles recently?

5 A. Yes, she has.

6 Q. What did she send you?

7 A. She sent three bottles of Domaine Ponsot Clos Saint-Denis
8 and she sent three magnums of Domaine Ponsot Clos Saint-Denis.

9 Q. Are those bottles related to this investigation?

10 A. Yes, they are.

11 Q. Do you remember approximately when you received them?

12 A. I received them in September of 2013.

13 Q. All right.

14 MR. HERNANDEZ: Can the witness step down to examine
15 these bottles if we place them on the table?

16 THE COURT: Yes.

17 MR. HERNANDEZ: I believe Agent Roeser is going to
18 place on the table Government Exhibits 9-1 through 9-7.

19 Q. Agent Wynne, if you could just look at those bottles and
20 tell me if you recognize them. Can you take a minute to
21 examine those bottles and tell me if you recognize them?

22 A. These are the bottles that Susan Twellman sent me and we
23 received here in New York in September, September 13, 2013, in
24 connection with this case.

25 Q. And where have they been since you received them?

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DCBBKURT3 Wynne - direct

1 A. They were in my custody, both in my office and in a fine
2 wine storage facility.

3 MR. HERNANDEZ: Okay. Government offers 9-1 through
4 9-7.

5 THE COURT: I'll allow it.
6 (Government's Exhibits 9-1 through 9-7 received)

7 MR. HERNANDEZ: There isn't going to be any further
8 testimony about these bottles right now, your Honor, but we
9 wanted to place them into evidence through Agent Wynne.

10 THE COURT: All right.

11 MR. HERNANDEZ: Your Honor, for planning purposes, I
12 might have about 20 minutes left with Agent Wynne.

13 THE COURT: Okay.

14 MR. HERNANDEZ: Your Honor, I have another stipulation
15 to read at this point. It's Government Exhibit 29-2, United
16 States v. Kurniawan, 12 CR 376.

17 "It is hereby stipulated and agreed by and among the
18 United States of America, by Preet Bharara, United States
19 Attorney for the Southern District of New York, Joseph P.
20 Facciponti and Jason P. Hernandez, Assistant United States
21 Attorneys, of counsel, and Rudy Kurniawan, the defendant, by
22 and with the consent of his attorneys, Jerome Mooney, Esquire,
23 and Vincent Verdiramo, Esquire, that:

24 "Number 1, Government Exhibit 10-1 is a true and
25 correct copy of documents of Atelier Gargoyle; the original

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DCBBKURT3

Wynne - direct

1 records were made at or near the time by, or from information
2 transmitted by, a person with knowledge of the matters set
3 forth in the records; they were kept in the course of a
4 regularly conducted business activity; and it was the regular
5 practice of that business activity to make the records;

6 "2, Government Exhibit 10-2 is a true and correct copy
7 of documents of Blick Art Supplies; the original records were
8 made at or near the time by, or from information transmitted
9 by, a person with knowledge of the matters set forth in the
10 records; they were kept in the course of a regularly conducted
11 business activity; and it was the regular practice of that
12 business activity to make the records;

13 "3, Government Exhibit 10-3 is a true and correct copy
14 of documents of Paper Source; the original records were made at
15 or near the time by, or from information transmitted by, a
16 person with knowledge of the matters set forth in the records;
17 they were kept in the course of a regularly conducted business
18 activity; and it was the regular practice of that business
19 activity to make the records;

20 "4, Government Exhibit 10-4 is a true and correct copy
21 of documents of Stamp!It; the original records were made at or
22 near the time by, or from information transmitted by, a person
23 with knowledge of the matters set forth in the records; they
24 were kept in the course of a regularly conducted business
25 activity; and it was the regular practice of that business

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DCBBKURT3 Wynne - direct

1 activity to make the records;

2 "5, If called to testify, a custodian of records from
3 Stamp!It would testify based on their personal knowledge that
4 the items listed in Government Exhibit 10-4 are as follows:
5 'Imperial purple versafine,' 'slate grey impress,' 'black
6 versacolor,' 'charcoal versacolor,' and 'pitch black Adirondack
7 pad' are ink pads in their respective colors; 'permanent
8 runner,' 'refill 50 feet,' and '3/4 x 6 yards' are double-sided
9 tape; and '1 x 6 yards Super Tacky' is an adhesive tape.

10 "Number 6, Government Exhibit 10-5 is a true and
11 correct copy of documents of PayPal and eBay; the original
12 records were made at or near the time by, or from information
13 transmitted by, a person with knowledge of the matters set
14 forth in the records; they were kept in the course of a
15 regularly conducted business activity; and it is the regular
16 practice of that business activity to make the records."

17 (Continued on next page)

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19
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25

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Dcbdkur4 Wynne - direct

1 MR. HERNANDEZ: (Continuing) And:

2 "7. Government Exhibit 10-7 is a true and correct
3 copy of a document, LetterSeals.com; the original record was
4 made at or near the time by, or from information transmitted
5 by, a person with knowledge of the matters set forth in the
6 record. It was kept in the course of a regularly conducted
7 business activity, and it was the regular practice of that
8 business activity to make the record.

9 "It is further stipulated and agreed that this
10 stipulation may be received in evidence at the trial of the
11 above-referenced matter.

12 "Dated: December 5, 2013."

13 Signed by the government and counsel for the
14 defendant.

15 The government offers Stipulation 29-2 into evidence.

16 THE COURT: I will allow it.

17 (Government's Exhibit 29-2 received in evidence)

18 MR. HERNANDEZ: Now, if you could just show to the
19 witness the exhibits that are referenced in that stipulation.

20 Q. Beginning with 10-1, Agent Wynne, if you could tell us
21 whether you recognize Exhibit 10-1?

22 A. Yes, I do.

23 Q. What is it?

24 A. It's an invoice from Atelier Gargoyle for the purchase of
25 sticks of wax by Mr. Kurniawan, including the colors burgundy,

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Dcbdkur4 Wynne - direct

1 red, burgundy, and green, boxes of stick waxes.

2 MR. HERNANDEZ: The government offers 10-1.

3 THE COURT: I will allow it.

4 (Government's Exhibit 10-1 received in evidence)

5 BY MR. HERNANDEZ:

6 Q. And if we could just focus in on the date and the
7 description of the product?

8 A. The date of the invoice is July 20, 2007. The product
9 is -- the invoice number is 07-284, July 20, 2007.

10 Q. And if we could just focus in on what was ordered and the
11 total altogether?

12 You testified that it is purchases of wax in different
13 colors.

14 A. That's correct.

15 Q. How much in terms of dollar amount of wax is purchased?

16 A. \$684. Then there are some sales tax and shipping expenses,
17 for a total of \$755.83.

18 Q. Is this a multipage exhibit, meaning there is more than one
19 page to this?

20 A. I believe it is.

21 Q. And if we could just very quickly, Mr. Platt, just go
22 through -- and, Agent Wynne, if you can read it -- just tell us
23 the dates and whether these are additional orders for wax.

24 A. This is a purchase on December 5, 2007 for three additional
25 orders of boxes of wax, totaling 1,134, plus tax, for a grand

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Dcbdkur4 Wynne - direct

1 total of 1,227.56.

2 Q. OK. Go to the next page.

3 A. I'm sorry. There is also -- if you could go back to that?

4 There is also --

5 Q. You want to look at the bottom?

6 A. No. That section that is highlighted, I just wanted to
7 note that they provided some samples, as well, at no charge.

8 Q. That is number 5?

9 A. That is number 5 on that list, yes.

10 Q. OK. Can we keep going forward.

11 This is just a receipt, correct?

12 A. That's correct.

13 This is an invoice for December 20, 2007, for the
14 purchase of additional colors of wax, pink/rose, a box of ten
15 sticks; and oak/chene, one box of ten sticks, total of 702,
16 plus tax and shipping, for a grand total of 796.92.

17 Q. OK. Go to the next invoice.

18 A. This is a January 17, 2008 transaction involving the
19 purchase of red or rouge, one box of ten sticks; and a box of
20 Burgundy, one box of ten sticks. Subtotal of 810, sales tax no
21 charge, for a grand total 876.83 in wax.

22 Q. All right. I think that might be the last invoice.

23 Oh, there is one more.

24 A. February 11, 2008, a purchase of a box of oak, a box of ten
25 sticks, subtotal 918, plus sales tax, for a grand total of

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Dcbdkur4 Wynne - direct

1 993.74.

2 Q. All right. If we could now show the witness 10-2.

3 Can you tell us what 10-2 is?

4 A. 10-2 is invoice for the purchase of various supplies,
5 including white glue, Elmers glue, and Ingres paper.

6 Q. Do you know who purchased this?

7 A. Mr. Kurniawan purchased this.

8 MR. HERNANDEZ: The government offers 10-2.

9 THE COURT: I will allow it.

10 (Government's Exhibit 10-2 received in evidence)

11 Q. For this exhibit, Agent Wynne, we are just going to display
12 it very quickly to the jury so they can see.

13 You testified previously about seizing glue from the
14 defendant's home, and there are several purchases of glue here,
15 correct?

16 A. That's correct.

17 Q. And would you say the majority of the labels you seized
18 were not self-adhesive?

19 A. Say that again, please.

20 Q. The majority of the labels that you seized from the
21 defendant's home were adhesives or nonadhesive?

22 A. There are significant numbers of both.

23 Q. OK. And you say at the bottom, where it says, "Ingres DW
24 Warm White," was that the kind of paper?

25 A. Yes.

Dcbdkur4 Wynne - direct

1 MR. HERNANDEZ: If we could show Agent Wynne 10-3. If
2 you could focus in on that and tell us if you know what that
3 is.

4 (Pause)

5 I think you want to back up so that Agent Wynne can
6 see where it is from, the top.

7 Q. Do you recognize this document?

8 A. Yes. It's an invoice for the purchase of supplies for ink
9 pads, and it is like a business supply company in Chicago,
10 Illinois.

11 Q. Who bought it?

12 A. Mr. Kurniawan.

13 MR. HERNANDEZ: Government offers 10-3.

14 THE COURT: I will allow it.

15 (Government's Exhibit 10-3 received in evidence)

16 Q. Can we just focus in on the very top and then what was
17 purchased.

18 What was the date of this purchase?

19 A. December 15, 2007.

20 Q. All right. And you are saying the description box, which
21 is in the middle, those are different ink pads?

22 A. That's correct.

23 Q. And there are purchases that are billed to Rudy Kurniawan,
24 correct?

25 A. Yes.

Dcbdkur4 Wynne - direct

1 Q. All right. If we could show Agent Wynne 10-4.

2 Do you recognize 10-4?

3 A. I do.

4 Q. What is it?

5 A. It's an invoice from a company called Stamp It!. They are
6 a supplier of, among other things, ink pads.

7 Q. And is this an invoice?

8 A. This is an invoice both for ink pads and for tape.

9 Q. Who made this purchase?

10 A. Mr. Kurniawan.

11 MR. HERNANDEZ: The government offers 10-4.

12 THE COURT: I will allow it.

13 (Government's Exhibit 10-4 received in evidence)

14 Q. Can we just focus in on the date and the billed to and
15 shipped to by.

16 What is the date on this purchase?

17 A. March 10, 2008. It is being shipped --

18 Q. And the billed to and shipped to?

19 A. -- to Mr. Kurniawan.

20 Q. And then down below there is a description of the items.

21 A. Yes.

22 Q. It begins with imperial purple VersaFine?

23 A. Yes.

24 Q. If the Court and jury will recall, during the stipulation I
25 read a description of what if someone from this company came to

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Dcbdkur4 Wynne - direct

1 testify, they would say that these are basically ink pads in
2 different colors as well as different kinds of tape and
3 adhesives.

4 And then if we could show 10-7 to Agent Wynne.
5 Do you recognize 10-7?

6 A. Yes, I do.

7 Q. What is it?

8 A. An e-mail from LetterSeals. We just saw some of the
9 documents in connection with an order for material purchased by
10 Mr. Kurniawan.

11 Q. What is the date of it?

12 A. The date of the e-mail is October 15, 2006.

13 MR. HERNANDEZ: The government offers 10-7.

14 THE COURT: I will allow it.

15 (Government's Exhibit 10-7 received in evidence)

16 Q. Can you tell the jury what it is, the description of what
17 is being purchased here by the defendant?

18 A. Mr. Kurniawan is purchasing waterstone sealing wax in
19 colors red, forest green, burgundy and black. Total cost of
20 \$767.60.

21 Q. All right. Thank you. You can take that exhibit down now.

22 I want to ask you some questions now about certain
23 bank records and credit card records for the defendant.

24 If we could -- before we do, actually, I am going to
25 show you Government Exhibit 10-8, and tell me if you recognize

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1 that exhibit.

2 A. I do. It is another of the e-mails produced pursuant to
3 the ri8.com search warrant.

4 Q. And what is that e-mail about?

5 A. It's about the purchase of wax.

6 Q. By whom?

7 A. By Mr. Kurniawan.

8 MR. HERNANDEZ: The government offers 10-8.

9 THE COURT: I will allow it.

10 (Government's Exhibit 10-8 received in evidence)

11 MR. HERNANDEZ: Could we publish that to the jury,
12 Mr. Platt, 10-8?

13 Q. Could we begin at the beginning of the e-mail chain? I
14 think there may be a second page. There is.

15 All right. Starting from the bottom up, where the
16 e-mail chain starts by the defendant, it's May 17, 2006. It is
17 to a company called LetterSeals, and the subject is faux wax.

18 Can you read what is written underneath?

19 A. "Hi. I am interested in a few colors and in qtys.'
20 Quantities. "I do have some questions. Can you call me at
21 626-429-4680. Please. Thanks. Rudy."

22 Q. Can we see the e-mail above it?

23 This is from LetterSeals, May 17, 2006. What do they
24 write back?

25 A. They write back: "Hello, Rudy. Thank you for taking the
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Dcbdkur4

Wynne - direct

1 time to write. I apologize. I have a hearing impairment and
2 cannot hear well over the phone. May I assist you via e-mail?
3 Please let us know how we may continue to be of assistance.
4 Kindly, Karen Preston, LetterSeals.com."

5 Q. What goes on is just their address, right?

6 A. Right.

7 Q. We don't need to go back to that.

8 If we can go up to the next e-mail, dated May 17,
9 2006. It is from the defendant. And what does he write?

10 A. He writes: "Hi. Are the faux wax brittle, like
11 traditional French seal wax? I am looking for a brittle wax
12 sealer. They come as sticks without the wicks."

13 Q. And then the last e-mail, which is from LetterSeals on
14 May 17, 2006, what do they write?

15 A. "Hi, Rudy. We do not have the French wax at this time.
16 The closest formula we carry is a Scottish wax which will break
17 upon deliberate flexing."

18 Q. I will stop you right there. You don't have to read the
19 whole Web address.

20 Now I am going to ask you some questions about
21 different bank records, if we could.

22 I would like for the witness just to go to 25-1.

23 Do you recognize 25-1?

24 A. Could I see the bottom of the form?

25 (Pause)

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Dcbdkur4 Wynne - direct

1 Back up to the top.

2 I recognize the form.

3 Q. OK. Is this an account opening document for Wells Fargo?

4 A. Yes, it is.

5 Q. And it is in the defendant's name?

6 A. Yes, it is.

7 Q. It was opened in 2002?

8 A. Yes, sir.

9 Q. Is this a personal account?

10 A. Yes, it is.

11 Q. It ends in 6907?

12 A. Yes.

13 MR. HERNANDEZ: The government offers 25-1.

14 THE COURT: I will allow it.

15 (Government's Exhibit 25-1 received in evidence)

16 BY MR. HERNANDEZ:

17 Q. This is an opening document for a personal account for the
18 defendant that ends in 6907, opened October 12, 2002.

19 My next question to you is do you know whether the
20 defendant had any business accounts?

21 A. He had a business account for a company called Terroir.

22 Q. Could you spell that?

23 A. T-e-r-r-i-o-r.

24 Q. I think that might be T-e-r-r-o-i-r.

25 A. I stand corrected.

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Dcbdkur4 Wynne - direct

1 Q. And if we could show Agent Wynne 25-3.

2 Do you recognize 25-3?

3 (Pause)

4 A. It's an account opening statement for Terroir, LLC.

5 Q. What is the date?

6 A. The date is --

7 Q. It is --

8 A. I need the bottom of the form. Oh, there we go. I'm
9 sorry.

10 January 31, 2008.

11 Q. And this is the defendant's company?

12 A. Yes, it is.

13 MR. HERNANDEZ: The government offers 25-3.

14 THE COURT: I will allow it.

15 (Government's Exhibit 25-3 received in evidence)

16 MR. HERNANDEZ: I am just going to show to the jury
17 the page we have up right now.

18 Q. And then 25-2 for the witness first.

19 Do you recognize this document?

20 A. This is another account statement for Mr. Kurniawan's
21 company, Terroir, LLC.

22 Q. What date was this one opened?

23 A. This was opened 2/4 of 2008.

24 Q. This is the second business account, then?

25 A. Yes, sir.

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Dcbdkur4

Wynne - direct

1 MR. HERNANDEZ: The government offers 25-2.

2 THE COURT: I will allow it.

3 (Government's Exhibit 25-2 received in evidence)

4 Q. Now, Agent Wynne, with respect to the defendant's personal
5 account -- that is the account that ends in 6907 from Wells
6 Fargo -- before you testified here today, did you have a chance
7 to look at Government Exhibit 25-4A, which contains the Wells
8 Fargo account statements for the defendant from the personal
9 account of 2007?

10 A. I did.

11 Q. All right. And can we just display the first page of that
12 for the witness.

13 This is a large document, is it not?

14 A. Yes, it is.

15 Q. It is a year's worth of bank statements?

16 A. Yes.

17 Q. All right. And it reflects purchases -- debits and credits
18 from the defendant's personal account, correct?

19 A. Yes.

20 MR. HERNANDEZ: The government offers 25-4A.

21 THE COURT: I will allow that.

22 (Government's Exhibit 25-4A received in evidence)

23 MR. MOONEY: Your Honor, we object to entering the
24 entire document.

25 THE COURT: Why is that?

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Wynne - direct

1 MR. MOONEY: Because it contains all kinds of
2 irrelevant materials, and it is his entire banking statements.

3 MR. HERNANDEZ: It is relevant, your Honor, because he
4 told Fine Art Capital that he spends \$150,000 a year.

5 THE COURT: I am going to allow it. I already did.

6 BY MR. HERNANDEZ:

7 Q. Now, I'm going to ask you some questions about these
8 statements in a minute, but I want to get a few of these other
9 records in so you can talk about them altogether.

10 So 25-4B, did you examine that record containing Wells
11 Fargo account statements for the same personal account -- 6907
12 are the last four digits -- that's for year 2008 for the
13 defendant?

14 A. Yes.

15 Q. Is that displayed on the screen right now?

16 A. Yes. That's the January '08.

17 MR. HERNANDEZ: The government offers 25-4B.

18 MR. MOONEY: The same objection, your Honor.

19 THE COURT: OK. Overruled. I will allow it.

20 (Government's Exhibit 25-4B received in evidence)

21 BY MR. HERNANDEZ:

22 Q. And then Government Exhibit 26-2, if we could show for
23 Agent Wynne.

24 Have you reviewed 26-2, American Express statements
25 for the defendant from 2007?

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Dcbdkur4

Wynne - direct

1 A. Yes, I have.

2 Q. And is that what is contained in 26-2?

3 A. Yes.

4 MR. HERNANDEZ: The government offers 26-2.

5 THE COURT: I am going to allow it.

6 MR. MOONEY: Specifically here, these have lots of
7 individual -- it has all of these individual purchases in it,
8 and that is irrelevant.

9 THE COURT: The objection is noted.

10 I am going to allow it.

11 (Government's Exhibit 26-2 received in evidence)

12 BY MR. HERNANDEZ:

13 Q. And then 26-3, could you look at that exhibit?

14 Are those American Express records for the defendant
15 from the year 2008?

16 A. Yes.

17 Q. And you reviewed this exhibit before testifying here today?

18 A. Yes, sir.

19 MR. HERNANDEZ: The government offers 26-3?

20 THE COURT: I am going to allow that, too.

21 MR. MOONEY: The same objection.

22 (Government's Exhibit 26-3 received in evidence)

23 Q. Now, before testifying here today, did you prepare a chart
24 with respect to the American Express records?

25 A. Yes, I did.

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1 Q. Generally, what does that chart show?

2 A. It shows total expenditures by Mr. Kurniawan in 2007, and
3 it showed some selected purchases from one particular vendor
4 that he did business with.

5 Q. OK. Can we show for the witness 26-10.

6 Do you recognize 26-10?

7 A. Yes, I do.

8 Q. How do you recognize it?

9 THE COURT: Just so the jury is clear, this is a
10 chart -- just so you're clear, this is a chart prepared that we
11 are talking about by the witness himself.

12 MR. MOONEY: Your Honor, we would object to this and
13 ask the Court to also make a 403 evaluation of it.

14 THE COURT: That is fine. Keep going. There hasn't
15 been any application yet.

16 BY MR. HERNANDEZ:

17 Q. Did you prepare this chart, Agent Wynne?

18 A. Yes, I did.

19 Q. You prepared -- you went through the records from 2007,
20 2008?

21 A. Yes, sir.

22 MR. HERNANDEZ: The government offers 26-10.

23 THE COURT: So there will be an instruction at the end
24 about charts, how a jury is supposed to consider them. They
25 are aids, essentially. They reflect -- they are no more

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1 persuasive than the underlying evidence that you may find that
2 was used to prepare the chart.

3 So I will allow this in as a chart for the jury to
4 consider in that fashion.

5 (Government's Exhibit 26-10 received in evidence)

6 MR. HERNANDEZ: OK. Can we publish this to the jury,
7 your Honor?

8 THE COURT: Yes.

9 BY MR. HERNANDEZ:

10 Q. All right. Agent Wynne, the jury can now see the chart
11 that you prepared for the defendant's American Express charges
12 from 2007 and 2008.

13 Can you explain to us what it is that you've done
14 here, explaining each column.

15 A. The first column is the column that reads "Month." So it
16 is the twelve months of the year 2007 and 2008.

17 Under the heading "2007," it reads, "Total AMEX."
18 Those are the total charges on Mr. Kurniawan's American Express
19 account for that month broken down and then totaled at
20 6,007,898.04.

21 Q. And then there is a column that says "Hermes." What's
22 that?

23 A. The Hermes column is a retail vendor, retail location where
24 Mr. Kurniawan did substantial business.

25 Q. What do they sell there?

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Dcbdkur4 Wynne - direct

1 A. It is accessories, scarfs, ties, jewelry, watches.

2 Q. Clothing?

3 A. Clothing, right.

4 Q. So in 2007, how much did the defendant charge just for
5 Hermes?

6 A. Approximately 208,908.99.

7 Q. Now can you explain for 2008?

8 A. In 2008 it is the same concept. The total charges for the
9 year by month, and then a column for Hermes, totaling
10 approximately 366,683.76.

11 Q. Now, this chart only contains the total of the purchases
12 from one vendor. Were there other purchases by the defendant
13 for 2007/2008 on the American Express Card for personal things
14 like clothing, travel or food, restaurants?

15 A. Yes, there were.

16 Q. And you don't have a chart for the Wells Fargo document,
17 but have you reviewed the 2007 and 2008 Wells Fargo records,
18 which are 25.4A and 25-4B?

19 A. I have.

20 Q. Have you prepared any calculation regarding personal
21 spending for either of those years in any manner or reviewed it
22 in any manner for that purpose?

23 A. No, I haven't.

24 Q. OK.

25 THE COURT: Mr. Hernandez, are you almost done?

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Dcbdkur4 Wynne - direct

1 MR. HERNANDEZ: I'm very close, your Honor. If it
2 would please the Court, I think it would be helpful if we could
3 take the break, and I would probably be done in two minutes on
4 the way back. Just this is a long witness and I would like to
5 check my list and make sure I have everything.

6 THE COURT: OK. Let's take our lunch break. It is
7 just about 1 o'clock. And why don't you be back in the jury
8 room at 2:15.

9 THE CLERK: Judge, they can use the cafeteria?

10 THE COURT: Yes.
11 (Luncheon recess)

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Dcbdkur4

Wynne - direct

1 A F T E R N O O N S E S S I O N

2 2:19 p.m.

3 (Jury not present)

4 THE COURT: How are you? Please be seated.

5 THE CLERK: Please rise. The jurors are about to

6 enter.

7 (Jury present)

8 THE COURT: How is everybody? Will you all please be

9 seated.

10 THE CLERK: Sir, again, I would like to remind you,
11 you are still under oath.

12 THE WITNESS: Yes.

13 THE CLERK: Thank you.

14 JAMES WYNNE,

15 Resumed, and testified further as follows:

16 THE COURT: Yes.

17 MR. HERNANDEZ: All right.

18 THE COURT: Two minutes. That's it.

19 You needed two more minutes.

20 MR. HERNANDEZ: I think I can beat it.

21 DIRECT EXAMINATION (Resumed)

22 BY MR. HERNANDEZ:

23 Q. All right. Agent Wynne, I asked you some questions before
24 you left about the American Express statement that you provided
25 a schedule for for 2007 and 2008. Do you remember that?

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Dcbdkur4

Wynne - direct

1 A. Yes, sir.

2 Q. And you had scheduled out the Hermes' expenses
3 specifically.

4 A. Yes.

5 Q. Did you do any other work to find any other personal
6 expenses for either 2007 or 2008 for the defendant from those
7 credit cards?

8 A. Yes, I did.

9 Q. Can you just briefly tell us what you found?

10 A. In 2007 there were an additional approximate over \$100,000
11 in charges, and in 2008 there is in excess of \$350,000 in
12 charges.

13 Q. You thought those were personal charges based on your
14 examination?

15 A. That's correct. They include --

16 Q. Can you give us a couple of examples?

17 A. Certainly. They include restaurants, clothing, private
18 airline travel.

19 Q. All right. And in front of you, you have a bottle that I
20 didn't show you previously that's marked Government Exhibit
21 4-1. It is a 1947 double magnum of Petrus, P-e-t-r-u-s.

22 Do you see that?

23 A. Yes, I do.

24 Q. There has been some testimony previously in the trial about
25 a double magnum of '47 Petrus purchased by William Koch. Do

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Dcbdkur4 Wynne - direct

1 you remember that?

2 A. Yes, I do.

3 Q. Can you tell us, have you seen that bottle before?

4 A. Yes, I have seen it before.

5 Q. How have you seen it before?

6 A. It was delivered to me by Mr. Koch's representative in
7 connection with this case.

8 MR. HERNANDEZ: The government offers 4-1.

9 THE COURT: I will allow it.

10 (Government's Exhibit 4-1 received in evidence)

11 MR. HERNANDEZ: No further questions.

12 THE COURT: Not bad. Not bad.

13 OK. Cross-examination.

14 MR. MOONEY: Thank you, your Honor.

15 CROSS-EXAMINATION

16 BY MR. MOONEY:

17 Q. Good afternoon, Agent Wynne. Let's --

18 THE COURT: I'm sorry.

19 THE WITNESS: Can we take this down?

20 THE COURT: Yes.

21 (Pause)

22 BY MR. MOONEY:

23 Q. OK. Let's start where you finished for a minute, shall we?

24 A. Certainly.

25 Q. That's still fresh in everybody's mind. So --

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Dcbdkur4

Wynne - cross

1 THE COURT: Do you want that bottle back?

2 MR. MOONEY: No. I'm sorry, your Honor. I was
3 talking about the American Express.

4 THE COURT: Oh, I'm sorry.

5 MR. MOONEY: Would you put 26-10 back up on the
6 monitor, please.

7 Q. So this is -- this exhibit that we are looking at now
8 represents the American Express bills for 2007 and 2008?

9 A. That's correct.

10 Q. Is that right?

11 A. Yes, sir.

12 Q. And you talked about there are some other things that you
13 looked at, but for this one you just decided that there was one
14 vendor in particular that you should separate out and show us
15 and that was Hermes, is that correct?

16 A. That's correct.

17 Q. Now, were you aware that there were other people besides
18 Mr. Kurniawan that used that American Express account?

19 A. I am aware of that.

20 Q. And his mother was one of those people, is that correct?

21 A. The charges are in his name on his account.

22 Q. But you knew that his mother used that account as well,
23 didn't you?

24 A. I see purchases of women's apparel from, for example,
25 Chanel, but that doesn't mean he is not responsible for those

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Dcbdkur4 Wynne - cross

1 charges.

2 Q. I'm not questioning that. I'm asking you whether or not --
3 you knew that he lived with his mother, didn't you?

4 A. Absolutely.

5 Q. OK. And that she was a elderly Chinese woman?

6 A. Yes.

7 Q. And you knew that they came from a wealthy Indonesian
8 family?

9 A. I've heard that.

10 Q. That was the case?

11 A. I've heard that.

12 Q. OK. And, for example, you knew he had brothers that lived
13 in Hong Kong, in Singapore and Indonesian places like that; you
14 knew that, didn't you?

15 A. I knew that he had a brother who lived in Hong Kong and a
16 brother who lived in Indonesia.

17 Q. One of those brothers is Dar that you talked a little bit
18 about, is that right?

19 A. That is correct.

20 Q. Dar lived in Indonesia?

21 A. No, sir.

22 THE COURT: Where did he live, if you know?

23 THE WITNESS: He lived in Hong Kong, your Honor.

24 Q. So he lived in Hong Kong, and then the other brother lived
25 in Indonesia?

Dcbdkur4

Wynne - cross

1 A. That's correct.

2 Q. Then there was another brother that died, is that right?

3 A. That's correct.

4 Q. Now, so when you decided to separate these Hermes charges
5 out, because they were on Mr. Kurniawan's American Express
6 account, you decided that they should all go there whether it
7 was Mr. Kurniawan that was purchasing these things for himself
8 or not, is that right?

9 A. I reviewed the American Express account for charges made by
10 Mr. Kurniawan. On that account there were also separated
11 charges by Dar Saputra and Teddy Tan, his brothers. I only --

12 Q. Which will --

13 A. I'm not done.

14 I only selected charges attributed to Mr. Kurniawan as
15 broken out by American Express.

16 Q. Were you present when he made any of those purchases?

17 A. No, sir.

18 Q. Did you look at what was purchased in any of those
19 purchases? Did you pull the invoices to see what they bought?

20 A. No, sir.

21 Q. Did you question Hermes about what was bought with any of
22 these?

23 A. No, sir.

24 Q. Calling your attention, for example, to November of 2007.
25 November of 2007, you showed Hermes for \$119,495; is that

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Dcbdkur4 Wynne - cross

1 right?

2 A. That's correct.

3 Q. And then shortly thereafter, in January of 2008, you showed
4 Hermes at \$208,386, is that correct?

5 A. Yes.

6 Q. OK. And so when we look at all of these Hermes charges,
7 actually something in the neighborhood of almost half of the
8 total -- maybe more than half of the total Hermes take place
9 right there in that November to January window, is that
10 correct?

11 THE COURT: You mean October -- the end of the year?

12 MR. MOONEY: The end of one year to the beginning of
13 the next year.

14 A. Yes, they are the highest total charges for those two
15 months.

16 Q. If you combine them, they are almost half -- in fact, they
17 may be more than half of the total Hermes charges? At least
18 close.

19 THE COURT: It looks like --

20 Q. Is that fair?

21 THE COURT: -- 180,000 if you add October and
22 November.

23 MR. MOONEY: I am talking about also January
24 particularly, too, your Honor, which is 208,000.

25 THE COURT: I see.

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Dcbdkur4 Wynne - cross

1 A. What are you asking me to add? November and January?

2 Q. I'm not trying to trick you or anything here. All I want
3 to do is just have us talk about this a little bit.

4 A. Well, ask the question, then.

5 Q. If you look at the end, the last couple of months of 2007,
6 the first month of 2008, that's a big block of spending; that's
7 probably half of the Hermes.

8 And we only have Hermes to look at here, right; that's
9 what you gave us?

10 THE COURT: Wait. So if you are combining two years,
11 it is half of the Hermes for two years or --

12 MR. MOONEY: That is correct.

13 THE COURT: Is that what you are saying?

14 MR. MOONEY: That is correct.

15 THE COURT: That is the question, then. Right?

16 Are the charges for the end of the year 2007 and the
17 begin of 2008, is that approximately one half of all the Hermes
18 charges for 2007 and 2008?

19 Is that a fair statement of your question?

20 MR. MOONEY: Yes.

21 Q. Is that a fair statement?

22 A. Yes, it is.

23 Q. OK. Because overall, the Hermes for the two years is about
24 \$575,000, correct?

25 A. That's correct.

Dcbdkur4 Wynne - cross

1 Q. And just those two months alone, November of 2007 and
2 January of 2008 combined, is going to be 300 and about 35,
3 40,000, is that right?

4 A. No. Repeat that again.

5 Q. I'm sorry?

6 A. You have to repeat that for me again.

7 Q. OK. The 119,000 from November, combined with the
8 208,000 --

9 THE COURT: November of 2007.

10 Q. November of 2007, combined with the January 208,000 from
11 2008, gives us a total there of about 300 and almost \$30,000?

12 A. That's correct.

13 Q. Now, do you know what takes place in January, sometimes
14 February of each year on the Chinese calendar?

15 A. No, I do not.

16 Q. Have you ever heard of Chinese New Year?

17 A. Yes, sir.

18 Q. And had you ever heard of a tradition in Chinese families
19 of giving gifts on Chinese New Year?

20 A. No, sir.

21 Q. So you haven't heard about a tradition, particularly of
22 wealthy Chinese families, handing out sometimes lavish gifts to
23 friends and people that they may know --

24 A. No, sir.

25 Q. -- around Chinese New Year?

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Dcbdkur4

Wynne - cross

1 A. I don't know that.

2 Q. OK. So you don't know what Mr. Kurniawan bought and what
3 influence the family had on what he bought in November of 2007,
4 do you?

5 A. No, I don't know what he bought, but I do know he did buy.

6 Q. OK. But you don't know what the influence from the family
7 was or whether he was buying things for the family or things --
8 you don't know if he was buying gifts for Chinese New Year, do
9 you?

10 A. No, I don't.

11 Q. But the reason you wanted us to see this chart is because
12 you had a great big large number for a single vendor that had
13 absolutely nothing to do with wine, isn't that right?

14 A. The reason I selected Hermes is because it was a very easy
15 schedule to do demonstrating a significant expenditure of
16 personal monies from his credit card.

17 Q. To one big vendor?

18 A. To one big vendor, exactly.

19 Q. That had nothing to do with wine?

20 A. That has nothing to do with wine.

21 Q. They don't sell any wine at Hermes, do they, that you know
22 of?

23 A. I have never been in a Hermes store.

24 Q. So you don't know if they sell anything that has anything
25 to do with wine in any respect whatsoever?

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Dcbdkur4

Wynne - cross

1 A. I don't know.

2 Q. Now, you said that some of the, quote, personal expenses
3 that you considered, in going back I guess over the lunch hour
4 and taking a look at the American Express account, were such
5 things as restaurants and I think you said also travel, did you
6 not?

7 A. I said restaurants and travel, that's correct.

8 Q. OK. Now, you knew from some of the documents that you've
9 collected and some of the things that you had shown us that in
10 the beginning, in the early part of 2008, at least a new formal
11 business of some kind was being created by Mr. Kurniawan; you
12 knew that, didn't you?

13 A. I believe I did. I think it's the Terroir, LLC.

14 Q. Do you know what the word "terroir" means?

15 A. It's a reference to the natural ground of, for example,
16 vineyards.

17 Q. So it's a word that has connections to wines and vineyards
18 and in the sale of that product?

19 A. Yes, sir.

20 Q. So would it be fair to think that given Mr. Kurniawan's
21 sort of experience and his abilities and the creation of
22 something called Terroir, LLC, that it was probably a business
23 that had something to do with wine; would that be fair?

24 THE COURT: You should ask him first if he knew what
25 the business was for.

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Dcbdkur4

Wynne - cross

1 BY MR. MOONEY:

2 Q. Well, did you know what the business was for?

3 A. Yes, I do what the business was for.

4 Q. What was the business for?

5 A. The business was a wine storage and smalltime retail
6 operation.

7 Q. That was located in Los Angeles, is that right?

8 A. Yes, sir.

9 Q. And it was a business that Mr. Kurniawan had been working
10 on even before 2008, had he not?

11 A. Yes. I believe he had been working on that for some time.

12 Q. And you interviewed a lot of those witnesses and people
13 that were involved in working on putting together some sort of
14 a wine-based business, weren't you?

15 A. Yes, I did.

16 Q. But you also knew that other than the money that
17 Mr. Kurniawan received from his family, his only real source of
18 any other money was from the selling of wine at that point in
19 time?

20 A. I can't agree to that question because I don't know about
21 sources of money from his family. I dispute that, first of
22 all. So please ask the question again so I can better
23 understand you.

24 Q. In the course of your investigation you learned that back
25 in the early -- in early 2000, Mr. Kurniawan was spending a lot

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Dcbdkur4 Wynne - cross

1 of money buying wine, right?

2 A. I know he was spending a lot of money buying wine, that is
3 correct.

4 Q. And that starts as early as maybe 2002?

5 A. Well, I don't know about 2002. In terms of volume, I can
6 say that, yes, he was buying wine as early as 2002. I think
7 there was over the years bigger and larger purchases of wine by
8 him.

9 Q. He kept buying more and more and more?

10 THE COURT: You mean increasing numbers?

11 THE WITNESS: Increasing dollar amounts, your Honor.

12 THE COURT: From 2002 going --

13 THE WITNESS: Going forward.

14 THE COURT: -- forward?

15 BY MR. MOONEY:

16 Q. You don't know how much he spent on the purchase of wine in
17 2002, do you?

18 A. No, I don't.

19 Q. There weren't a lot of records from 2002 around when you
20 started -- when you raided his house and collected all this
21 stuff, was there?

22 A. Well, there are significant records collected at his house
23 that reflect wine purchases by him both at auction and from
24 private vendors, but I am not able at this point to tell you
25 how much he had purchased in 2002.

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Dcbdkur4

Wynne - cross

1 Q. Were there records of purchases from 2002, or were those
2 all pretty much later?

3 A. I don't recall about how early those records start.

4 Q. Most of them start about 2006, don't they?

5 A. Like I said, I don't recall when they start.

6 Q. Now, to the extent that -- strike that.

7 One of the things that you learned Mr. Kurniawan was
8 doing was tasting wines and meeting and having wine tastings
9 with other people who were wine collectors; you knew that,
10 didn't you?

11 A. Yes, sir.

12 Q. And in 2007/2008, which are the years that you are looking
13 at his American Express account for, he was going to
14 restaurants with people who were potential buyers of wine, is
15 that right?

16 A. I think that may be a fair assessment, yes.

17 Q. And also people that were part of sort of an inner group of
18 people that bought expensive wines?

19 A. Absolutely.

20 Q. And these dinners and these tastings took place at various
21 parts around the country, did they not?

22 A. Well, I think they took place primarily in Los Angeles and,
23 to some extent, in New York.

24 Q. And in order to get from one to another, one sort of had to
25 travel, did they not?

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Dcbdkur4

Wynne - cross

1 A. They did.

2 And there's also Las Vegas. I'm sorry. That was
3 another place where there may well have been tastings.

4 Q. So one of the things that you knew that Mr. Kurniawan was
5 doing was traveling from Los Angeles to New York and other
6 places where wines were being tasted?

7 A. That's correct.

8 Q. And one of the things that he was doing during this period
9 of 2007 to 2008 was going to restaurants where he would often
10 pick up the bill, is that right?

11 A. Yes.

12 Q. And some --

13 A. He was very generous, I heard.

14 Q. And some of these bills were very, very expensive, weren't
15 they?

16 A. They are.

17 Q. Yet when you look at 2007 to 2008 on the American Express
18 bill, I take it you had considered all of those to be personal
19 expenses?

20 A. I selected transactions above \$1,000 at restaurants and
21 attribute that to his personal account, his own American
22 Express account, for which he is responsible for.

23 Q. We're not questioning whether he is responsible for it,
24 sir.

25 A. OK.

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Dcbdkur4

Wynne - cross

1 THE COURT: He's asking if there could be a business
2 purpose attached.

3 Is that what you are asking?

4 MR. MOONEY: That's what I am asking him.

5 Q. Couldn't that be legitimately business?

6 (Pause)

7 We're not auditing you here.

8 A. Oh, theoretically I guess it could be construed that way.
9 But I would believe that given that he has an account set up
10 for Terroir, LLC, that appropriate expenses for his business
11 should be run through his business account, not through his
12 personal American Express account.

13 Q. Did he have an American Express Card for Terroir that you
14 knew of?

15 A. No, I don't know.

16 Q. And you just told us that Terroir was primarily at that
17 point going to start out at least as wine storage and
18 small-scale retail?

19 A. That's what I understand.

20 Q. OK. And do you know where the money was coming from to
21 start up and operate Terroir?

22 A. No, I don't.

23 Q. Do you know whether Terroir would have had the funding to
24 be able to pay for the sorts of things that Mr. Kurniawan was
25 doing to try to establish or maintain his position in the wine

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Dcbdkur4 Wynne - cross
1 community?

2 Do you know where the funding was coming from?

3 A. No, I don't know where the funding was coming from.

4 Q. And if the funding was coming from him, then he would
5 either have to put the money into that account and then take it
6 back out again, or he would have to just fund it and hope he
7 could take money later, right?

8 A. Well, that doesn't sound like appropriate accounting to me.

9 Q. Does every businessperson in the country use appropriate
10 accounting with a start-up business?

11 THE COURT: No, we don't know.

12 MR. MOONEY: That's fair enough. Withdrawn.

13 BY MR. MOONEY:

14 Q. When you did the raid on his house -- actually, you didn't
15 go there as -- you just went there originally just to arrest
16 him but then you did the raid later, right?

17 A. We went there originally to arrest him.

18 Q. And after he was arrested --

19 A. After he was arrested, an application was made for a search
20 warrant, and it was issued by a U.S. Magistrate Judge in
21 California and a search warrant was executed.

22 Q. So Mr. Kurniawan wasn't there during the period of time
23 that you actually searched the house; you had probably taken
24 him away by then, hadn't you?

25 A. That is correct.

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Dcbdkur4 Wynne - cross

1 Q. Only his mother was there?

2 A. That is correct.

3 Q. And you interacted with her by means of a Mandarin Chinese
4 interpreter, is that correct?

5 A. Yes, sir.

6 Q. So you weren't able to ask Mr. Kurniawan any questions
7 about anything that you found at the house?

8 A. No. He asked to speak --

9 MR. HERNANDEZ: Objection.
10 Hold on.

11 THE COURT: Sustained.

12 Q. He wasn't there, right?

13 A. No, he wasn't there.

14 Q. But his mother was there?

15 A. That's correct.

16 Q. You didn't really talk to his mother, did you?

17 A. I did talk to her.

18 Q. Now, you've talked about some rooms in this house. This is
19 not a big, huge house, is it?

20 A. I think it's a very nice house. It's very large --

21 THE COURT: Do you know how many square foot,
22 approximately?

23 THE WITNESS: I know it has four bedrooms. It has a
24 downstairs area. It has a separate garage. It is on a private
25 street. It's valued at --

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Dcbdkur4 Wynne - cross

1 Q. But it is basically a four-bedroom house?

2 A. It is a four-bedroom house, and the appraisal was somewhere
3 around \$960,000. That is a pretty nice house me.

4 Q. That is in the Los Angeles, California, area?

5 A. Yes, sir.

6 Q. Where getting a house is kind of like trying to get a place
7 in Manhattan.

8 So he had four bedrooms, is that right?

9 A. That's correct.

10 Q. One of these four bedrooms -- I take it he stayed in one
11 and his mother was in another one?

12 A. Yes.

13 Q. And then there was another room which you called the
14 storage room? It wasn't a separate storage room. It was
15 really just a bedroom that had been used for that purpose, is
16 that right?

17 A. You may be confusing two things. There was a downstairs
18 room we call the storage room. There is also an upstairs
19 bedroom that appeared to be also a storage room.

20 Q. Now, the first grouping of pictures that you gave us are
21 pictures that came from the kitchen, is that right?

22 A. No. The first group of pictures showed the front door and
23 the access.

24 Q. Fair enough.

25 A. The second group were the kitchen area.

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Dcbdkur4 Wynne - cross

1 Q. So the kitchen pictures start -- starting with 2-3, that's
2 the first picture we get of the kitchen?

3 A. I don't have it up here.

4 MR. MOONEY: Would you put 2-3 up, please.

5 Q. This is the kitchen?

6 A. It is.

7 Q. And is this the picture that was taken when somebody first
8 entered the room?

9 A. That's the scene of the room before anything happened.

10 Q. So nothing has been moved around or reordered at this
11 point?

12 A. No.

13 Q. And if we look at the -- and if you would highlight, there
14 is just below the E and on the counter, to the right-hand side
15 of the counter, there is a bunch of wine bottles.

16 Is that how that looked when you came into the room?

17 A. I believe so.

18 Q. And those are -- those are the wine bottles -- if we go to,
19 for example, 2-11, we see wine bottle all lined up here. Those
20 are wine bottles that were taken out of that grouping that we
21 saw, is that right?

22 A. That is right. They were lined up for purpose of this
23 photo so we could see what was on the counter clearly and not
24 make any mistake about what was there. So that image is a
25 depiction of what was there moved around and organized.

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Dcbdkur4 Wynne - cross

1 Q. Right. And it is not being presented to say this is how it
2 looked?

3 A. Right.

4 Q. It didn't look like that?

5 A. Right. We lined them up like that for the purposes of that
6 photograph.

7 Q. Where are those bottles now?

8 THE COURT: The ones in 2-11?

9 Q. The ones that are in 2-11.

10 A. Some of the bottles we took pursuant to the search warrant.
11 Some of the bottles we left at the house and didn't take.

12 Q. Do you know which of these you took?

13 A. The Marcassin, the second bottle to the left.

14 THE COURT: The --

15 THE WITNESS: Second bottle to the left, I believe, is
16 a Marcassin. That is the only one I can be sure about.

17 Q. Was that one opened or closed? Was it sealed at the time
18 you took it?

19 A. The bottle is here. We could pull it out and look at it.
20 I don't recall right now.

21 Q. Some of these bottles were open and some of these bottles
22 were not, is that correct?

23 A. I believe so, yes.

24 Q. And, in fact, if we look at them we can see corks extending
25 up in some of them?

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Dcbdkur4

Wynne - cross

- 1 A. Yes, sir.
2 Q. The four on the right?
3 A. Yes.
4 Q. The ones that have the corks extended up, there is still
5 some liquid inside of the bottle, is that right?
6 A. I can't tell from this photograph, but I think that to be
7 the case from recollection at the scene.
8 Q. Do you know how you full any of those bottles were?
9 A. No, I don't recall.
10 Q. Did you make any notes of how full any of those bottles
11 were?
12 A. No, sir.
13 Q. If you look at the one on the far left of the picture, it
14 appears that that bottle is empty? Was that an empty bottle?
15 A. I don't know. I just said, I can't tell from this photo
16 and I don't have a recollection of how full at all any one may
17 have been.
18 Q. Nobody made any notes of that?
19 A. No.
20 Q. So we have no way today of knowing whether there was any
21 wine in that bottle, whether it was just an empty bottle
22 sitting there with the others or not, do we?
23 A. That's correct. Unless it is one of the bottles we took.
24 But I don't know right now whether we did or not.
25 Q. So if we go back -- go back to 2-3 again. If you would

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Dcbdkur4 Wynne - cross

1 highlight again those bottles that are up there on the counter.

2 As we look at all those different bottles in there, we
3 really don't know at this point in time how many of those were
4 open, how many of them were empty, and what the level of fill
5 in any of those bottles was, do we?

6 A. Oh, I think we know the ones that were open. Look at the
7 corks protruding; they must have been opened.

8 Q. If they have corks sticking up, they are probably opened?

9 A. I think.

10 Q. But we don't know what the level of fill inside any those
11 bottles is?

12 A. You didn't let me finish.

13 I don't know the level of fill in any of these bottles
14 and we didn't make notes about it.

15 Q. Now, you don't know if anybody had been drinking any of
16 these, right?

17 (Pause)

18 THE COURT: At what point in time?

19 Q. What time of the day was it when you arrived?

20 A. Before 6 a.m.

21 Q. And were the people in the household away or asleep?

22 A. I don't know; I was outside. But they didn't answer the
23 door.

24 Q. And I take it nobody answered the door with a wine glass in
25 their hand?

Dcbdkur4

Wynne - cross

1 A. No, sir.

2 Q. And so people in your experience, a lot of people usually
3 don't drink much wine at 6 a.m. in the morning, do they?

4 MR. HERNANDEZ: Objection.

5 MR. MOONEY: I will withdraw it.

6 Q. Do you know if any wine had been consumed in that household
7 the night before?

8 A. Well, Ms. Tan told me that Rudy was always opening and
9 drinking wine. So this is Rudy's house and these are bottles
10 in his kitchen -- clearly opened.

11 Q. Didn't you learn in the course of your investigation that
12 his practice of drinking was not just to open a bottle of wine
13 and drink from that bottle of wine but to open several and he
14 would like to drink different ones, didn't you learn --

15 A. His mother didn't disclose that to me, sir.

16 Q. Didn't you learn it from other people that you -- I mean,
17 you investigated this man for years, didn't you? You learned
18 as much as you could about him?

19 A. Absolutely.

20 Q. And wasn't that part of the practice that you learned about
21 him?

22 A. Well, if you're asking me what's the practice at a tasting,
23 that may mean exactly what you just suggested. But if you're
24 asking me about Mr. Kurniawan's private practice with respect
25 to opening bottles, I don't know the answer to that.

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Dcbdkur4

Wynne - cross

1 MR. MOONEY: Now, could put up 2-13, please.

2 Q. Now, this is a picture of inside a counter someplace or
3 cabinet someplace in the house?

4 A. It is a cabinet in the kitchen area of the house.

5 Q. The kitchen. OK.

6 Over there toward the right is a can of spray paint,
7 right, Krylon?

8 A. Krylon, right.

9 Q. That is a modern kind of paint, isn't it, this aerosol
10 paint.

11 A. I don't know what "modern" means.

12 Q. Something that --

13 A. It is a regular product that you can get in any paint
14 store.

15 Q. But something that you would only be able to have
16 purchased, say, over the last 20 or 30 years?

17 MR. HERNANDEZ: Objection.

18 A. I don't know.

19 MR. HERNANDEZ: Foundation. Knowledge of the witness.

20 THE COURT: I will let it slide.

21 MR. MOONEY: He already answered.

22 Do we have those exhibits? Can we get Exhibit No.
23 1-101, please?

24 Q. Now, you've previously given some testimony about this
25 device in Exhibit 1-101, is that correct?

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Dcbdkur4

Wynne - cross

- 1 A. Yes, I have.
2 Q. And you've described this as a recorker?
3 A. That's correct.
4 Q. And the way that this is designed to work is you put the
5 cork in this open slot up here, is that right?
6 A. That's what I understand, yes.
7 Q. And then it's supposed to be able to come around and grip
8 the neck of the bottle down below here, is that correct?
9 A. I believe so, yes.
10 Q. Then when you do that, you can add some pressure and push
11 the cork back down into the bottle, right?
12 A. Yes.
13 Q. Now, there is an aperture size for the cork in this device,
14 is there not?
15 A. I don't know if that's what it is. This is the first time
16 I've ever seen a device like that.
17 Q. So you've never worked or seen one of these things before?
18 A. No.
19 Q. But you do physically see that it has a limit as to the
20 size of cork it can use?
21 A. Well, could you bring it closer?
22 Q. Sure. Take a look down here at the end, if you would.
23 A. Mm-hmm.
24 Q. Do you see that?
25 A. Yep.

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Dcbdkur4

Wynne - cross

1 Q. OK.

2 A. OK.

3 Q. And so it's not going to accommodate a cork that's bigger
4 than that, is it?5 A. Well, I don't know if it squeezes the cork and permits it
6 to come through there or not because that is not my device,
7 and, as I said, I've never seen one of those before this case.8 Q. OK. And you've seen corks from lots and lots of wine
9 bottles, have you not?

10 A. Yes, I have.

11 Q. And it's true, is it not, that the cork in the large format
12 bottles is bigger than the cork in the regular sized bottles?

13 A. I don't know.

14 Q. You don't know that?

15 A. No.

16 MR. MOONEY: Do we have any large format bottles
17 around here?

18 MR. HERNANDEZ: We can get one.

19 MR. MOONEY: Yes. Let's just grab hold of it. I
20 thought I saw one.

21 (Pause)

22 MR. MOONEY: You guys are too efficient.

23 Q. You didn't see any -- you searched the house very
24 thoroughly, right?

25 A. I think so, yes, sir.

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Dcbdkur4 Wynne - cross

1 Q. And you didn't find any devices of this nature with larger
2 apertures, did you?

3 A. That's the only device we saw like that.

4 Q. And after you found the first one, which was right out
5 there easy to see, you would have noticed if there was anything
6 else like this around, wouldn't you?

7 A. Yes. We were looking for that kind of an object.

8 Q. So it's safe to say this was the only recorker in the
9 house?

10 A. I think so, yes.

11 THE COURT: Well --

12 MR. MOONEY: Never mind. We will worry about that
13 later.

14 Could we see Exhibit 102, 1-102?

15 Q. Now, Exhibit 1-102, these are some things that you took out
16 of that little dryer device, is that right?

17 A. That's correct.

18 MR. MOONEY: Do you mind if I open this up?

19 MR. HERNANDEZ: Go ahead.

20 Q. I take it, by the way, it wasn't in a baggie like this?

21 A. No, it wasn't.

22 Q. All these baggies that we see are things that you guys
23 brought along to put things in?

24 A. That's correct.

25 Q. So as we look at things that may be assembled together, is

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Dcbdkur4 Wynne - cross

1 it fair to say that things that ended up in the same baggie
2 were in some proximity when you found them but they weren't
3 necessarily packaged together as a group.

4 A. Those three things were in that drying apparatus. So
5 whatever that was, you can see it from the search photographs,
6 they are right there. The photograph is right on it. That's
7 how they were, together.

8 Q. I understand, Agent Wynne. All I am saying is that as we
9 look at this big stack of stuff and all of these different
10 baggies, you guys are the ones who sort of made the decision as
11 to what things to put together in the baggies. They were in
12 close proximity, but they weren't packaged together in the way
13 we see them in the baggies.

14 A. When you say "they," are you referring to those three
15 objects?

16 Q. I am talking about throughout this whole scope of evidence
17 that we looked at today. I don't want to have to go back and
18 go over every exhibit and ask you are these together or not.

19 But I take it that they were all in proximity?

20 A. Yes.

21 Q. But that they weren't already packaged together.

22 If they were packaged together, you kept them packaged
23 together, is that fair?

24 A. Yes. For example, the capsules we saw in those bags with
25 the black magic marker with letters on it weren't taken out

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Dcbdkur4 Wynne - cross

1 like that.

2 Labels that were banded together were banded together.
3 They came out of the gray filing cabinets in the storage room.
4 They were banded together in the drawers. We tried to maintain
5 that integrity. We did bag everything and put exhibit stickers
6 on everything.

7 Q. So all I'm saying is, then, to the extent that they were
8 packaged, you maintained the packaging. But the selection of
9 what -- if you put two things together in one bag -- and you
10 didn't individually bag everything, you put groups of things
11 together in bags, right?

12 If there was a drawer, you would collect things and
13 fill up bags with them?

14 A. Well, if there was a drawer, things were removed, put into
15 boxes. When the evidence came here, we went through -- we
16 sorted some labels together for organization purposes, but
17 from -- we didn't -- from the same room or the same location,
18 we maintained that integrity. So we then took the things and
19 put them in the baggies for the exhibit purposes.

20 Q. So what we know from the bags is that they came out of the
21 same box, and what we know from that is that a box identifies
22 it to a room; is that fair?

23 A. Just say that again, please.

24 Q. OK. If it is a baggie, then everything in that baggie came
25 out of the same box, or did it come out from multiple boxes

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Dcbdkur4 Wynne - cross

1 from that room?

2 A. No. No. It came from the same room.

3 Q. From the same room?

4 A. It came from the same room.

5 Q. So it came from multiple boxes in that same room?

6 A. Yes, I think --

7 Q. This one?

8 A. That one, no. It depends on the label.

9 If we are talking about labels, because we tried to
10 organize labels according to room. That was together as
11 visualized in the photograph and packaged together like that.

12 Q. I just want us to be able to understand what we are looking
13 at. That's all.

14 A. OK. I'm trying to help you.

15 Q. You are. And you are doing a good job of that. Thank you.

16 Let's go back to 102, and I've extracted one of the
17 items from 102. Are you familiar with this?

18 A. Only because of this case.

19 Q. Have you ever used one of these before?

20 A. Never.

21 Q. Do you know what its purpose is?

22 A. To remove a cork.

23 Q. This is one means of hopefully getting a cork out of a
24 bottle, right?

25 A. That's right.

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Dcbdkur4 Wynne - cross

1 Q. Or if you're me, ending up pushing it into the bottle.

2 Do you know what this tends to do to the cork when you
3 use it to take the cork out of the bottle?

4 A. No, I don't.

5 Q. Have you ever seen marks on the sides of corks from the
6 prongs?

7 A. I can't say that I have.

8 MR. MOONEY: I have replaced it in the bag and sealed
9 the bag.

10 THE COURT: If ever there were a time a bag were going
11 to be opened, now would be a good time.

12 MR. MOONEY: If we could see 1-123, 124 and 125?

13 (Pause)

14 Q. Now, Exhibits 123, 124, 125 -- I will bring them up and let
15 you take a look at them.

16 You remember those exhibits, right?

17 A. Yes, sir.

18 Q. Those are all pretty much the same thing, right?

19 A. Yes.

20 Q. OK. And those were found in drawers and things in the
21 kitchen area, is that right?

22 A. I would have to look at the exhibit list to cross-reference
23 whether these are from the kitchen or from the storage room; I
24 would need to look at something further. But they are all from
25 his house.

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Dcbdkur4 Wynne - cross

1 Q. OK. And is it fair to say that what we have in these bags
2 are used corks and capsules?

3 A. Yes.

4 Q. And none of these corks are new corks, is that fair?

5 A. Just bring them back for one minute.

6 Q. Take a look again.

7 A. I would agree, it's fair to say that they are used corks.

8 Q. Is it also -- while you've got it, is it also fair to say
9 that they are in varying states of condition, the corks?

10 A. Yes.

11 Q. Some are completely broken. Some are closer to pristine.
12 Many of them have the mark where somebody has pushed down in
13 them with one of the corkscrew type of openers?

14 A. I see some of them like that, yes, sir.

15 Q. Do you know what happens when you try to use something like
16 one of these corks with something like Exhibit 1-101 on a wine
17 bottle?

18 A. No, I don't.

19 Q. Exhibit 1-101 applies pressure from the top of the cork,
20 doesn't it?

21 A. Yes.

22 MR. MOONEY: If you'd put up Exhibit 216, please.

23 2-16.

24 Q. You showed us this earlier, which is kind of like a wine
25 rack, if you will.

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Dcbdkur4

Wynne - cross

1 Was there a wine cellar in this house?

2 A. No, sir.

3 Q. No area that was sort of climate controlled?

4 A. Well, the whole house was climate controlled. The
5 thermostat was set very low. And, in fact, in this beautiful,
6 almost million-dollar house, they used space heaters in the two
7 bedrooms. So the entire house was a wine cellar, wine factory.

8 Q. But it is a wine cellar. One of the most important things
9 with wine is to keep it at a stabilized temperature, is that
10 right?

11 A. That's correct.

12 Q. And a stabilized temperature means a constant temper; that
13 is one of the important things, right?

14 A. Yes.

15 Q. One of the important things with wine is to have it avoid
16 vibrations, isn't that true?

17 A. Yes, I believe so.

18 Q. Because vibration quickly ruins wine, doesn't it?

19 A. My expertise isn't that far. I know about complaints in
20 transportation, that's all.

21 Q. You've studied this subject a little bit at least over the
22 last few years?

23 A. Well, when I started this, I knew nothing about wine. I've
24 learned a little bit every day so I -- but I am not here to
25 testify about any expertise with respect to wine and the wine

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Dcbdkur4

Wynne - cross

1 process.

2 Q. When did you first start working on this?

3 A. In 2006 I opened a wine investigation not related to
4 Mr. Kurniawan.

5 Q. So you've been at least involved in looking at wine and
6 rare wine issues for six or seven years?

7 A. That's correct.

8 Q. And I take it that you learned a lot but you probably
9 wouldn't consider yourself an expert at this point?

10 A. That's correct.

11 Q. If I took you along with me to Christie's and said should
12 we buy that bottle of wine, you wouldn't be saying don't ask;
13 you would be saying, yeah, you could say don't ask me, wouldn't
14 you?

15 A. That's right.

16 Q. Even though you might think you know a lot of things, you
17 are probably not going to venture a guess, right?

18 A. No. I don't think we should be guessing.

19 Q. OK. Perhaps the only thing that's more dangerous than
20 somebody who doesn't know is somebody who thinks they know?

21 MR. HERNANDEZ: Objection.

22 MR. MOONEY: Withdrawn.

23 Q. Now, this is the -- this was the largest storage area which
24 you saw in the house, is that right?

25 A. This was probably the largest storage area in the house.

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Dcbdkur4 Wynne - cross

1 There was a very large refrigerated wine cellar, so to speak,
2 wine refrigerator -- a huge one -- but I don't think it would
3 hold the number of bottles that this held.

4 In addition --

5 THE COURT: Excuse me. Where was this again? In what
6 room?

7 THE WITNESS: This is in the room we called the
8 storage room on the first floor.

9 A. In addition, the living room was basically a wine storage
10 area. It was filled with boxes and crates of wine all over the
11 place.

12 Q. And if you look at -- if you look at this picture, it
13 appears like every slot is pretty full, is that right?

14 A. Yes, it does.

15 Q. And there were a lot of different kinds of wine in here but
16 also some very similar ones, is that right?

17 A. I guess that is fair to say, yes.

18 Q. Did you do an inventory?

19 A. No, we didn't do an inventory.

20 Q. Did you take some of these wines or any of these wines?

21 A. Yes, we took wines from the storage room.

22 Q. And you only inventoried the wines that you took; you made
23 no inventory of the other bottles of wine that were in the
24 house, is that right?

25 A. Yes. The concept is to inventory the things we're taking

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Dcbdkur4 Wynne - cross

1 and to leave the things alone in the house as we found them as
2 best we can.

3 Q. How many bottles do you think you took from the house?

4 A. We probably took on the order of 25 to 35 -- 30 bottles,
5 probably.

6 Q. And those are bottles that you specifically selected
7 because you thought that they had some potential evidentiary
8 value?

9 A. That's correct. We selected bottles from the kitchen. We
10 selected bottles from the storage room, bottles that were
11 unlabeled on the treadmill in the kitchen, bottles that were
12 waiting at the sink unlabeled, and selected items from the
13 storage room.

14 (Continued on next page)

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DCBBKURT5

Wynne - cross

1 BY MR. MOONEY:

2 Q. How many unlabeled bottles were there?

3 A. On the treadmill alone there were close to 18 at least. We
4 could count them if you put it up. And there were a
5 significant number of other bottles in the storage room
6 unlabeled.

7 Q. Did you count how many were unlabeled?

8 A. No, we photographed the ones on the treadmill. The storage
9 room was very tight. There were bottles on the floor. If you
10 put up some of the other photographs, you can see the bottles
11 on the floor. It was extremely hard to work in there. We're
12 dealing with wine so we want to be careful, so we did not
13 inventory everything in there.

14 Q. How many unlabeled bottles did you take?

15 A. We probably took a half a dozen unlabeled bottles.

16 Q. So out of a couple of dozen of unlabeled bottles, you only
17 took maybe six?18 A. Yes. We were limited to what we could transport. We
19 didn't have to take every bottle that was on the treadmill
20 waiting to be labeled. We photographed them. They're
21 documented. They're here for everyone to see.22 Q. Do you know what was in any of those bottles sitting on the
23 treadmill?

24 A. No, I don't.

25 Q. Did you ever bother to find out what was in any of those

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DCBBKURT5 Wynne - cross

1 bottles sitting on the treadmill?

2 A. Once we left the house, we were done with the house so it's
3 not like I could go back and sample what was sitting on the
4 treadmill.

5 Q. So as you sit here today, you have no idea what was
6 actually in any of those bottles sitting on the treadmill, any
7 of those dozen and a half bottles?

8 A. That's correct.

9 Q. And sitting on the counter and the sink there were, what,
10 two or three of them?

11 A. There were two or three to the left of the sink. If you
12 put it up, we could look. There were two or three soaking in
13 the sink.

14 MR. MOONEY: Let's go back to-- let's look at Exhibit
15 2-4.

16 Q. So that shows the three bottles sitting by the side of the
17 sink. Right?

18 A. Yes, it does.

19 Q. And you can see a bottle inside the sink that has a label
20 on it?

21 A. That's correct.

22 Q. What was the label on the one in the sink?

23 A. I don't recall.

24 Q. Did you take it?

25 A. I don't recall if we even took the one in the sink.

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DCBBKURT5

Wynne - cross

- 1 Q. So we don't know what that bottle was at this point, do
2 we?
- 3 A. No, I don't.
- 4 Q. And we don't know what was in any of the three that are
5 sitting on the side of the sink, do we?
- 6 A. I don't know how you could. They're unlabeled.
- 7 Q. Where are they now?
- 8 A. Well, they're either in the custody of the FBI or they're
9 in the custody of Ms. Tan, his mother.
- 10 Q. Depending on whether you took them or not.
- 11 A. That's right.
- 12 Q. Now, there's wine bottles around the house that aren't
13 standing up. They're laying down. They're on the floor, on
14 the treadmill, places like that. That's really the
15 appropriate thing to do with a bottle of wine is to lay it
16 down, isn't it?
- 17 A. Yes, but I would venture to say, even with my limited
18 knowledge of wine, that you don't want to be laying them down
19 on treadmill.
- 20 Q. It wouldn't be a good idea to use -- it wouldn't be easy to
21 use the treadmill under those circumstances, would it?
- 22 A. Well, I think it was being used.
- 23 Q. It wouldn't be helpful for exercise.
- 24 A. No.
- 25 Q. Let's look at Exhibit 2-14. You identified what appears to

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DCBBKURT5

Wynne - cross

- 1 be a printer of some kind sitting in the corner.
2 Was this printer hooked up to anything?
3 A. The printer was exactly as you see it. I didn't test it.
4 Q. Did you take it?
5 A. We did not take it.
6 Q. Do you know what kind of printer it was?
7 A. I don't recall. I know there was a Xerox Phaser 775
8 printer I think that was used by Mr. Kurniawan, but I don't
9 recall if that was one-- if that was a Xerox or not.
10 Q. Was there another printer that was found in the house?
11 A. There were-- there was either a smaller printer or a
12 scanner/fax machine that is not depicted in this photograph,
13 but would be to the left of that chair. If you looked at the
14 picture-- if you're looking at the picture, there's a chair,
15 the seat. You can only see the seat, so behind that there were
16 some other devices on the floor.
17 Q. You didn't take a picture of that?
18 A. No.
19 Q. And you didn't take the device?
20 A. We didn't take the devices, no.
21 Q. And so we have nothing that documents what was there, what
22 it was or how it was hooked up?
23 A. I don't know how it's hooked up, but I just documented what
24 was there.
25 Q. I don't see a computer here. Where were the laptops?

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DCBBKURT5

Wynne - cross

1 A. The laptops weren't in this room. The laptops were in --
2 we called it the living room, like kind of a den on the other
3 side of this room where there was a TV.

4 Q. I'm one of those guys that grew up in a world with wires,
5 but we don't use them much anymore.

6 Was there any kind of a wireless hookup that you saw?

7 A. I don't know what you mean by "a wireless hookup."

8 Q. Did you find a Wi-Fi connection set up in the house?

9 A. I don't recall.

10 Q. So you don't know how-- if any of these devices were hooked
11 up, in any working condition at all?

12 A. Well, I do know the digital devices were all working
13 because we took evidence off of them.

14 Q. You operated them and had them do something?

15 A. I'm talking about the computers. If you're talking about
16 the printer, I've already testified that we didn't really touch
17 the printer. It was too big for us to even move. We didn't
18 have a vehicle that could handle the evidence and the printer
19 so we had to be selective in what we took.

20 MR. MOONEY: If you could go to 2-25, please.

21 Q. Now, 2-25 is a picture of four bottles sitting on top of a
22 shelf against a white background. Is that right?

23 A. That's correct.

24 Q. And this you described, I think, earlier as being an area
25 that was set up to be able to do photos?

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DCBBKURT5 Wynne - cross

1 MR. MOONEY: Go back to 2-24.

2 Q. This gives us a better picture of that. Right?

3 A. That's a longer view. It was at the end of one hallway and
4 situated in another hallway. And it had the lower portion wine
5 rack kind of set up and it had the four bottles sitting up
6 there in this makeshift photo setup.

7 Q. So it provided a place where Mr. Kurniawan could take
8 pictures of the bottles or anything else, any other merchandise
9 he might want to sell?

10 A. Yes.

11 Q. And/or pictures of things he just wanted to keep?

12 A. Well, how would I know that?

13 Q. And it's quite common, isn't it, for people to take
14 photographs of things and send it out to other people if
15 they're interested in buying things?

16 A. Well, if people are taking pictures and sending them out to
17 other people, I guess they're interested in selling it.

18 Q. That's what I said.

19 A. No, you said buying. So, yes, selling. That seems
20 reasonable to me, yes.

21 Q. If I've got something that I want to sell to you, you
22 probably would want to see a picture of it before you buy it
23 from me if you can't see the real thing, don't you?

24 A. Absolutely.

25 Q. So you weren't surprised to see a place where he could take

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DCBBKURT5

Wynne - cross

1 pictures, were you?

2 A. No. Well, I don't know. "Surprised" is not the right word
3 maybe for that.

4 Q. Okay.

5 A. I found it interesting, I think, to see the photo setup
6 with the bottles sitting there in a position to be
7 photographed.

8 Q. Okay. And did you find photos of those bottles?

9 A. There are images, I think, of those bottles on one of his
10 digital devices, yes.

11 Q. When you checked his e-mail, did you see if there were
12 copies of those pictures attached to e-mails that he sent out?

13 A. I don't recall that one way or the other, whether I saw
14 that or not.

15 Q. You got all his e-mails, didn't you?

16 A. Yes.

17 Q. The whole thing?

18 A. Yes, sir.

19 Q. Going back as far as the e-mail database was maintained.
20 You got all of those, didn't you?

21 A. We got them as long as the company retained the records,
22 yes.

23 Q. Okay. And sometimes e-mails have attachments to them,
24 don't they?

25 A. Yes.

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DCBBKURT5

Wynne - cross

1 Q. Did you search them to see what attachments there were to
2 the e-mails?

3 A. For these bottles?

4 Q. Any pictures of bottles attached to any e-mails that he
5 sent. Did you look for those?

6 A. I've looked at many, many images of bottles on any number
7 of digital devices and in e-mails. I thought you were making
8 reference to these four bottles.

9 Q. Well, aside from those, were there any pictures of any
10 bottles that were sent by him by e-mail that you saw? There
11 were some of those, weren't there?

12 A. Yes, I think there are many e-mails with images of bottles
13 and/or lists of bottles that are being offered.

14 Q. But you haven't put into evidence here today any specific
15 pictures of any bottles that were attached on e-mails that you
16 sent to anybody. Is that fair? We haven't seen any of those.
17 In all of this stuff, we haven't seen that?

18 A. That may be true, yes.

19 MR. MOONEY: Could we have Exhibit 1-173, please? And
20 you can take this one down now. Thank you.

21 I think I want to go to the ELMO. This is the tasting
22 notes.

23 MR. ROESER: The rest of what you requested is kind of
24 all in here.

25 MR. MOONEY: Okay. Just bring it out.

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DCBBKURT5

Wynne - cross

1 MR. ROESER: I'm hauling it around by myself.

2 MR. MOONEY: I appreciate that. There it is. Always
3 on the bottom, isn't it?

4 BY MR. MOONEY:

5 Q. You remember this book from 1-173. Right?

6 A. Yes, sir.

7 Q. And there were actually other ones as well, were there not?

8 A. Yes, there were many books.

9 Q. This wasn't the only one.

10 And if you look at --

11 MR. MOONEY: Could we put the ELMO on, please? Thank
12 you.

13 Q. If you look at this, look at the top, right at the very top
14 you see a date up there?

15 A. I see "10/2009."

16 Q. Okay. And it might be a date. Right?

17 A. Yes, sir.

18 Q. And then, underneath that, we have the name of a wine and
19 then we have a description. And I'm not even going to try to
20 read the handwriting.

21 A. Okay.

22 Q. I left that to Mr. Hernandez.

23 In the six years that you've been involved in looking
24 at this wine activity, you've met a good number of people who
25 are collectors and tasters and people who find the enjoyment of

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DCBBKURT5 Wynne - cross

1 good wine to be something really important, haven't you?

2 A. Yes, I have.

3 Q. And isn't it very common, very common, for these people to
4 keep tasting notes when they taste bottles?

5 A. Yes.

6 Q. And they share those notes amongst each other, don't they?

7 A. I don't know if they share the notes.

8 Q. Okay?

9 A. I suspect they may think they're more proprietary,
10 actually.

11 Q. Okay. And that helps them sort of keep track of what they
12 like and what they don't like?

13 A. I think that's fair enough.

14 Q. Now, if we go over 20 pages through the book, you see an
15 "11/09." Do you see that?

16 A. Yes, sir.

17 Q. Wouldn't that seem to indicate that those 20 pages, this
18 portion of the book-- uh-oh, now I've done it-- are
19 Mr. Kurniawan's tasting notes from a one-month period of time,
20 a period of 10/09 to 11/09?

21 A. Yes.

22 MR. MOONEY: I'll be careful what I do with the book.

23 Q. If we look to the last page of writing, you see the date
24 "3/12" up there. Do you see that?

25 A. Yes, sir.

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DCBBKURT5

Wynne - cross

1 Q. When was it that you raided his house?

2 A. March 8, 2011.

3 Q. So it would appear, would it not, that this was
4 Mr. Kurniawan's current tasting notebooks, where he kept
5 track of and wrote down notes from the wines that he was
6 tasting?

7 A. I wouldn't know if that's his current book. He had many,
8 many books.

9 Q. Okay. Now, I won't go through all of these. I'll try to
10 save us that.

11 A. Okay.

12 Q. But a good number of these exhibits-- and let me show you
13 Exhibit 1-296, Exhibit 1-303 and 1-297.

14 You recall these exhibits, do you not?

15 A. Yes, I do.

16 Q. And those appear to be labels that may have once resided on
17 bottles, don't they?

18 A. Yes, it appears that that could be the case.

19 Q. Could have been soaked off up there in the sink we saw?

20 A. Or removed in some other way. I don't know.

21 Q. Have you checked them in any way to see if-- is there any
22 way to check to see if they've been soaked off?

23 A. I don't know.

24 Q. Okay. But those all do appear to be actual labels that
25 have come from bottles?

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DCBBKURT5

Wynne - cross

1 A. Well, as a generalization, I say that that is possible,
2 that there may well be some originals here.

3 Q. Okay.

4 A. But I'm not going to tell you that everyone one is
5 absolutely authentic and original.

6 Q. All right. We've established that you and I aren't
7 authorized to do that, haven't we?

8 A. Okay.

9 Q. So I won't do it either. Let me show you 1-295.

10 But just as the sort of common guy, if you look at
11 those, doesn't it kind of look like those have been wet and
12 dried out, at least the ones we see on the top?

13 A. The ones on top appear to have been distressed, I agree.

14 Q. Well, they look like they've been soaked, don't they?
15 Doesn't that look like-- I mean, I don't know about you, but
16 I've gotten things wet in my life before and they often don't
17 end up looking quite like I wanted them before. It seems
18 that's what they look like.

19 Would you agree with that?

20 A. I would concede that that's possible, yes.

21 Q. Exhibit 1-266 has a good number of pictures in it.

22 A. Yes.

23 Q. Are you able to determine where those pictures were taken,
24 what that was about?

25 A. I believe some of the pictures are taken at Christies, at

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DCBBKURT5 Wynne - cross

1 an auction. For example, this one.

2 Q. Okay.

3 A. You can see the audience. You can see the "Christies"
4 logo.

5 Q. Let me --

6 A. This --

7 MR. MOONEY: Let me put that up for the jury. Maybe
8 we'll-- if we can publish that instead, your Honor. That might
9 be easier.

10 THE COURT: Sure.

11 MR. MOONEY: This is Christies.

12 A. This is the same. These other photos appear to be
13 either -- maybe individuals at some function. I don't know.
14 It could be Christies or it could be something else, they're
15 all together here, at tastings.

16 Q. What about the ones with all of the bottles of Petrus?

17 A. I don't know where this was taken.

18 Q. And --

19 A. That goes with that.

20 Q. Yes, it does.

21 MR. MOONEY: Can you put the ELMO up?

22 Q. I take it you're not sure exactly where this took place.
23 Is that right?

24 A. That's correct. I don't know where this was taken.

25 Q. But what we see is a number of people around a table and a

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DCBBKURT5 Wynne - cross

1 lot of glasses in front of them.

2 A. Yes, sir.

3 Q. Would this be a consistent kind of thing for a tasting?

4 A. I've not had personal experience at a tasting. I've seen
5 many photos and to me this seems consistent with what I've seen
6 in photos of what goes on at a tasting.

7 Q. And, in fact, if we look at this one, we get a look of--
8 you recognize Mr. Kapon?

9 A. Yes, sir.

10 Q. And Mr. Kurniawan.

11 Do you recognize any of the other people in this
12 picture?

13 A. I believe the gentleman in the right, looking away from us,
14 the back of his head, that is Andrew Hobson, I believe. I
15 don't know the other two individuals in the photograph.

16 Q. And it looks like there is a prodigious number of glasses
17 in front of each of these individuals. Would you --

18 A. I would concede that, yes.

19 Q. Okay. I'll hold this aside until we get the others back.

20 Exhibit No. 1-167, do you recall that one?

21 A. Yes, sir, I recall that.

22 Q. And what is this?

23 A. These are temporary capsules.

24 Q. Okay. What does a "temporary" capsule mean?

25 A. I understand it's a capsule used for a short period of time

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DCBBKURT5

Wynne - cross

- 1 to put on a bottle. It's not like a final capsule --
2 Q. What's-- I'm sorry.
3 A. -- which might be metal or wax.
4 Q. Okay. And the cork in the bottle is the primary seal to
5 protect the liquid that's inside. Right?
6 A. That's correct.
7 Q. And after the cork you want to give it some additional
8 protection by virtue of having a capsule over the outside.
9 Right?
10 A. Right, and that could be metal.
11 Q. It protects the top of the cork. It protects against some
12 leakage, but not necessarily all. So this is one thing you can
13 do. You can put one of these things on. And then, what, you
14 heat it up?
15 A. No. I don't know how you use that.
16 Q. Okay.
17 A. All I understand is it's a temporary capsule.
18 Q. Okay. And 1-166 is essentially the same thing?
19 A. I think it's more of the same.
20 Q. Just more of these.
21 A. Right.
22 Q. And these are quite low-end, inexpensive capsules, are they
23 not?
24 A. Yes, I believe so.
25 Q. A step up from that is to go to something in foil, foil

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DCBBKURT5

Wynne - cross

1 capsules. The lead foil capsules are going to be better,
2 right, more protection?

3 A. Better than what? Those are just temporary. I'm not even
4 considering them as--

5 Q. Okay. Well, what's temporary? A year? Ten years? Twenty
6 years?

7 MR. HERNANDEZ: Objection.

8 A. I didn't ask the question.

9 MR. HERNANDEZ: He already said he doesn't know.

10 THE COURT: He doesn't.

11 Q. Okay. And ultimately wax is one of the better ways to do
12 it. Right?

13 A. Well, I can't sit here and tell you that I know that foil's
14 better than wax or vise-versa. I do know that wax is used as
15 well as foil.

16 Q. Okay. Now, 1-165, those are new corks. Right?

17 A. That's correct, these are new corks.

18 Q. And those could be used to fresh cork a bottle if you
19 needed to. Right?

20 A. Yes, I believe so.

21 Q. And I'm not finding the bottle-- or the exhibit.

22 Do you recall an exhibit that had a wine label and had
23 the notation on it that said "Drunk with Harvey"--

24 A. Yes, I do.

25 Q. -- such and such a date?

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Wynne - cross

- 1 A. Yes.
- 2 Q. One of the things that you learned in the course of your
3 investigation is that it's not at all uncommon for people
4 involved in these kinds of activities to write on the outside
5 of the bottles and sign the labels and do things like that.
6 Isn't that true?
- 7 A. That's true. We had an exhibit exactly like that.
- 8 Q. Right. And, in fact, when you were in Mr. Kurniawan's
9 house, you found bottles that had been signed off on, did you
10 not?
- 11 A. We had one here today.
- 12 Q. Yes.
- 13 A. It was dated 2/8 of '08, I believe.
- 14 Q. Yeah, that big -- one of the large-format bottles.
- 15 A. That's right.
- 16 Q. And a bunch of people had signed it.
- 17 A. That's correct.
- 18 Q. So you learned that one of the things that people who get
19 involved in all of this like to do is to sort of commemorate
20 the occasion?
- 21 A. That's correct.
- 22 Q. And one way to commemorate and remember is just to sign off
23 and say, yeah, we all tasted this wine?
- 24 A. Just as we saw in that big-format bottle.
- 25 Q. So the label that we saw on there that somebody had written

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Wynne - cross

- 1 "Drank with Harvey" on such-and-such a date is probably a real
2 label off of a bottle someplace, wouldn't you say?
3 A. I would think that might be correct, yes.
4 Q. And you learned in the course of your investigation that
5 it's not uncommon for people to collect labels and collect
6 bottles and put up all sorts of related memorabilia. Right?
7 A. Well, I think it is not uncommon for people to sign bottles
8 to commemorate a special event. You said a second part to
9 that, put up things, or something to that effect, that I don't
10 understand.
11 Q. What about people? Aren't there people who collect corks
12 and then will, like, make a wall of corks or art piece of
13 corks? Haven't you seen that or heard of that?
14 A. I've heard of that from one person.
15 Q. And haven't you seen people who will then use the labels in
16 decor? What about as wallpaper?
17 A. I have not seen that. I may have heard that.
18 Q. And you knew Mr. Kurniawan had bought another house and was
19 under construction in a different house. Right?
20 A. Yes.
21 Q. Did you ever go into that house?
22 A. No, sir.
23 Q. Did you ever see what the inside looked like?
24 A. No, sir.
25 Q. Ever see anything that they were doing with regards to the

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DCBBKURT5

Wynne - cross

1 decor?

2 A. No, sir.

3 Q. They had some permit problems and been stopped on the
4 construction, hadn't they?

5 A. I understand there were issues with the contractor, yes.

6 Q. So you don't know what state of completion that the house
7 was in?

8 A. No, sir.

9 Q. And you don't know what the decor of the house was going to
10 look like or what things might have been going in there?

11 A. No, sir.

12 Q. And the one that everybody has signed, that was Exhibit
13 1-404. Is that right?

14 A. I don't know the exhibit number, but it was here.

15 MR. MOONEY: Did they bring that one back out?

16 MR. HERNANDEZ: Which one?

17 MR. MOONEY: 1-404. They listed it. I don't see it.

18 MR. ROESER: I didn't bring the bottles back out.

19 MR. MOONEY: You didn't bring the bottles?

20 MR. ROESER: I can get that right now.

21 MR. MOONEY: Just that one. Just the 1-404. We won't
22 worry about the others. It's getting late.23 While he's getting that, let's jump ahead and put up,
24 if you would, Exhibit 1-89. Great. Can you just put it on the
25 table there? Great. Thank you so much.

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DCBBKURT5

Wynne - cross

1 MR. ROESER: Sure.

2 MR. MOONEY: 1-89. 1-89, please. You don't have it
3 electronically? Okay.

4 Q. Do you remember one of the things-- I'll put it on the ELMO
5 then, at least the part I want. Let's do that.

6 Do you remember finding copies of this New York Times
7 article in Mr. Kurniawan's house?

8 A. Yes, sir.

9 Q. And he's mentioned in the article, isn't he?

10 A. He is.

11 Q. And not necessarily in a negative way?

12 A. No, I don't believe in a negative way. I think it talked
13 about a world record price for the Cellar II sale.

14 Q. And his mother lived in that house, too, didn't she?

15 A. Yes, his mother lived in the house in Arcadia, yes.

16 Q. Is it uncommon for people to find that people have a copy
17 of an article that mentions them?

18 A. No, I don't think it's uncommon.

19 Q. Sometimes people even send you those things, don't they?
20 They say, "Look, you're in the paper."

21 A. Yes.

22 Q. This is the bottle that has the autographs. Right?

23 A. Yes, sir.

24 Q. And this was once sealed in wax. Is that correct?

25 A. Yes.

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DCBBKURT5

Wynne - cross

- 1 Q. And there's no cork in it right now, is there?
2 A. No, sir.
3 Q. What size bottle is this?
4 A. Can I see it closer? It looks like it's a magnum. Well,
5 it might even be bigger than a magnum.
6 Q. Yes.
7 A. I don't know how big it is.
8 Q. And, again, I'm with you. So we're maybe magnum, double
9 magnum, something like that?
10 A. Yes.
11 Q. But it's a larger-format bottle.
12 A. Yes.
13 Q. Do you know any of these people who signed on this bottle?
14 A. Paul Amador. This says "Big Boy." I don't know who that
15 is. Haley Graham. I think Carl Palmer signed this as well
16 somewhere.
17 Q. And there's a date on it that says February 8th of 2008.
18 Is that right?
19 A. That's correct.
20 Q. Somebody says "I'm a rat."
21 You talked about some e-mail communications.
22 MR. MOONEY: Can you put up 13-12 first?
23 Q. Now, this 13-12 is communications between Mr. Bohr and
24 Mr. Kurniawan. Is that right?
25 A. Yes, sir.

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DCBBKURT5

Wynne - cross

1 MR. MOONEY: And if you'd highlight the body of the
2 message and enlarge it. No, not the heading. From the
3 original message part down to here. I'm sorry. Yeah, right
4 there. Okay.

5 Q. And this is where Mr. Kurniawan's asking to have bottles
6 shipped back to him. Right?

7 A. That's correct.

8 Q. And what he's saying in there is he wants them for a photo
9 shoot?

10 A. That's what he says, that's correct.

11 MR. MOONEY: So if you'd go now to 3-13.

12 Q. Now, you have seen, back in Exhibit 2-24, where we know he
13 had a place set up to do just exactly that, didn't he?

14 A. Yes, he did.

15 MR. MOONEY: So now go to 3-13. 13-13, I'm sorry.
16 I'm sorry, 13-13. The next e-mail. That was my fault. Okay.
17 And if you'd go down and highlight the part where it says
18 "Robert and John" down to "RK" to see what Rudy is saying.

19 Q. Rudy said I received them, but all but two were broken.
20 And then he ends up by saying What a pity, we won't be able to
21 do the photo shop-- photo shoot. Right?

22 A. He says "In any event, we are not able to do the photo
23 shoot we originally planned to record this historical event.
24 What a pity..."

25 Q. So he was disappointed he couldn't take the pictures?

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DCBBKURT5 Wynne - cross

1 A. That's what the e-mail says, yes.

2 MR. MOONEY: Now if you could put up 13-30, please.

3 And if you would highlight, please, the top part of the body.

4 Right there. That would be good.

5 Q. Now, this is--

6 MR. MOONEY: Down further. Down further. A little
7 further. Good. Right there.

8 Q. Okay. This is from Rudy to John Kapon. Right?

9 A. You'll have to go back and let me see the top, because he
10 did that too quickly.

11 MR. MOONEY: Let him see it again first.

12 Q. I'm sorry, I cut you off before you had a chance.

13 A. Okay.

14 Q. There we go.

15 A. I see it.

16 Q. We know from Mr. Hardy that Ackerbids@aol was John Kapon.
17 Right?

18 A. Yes.

19 Q. Okay. So we've got Ackerbids@aol to ri8, which we know is
20 Rudy. Right?

21 A. That's correct.

22 Q. So this is John and Rudy. If you go back to the outside of
23 this, you'll see that it's from Acker. Right?

24 A. Yes, that's from Acker.

25 Q. Okay.

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DCBBKURT5

Wynne - cross

1 A. Responding to Mr. Kurniawan's message.

2 Q. Correct. Correct.

3 So let's go down now and see what he's responding to.

4 MR. MOONEY: Let's highlight what it was that

5 Mr. Kurniawan was saying to him. Right there. There you go.

6 Thank you.

7 Q. And he's saying, Can you get 100 or 200 cases of cheap 80s
8 Bordeaux--

9 MR. HERNANDEZ: Objection. Just that a word was
10 skipped.

11 THE COURT: Dar.

12 MR. MOONEY: Okay.

13 Q. So can you read what it is that Mr. -- what he's saying?

14 A. You want me to read the e-mail message?

15 Q. Yes. Read the portion down here that Rudy is saying.

16 A. Okay. So Mr. Kurniawan writes: "Can you get Dar 100 to
17 200 cases of cheap 80s bord"-- Bordeaux presumably-- "like 81
18 to 88? 400 to 700 a case."

19 Q. And you knew who Dar was. Dar was his brother?

20 A. Yes, that's correct.

21 Q. And Dar lived in Hong Kong. Right?

22 A. That's correct.

23 Q. So this appears to be a request to send a couple hundred
24 cases of '80s Bordeaux to Hong Kong?

25 A. It doesn't say to Hong Kong.

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DCBBKURT5 Wynne - cross

1 Q. It says "get Dar," doesn't it?

2 A. Yes, but Dar used the Arcadia address.

3 Q. This doesn't say it's sending it in the United States at
4 all, does it?

5 A. It doesn't say where to send it.

6 MR. MOONEY: Now, if you would go to Exhibit 13-32,
7 please.

8 Q. Do you recall this one? This was the communications
9 between Mr. Kurniawan and the woman who was writing the
10 article.

11 A. Yes, I remember this e-mail.

12 Q. And do you remember, one of the issues that was made about
13 this e-mail was Rudy saying I don't keep records. Is that
14 right?

15 A. That's correct.

16 Q. Okay. And you testified in response to that that when you
17 raided his house, you found lots of records.

18 A. That's correct.

19 MR. MOONEY: Would you highlight the date at the top
20 of this one, please? The date of the e-mail itself.

21 Q. When was this e-mail, the last part of the communications
22 of this e-mail?

23 A. The date of this e-mail? I'm sorry?

24 Q. What's the date?

25 A. It's 11/6 of 2006.

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DCBBKURT5 Wynne - cross

1 Q. So a long time ago. Over five years prior to the time that
2 you raided his house.

3 A. Yes.

4 Q. So how many records did you find in the house that
5 predated November of 2006? Were there lots and lots of
6 records?

7 A. Well, there were lots and lots of records. I did not make
8 an effort to categorize by year how much there was in each
9 year.

10 Q. So you can't tell from what you found in the house in March
11 of 2012 what his recordkeeping practice was prior to November
12 of 2006, can you?

13 A. Well, I can testify that he kept records from way back
14 2002/2003 to some extent. I can't testify about the volume of
15 those records, but there certainly were records in the house
16 for early periods of time.

17 Q. So you found some early records.

18 A. Yes, sir.

19 MR. MOONEY: Would you give us Exhibit 25-1, please?

20 Q. Remember this document?

21 A. Yes, sir.

22 Q. This is the document that Mr. Kurniawan used to open his
23 Wells Fargo account. Is that correct?

24 A. That's correct.

25 MR. MOONEY: And would you highlight, first of all,
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DCBBKURT5 Wynne - cross

1 the date with the signature on this?

2 Q. What's the date that this was signed?

3 A. I think that it's December 20th, 2002.

4 MR. MOONEY: Okay. And now if you'd go back up to the
5 top and would you highlight the name and address portion?

6 Q. Where was Mr. Kurniawan listing his address to be as of
7 December of 2002?

8 A. Let me just correct one thing. This is a September/October
9 document. That was a misreading of that handwritten date. If
10 you look at the top of the document, you'll see the correct
11 dates.

12 THE COURT: You're going back to the one before this?

13 THE WITNESS: I'm on the same screen that's up on
14 display monitor.

15 Q. Okay.

16 A. So look at the top of the document.

17 Q. The top of the document?

18 A. It says "October 22, 2002." I read that as-- I'm sorry.
19 Okay. There it is.

20 Q. That's all right.

21 A. It's a September/October 2002 document.

22 Q. So we're talking about now October something of 2002.

23 THE COURT: Hold on a second. Can we just go back to
24 the signature just to clarify?

25 MR. MOONEY: Go back and take a look at the signature

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DCBBKURT5 Wynne - cross

1 portion again.

2 THE COURT: I suppose that could be October 12, 2002.

3 Right?

4 MR. MOONEY: That's probably a 10.

5 THE COURT: Could be. I mean, as opposed to December
6 10, 2002. It could be.

7 Q. So it looks like from the stamp on the document this is
8 October of 2002. Is that correct?

9 A. Yes, I agree.

10 MR. MOONEY: Let's go back now to the name and
11 address.

12 Q. And where is Mr. Kurniawan living and showing as his
13 residence in October of 2002?

14 A. 9638 East Naomi Avenue.

15 Q. And that was, in fact, the address that you showed as his
16 primary residence all the time you were investigating him,
17 isn't it?

18 A. No, he had a prior residence to this, an apartment. I
19 don't recall the address right now. Then he had this residence
20 and then he had the house under construction as well.

21 Q. And he wasn't living in the house yet?

22 A. No, he was not.

23 Q. And the prior residence was in Pasadena. Is that right?

24 A. I'm not sure.

25 Q. Okay. But it appears, at least from these documents -- at

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DCBBKURT5

Wynne - cross

1 least from these documents it appears that by the fall of 2002,
2 he's at the Naomi Avenue address. Is that fair?

3 A. Yes.

4 MR. MOONEY: That's enough for that.

5 If I could have just a moment, your Honor.

6 THE COURT: Sure.

7 (Pause)

8 MR. MOONEY: Okay. You can take this one down.

9 No more questions.

10 THE COURT: Okay. Any redirect?

11 MR. HERNANDEZ: Yes, your Honor.

12 THE COURT: Do you want to take two minutes for the
13 jury? Yes, let's just take two minutes.

14 (Jury excused)

15 (Recess)

16 (Continued on next page)

17

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Dcbdkur6 Wynne - redirect

1 (Jury present)

2 THE COURT: Please be seated.

3 THE CLERK: Agent Wynne, I just want to remind you,
4 you are still under oath.

5 THE WITNESS: Yes, ma'am.

6 THE CLERK: Thank you.

7 REDIRECT EXAMINATION

8 MR. HERNANDEZ: Mr. Platt, can we have 26-10 up.

9 BY MR. HERNANDEZ:

10 Q. Agent Wynne, I am going to take it from the top from where
11 Mr. Mooney began.

12 Do you recall, Mr. Mooney asked you several questions
13 about Government Exhibit 26-10, the chart showing expenses from
14 the defendant's American Express card 2007, 2008?

15 A. Yes, I do.

16 Q. You made a special column for Hermes for '07 and '08,
17 correct?

18 A. That is correct.

19 Q. Can you tell us why you chose Hermes for this chart?

20 A. Hermes was the most significant vendor in terms of number
21 and amount. When I say "vendor," I mean a single vendor, a
22 single entity from which Mr. Kurniawan was buying things that
23 are personal in nature, and I thought it demonstrated to the
24 best degree easily the amounts of personal expenses with
25 respect to that vendor for 2007 and 2008.

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DCBDKUR6

Wynne - redirect

1 Q. And you testified about the defendant's mother and brother
2 also having American Express cards, is that correct?

3 A. That's correct.

4 Q. And did you include anything they charged on their cards in
5 this chart?

6 A. No, I did not.

7 Q. What is in this chart that you included strictly?

8 A. Only charges attributed to Mr. Kurniawan.

9 Q. And you didn't make any effort to determine whether these
10 were gifts or for the defendant's use for himself, did you?

11 A. No, I did not.

12 Q. You testified also that in 2008, the defendant opened two
13 business accounts at Wells Fargo, correct?

14 A. That is correct.

15 Q. Now, there were some questions, as well, about the
16 defendant's family wealth. Do you remember those general
17 questions?

18 A. Yes, I do.

19 Q. All right. And the questions were about what you or other
20 people have heard about the defendant's family wealth, is that
21 correct?

22 A. That's correct.

23 Q. Now, just so that there is no confusion, have you in your
24 investigation in this case been able to confirm any source of
25 wealth for the defendant's family?

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DCBDKUR6

Wynne - redirect

1 A. No, I have not.

2 Q. And have you analyzed any of the defendant's bank records
3 in this case?

4 A. Yes, I have.

5 Q. And have you analyzed whether the defendant is sending or
6 receiving money from his family members such as Dar or his
7 other brother?

8 A. There are significant amounts of money going from
9 Mr. Kurniawan to his brother Dar Saputra, approximately
10 \$12 million during the period of time that I analyzed the
11 records. In addition, there were approximately \$5 million in
12 monies wire transferred by Mr. Kurniawan to his other brother,
13 Teddy Tan.

14 Q. How about in the other direction, did you analyze anything
15 about from the defendant's family overseas to him?

16 A. I did, and there were fairly nominal amounts when you
17 compare the amounts of money going through the account from
18 Mr. Kurniawan to his brothers coming back, and I saw no
19 indication that there was in effect family money coming from
20 the family in Indonesia to him from any kind of trust set up
21 for him.

22 Q. Were you in the courtroom, Agent Wynne, when Barbara Chu
23 from Fine Art Capital was testifying and there was an
24 exhibit -- it was 23-3 -- that was the credit memo that was
25 prepared by Fine Art Capital?

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DCBDKUR6

Wynne - redirect

1 A. Yes, I was.

2 Q. And do you recall what Fine Art Capital came to a
3 conclusion about the defendant's family wealth was?

4 A. They couldn't come to any conclusion. They couldn't get
5 any information out of Indonesia.

6 Q. And you testified toward the end of direct that there were
7 other expenses from the American Express Card that aren't
8 itemized here that are personal in nature. Can you just remind
9 us again what those expenses are?

10 A. Those expenses included restaurant usage for restaurants in
11 California, such as Cut, and for a trip to Las Vegas in
12 February of 2008 --

13 Q. How about clothing? Were there other clothing charges?

14 A. There were other clothing charges at Bergdorf, clothing
15 charges at Barneys, clothing charges at Chanel, Louis Vuitton,
16 and a few other vendors such as that.

17 Q. And the Wells Fargo account, the defendant's personal
18 account, did he spend any money in those accounts in '07 and
19 '08?

20 A. Yes, he did.

21 Q. Could any of those expenses be considered personal and not
22 business in nature?

23 A. Yes.

24 Q. I now want to ask you about items seized from the house,
25 where the bulk of Mr. Mooney's cross-examination took place.

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DCBDKUR6

Wynne - redirect

1 Do you remember Mr. Mooney showed you the recorker; do
2 you remember that?

3 A. Yes.

4 Q. And he asked you about what size of a cork you could put
5 into the recorker, right?

6 A. Yes.

7 Q. And based on your experience in this case and your
8 investigation, is there any other way to put a cork back into a
9 bottle other than the recorker?

10 A. I don't believe so.

11 Q. Could you just give us one example of how it could be done?

12 A. I don't know. I mean, you would need a device to do it and
13 to make it look professional and finished as if it was done at
14 a vineyard.

15 Q. All right. And you were shown one of those cork screws,
16 those cork removers that doesn't destroy the cork that uses the
17 tongs; do you remember that?

18 A. Yes.

19 Q. Now, are you familiar with the kind of more traditional
20 waiter's corkscrew, the one that has one of those twisty things
21 called a worm?

22 A. Yes, sir.

23 Q. Which one is more destructive to the cork?

24 A. The twisty thing like a worm.

25 Q. The waiter's corkscrew?

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DCBDKUR6

Wynne - redirect

- 1 A. Yes, sir.
- 2 Q. OK. And you were asked about bottles that were found in
3 the defendant's home that had no labels on them, right?
- 4 A. Yes.
- 5 Q. In this case have you seen several auction catalogs for
6 rare and fine wines?
- 7 A. Yes, I have.
- 8 Q. Can you name some of the auction houses you have seen the
9 catalogs from?
- 10 A. Acker Merrall & Condit, Christie's, Sotheby's.
- 11 Q. Do you remember whether any of those bottles in those
12 catalogs had labels?
- 13 A. They all have labels.
- 14 Q. And have you ever seen wine at any of these places, either
15 a retail shop or an auction house, in person?
- 16 A. Yes, I have.
- 17 Q. Do they come with labels?
- 18 A. They all come with labels.
- 19 Q. And you were asked some questions about the things that you
20 took from the defendant's home. Do you remember that?
- 21 A. Yes, sir.
- 22 Q. Now, did you try to take every item from the defendant's
23 home?
- 24 A. No, we did not.
- 25 Q. Why not?

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DCBDKUR6

Wynne - redirect

- 1 A. We took representative samples of the evidence. We had
2 limitations with respect to transporting it. We had
3 limitations with respect to being able to conduct the search
4 carefully and quickly. So we made decisions about what should
5 be seized and what shouldn't be seized, and acted according to
6 those decisions.
- 7 Q. Are you satisfied that you took a representative sample of
8 the evidence for your investigation from the defendant's home?
- 9 A. I think that the evidence we took clearly establishes what
10 the position of the U.S. is, of the United States is.
- 11 Q. Now, you were also asked some questions about a tasting
12 notebook that the defendant had. Do you remember that?
- 13 A. Yes, sir.
- 14 Q. And there were some questions about the date of the tasting
15 notes, correct?
- 16 A. Yes.
- 17 Q. Do you recall what the date was?
- 18 A. October 2009 to November 2009, I believe.
- 19 Q. All right. Was that the only tasting notebook that you
20 seized from the defendant's home?
- 21 A. No. There were many tasting notebooks in their home.
- 22 Q. Can you please look at the Redweld in front of you. It is
23 Government Exhibit 327 through 331. Can you look at those
24 exhibits and tell me if you recognize them?
- 25 A. I recognize them as books taken from Mr. Kurniawan's home.

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DCBDKUR6 Wynne - redirect

1 MR. HERNANDEZ: The government offers 327 -- I'm
2 sorry, 1-327 through 1-331.

3 THE COURT: I will allow it.

4 (Government's Exhibits 1-327 through 1-331 received in
5 evidence)

6 BY MR. HERNANDEZ:

7 Q. Agent, can you just hold those up so the jury can see how
8 many notebooks we are talking about and the size of the
9 notebooks?

10 A. (Indicating).

11 Q. And what is in those notebooks?

12 A. Tasting notes.

13 Q. Do you see the purple one? I think it is Government
14 Exhibit 1-327. Did I get that right?

15 A. Yes, sir.

16 Q. Could you please open it up to the first page.

17 Is there a date at the top?

18 A. 11/1/2005.

19 Q. All right. You can set those aside.

20 Do you remember, you were also asked some questions
21 about the computer equipment in the defendant's home?

22 A. Yes, sir.

23 Q. Do you recall that?

24 A. I recall that, yes.

25 Q. You were asked a question about whether you saw a Wi-Fi

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DCBDKUR6 Wynne - redirect

- 1 device?
2 A. Yes, sir.
3 Q. Now, you took a number of computers and flash drives or
4 memory drives from the defendant's home, correct?
5 A. That's correct.
6 Q. And you took those and gave them to whom?
7 A. They were turned over to our commuter analysis unit. All
8 the digital devices were turn over to them.
9 Q. Do you know whether those devices functioned?
10 A. I believe they did, yes.
11 Q. And one of the reasons you know that is that you took
12 evidence from the devices, correct?
13 A. I did.
14 Q. And you were asked a question about the printer, about
15 whether there was a connection for the printer, correct?
16 A. Yes.
17 Q. Do you know how to connect a computer to a printer?
18 A. Just plug it in the USB connection.
19 Q. Where do you get this USB to speak of?
20 A. You get it with your printer or with your computer or at a
21 local electronics store.
22 Q. These are commonly available things?
23 A. They are.
24 Q. Not specialized equipment?
25 A. No, sir.

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- 1 Q. Now, you were also asked about the defendant's address
2 which is listed in 2002 as the East Naomi address. Do you
3 remember that?
4 A. I do.
5 Q. Do you know whether that was the defendant's only address?
6 A. I know Mr. Kurniawan had the Southampton property also in
7 the Los Angeles area. That's the home that was under
8 renovation.
9 Q. All right.
10 A. He didn't own it. He did not own it in 2002, though.
11 Q. Well, there was testimony about an address in Pasadena,
12 wasn't there?
13 A. Yes.
14 Q. Now, have you ever heard of anyone having two addresses?
15 A. Yes.
16 Q. OK. So it's possible to have two addresses, correct?
17 A. Yes.
18 Q. And you were asked some questions, as well, about the
19 plans, whether there were any plans that you knew of for the
20 house under construction; do you remember that?
21 A. Yes.
22 Q. And Mr. Mooney asked you some questions about the labels
23 and whether maybe they could be used for wallpaper in the home,
24 right?
25 A. Yes.

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DCBDKUR6

Wynne - redirect

- 1 Q. And he asked you whether you knew what the decor plans were
2 for that home, right?
- 3 A. Yes, he did.
- 4 Q. Now, you searched the defendant's home, correct?
- 5 A. Yes.
- 6 Q. Did you find a single document or anything to lead you to
7 believe that the defendant planned on turning the home under
8 construction into a home covered with labels from famous
9 wineries?
- 10 A. No, I didn't see any documents that would reflect that.
- 11 Q. And a number of the things you seized were tiny, tiny
12 vintage labels that just had the year on them, correct?
- 13 A. That's correct.
- 14 Q. And you collected importer strips, correct?
- 15 A. That's correct.
- 16 Q. Agent Wynne, had you ever seen anyone's home decorated on
17 the walls with importer strips?
- 18 A. No, sir.
- 19 Q. Had you ever been to anyone's home and seen the house
20 decorated with wax?
- 21 A. No, sir.
- 22 Q. How about Nicolas stamps in red, the circular stamps, had
23 you ever seen a house decorated with those?
- 24 A. No, sir.
- 25 Q. How about stencils for original wooden cases for famous

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DCBDKUR6 Wynne - redirect

1 wines, had you ever seen anyone's house decorated like that?

2 A. No, sir.

3 Q. Now, you were also asked about -- and if Mr. Platt could
4 put up 2-25.

5 Do you remember these bottles? These were set on the
6 little photo stand.

7 A. I do.

8 Q. You were asked a question about whether you had ever seen
9 the defendant send a photograph of any bottles out to another
10 person for purchase. Do you remember that?

11 A. Yes.

12 Q. The question was basically have you seen the defendant try
13 and offer something for sale through a photograph?

14 A. Yes.

15 Q. I'm going to approach and show you what's been marked as
16 Government Exhibit 13-36.

17 Oh, you have a copy of it. Excellent.

18 Take a look at the document for a second. Let me know
19 when you have read it.

20 (Pause)

21 A. I have read it.

22 Q. OK. You testified that you executed a search warrant in
23 this case for e-mails from ri8@hotmail.com; do you remember
24 that?

25 A. Yes, sir.

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DCBDKUR6 Wynne - redirect

1 Q. Is that the only e-mail account you executed a search for
2 in this case?

3 A. No, sir.

4 Q. Did you also execute one for dscellar@gmail.com?

5 A. Yes, I did.

6 Q. And how do you recognize 13-36?

7 A. I know this is an e-mail collected from the production by
8 Gmail of the e-mail account for dscellar@gmail.com.

9 MR. HERNANDEZ: Your Honor, we don't have a second
10 copy of this, as we had to run and make it, but based on an
11 offer of proof, we will have further testimony in this trial
12 that another witness says that they communicated with the
13 defendant with dscellar@gmail.com. So we offer 13-36.

14 THE COURT: I will allow it subject to that
15 connection.

16 (Government's Exhibit 13-36 received in evidence)

17 MR. HERNANDEZ: Thank you.

18 May I use the Elmo because it is relevant to compare
19 it to 2-25, but I need the Elmo for a moment.

20 So I would ask the jury to just take a look at 2-25,
21 four bottles of 1985, it says, "Richebourg" in the middle of
22 the label. And the winery, the producer is Henri Mayer,
23 H-e-n-r-i J-a-y-e-r.

24 Now if we switch over to the Elmo, I am going to show
25 Government Exhibit 13-36. I apologize. It is very, very

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DCBDKUR6 Wynne - redirect

1 small, but we will hopefully use this to focus this.

2 The subject here is Jayer Rich X4.jpg, and it is from
3 dscellar@gmail.com, March 8, 2012. And it is to a person named
4 Kristoffer Meier Axel.

5 And then I'm going to move it along.

6 Q. If you could just read the e-mail? Can you read it out
7 loud for the jury?

8 A. "I have six bottles originally for auction but I think it
9 is better to sell private. Even its lower price for now. Two
10 to replace you. So four left. Here's pic. Let me know."

11 Q. Then attached to that e-mail?

12 A. (Indicating).

13 Q. What is attached to the e-mail, Agent Wynne?

14 A. It is an image of the 1985 Richebourg by Henri Jayer
15 sitting on the photo studio in Mr. Kurniawan's home.

16 Q. Does it appear to you to be a photo of just any four
17 bottles of Henri Jayer Richebourg 1985?

18 A. It looks to me to be the same four, given the fill levels
19 in the bottles.

20 Q. The same four that you saw in the defendant's home when you
21 arrested him?

22 A. That is correct.

23 Q. Again, what is the date on this e-mail?

24 A. The 8th of March 2012 at 12:30:05.

25 Q. Where were you March 8, 2012?

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DCBDKUR6 Wynne - redirect

1 A. I was in California at Mr. Kurniawan's house later that
2 day.

3 Q. Agent Wynne, was this taken within hours of your arrest of
4 the defendant?

5 A. Yes, sir.

6 MR. HERNANDEZ: Can I have a moment, your Honor?

7 (Pause)

8 Q. Last couple of questions, Agent Wynne.

9 You testified about Government Exhibit 1-104, this
10 large bottle with all the writing. Do you remember about that?

11 A. Yes, sir.

12 Q. And Mr. Mooney asked you some questions about whether it
13 would be reasonable to suppose that if this bottle was consumed
14 and signed, that it might be real?

15 A. That's correct.

16 Q. Do you remember that?

17 A. Yes.

18 Q. But just to be clear, are you testifying that you believe
19 in your opinion this bottle is authentic?

20 A. No, I'm not.

21 Q. You were just agreeing with a supposition that it could be
22 real?

23 A. That is correct.

24 Q. But you are not saying this is authentic?

25 A. No, I'm not.

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Wynne - redirect

1 MR. HERNANDEZ: No further questions.

2 MR. MOONEY: Just a couple, briefly, of recross, your
3 Honor.

4 THE COURT: OK. This will relate to the redirect.

5 MR. MOONEY: Yes. That is correct, your Honor.

6 Strictly to that.

7 RECROSS-EXAMINATION

8 BY MR. MOONEY:

9 Q. You were just shown this picture, were you not, Agent
10 Wynne?

11 A. Yes, I was.

12 Q. And that picture is now -- the new Exhibit 1336 is in fact
13 a picture of the bottles that were sitting there when you went
14 to the house, isn't it?

15 A. Yes, I believe so.

16 Q. So it's -- it verifies, it's reasonable that Mr. Kurniawan
17 had that set up so that he could take pictures of things to
18 send to people who may want to buy wine, right?

19 MR. HERNANDEZ: Objection.

20 THE COURT: If you know.

21 A. You will have to repeat that now.

22 Q. Doesn't it appear that this was -- that that picture was
23 taken for the purposes of presenting this to somebody who might
24 want to buy that wine?

25 A. Well, I think the e-mail says that.

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DCBDKUR6 Wynne - recross

1 Q. OK. And you have no reason to believe otherwise, do you?

2 A. Reason to believe otherwise what?

3 Q. That there was anything else going on other than him trying
4 to sell these four bottles of wine, do you?

5 A. No. I think he's trying to sell these four bottles of
6 wine. I agree.

7 Q. Where are those wines now, those bottles now?

8 A. I don't recall if we took these bottles or if they remained
9 with Ms. Tan.

10 Q. At any rate, you didn't take the bottles. You did take
11 Mr. Kurniawan, and the bottles didn't get to this individual
12 who is the buyer?

13 A. Please repeat that question.

14 MR. HERNANDEZ: I don't think that he knows whether
15 the bottles got to a buyer or not.

16 THE COURT: I don't think he is repeating the
17 question.

18 BY MR. MOONEY:

19 Q. You were asked about the Pasadena address. Do you have any
20 evidence whatsoever that shows that Mr. Kurniawan, in the
21 latter part of 2002 and any date thereafter, lived at the
22 Pasadena address or maintained the Pasadena address in any
23 respect whatsoever? Do you have anything?

24 MR. HERNANDEZ: I am going to object to the form of
25 the question.

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Wynne - recross

1 Is he asking whether he's testified about anything, or
2 whether there is anything possibly in the government's case?

3 THE COURT: Let him ask that. Rephrase it or re-ask
4 the question.

5 Q. You were given a speculation that people can have two
6 addresses, right?

7 A. Yes.

8 Q. And we know that prior to living at Naomi Mr. Kurniawan had
9 an address in Pasadena, right?

10 A. That's correct.

11 Q. And we now know, from evidence that we've seen, that at
12 least by October of 2002 he was using as his official address
13 the Naomi address, is that correct?

14 A. Well, we know that he provided that address to the bank.

15 Q. OK. Saying that this is my address in a document that he
16 signed?

17 A. That's right.

18 Q. Have you seen, do you remember, either seen or remember it,
19 anything, any document of any kind that shows Mr. Kurniawan at
20 the Pasadena address after October of 2002, anything?

21 A. No, I don't recall any such document.

22 MR. MOONEY: No more questions, your Honor.

23 THE COURT: OK. Thank very much.

24 And so maybe we will just start with a background on
25 the next witness. Do you have a witness available?

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1 MR. HERNANDEZ: The next witness, your Honor, is very
2 short. If the Court -- it may actually be possible to be done
3 with him and maybe close then.

4 THE COURT: Let's give it a try.

5 THE CLERK: Thank you, sir. step down.

6 (Witness excused)

7 MR. HERNANDEZ: The government calls Trenton Schmatz.

8 THE CLERK: Sir, if you could step up to the witness
9 stand and remain standing for a moment and raise your right
10 hand.

11 THE WITNESS: Yes, ma'am.

12 TRENTON SCHMATZ,

13 called as a witness by the government,

14 having been duly sworn, testified as follows:

15 THE CLERK: Could you please state your full name for
16 the record?

17 THE WITNESS: My name is Trenton Schmatz.

18 THE CLERK: Could you spell your first name as well as
19 your last name?

20 THE WITNESS: T-r-e-n-t-o-n. Last name is
21 S-c-h-m-a-t-z.

22 THE CLERK: Thank you, sir. You may be seated.

23 THE WITNESS: Thank you.

24 DIRECT EXAMINATION

25 BY MR. HERNANDEZ:

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DCBDKUR6

Schmatz - direct

- 1 Q. Good afternoon.
2 A. Good afternoon.
3 Q. Could you tell us how you are employed?
4 A. I am a special agent with the FBI.
5 Q. And how long have you been a special agent?
6 A. Just over 17 years.
7 Q. What kind of work do you do for the FBI?
8 A. Currently, I'm a computer forensic examiner out of the New
9 York office.
10 Q. How long have you been a computer forensic examiner?
11 A. For approximately eight years.
12 Q. Can you tell us what a computer forensic examiner does?
13 A. So my group is called CART, Computer Analysis Response
14 Team, and what we do is we are responsible for the collection
15 and analysis of all digital evidence in cases. So that
16 includes desk-top computers, laptops, CDs, DVDs, anything that
17 could contain digital evidence.
18 Q. Have you received any specialized training from the FBI --
19 A. Yes.
20 Q. -- for that position?
21 A. Yes, I have.
22 Q. Can you describe it, please?
23 A. Yes. So in order to become a certified forensic examiner
24 with the FBI, we undergo it is approximately a year and a half
25 of training that includes numerous courses as well as

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DCBDKUR6 Schmatz - direct

1 on-the-job training at search sites. We conduct examinations
2 along with certified examiners. So I've probably had somewhere
3 in the range of 50 classes that I've attended through the
4 years, and I've conducted literally hundreds of computer
5 examinations.

6 Q. And in 2012, were you involved in an investigation
7 involving Rudy Kurniawan?

8 A. Yes.

9 Q. How were you involved?

10 A. I was requested by Special Agent Jim Wynne to conduct
11 forensic examinations on several pieces of digital evidence.

12 MR. HERNANDEZ: I am going to ask that the witness
13 step down to the table, your Honor.

14 THE COURT: Sure.

15 Q. If you could step down over here at the table.

16 (At the jury rail)

17 Q. I am going to show you some exhibits that have already been
18 entered into evidence.

19 If you could take a look at Government Exhibit 12-5,
20 12-7, 12-8 and, finally, 12-10.

21 A. OK.

22 Q. All right. Do you recognize these exhibits?

23 A. Yes.

24 Q. How do you recognize them?

25 A. So these were the items that were given to me by Special

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DCBDKUR6 Schmatz - direct

1 Agent Wynne for examination. And as part of our examination
2 process, we do a physical inventory which includes putting
3 these stickers on the items that have unique New York numbers,
4 New York FBI CART Lab, and so I recognize these numbers and
5 that I did it.

6 And we also -- typically on the larger pieces, we'll
7 put our initials, dates, and the case number of the items, as
8 well as write on the sticker number in case it falls off.

9 Q. What did you do with these devices once you received them?

10 A. So the first thing, you know, I do is the physical
11 inventory, which I just described. And then as part of the
12 examination process, what we'll do is, for instance, for a
13 laptop we'll remove the hard drive. We'll attach it to a write
14 blocking device, which basically prevents any data from being
15 written to our original evidence.

16 After we do that, we'll generate an image of the
17 evidence. So, for instance, for a hard drive, we'll basically
18 generate an image to our forensically cleaned server that will
19 basically be an exact image of the data that is in the
20 computer. Once we are satisfied that our image is the same as
21 the original, we'll go ahead and we'll put the evidence back in
22 our CART storage facility.

23 Q. And is that what you did with the evidence in this case?

24 A. That's what I did with each of the items in this case, yes.

25 Q. Do you know what an FTK report is?

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DCBDKUR6

Schmatz - direct

1 A. Yes.

2 Q. Can you tell the jury what that is?

3 A. Sure. So FTK stands for Forensic Tool Kit. That's
4 basically the go-to software that the New York FBI CART team
5 uses to examine the images that we pull off of the computers.

6 So basically what it does is we have an image. We run
7 it through this software, and it can do a variety of things.
8 It can -- it will parse out all the files so that if you might
9 have a case agent that's just looking for -- is only interested
10 in, let's say, spreadsheets, so it will parse out all the
11 spreadsheets and we can easily present him with all the
12 spreadsheets. You might have somebody else who is interested
13 in just deleted items. One of the things FTK will do is it
14 will recover items that have been deleted that haven't been
15 written over. So we can go in there and we can recover those
16 deleted items.

17 It also does some other things such as indexing. It
18 will take all the text that it finds and that it can recognize
19 as potentially being a word, maybe separated by two spaces, and
20 it will index that. So the case agent can go through and enter
21 in text string searches for those items.

22 So once the case agent has had an opportunity to use
23 FTK to find the evidence that he is looking for, we'll generate
24 a report. And that report is burned to a CD, or a DVD, as
25 needed. And generally what it includes is it includes the

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Schmatz - direct

1 items that the case agent has found to be relevant to his
2 investigation. So he'll burn those -- we'll burn those items
3 to a disk for him, and it will include other things such as
4 perhaps data about the file.

5 So, for instance, if there is, let's say, a graphic
6 file, so a picture, it will include not only a thumbnail of the
7 picture but maybe the full picture as well as metadata, which
8 would be, let's say, when the file was created, accessed last,
9 when it was last modified, things of that nature.

10 Q. I am going to hand you Government Exhibit 12-6A, 12-7A and
11 12-8A. Tell me if you recognize those.

12 A. Yes, I do.

13 Q. And do these have any relation to these devices here in
14 front of you?

15 A. Yes. So there's three discs here. The first disc is an
16 FTK report that I generated for the flash media, and by "flash
17 media" I mean like the thumb drives and the camera SD card and
18 the other loose SD cards. So I generated one FTK report for
19 all of this media here. And I designated it by the item
20 numbers that were on the media so I know that it relates to
21 these items.

22 This is an FTK report --

23 Q. Could you just give us the number?

24 A. Sure. So this is -- the government exhibit number?

25 Q. Yes, please.

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DCBDKUR6 Schmatz - direct

1 A. This is Government Exhibit No. 12-8A, and this relates to
2 the 500-gigabyte hard drive from a Sony Vaio. It has number
3 NY8248 so I know it relates to this particular laptop.

4 And this is the FTK report for -- it is Government
5 Exhibit, I'm sorry, 12-7A, the FTK report for an 80-gigabyte
6 hard drive from New York 8245, which is the hard drive on this
7 laptop.

8 Q. Now, if Agent Wynne took documents or images from these FTK
9 reports that you just testified about, would those be documents
10 that came from these respective devices?

11 A. Yes.

12 MR. HERNANDEZ: At this point, your Honor, the
13 government offers the CD or DVD, which is 14-15, which contains
14 subfolders of selected evidence from these different devices
15 that we offer subject to connection with Agent Wynne.

16 THE COURT: I will allow it.

17 (Government's Exhibit 14-15 received in evidence)

18 MR. HERNANDEZ: All right. Can I ask you to return,
19 then, to the witness stand.

20 (The witness resumed the witness box)

21 MR. HERNANDEZ: At this point, your Honor, we would
22 like to open up and show the jury on their screens -- one of
23 those folders is 14-3. And perhaps -- I think, Mr. Platt, it
24 might be difficult to see, given the size. Let me take a peek
25 and see what it looks like over here. I think that's better.

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DCBDKUR6 Schmatz - direct

1 Q. So, Agent Schmatz, these are images from the Sony
2 80-gigabyte laptop that Agent Wynne has already testified
3 about.

4 MR. HERNANDEZ: At this point, I would just ask, your
5 Honor, if we could, could we just scroll through these images?
6 There are 610 of them. We are not going to scroll through all
7 of them.

8 THE COURT: You know what we might do since it is just
9 about a quarter to 5, I think we might pick up with that in the
10 morning. OK?

11 MR. HERNANDEZ: Thank you, your Honor.

12 THE COURT: All right. So I will excuse the witness
13 for today. Thank you. I ask you if you could be back here at
14 9 o'clock tomorrow morning so we will finish up with you then.
15 Thanks very much.

16 (Witness excused)

17 THE COURT: And we will ask the jury to leave their
18 notes on their chairs.

19 And I'll just remind them, once again, not to talk to
20 each other about the case or about anyone who has anything to
21 do with it until the end of the case when you go to the jury
22 room to deliberate.

23 And, second, don't talk with anyone else about the
24 case or about anyone who has anything to do with it until the
25 trial has ended and you have been discharged as jurors. And

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1 "talk" means, in the broadest sense, social networking and
2 other than face-to-face manner only.

3 Third, don't let anyone talk to you about the case, as
4 broadly defined, or about anyone who has anything to do with
5 it.

6 And, fourth, do not read any news or Internet stories
7 or articles or blogs or listen to any radio or TV or Internet
8 reports about the case or about anyone who has anything to do
9 with it.

10 And, fifth, do not do any type of research or any type
11 of investigation about the case on your own.

12 So same plan for tomorrow. If you could be here at
13 8:45, we will have tea and coffee, etc., and we will try and
14 start promptly at 9 o'clock. Thanks very much.

15 (Continued on next page)

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DCBDKUR6

1 (Jury not present)

2 THE COURT: OK. Does anybody, any of the media folks,
3 have any interest in seeing what's on the table from -- if so,
4 this would be a good time to do it. If not, we'll see you
5 tomorrow.

6 (Pause)

7 (Adjourned to 9 a.m., Thursday, December 12, 2013)

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