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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

- - - - -		
UNITED STATES OF AMERICA,)	
v.)	CRIMINAL ACTION NO.
BRAD KENNETH SPAFFORD,)	2:24mj211
Defendant.)	
- - - - -		

TRANSCRIPT OF PROCEEDINGS
(Preliminary and Detention Hearing)
Norfolk, Virginia
December 30, 2024

BEFORE:
THE HONORABLE LAWRENCE R. LEONARD
United States Magistrate Judge

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE
By: Rebecca Gantt
Assistant United States Attorney
Counsel for the United States

RULOFF SWAIN HADDAD MORECOCK TALBERT & WOODWARD, PC
By: Lawrence H. Woodard, Jr.
And
SWARTZ, TALIAFERRO, SWARTZ & GOODOVE
BY: Jeffrey Swartz
Counsel for the Defendant

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I N D E X

GOVERNMENT'S WITNESSES

<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
5	26	50	51

DEFENDANT'S WITNESSES

<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
NONE			

E X H I B I T S

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DEFENDANT'S NO.

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1 (Hearing commenced at 11:05 a.m.)

2 THE CLERK: United States of America versus Brad
3 Kenneth Spafford, case 2:24mj211.

4 Is the government ready to proceed?

5 MS. GANTT: The United States is ready.

6 Good morning, Your Honor.

7 THE COURT: Good morning, Ms. Gantt.

8 THE CLERK: Is the defendant ready to proceed?

9 MR. WOODWARD: Good morning, Your Honor. We are
10 ready to proceed.

11 THE COURT: All right. Good morning, gentlemen.

12 MR. SWARTZ: Good morning, Judge. Thank you for --

13 THE COURT: This matter is scheduled for both a
14 preliminary and a detention hearing, and it was originally
15 set, I guess last week, perhaps, but you all asked it to be
16 set today.

17 So, Mr. Woodward, how are we proceeding? Are we
18 going forward with both?

19 MR. WOODWARD: Yes, Your Honor. The way we are
20 going to proceed is that I'm going to handle just
21 questioning any witnesses and proffering, and Mr. Swartz is
22 going to argue detention, if we get to that point.

23 THE COURT: All right. Very well.

24 All right, Ms. Gantt. This is how I would like to
25 do this. I don't want to have to repeat things, so I will

1 take into consideration whatever you offer in the
2 preliminary hearing aspect of the case, and then if you want
3 to supplement that after I make any finding necessary, you
4 can supplement it with any proffer regarding the question of
5 bond. Okay?

6 MS. GANTT: Thank you, Your Honor. I don't plan on
7 having additional proffer at this point. It will just be
8 the testimony.

9 THE COURT: All right.

10 MS. GANTT: The government calls Rachel Ann
11 Cardwell.

12 THE COURT: All right. Come forward, please, to
13 the witness box, and Lisa will administer the oath.

14 (Witness was sworn.)

15 MS. GANTT: And with the Court's assistance, Your
16 Honor, I have all the exhibits in one packet, if I could
17 pass those up now.

18 THE COURT: All right. That would be fine.

19 MS. GANTT: Thank you.

20 THE COURT: The defense has seen them?

21 MS. GANTT: Yes, Your Honor.

22 MR. WOODWARD: Yes, Your Honor.

23 RACHEL ANN CARDWELL, called by the Government,
24 having been first duly sworn, was examined and testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MS. GANTT:

3 Q. Good morning.

4 A. Good morning.

5 Q. Could you please introduce yourself to the Court.

6 A. Yes. I'm Detective Rachel Ann Cardwell with the Suffolk
7 Police Department and a Federal Task Force Officer with the
8 Norfolk FBI.

9 Q. And what is your background in law enforcement?

10 A. I was hired on as a uniform patrol officer in 2009,
11 promoted approximately 2011 to detective in the City of
12 Suffolk Police Department. In 2015 I was transferred to the
13 Norfolk FBI and was granted a federal task force position,
14 and I have been there since, working federal violations for
15 international and domestic terrorism.

16 Q. And are you a part of the Joint Terrorism Task Force?

17 A. I am a part of the JTTF, yes, ma'am.

18 Q. Are you the lead case agent in this investigation into
19 Brad Spafford?

20 A. Yes, I am.

21 Q. Can you please explain how this investigation started.

22 A. Yes. In approximately January of '23, I received
23 information from a confidential human source that they had
24 some concerns about Brad Spafford in reference to having
25 been -- missing part of his hand due to a homemade explosive.

1 Q. And what was the nature of the relationship between the
2 CHS and Mr. Spafford?

3 A. They were friends and neighbors.

4 Q. And have they continually communicated up until
5 Mr. Spafford's arrest?

6 A. Yes.

7 Q. Does the CHS have any relevant background?

8 A. The CHS has approximately 20 years of law enforcement
9 background.

10 Q. In addition to the explosives you mentioned, did the CHS
11 also report concerns to the FBI regarding firearms?

12 A. Yes. The CHS reported that he believed that Mr. Spafford
13 was in possession of a short-barreled rifle, that they had
14 received a photograph of it in a box, what I would refer to
15 as a Go Box with -- in the back of their Dodge Durango.

16 Q. And had the CHS received that picture from Mr. Spafford?

17 A. Yes.

18 Q. Had he provided it to the FBI?

19 A. Yes.

20 Q. And was it reviewed by ATF and deemed to be an apparent
21 short-barreled rifle?

22 A. Yes, it was.

23 Q. You mentioned that it was in a box. What kind of box was
24 it?

25 A. There was a box in the back of his Dodge Durango that

1 was -- it appeared to be like a form of a Pelican case, and
2 inside that case was medical supplies, extra ammunition,
3 magazines, water, food supplies, what appeared to be the SBR,
4 and a variety of other, like, medical-type supplies. It
5 would be very much the same thing that would be in my vehicle
6 for like a prepared, ready go bag to grab in case of an
7 emergency.

8 Q. Did the CHS also have knowledge of Mr. Spafford going to
9 shoot firearms at a local range?

10 A. Yes. Mr. Spafford had a membership, a local private
11 range in the City of Suffolk, and had been doing -- had a
12 membership there for a while and had been attending that
13 range on and off and was doing a variety of qualifications,
14 according to the range, to include some sniper qualifications
15 at 300 and 400 yards.

16 Q. And that in 2023 did the CHS report that Mr. Spafford was
17 using certain images for target practice?

18 A. Yes. The CHS reported that he was using a picture of the
19 president as a target at that range.

20 Q. What did the CHS report about Mr. Spafford stating about
21 the Federal Government and missing children?

22 A. So the CHS reported that they had conversations with
23 Mr. Spafford in reference to Mr. Spafford believing that we
24 need to bring back political assassinations, that he also
25 believed that some of the missing children that were being

1 taken by the government were actually being converted into
2 school shooters.

3 Q. If I could have you take a look at what's before you as
4 Exhibit 1.

5 A. Yes.

6 Q. Do you recognize that document?

7 A. I do.

8 Q. What is it?

9 A. This was some images that were shared between the CHS and
10 Mr. Spafford on a social media platform.

11 Q. And to your knowledge were they shared by Mr. Spafford to
12 the CHS?

13 A. Yes.

14 Q. And can you please describe each of the three images.

15 A. Yes. The first picture is an individual standing, and
16 the statement says, "Peace is not always an option."

17 The second photograph is a picture of an individual
18 standing behind a tree with what appears to be a rifle and a
19 variety of individuals that appeared to be in some form of
20 uniform. It says, "Them: Where do you see yourself in 6 to
21 12 months? Me:" And there's the photograph.

22 The last one is a picture of a tank, and it says,
23 "Tread on those who tread on you."

24 Q. In 2023 did you see confirmation of whether Mr. Spafford
25 had registered any short-barreled rifle from ATF?

1 A. Yes. I reached out to the ATF and sent in a official
2 request. They denied having any tax stamp or explosive
3 licenses for Mr. Spafford.

4 Q. You mentioned Mr. Spafford making comments about bringing
5 back political assassinations. Did the CHS report having a
6 specific conversation in 2024 with Mr. Spafford?

7 A. Yes. Shortly after the attempted assassination of
8 President Donald Trump, a statement was made along the lines
9 of, "Bro, hook, I don't miss Kamala."

10 Q. And was it around that time that Mr. Spafford was seeking
11 a sniper certification at the local range?

12 A. Yes.

13 Q. All right. In 2023 and until late 2024, where was
14 Mr. Spafford living?

15 A. During the beginning of the investigation, Mr. Spafford
16 and his family were living in the City of Suffolk off of
17 Kilby Shores area.

18 Q. Is that in a Suburban neighborhood?

19 A. Yes. In a neighborhood division.

20 Q. And then did he and his family purchase a new property in
21 late 2024?

22 A. Yes. In late 2024 they moved to approximately a 20-acre
23 farm in Isle of Wight County.

24 Q. Okay. In the fall of 2024 did the CHS visit Mr. Spafford
25 there?

1 A. Yes.

2 Q. And was the CHS wearing a wire?

3 A. Yes.

4 Q. Have you reviewed the recording?

5 A. Yes, I have.

6 Q. What statements did Mr. Spafford make about
7 short-barreled rifles?

8 A. Mr. Spafford advised the CHS that he did not believe in
9 registering firearms and that he had a short-barreled rifle
10 that was not registered.

11 Q. Did Mr. Spafford also show the CHS around the property
12 and talk about his plans for certain defenses?

13 A. Yes. During the contact, they walked around this 20-acre
14 property, and one of the conversations was that Mr. Spafford
15 wanted -- said that he could disable a vehicle in his
16 driveway, and that would stop anybody from being able to get
17 to his residence without going out on foot.

18 One of the other conversations was that Mr. Spafford
19 said that he wanted to install a 50-cal turret, which would
20 come up and give a 360-degree radius for observation on his
21 property with a 50-cal weapon.

22 THE COURT: With a what?

23 THE WITNESS: 50 cal, 50-caliber weapon.

24 BY MS. GANTT:

25 Q. Was there also a discussion about explosives during that

1 visit?

2 A. Yes. During this visit Mr. Spafford's wife, Jackie
3 Spafford, entered the conversation and asked what was in the
4 jar that was in their freezer, and Mr. Spafford said that it
5 was HMTD and that it was marked "dangerous" and said "do not
6 touch" or "dangerous" with a label around it in the freezer.

7 Q. What do you know HMTD to be?

8 A. HMTD is a combination of basic household ingredients.
9 It's a peroxide-based component. It is a primary explosive,
10 and it is very volatile. It can be detonated upon friction,
11 shot, flame. It can also detonate based upon the temperature
12 change of the actual chemical.

13 Q. And what does it mean for something to be a primary
14 explosive?

15 A. A primary explosive would indicate that it doesn't need
16 another element to detonate.

17 Q. So nothing else needs to be added to it for it to --

18 A. Right. It doesn't need a blasting cap to go off or
19 something of that measure.

20 Q. Were there also discussions about another form of
21 explosive material?

22 A. Yes. He talked about having ETN, which is a secondary
23 explosive element. It is a chemical. It does require a
24 second element to detonate it, like a blasting cap.

25 Q. Following your review of the recording, did you again

1 seek confirmation from ATF as to whether Mr. Spafford had
2 registered any short-barreled rifles or destructive devices?

3 A. Yes, I did. And they confirmed that he did not have any
4 licenses.

5 Q. And was that on or about December 6 of this year?

6 A. Yes, it was.

7 Q. After that did you obtain a criminal complaint and search
8 warrant for the residence in Isle of Wight of Mr. Spafford's
9 vehicles and his person?

10 A. I did, and his phone.

11 Q. Did you prepare and sign the affidavit docketed at ECF
12 Number 4?

13 A. Yes, I did.

14 Q. And is the date on that -- is the date on the criminal
15 complaint in October, is that the date of the CHS's visit?

16 A. Yes, October 19th.

17 Q. And is everything in there true and correct to the best
18 of your knowledge?

19 A. Yes, ma'am.

20 MS. GANTT: Your Honor, I'd move to admit or
21 incorporate by reference affidavit, which I have marked as
22 Exhibit 7.

23 THE COURT: All right.

24 MR. WOODWARD: What exhibit number?

25 MS. GANTT: 7.

1 MR. WOODWARD: We have it, Your Honor.

2 THE COURT: The affidavit will be admitted.

3 (Government's Exhibit 7 received in evidence.)

4 MS. GANTT: Thank you, Your Honor.

5 BY MS. GANTT:

6 Q. When did FBI execute the search warrants?

7 A. December 17th, 2024.

8 Q. Starting with Mr. Spafford's arrest, where was he
9 arrested?

10 A. He was arrested on 258 during a traffic stop with the
11 Norfolk FBI and other team members of the FBI.

12 Q. Was he on his way to work?

13 A. Yes, he was.

14 Q. Was he interviewed?

15 A. Yes, he was.

16 Q. And what relevant statements did he make?

17 A. Mr. Spafford was cooperative. He did advise the agents
18 that he did have HMTD in the freezer, and he also advised
19 that he did have an unregistered short-barreled rifle at the
20 residence.

21 Q. Was he asked about other -- any other explosive materials
22 or destructive devices on the property during the interview?

23 A. Yes. Numerous times he was asked if there was any other
24 explosive devices on property or premise, and he denied that
25 any elements were on his property.

1 Q. Was he also specifically asked about whether he kept any
2 materials inside the house?

3 A. Yes, he was. He denied having anything inside the
4 residence.

5 Q. Was Mrs. Spafford also interviewed at the time of the
6 search warrant execution?

7 A. Yes. Mrs. Spafford was interviewed, and she was
8 cooperative.

9 Q. And what did she state about firearms and explosive
10 material?

11 A. She said that they had firearms and that they, to her
12 knowledge, were all legal, and that they were in a safe
13 inside their master bedroom.

14 Q. And what about explosives?

15 A. She denied having any knowledge of any explosives on the
16 property.

17 Q. And how about in a freezer?

18 A. She denied having knowledge of any explosive devices in
19 the freezer.

20 Q. I'd like to have you take a look at what's marked as
21 Exhibit 2.

22 A. Yes.

23 Q. What is that?

24 A. This is the rifle that was in the closet of the master
25 bedroom in the safe, and is also what appears to be the same

1 rifle that was pictured in the Go Box that was sent to the
2 CHS.

3 Q. So consistent with the picture you obtained in 2023?

4 A. Yes.

5 MS. GANTT: Your Honor, I move to admit Exhibit 2,
6 and I don't believe I ever moved to admit Exhibit 1, so I'd
7 move to admit that as well.

8 THE COURT: All right. Exhibit 1 and 2 will be
9 admitted.

10 (Government's Exhibits 1 & 2 received in evidence.)

11 MS. GANTT: Thank you, Your Honor.

12 BY MS. GANTT:

13 Q. Can you explain the measurement here in Exhibit 2?

14 A. Yes. So this was measured by ATF agent that was on
15 scene. It is a 10.5-inch barrel. As you can see in this
16 measurement, it shows that it's approximately 13 and a half.
17 There is a three-inch device that is put on the end of it.
18 It is not welded to it, so they don't count that as part of
19 the measurement. Even with that, it's still under the
20 16-inch standard.

21 Q. And that thing is -- unscrews on and off, to your
22 understanding?

23 A. Yeah. If it unscrews, it's not part of the measurement.
24 If it is welded on, it is part of the measurement, but it is
25 not.

1 Q. Also in the bedroom did the FBI find the Go Box or go bag
2 that was in the picture?

3 A. Yes. It was in the master bedroom floor.

4 Q. Were explosive materials and destructive devices found on
5 the property?

6 A. Yes, there was.

7 Q. Approximately how many in total?

8 A. In total there was approximately 150 devices found on
9 premise.

10 Q. All right. If I could have you take a look at Exhibit 3.

11 A. Yes.

12 Q. Which has eight pages.

13 A. Yes, ma'am.

14 Q. Do you recognize this exhibit?

15 A. I do.

16 Q. And what are depicted in these pictures?

17 A. These are ammo cans that were found inside the double
18 garage. It's a detached double garage on the property, not
19 too far from the primary residence.

20 MS. GANTT: Your Honor, I move to admit Exhibit 3.

21 THE COURT: All right. Exhibit 3 will be admitted.

22 MS. GANTT: Thank you.

23 (Government's Exhibit 3 received in evidence.)

24 BY MS. GANTT:

25 Q. If we could move to Page 2.

1 A. Uh-huh.

2 Q. What is shown there?

3 A. These are opening the device can -- the cans, you can see
4 there are destructive devices inside. They are different
5 codings on -- color codings in them. So according to the
6 bond technicians, when they were looking at these different
7 devices, the blue ones appear to be inert or training devices
8 where the yellow ones and the other color coded ones are
9 actual live devices.

10 Q. And what did the bomb technicians assess them on, assess
11 these devices as on scene?

12 A. On scene they assessed them as pipe bombs.

13 Q. If we could go to Page 3. Starting with the top left
14 picture, what's shown there?

15 A. This is a device that has a fuse of a striker fuse, which
16 is basically like a matchstick strike. So it's a quick
17 strike device.

18 Q. And how about in the top right photo?

19 A. In the top right, this particular device is labeled "1/4
20 lethal."

21 Q. All right. Were there multiple devices with the "lethal"
22 label on them?

23 A. Yes.

24 Q. All right. And then if we could go to Page 4.

25 A. On Page 4, this is what appears to be like a vest that

1 was loaded with these pipe bombs in it.

2 Q. And that's how it was found, with those devices in there?

3 A. Yes. It was found just as this picture depicts.

4 Q. Were these devices assessed as being homemade?

5 A. Yes, they were.

6 Q. Did the FBI also find materials and tools indicative of
7 manufacturing of these devices?

8 A. Yes. There was numerous precursors found on the property
9 to make these devices, to include powders, different powders,
10 metals, the actual components, the PVC pipe already cut, the
11 fuses, homemade fuses, things of that nature were all found
12 in that double garage.

13 Q. If we can go to Page 5. What's in the box on the left?

14 A. The box on the left, according to the bomb technicians,
15 is what they would call an improvised Claymore. It's a
16 homemade Claymore. It appears that it was actually used with
17 like glued together with either hot glue or potentially
18 crayons. That center black box in the middle, they advise
19 that is an electronic firing system, which would be
20 indicative of a homemade Claymore.

21 THE COURT: Homemade what?

22 THE WITNESS: Claymore.

23 BY MS. GANTT:

24 Q. And with the box with the white powders was -- what was
25 found in there of relevance?

1 A. There's a variety of different powders, but one of the
2 powders is ETN.

3 Q. What's shown on Page 6?

4 A. On Page 6 this is a -- like a toolbox that has like all
5 of the different devices in different stages. Some of them
6 were not made yet, some of them were partially made, and then
7 this also shows like the -- there was BBs as well that was
8 found in this box and homemade fuses.

9 Q. And in the top right there, are those pieces of PVC pipe?

10 A. Yes.

11 Q. Let's go to Page 7.

12 A. These are also more items that were found in this
13 canister. You can see the one device looks like it's being
14 partially made. It has like a fuse coming out of the top of
15 it, but this isn't a full device yet, according to the bomb
16 technicians.

17 Q. All right. And then finally Page 8?

18 A. This has -- in a box we found what appeared to be riot
19 gear, and then we found a bunch of ammunition that supported
20 the short-barrel rifle, 223 and 556 rounds. According to the
21 ATF agent, that SBR would support either one of those rounds.

22 Q. Was there a freezer in this garage as well?

23 A. Yes. There is a small chest freezer found in this double
24 garage.

25 Q. If we could take a look at Exhibit 4.

1 A. Yes.

2 Q. Do you recognize that?

3 A. Yes.

4 Q. What is it?

5 A. This is a Mason jar that is labeled with, it looks like
6 what appears to be "3-11-21, dangerous, do not touch," and it
7 does have the orange band around it as described in that CHS
8 meet.

9 MS. GANTT: Your Honor, I move to admit Exhibit 4.

10 THE COURT: All right. I'm sorry. I don't
11 understand. What is shown in Exhibit 4?

12 THE WITNESS: This is what appears to be the HMTD
13 that was described --

14 THE COURT: Are you saying ETN?

15 THE WITNESS: HMTD.

16 THE COURT: Okay.

17 (Government's Exhibit 4 received in evidence.)

18 BY MS. GANTT:

19 Q. Was that what you discussed before, the primary explosive
20 that requires nothing to be added that Mrs. Spafford asked
21 Mr. Spafford about?

22 A. Correct.

23 THE COURT: All right. I understand.

24 BY MS. GANTT:

25 Q. And is it being kept in the freezer next to food items?

1 A. Yes. It's beside Hot Pockets and corn on the cob in the
2 top of the chest of freezer.

3 Q. Have any of the destructive devices found in the garage
4 been examined by the FBI?

5 A. Yes. One of the devices was examined already by the
6 Quantico lab, and it was determined to be an improvised
7 explosive device. Due to the elements of the device itself,
8 it has a hard outer shell. It has powders. It has
9 projectiles. And the powder is consistent with an explosive,
10 and adding it together could cause property and/or life loss.

11 Q. Are examinations of the other materials pending?

12 A. Correct.

13 Q. And were many of the devices detonated on scene?

14 A. Yes. The majority of the devices were detonated on
15 scene. All of the devices were etch laid, and we put them in
16 basically color coded based upon, if they were blue, yellow,
17 if they were written "lethal" on them, et cetera.

18 We x-rayed them, and then we took one of each of
19 those devices and took and opened it up. The bomb techs
20 opened it up and took the materials inside it, and then the
21 device itself, separated it and sent it to the lab, and they
22 are pending analysis.

23 Q. All right. You mentioned before that the short-barreled
24 rifle was found in the bedroom of the main home?

25 A. Yes.

1 Q. Was there something else found in the bedroom of
2 relevance?

3 A. Yes. There was a backpack that was near the Go Box.

4 Q. If I could have you take a look at Exhibit 6.

5 A. Yes.

6 Q. Skipping ahead one exhibit. Do you recognize that?

7 A. I do. This is the backpack that was found in the master
8 bedroom floor.

9 Q. And is the outside of the backpack marked "no lives
10 matter"?

11 A. Correct.

12 Q. And what's on Page 2 of that exhibit?

13 A. So inside this backpack, there was three devices found.
14 When the bomb techs x-rayed the devices, it actually is six
15 devices. There are two devices put together, and they
16 both -- each end has the capability of being -- having an
17 ignition on it. So they determined this is six additional
18 devices that were in the residence, the primary residence.

19 Q. And they were not in the safe; is that correct?

20 A. They were not in the safe.

21 MS. GANTT: Your Honor, move to admit Exhibit 6.

22 THE COURT: All right. Exhibit 6 will be admitted.

23 (Government's Exhibit 6 received in evidence.)

24 BY MS. GANTT:

25 Q. And finally, if I could have you take a look at Exhibit

1 5.

2 A. Okay.

3 Q. Do you recognize that?

4 A. I do.

5 Q. What is it?

6 A. This is a journal that was found inside the residence.

7 Q. And just, we will go through it in more detail, but in
8 general what did it contain of relevance?

9 A. It contained what appeared to be recipes and inventory of
10 different devices and then also the inventory of powders and
11 elements, and some of them were consistent was what we found
12 on scene.

13 Q. Going to what I've hand marked as Page 2.

14 A. These are liquid and powdered inventories, and a lot of
15 these items were actually found inside that shed.

16 Q. And are these items that can be used to make explosive
17 devices?

18 A. Yes.

19 Q. Going to Page 3.

20 A. This is a recipe for homemade C4.

21 Q. I'm sorry. If you could back up one page.

22 A. Oh, I'm sorry. I skipped two pages. Sorry. These are
23 additional powders, and then the primary -- this is a recipe
24 for HMTD, and it also, like, down at the bottom shows like
25 the order in which you would put it in if you were going to

1 do an assembly.

2 Q. Of a detonator cap?

3 A. Yes, of a detonator cap.

4 Q. And as you noted before, this notes on the fourth line
5 down in the right, "The HMTD is very sensitive to friction,
6 shock and flame"?

7 A. Correct.

8 Q. Going to the next page, is this the homemade C4?

9 A. Yes. This is the recipe for this homemade C4, and then
10 also on the other page is like reloading information for just
11 making of ammunition.

12 Q. And what do you understand C4 to be?

13 A. C4 is normally used in like military-type operations.
14 They use it for breaching. It requires a license if you're
15 going to have it as a civilian, if they would even give it to
16 you.

17 Q. Pages 5 and 6, are those inventories of rifles --

18 A. Yes.

19 Q. -- firearms and gunpowder?

20 A. Yes, and primers.

21 Q. Okay. Let's go to Page 7. The 37 millimeter loading in
22 the top right?

23 A. Yes.

24 Q. What's shown in the middle there in that table?

25 A. In the middle it is a color coded pattern of grenades,

1 and this appears to be very relevant to what we found on
2 scene, color coding-wise. The stinger, for example, was tan,
3 and it was written "stinger" on that actual pipe bomb.

4 Q. Going to Page 8. Is this more information on grenades,
5 various types of grenades?

6 A. Yes, and loading them, hand grenades, and then the
7 stinger grade. They appear to be recipes for how to make
8 them.

9 Q. Skipping ahead to Pages 10 and 11, what do those
10 describe?

11 A. This is PETN, which is another secondary explosive. This
12 appears to be the recipe to how to make it. This is also a
13 secondary explosive which would require another element to
14 ignite it like a blasting cap, for example.

15 And on the last page, this is the ETN, which is also
16 that secondary explosive powder that was found on premise.

17 MS. GANTT: Your Honor, I move to admit Exhibit 5,
18 if I didn't already.

19 THE COURT: All right. Exhibit 5 will be admitted.

20 (Government's Exhibit 5 received in evidence.)

21 MS. GANTT: Thank you. And those are all my
22 questions for this witness.

23 THE COURT: All right. Mr. Woodward, you may
24 inquire.

25 MR. WOODWARD: Thank you, Judge.

1 CROSS-EXAMINATION

2 BY MR. WOODWARD:

3 Q. My name is Larry Woodward. I'm going to ask you -- do
4 you want to be referred to as detective?

5 A. Anything is fine.

6 Q. Joint task force officer?

7 A. No, detective is fine. Yes. Thank you.

8 Q. So I first want to start with the beginning of the
9 investigation. Am I correct that as early as January of 2023
10 you had received information that Mr. Spafford had a
11 short-barrel rifle?

12 A. Yes.

13 Q. Okay. And you got a picture of it?

14 A. Shortly after that, yes.

15 Q. Okay. Maybe in February or so?

16 A. Approximately. I'd have to go back and look at the exact
17 dates.

18 Q. Okay. And that was the same short-barrel rifle that you
19 found in his gun safe when you conducted the search, from
20 what you could tell from the pictures?

21 A. It appears to be, yes.

22 Q. Okay. And also, it's true that you knew as early as
23 January or maybe February of 2023 that Mr. Spafford had or
24 potentially had some homemade explosives? You were told that
25 by the undercover agent or your confidential human source?

1 A. Yes. The conversation had taken place.

2 Q. Did the confidential human source ever tell you that he
3 saw Mr. Spafford deploy or explode or use any homemade
4 explosive devices?

5 A. No, they did not.

6 Q. Okay. Did he ever tell you that he saw Mr. Spafford make
7 them?

8 A. No, he did not.

9 Q. Okay. And you also mentioned a go bag. Tell us again
10 what was in the go bag?

11 A. From my memory, it was extra rifle mags, the SBR, the
12 short barrel rifle, medical supplies, water, it looked like
13 there was potentially like food in there.

14 Q. Okay. Anything else?

15 A. Knife. I'd have to look at the picture again to remember
16 all the details, but I think that's the majority of what was
17 in it.

18 Q. Was there any explosive in it?

19 A. I do not know.

20 Q. Well, when you found it -- well, let me ask a better
21 question. When you initially heard about it, did you have
22 any information as an investigator that there were any
23 explosives in the go bag?

24 A. Not to my knowledge.

25 Q. Okay. And when you found the go bag a couple of weeks

1 ago, did you find any explosives in it?

2 A. Not in the box itself. It was in the backpack.

3 Q. All right. You also said that you had information that
4 Mr. Spafford went to the shooting range?

5 A. Yes, sir.

6 Q. Okay. And a lot of people go to the shooting range?

7 A. Yes, sir.

8 Q. Okay. And at the shooting range, he was shooting the gun
9 that you now say -- that you found that was a short-barrel
10 rifle?

11 A. He was shooting a variety of weapons. There was a 308, I
12 think he was shooting there.

13 Q. And just for the record, a 308 is a rifle?

14 A. Like a sniper rifle, yes.

15 Q. Like a long-barrel rifle?

16 A. Long-barrel rifle. And then during one of the times that
17 the CHS went to the range with them, the CHS reported they
18 believed that he had a short-barrel rifle but could not a
19 hundred percent confirm it because they couldn't lay their
20 rifle beside it to properly measure it.

21 Q. Okay. But you had had a picture of what looked like a
22 short-barrel rifle long before that?

23 A. Yes.

24 Q. Okay. Did the confidential human source -- and at this
25 point in time, the beginning of your investigation,

1 Mr. Spafford was still living in Suffolk. Did they say that
2 they ever saw any homemade explosives, or they just tell you
3 that he said he had them?

4 A. They did not see them.

5 Q. Never saw them. Okay.

6 So then that would have been something that the CHS
7 says that Mr. Spafford told him?

8 A. Yes.

9 Q. You mentioned, and I don't want to take up too much time
10 on something I think -- other than October 19th when you say
11 there was a -- the confidential human source was wearing a
12 wire, were they wearing a wire any other times?

13 A. Yes, sir.

14 Q. So let's go through some of the things that you talked
15 about. You mentioned some stuff about bringing back
16 political assassination and the Federal Government using
17 missing children for school shootings. Is that recorded?

18 A. The political assassination is recorded. I cannot recall
19 if the other one is recorded or not. I'd have to go back and
20 listen.

21 Q. Okay. So far as you know, Mr. Spafford never took any
22 steps to commit any political assassination, that you're
23 aware of?

24 A. Not to my knowledge.

25 Q. Okay. You also said that he said he hated the Federal

1 Government, or words to that effect. Did you ever have any
2 information that he took any steps against the Federal
3 Government?

4 A. I didn't say that he hated the Federal Government. I
5 didn't make that statement.

6 Q. Maybe I misunderstood, then. Let me ask the question
7 this way. Have you had any information that Mr. Spafford has
8 engaged in this -- any anti-government activities other than
9 talking about not liking things the government did?

10 A. Yeah, I didn't know. It's all been verbal about
11 weaponizing the IRS and the overreach of the government with
12 taxation. I don't know -- I haven't made it through
13 everything at this point, but as of --

14 Q. I understand.

15 A. -- right now that's what I know.

16 Q. So as of right now what you know is he doesn't like the
17 IRS, and he thinks the government's too much in everybody's
18 business?

19 A. Yes, sir.

20 Q. Okay. He's certainly not unique in that, based on your
21 experience as an investigator?

22 A. No, he's not.

23 Q. Okay. Do you have Exhibit 7 with you, the copy of the
24 criminal complaint?

25 A. Yes.

1 Q. I want to go through that with you just a little bit. So
2 the first paragraph, actually Paragraph 6, the first
3 paragraph under "facts supporting probable cause," talks
4 about Mr. Spafford disfiguring his hand in July of 2021. Do
5 you see that?

6 A. Yes, sir.

7 Q. I mean, just so it's clear, you drafted and looked and
8 signed -- you signed this affidavit?

9 A. Yes, sir.

10 Q. Swore to the accuracy of it in order to get the criminal
11 complaint, correct?

12 A. To the best of my knowledge, yes.

13 Q. Okay. All right. So the devices that were found -- and
14 I'm going to ask a broad question here in this part -- that
15 were found on his property, you know, I guess almost three
16 and a half years later, just a couple of weeks ago, do you
17 know when those devices were made?

18 A. I do not.

19 Q. Okay. Do you know how long he'd had them?

20 A. I do not.

21 Q. Okay. Do you even know if he made them?

22 A. I do not yet.

23 Q. Okay. All right. You then say that the CHS reported
24 that Mr. Spafford and his friends are preparing for something
25 that Spafford would not be able to do alone. Is that a

1 recorded conversation or is that just something the CHS told
2 you?

3 A. That was something that the CHS told us.

4 Q. And what was it they were preparing for?

5 A. I do not know.

6 Q. And who was the friend?

7 A. I do not know.

8 Q. Okay. And when did he say that?

9 A. It was early spring of '23, but I don't have the exact
10 date.

11 Q. Okay. Well, let me make sure I understand your
12 affidavit, then. You are saying that that occurred not on
13 January 17th, 2023?

14 A. No, that's when -- yes, the -- so the original
15 information came in on January 17th, 2023, and that talks
16 about the homemade firearms and then also about him preparing
17 for something he couldn't do alone. So that's not recorded.

18 Q. All right. And it also didn't happen in the spring of
19 2023, because if you knew about it on January of 2023, he
20 would have have to have said it before then, right?

21 A. Yes. The conversation would have taken place prior.

22 Q. So, look, you don't know when he said that?

23 A. Not exactly.

24 Q. Okay. Did you find in the -- when you did your search --
25 equipment to reload ammunition or reload shotgun shells or

1 rifle shells?

2 A. Yes. There was a box in the shed in the double garage
3 shed that had supplies that would be indicative of reloading.

4 Q. Okay. And did you find ammunition out there?

5 A. Yes.

6 Q. How much?

7 A. I don't know the exact number off the top of my head.
8 Hundreds.

9 Q. I mean, let me ask a better question. What calibers of
10 ammunition do you recall that -- what are the ones you
11 recall?

12 A. We collected the 556 and 223 rounds. There were other
13 rounds as well, but we did not collect anything that didn't
14 support the illegal firearm.

15 Q. Okay. So any legal weapons --

16 A. -- were left on scene.

17 Q. You were left on scene, and that along with whatever
18 ammunition would have been able to be fired in those weapons?

19 A. Yes, sir.

20 Q. Okay. And as part of your investigation, did you run a
21 criminal background check on Mr. Spafford?

22 A. I did.

23 Q. And you determined that he was not a felon?

24 A. Correct.

25 Q. Okay. You also said that when he was arrested, he was

1 going to work. Do you know where he works?

2 A. Yes.

3 Q. And where is that?

4 A. Collins Machine.

5 Q. Collins Machine?

6 A. Yes.

7 Q. And where is that located?

8 A. 2703, if I remember correctly, Syers, S-y-e-r-s, Road,
9 Portsmouth, Virginia.

10 Q. Okay. Do you know how long he's worked there?

11 A. I do not know the exact time frame. I know he's worked
12 there for a while.

13 Q. He worked -- let me ask a better question. Has he been
14 working there since you started your investigation and first
15 learned wherever he worked?

16 A. Yes.

17 Q. Okay. And you did some surveillance on Mr. Spafford
18 during your investigation?

19 A. Yes.

20 Q. He went to work regularly, so far as you know?

21 A. Yes.

22 Q. During any of the time you were surveilling Mr. Spafford,
23 did you ever see him do anything illegal?

24 A. No, I did not.

25 Q. Okay. I want to now ask you another question about your

1 affidavit, item 7. Did you have any physical evidence prior
2 to the time -- about this case prior to the time that you
3 executed the affidavit?

4 A. What do you mean physical evidence?

5 Q. Okay. Let me ask you to look at Paragraph 4. I'm going
6 to ask you what you meant by it because you said in Paragraph
7 4 that your affidavit was based on other physical evidence
8 obtained during the investigation.

9 So what did you mean by physical evidence, Detective?
10 You didn't have any, did you?

11 A. Sir, there was -- we have a variety of different evidence
12 to do with phone pen, trap and traces. We had other
13 evidences in reference to the surveillance and the CHS
14 recordings.

15 Q. Okay. Not -- that wasn't my question, ma'am. So you
16 said observations were made or conveyed to me by individuals.
17 You talked about that. Review of records. That would be
18 pen, traps and tracings, correct?

19 A. Uh-huh.

20 Q. Documents, that would be -- you didn't have any physical
21 evidence when you signed this affidavit, did you?

22 A. No.

23 Q. Physical -- look, you know what physical evidence is.
24 It's guns, it's bullets, it's the backpack, it's all the
25 stuff you got during the search warrant?

1 A. Correct.

2 Q. You didn't have it?

3 A. Not at that time.

4 Q. Why did you put in your affidavit that you did?

5 A. That is simply just a mistake in the writing of the
6 affidavit.

7 Q. Okay. All right. Let's now talk about a little bit --
8 just a little bit about the search. So the picture of the
9 rifle, you've talked about that. You said that that's --
10 Exhibit 2 appears to be the same weapon that was in the
11 picture you got sent almost two years earlier in January of
12 '23?

13 A. Yes, sir.

14 Q. Okay. And it was locked up in a gun safe?

15 A. It was in a safe, yes.

16 Q. Okay. Well, was the safe locked?

17 A. To my knowledge, yes.

18 Q. So far as you know, it was locked?

19 A. Correct.

20 Q. And you all didn't have to break into the safe?

21 A. No. They gave us access.

22 Q. Mrs. Spafford or my client gave you access and told you
23 that there were weapons and stuff in the safe?

24 A. Yes, sir.

25 Q. And then Exhibit 1 is some slogans or logos, correct?

1 A. Yes. They are Memes.

2 Q. What are they? Memes?

3 A. Like Memes.

4 Q. Okay. And where did you get those from?

5 A. They were received on -- from -- to the CHS from
6 Mr. Spafford on the social media platform.

7 Q. And do you know when?

8 A. I don't remember the exact date off the top of my head.

9 Q. But prior to the search warrant?

10 A. Yes, this was prior to the search warrant.

11 Q. Do you know how long prior to the search warrant you had
12 those?

13 A. Within the time that I opened the investigation till we
14 did the search warrant.

15 Q. And then you went through a number of pictures. Let me
16 first ask you: You said you determined that some of the
17 devices were inert, or to be accurate you said the
18 technicians that were inert -- when you use the term "inert,"
19 what do you mean by that?

20 A. The bomb technicians explained they appeared to be
21 training devices, which means that they wouldn't be like they
22 can hurt you.

23 Q. They couldn't hurt you?

24 A. Yeah.

25 Q. Okay. And out of the hundred and 50, you said, that you

1 found, approximately how many of them, if you recall, were
2 inert?

3 A. I do not know the exact number, but it was not that many.

4 Q. Okay. And then what was the other color code? You said
5 it was yellow?

6 A. There was yellow ones. They were what they determined to
7 be live devices, and then there were some tan, some had red
8 stripes on them.

9 Q. And your testimony is that the ones that were yellow, tan
10 and red, what were the differences, or do you know?

11 A. I don't know yet. We are waiting on the analysis.

12 Q. How many of them were destroyed or exploded on scene?

13 A. We kept nine of the devices. So the rest were detonated
14 on scene.

15 Q. So 140 or so were detonated on scene?

16 A. Approximately.

17 Q. Okay. And that included the nine that you kept. Did
18 that include some of each color?

19 A. Yes. That's what we had asked for, yes.

20 Q. Okay. And were you there when they were detonated?

21 A. Yes, sir.

22 Q. And explain how that happened.

23 A. So I'm, first of all, not a bomb technician.

24 Q. Understood.

25 A. Just to caveat that. So basically what they did was they

1 removed them from the shed to -- they laid them out on a
2 trailer, flatbed trailer that was sitting out there just so
3 they could see what they had. Then they moved them in
4 sections over to a hole that they dug in a field, and then
5 they did bomb tech stuff, and I do not know about what they
6 did. I just know that they put some kind of covering over
7 the top of it to make it safer so it would only go so far
8 when they detonated.

9 Q. Okay. All right. And so do you know or do you have
10 records there with you, the nine that you kept, what
11 substances were in any of those?

12 A. We don't know yet. It's pending analysis.

13 Q. Okay. Well, we received -- you talked about ETN?

14 A. Uh-huh.

15 Q. And you talked about PETN?

16 A. Uh-huh.

17 Q. Those are both secondary explosives?

18 A. Correct.

19 Q. They require some more components or some sort of ignitor
20 to create the oxidation to explode them, correct?

21 A. Correct.

22 Q. And the HMTD, which you say was in this jar in the
23 freezer, had that been tested?

24 A. That was detonated on scene. They did a post-blast
25 recovery on that.

1 Q. Okay. That means they picked up the soil around where
2 they exploded it, and they sent that to the lab?

3 A. My understanding, yes. I wasn't a part of that part.

4 Q. So you've not seen any lab report that actually verifies
5 that that's HTND (sic)?

6 A. HMTD, no.

7 Q. HMTD. Okay. Do you know what the volume or what the
8 amount of that substance was, that jar? I mean, we have a
9 picture. Did you take any --

10 A. They detonated it prior to me arriving that morning, so I
11 did not physically see it.

12 Q. So do you know if as the case agent -- I mean, the
13 picture we have shows it laying there by some Tater Tots or
14 something, whatever that is?

15 A. Hot Pockets and corn on the cob.

16 Q. Hot Pockets, okay. Do you know if anybody took it out of
17 the freezer and took like an investigative photo of it
18 sitting by itself?

19 A. I don't know yet. I haven't gone through the hundreds of
20 photos that they have taken, but that is the photo that was
21 given to me.

22 Q. Okay. And so you don't have any idea of the quantity?

23 A. Not yet.

24 Q. And you don't have any idea whether any of the devices,
25 that were exploded or tested, contained HMTD?

1 A. The analysis is still pending.

2 Q. Now, the one thing that you did analyze contained
3 Potassium perchlorate, correct?

4 A. I don't know. I'd have to refer to the lab --

5 MR. WOODWARD: Your Honor, may I give her what I
6 can? This is an e-mail.

7 MS. GANTT: She has a copy of it, Your Honor.

8 THE WITNESS: I don't have it with me up here.

9 MR. WOODWARD: Can I?

10 THE COURT: Sure.

11 MR. WOODWARD: Beside it, to make sure I haven't
12 written anything.

13 THE COURT: And what is it you are handing the
14 witness?

15 MR. WOODWARD: That is an e-mail of -- that
16 Ms. Gantt sent to me, and then actually the copy she has, I
17 then sent it to Mr. Swartz. But it's an analysis that came
18 in from Jason Miller at the FBI explosive unit.

19 THE COURT: All right.

20 BY MR. WOODWARD:

21 Q. Do you see that?

22 A. I do.

23 Q. Do you know what Potassium perchlorate is?

24 A. No.

25 Q. Okay. All right. Do you know if it's illegal?

1 A. I do not.

2 Q. You don't know anything about it?

3 A. No. I'm not a bomb technician.

4 Q. Okay. Can I get that back from you?

5 A. Yes, sir.

6 MR. WOODWARD: Judge, can I substitute this one in?

7 THE COURT: You want to make it an exhibit?

8 MR. WOODWARD: I guess Defense 1, Your Honor.

9 THE COURT: All right. Defense Exhibit 1 will be
10 received.

11 (Defendant's Exhibit 1 received in evidence.)

12 THE COURT: Are you going to ask the witness any
13 more questions about the exhibit?

14 MR. WOODWARD: No, Your Honor. She said she
15 doesn't know what it is. I'm just going to put it in for
16 the fact that it exists.

17 THE COURT: Give me a moment to read it.

18 (Pause).

19 THE COURT: All right.

20 MR. WOODWARD: All right. Thank you.

21 BY MR. WOODWARD:

22 Q. Now, the exhibit that is the notebook, that I'll call it,
23 correct? You have that?

24 A. Exhibit 5?

25 Q. Exhibit 5. All right. And that also has, in the back of

1 it, a list of some of Mr. Spafford's family members, their
2 dates of birth, their licenses?

3 A. That, I do not have with me. That was not part of this
4 particular exhibit that was submitted to the courts.

5 MR. WOODWARD: Well, then, Your Honor, for the
6 record of completeness, I have a complete copy of that
7 notebook. I didn't realize that the one the government gave
8 wasn't a complete one, so I'd like to make this Defense 2
9 and give her the complete one, make sure --

10 MS. GANTT: Your Honor, I omitted it because it has
11 personal passwords for online items, so it should probably
12 be under seal. The full copy should probably be under seal.

13 THE COURT: All right. Very well. We will receive
14 Defense Exhibit 2, identified as the remaining parts of the
15 journal previously marked as Government's Exhibit 5.

16 MR. WOODWARD: Yes.

17 THE COURT: All right. This one will be filed
18 under seal given the personal identifying information
19 contained therein.

20 MR. WOODWARD: And when you get through marking
21 that, I'll give it to her.

22 (Defendant's Exhibit 2 received in evidence.)

23 THE COURT: All right. You want this to go to the
24 witness?

25 MR. WOODWARD: I would like for it, just a couple

1 of questions, Your Honor.

2 THE COURT: All right.

3 BY MR. WOODWARD:

4 Q. Would you take a minute and look at that and, I guess,
5 particularly the last few pages and ask me if you recognize
6 that as all being part of the same notebook?

7 A. Yes, sir.

8 Q. Okay. And without saying what they are, that notebook
9 also contained a lot of birthdays and passwords and names of
10 family members and other personal and biographical
11 information about both Mr. Spafford and his family, correct?

12 A. Correct.

13 Q. And the information is in there that the government asked
14 you about, you have -- that's not dated, is it? You have no
15 idea when that was put in there?

16 A. No.

17 Q. Or how long that notebook had been in existence?

18 A. Uh-uh, I do not know.

19 Q. Okay. Do you know where it was found, what's in the
20 home?

21 A. I do not know the exact room it was located in, off the
22 top of my memory.

23 Q. Okay. But it was found in the home -- I mean, in the
24 house?

25 A. In the residence, yes.

1 MR. WOODWARD: Okay. All right. That's all I have
2 with that, Your Honor. We can get it back and put it under
3 seal.

4 BY MR. WOODWARD:

5 Q. The other picture you were shown, the other exhibit you
6 were shown by Ms. Gantt was 6. Do you have that there in
7 front of you? It's the "no lives matter"?

8 A. Yes, sir.

9 Q. And then the --

10 A. Yes, sir.

11 Q. Okay. So the three items that are Page 2 of Paragraph 6,
12 they were found in a backpack in the bedroom?

13 A. Yes.

14 Q. And when we are saying "the bedroom," we are talking
15 about the master bedroom?

16 A. Yes.

17 Q. Where presumably Mr. Spafford and his wife, that was
18 their bedroom?

19 A. Presumably, yes.

20 Q. Do you know anything about those three devices?

21 A. I only can tell you what the bomb techs told me.

22 Q. Okay. So you don't know if they're inert, you don't know
23 if they're lethal, you just know they were there?

24 A. I just know they were there. They x-rayed them, and they
25 were detonated.

1 Q. Okay. And that, on the one that's at the near bottom of
2 the page, that looks like it's got some kind of a barcode on
3 it. I assume, or do you know, was that put on there by the
4 investigators or was that barcode on there when it was --

5 A. It was already on there. That appears to just be a piece
6 of PVC pipe.

7 Q. With maybe a what?

8 A. Like the barcode from the store, is what it appears to
9 me.

10 Q. From the store. Okay. Did you actually see these?

11 A. I -- no, they made us exit the residence as soon as they
12 found them, for safety purposes.

13 MR. WOODWARD: Okay. All right. You also, a
14 couple more things to go to, because we are covering
15 everything for both, Your Honor.

16 BY MR. WOODWARD:

17 Q. You talked about Mr. Spafford trying to qualify as a
18 sniper. What do you do to qualify? What are you talking
19 about? To qualify with who?

20 A. So the range, the private range has qualifications for
21 the different ranges that they have, and one of the
22 qualifications is in order to go up from one yardage to
23 another yardage, you have to be able to qualify under their
24 statutes, which is basically like the rounds have to go
25 within a certain measurement from the bull's-eye, if that

1 makes sense.

2 Q. Okay. And you said when he was arrested he was
3 cooperative, he didn't have any weapons or contraband on him
4 or anything like that?

5 A. He had a handgun inside the car.

6 Q. But it was -- a legal handgun?

7 A. It's a legal handgun.

8 Q. Right. And he was cooperative with you?

9 A. He was cooperative with us.

10 Q. Okay. And his family was cooperative to you when you
11 showed up to do the search warrant? I assume at that point
12 Mr. Spafford wasn't there, he was already in custody when the
13 search occurred?

14 A. Correct. He was in custody, and his wife was
15 cooperative.

16 Q. Was at the home and was cooperative?

17 And did you search anywhere else? Did you search any
18 of his workspace or any other locations, just his home?

19 A. We did the residence, the vehicles, his phone, and all
20 the cartilage, the buildings, et cetera, that were on that
21 premise.

22 Q. And you mentioned a little bit, I want to make sure the
23 Court understands. You said there was a, I think you called
24 it a barn or a garage or was an outbuilding where the, what
25 you've said are explosive devices was found?

1 A. So it was a double garage. It had two double garage
2 doors on it.

3 Q. Okay.

4 A. And it was not attached to the primary residence.

5 Q. Right.

6 A. It was a lot of outbuildings on this property.

7 Q. Okay.

8 A. A little sheds, chicken coop, horse barn, the double
9 garage, and then an abandoned trailer in the back, what
10 appears to be an abandoned trailer in the back.

11 Q. Okay. So the 150 devices of which now nine remain that
12 haven't been detonated, where exactly were they found?

13 A. So approximately 143 of them were found inside the actual
14 double garage.

15 Q. Okay.

16 A. The other six devices were found inside the residence in
17 the master bedroom.

18 Q. Okay. And the freezer that has the bottle in it that you
19 said you believe was HMTD, that was in that double garage as
20 well?

21 A. Yes, sir.

22 Q. Okay. During the course of your investigation did you
23 receive any information that Mr. Spafford had ever threatened
24 any kind of harm to anybody?

25 A. No.

1 Q. Threatened any kind of harm to any organization?

2 A. Not a direct threat, no.

3 MR. WOODWARD: All right, Judge. Thank you.
4 That's all the questions I have.

5 THE COURT: Thank you. I have just a couple. Was
6 the garage used as a garage? In other words, were there
7 automobiles in there, or was it used as a workshop, or what
8 was the nature of the garage?

9 THE WITNESS: So there was no vehicles inside that
10 double garage space. There was a variety of, like, shelving
11 and what appears to be partly like a workshop-type area.
12 You could have probably pulled in a vehicle, but they
13 were -- it appeared that they were still kind of moving and
14 unpacking some stuff. It didn't look like it was exactly
15 set up a hundred percent yet.

16 THE COURT: Was the garage locked?

17 THE WITNESS: So when I was on scene, it was not
18 locked, and I -- the SWAT units are the ones that actually
19 entered that premise first. There was no broken doors,
20 which would indicate to me that it was not locked, because
21 normally they would force entry, and it would be some kind
22 of damage to the door, but I have not received a specific
23 answer on that yet.

24 THE COURT: All right. Thank you.

25 Ms. Gantt, do you have any redirect?

1 MS. GANTT: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. GANTT:

4 Q. You mentioned that you were provided access to the safe.
5 What did Mr. Spafford say about the keys to the safe?

6 A. They were on top of the safe.

7 THE COURT: I'm sorry, what?

8 THE WITNESS: They were on top of the safe.

9 BY MS. GANTT:

10 Q. And at the time you signed the affidavit in support of
11 the complaint, you did have photographs and wire recordings;
12 is that correct?

13 A. Yes.

14 Q. Mr. Woodward asked you about Mr. Spafford and
15 Mrs. Spafford being cooperative. Is it fair to say that they
16 were, however, not truthful about the presence of explosive
17 materials?

18 A. Correct.

19 Q. And then, finally, during Mr. Spafford's interview, did
20 he ask to make a call to Mrs. Spafford?

21 A. Yes, he did.

22 Q. And was that call on speakerphone?

23 A. Yes, it was.

24 Q. And what did he state about his belief about the legal
25 jeopardy he was in?

1 A. These -- this is not his exact words, but he said
2 something along the lines that he would be going away for a
3 while.

4 MS. GANTT: Those are all my questions, Your Honor.

5 THE COURT: All right. Thank you. I did think of
6 one other one. You say the CHS is 20 years of law
7 enforcement. Do you know, did the CHS advise that the
8 defendant was aware of the person's law enforcement status
9 or former law enforcement status?

10 THE WITNESS: Yes. During their neighborhood
11 relationship, friend relationship, that individual was in a
12 marked police unit and often wore a uniform displaying his
13 badge of authority on his chest.

14 THE COURT: All right. Thank you.

15 MR. WOODWARD: Your Honor, I thought of one more,
16 too.

17 THE COURT: Well, I asked the question. Go ahead,
18 Mr. Woodward.

19 RECCROSS-EXAMINATION

20 BY MR. WOODWARD:

21 Q. Ma'am, the device or the implement that you testified you
22 believed was an improvised Claymore mine, was that one of the
23 devices that was exploded, or do you even know if it --

24 A. I'm not sure. I don't think they exploded that because
25 it wasn't put fully -- you have to put it all together, and

1 it was separated still.

2 Q. Do you know if there was even any explosive with it?

3 A. I don't know. You'd have to ask the bomb techs.

4 MR. WOODWARD: Okay. Thank you, Judge.

5 MS. GANTT: No, Your Honor. Thank you.

6 THE COURT: All right. Thank you, Detective. You
7 may step down.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 THE COURT: Well, the first thing the Court has to
11 determine is the question of probable cause. Is there any
12 argument on that from either counsel?

13 MS. GANTT: Not from me, Your Honor.

14 MR. WOODWARD: No, Your Honor.

15 THE COURT: All right. Well, the charge in this
16 case is specifically possession of a firearm in violation of
17 the National Firearms Act. The firearm at issue in this
18 case is alleged to be a short-barreled rifle. I certainly
19 think probable cause has been established that the defendant
20 was in possession of such a firearm, and the evidence also
21 established that he did not have authority to do so, so,
22 therefore, I will find probable cause to support the charge,
23 but I suspect the more serious question for the parties, for
24 the Court to resolve, is the question of potential bond.

25 So let me go to you, Ms. Gantt. I will take into

1 consideration everything that came out and the exhibits
2 during the examination of the detective, but is there any
3 further proffer or evidence you wish to offer on the
4 question of bond or detention?

5 MS. GANTT: The only other thing I would offer,
6 Your Honor, is that the preliminary assessment of the FBI
7 explosive's lab in Quantico was that this is the largest
8 seizure of finished explosive devices by number in FBI
9 history. That's all I would proffer in addition, Your
10 Honor.

11 THE COURT: All right. Mr. Swartz.

12 MR. SWARTZ: Your Honor.

13 THE COURT: Good afternoon.

14 MR. SWARTZ: Good afternoon, sir.

15 THE COURT: And do you have evidence, testimony, or
16 proffer you wish to make on the question of bond or
17 detention?

18 MR. SWARTZ: Argument/proffer, Your Honor, if I
19 may.

20 THE COURT: Well, I like to get all the facts out
21 first and then have argument.

22 MR. SWARTZ: Well, the argument will be based on
23 the information in the pretrial report and also the evidence
24 of the testimony that was given this morning.

25 THE COURT: All right.

1 MR. SWARTZ: So argument.

2 THE COURT: Well, it's the government's burden of
3 proof on the question of detention, so then I'll hear the
4 argument from Ms. Gantt first.

5 MR. SWARTZ: Very good.

6 MS. GANTT: Thank you, Your Honor. Your Honor, the
7 government is relying on the risk to public safety, and it's
8 our burden by clear and convincing evidence. Although there
9 is no rebuttable presumption here, all of the 3142 factors
10 weigh in favor of detention.

11 Starting with the nature and circumstances of the
12 offense charged, the current charge is a single count with a
13 penalty of up to ten years. But there are numerous
14 potential additional charges for all of the destructive
15 devices, some of which were registered and all of which
16 would each carry an additional ten-year penalty.

17 As to the weight of the evidence, I think the
18 evidence is extremely strong for the existing charge in the
19 complaint. They found the NSBR that matches what was shown
20 previously. The defendant did not have it registered and
21 stated he did not believe in registration.

22 As to the history and characteristics of the
23 person, I think the family ties, employment, criminal
24 history are certainly all positive and weigh in favor of
25 Mr. Spafford, but they do not do much of anything to

1 mitigate what I would say is an extreme danger that he
2 poses.

3 He has the ability to manufacture and provide
4 explosive devices. It's clear he -- we can see from the
5 notebook and all the manufacturing materials, the fuses, all
6 the different types of substances, that he has extensive
7 knowledge and skills and resources to make these devices and
8 has shown an extraordinary interest in doing so and
9 stockpiled quite a large number of them, over 150.

10 As was elicited in the testimony, Mr. Spafford has
11 never appeared to engage in violence, but he has certainly
12 expressed an interest in it, and I would say he has engaged
13 in reckless behavior regarding the safety of others.

14 After disfiguring his own hand, he still kept these
15 devices unsecured, with minor children living at the house,
16 including the apparent HMTD, which is a primary explosive
17 that requires nothing to be added and can explode simply by
18 friction, such as unscrewing the lid of a jar, kept those in
19 the freezer next to commonly used food items.

20 He certainly expressed no interest in complying
21 with rules regarding registration of any of these items, and
22 I think that shows an unwillingness to comply with pretrial
23 rules, as well as he and his wife's denial, repeated denial
24 of there being any explosive materials anywhere at the home.

25 That is my argument, Your Honor. We would ask that

1 he be detained.

2 THE COURT: All right. Thank you, Ms. Gantt.

3 All right, Mr. Swartz. Now it's your turn.

4 MR. SWARTZ: Thank you, Your Honor. Your Honor,
5 Mr. Spafford is 36 years old. He's lived here in this area
6 almost his entire life. He graduated from high school at
7 Isle of Wight, obtaining an associate's degree, and then
8 came back here to live. He's married with a wife and two
9 little girls. They purchased their home that they currently
10 live in just a number of months ago.

11 He has been employed at the same company -- it was
12 mentioned during the testimony and also reflected in the
13 pretrial report -- at Collins Machine Works as a machinist.
14 He has been there for nine years at the same employment.

15 He has no criminal record, I think no history of
16 any previous criminal charges. There is no presumption
17 against bond, and clearly this is about much more than the
18 charge for which the Court was required to find probable
19 cause this morning.

20 The testimony regarding the short-barreled illegal
21 gun was only a few minutes of a fairly lengthy and in-depth
22 hearing. This was really a presentation by the government
23 to convince the Court that Mr. Spafford is a danger, and
24 that's what this morning was all about.

25 But what we know, the government, the task force

1 was receiving information, I believe according to the
2 detective, from approximately January of 2023, so almost two
3 years they have been getting information from a man who
4 Mr. Spafford knew was previously law enforcement. So he
5 made lots of statements, many statements that I think many
6 people in our community might not agree with or might find
7 concerning, but what do we know? What do we know from the
8 evidence presented and the testimony this morning? He never
9 made any threats against any individuals. He never made any
10 threats against any organizations.

11 Yes, we have been told this morning by the
12 government this is the largest seizure in FBI history, and
13 yet we don't know yet that that explosive was HMTD, and
14 what's more important, what do we also know? In the two
15 years that they have been watching and gathering information
16 on Mr. Spafford, no allegation that anybody ever heard him
17 talk about detonating or distributing or employing those
18 devices in any way. They found devices. They detonated
19 most of them, they kept some of them, and we have to wait
20 for the reports to come back on that.

21 But, again, the government focuses on this
22 bomb-making endeavor that is the largest seizure in FBI
23 history, and, so, therefore, he's a danger to the community.
24 But, again, what do we know? He's a family man who's lived
25 here in a home that he owns with his wife and his two

1 daughters. He has no criminal record. When he was
2 arrested, he was on his way to work on the job that he's had
3 for nine years. He had a legal gun in his car. He did not
4 try to flee. He did not try to resist. He did not try to
5 fight. He was cooperative. He answered questions. He told
6 them apparently where they would find the key to the gun
7 safe where the guns in his home were properly secured and
8 safe.

9 So he cooperated with police. The government
10 argues that there is evidence then that based on his past
11 conduct that he won't follow the rules of pretrial. Now, I
12 understand that pretrial didn't hear all the information
13 about explosives and devices, but pretrial did find that he
14 was pretrial risk category one, which is associated with a
15 95 percent chance of successful compliance with any rules
16 implied by the Court.

17 This is a man who is a family man, who owns a home,
18 who has a fantastic job he's been at for nine years. His
19 wife and other family members, including parents, are here
20 this morning and able and willing to serve as third-party
21 custodians. The government has advised us the home has been
22 safe to return to for his wife and his daughters, and I
23 believe they've been able to return home.

24 So there is no presumption, and the government
25 says, well, he must be a danger because look what he's

1 engaged in. Well, for two years he's been watched and
2 spoken with the entire law enforcement agent. He's been
3 able to turn over this information. Again, what have you
4 not heard today? That Mr. Spafford has never met with
5 anybody else who shares any kind of anti-government
6 sentiments, that he's ever taken any action to plan any
7 future conduct.

8 When is all this supposed to happen? They have
9 been watching him, gathering information on this man for two
10 years. And what has he done during those two years? He's
11 purchased a home. He's raised his children. He's in a
12 great marriage. He has a fantastic job, and those things
13 all still exist for him. And this Court can certainly
14 impose conditions to ensure that he will not engage in any
15 other activity that can be considered a danger. Yes, it's
16 the biggest seizure in FBI history. But what has this man
17 done to demonstrate that he's a danger?

18 He was injured and lost fingers in 2021, and, in
19 fact, as is reported in pretrial, he is still under the care
20 of doctors. In fact, he had surgery in October, I think
21 which is reported, or November, and he has upcoming medical
22 appointments with -- at Johns Hopkins, which is where he
23 underwent this most recent surgery, because they are trying
24 to do a prosthesis to repair his thumb.

25 So he has been under medical care. He had a recent

1 medical procedure done. He has additional future medical
2 appointments scheduled and contemplating future medical
3 procedures to continue to rebuild his hand, which was
4 injured a few years ago.

5 So he is certainly motivated in every sense
6 possible to comply with the rules of court so that he can
7 pursue medical care that he still requires, and to live
8 peacefully with his parents and with his family and to
9 assist us in the preparation for this case.

10 Again, he's charged with possession of a weapon.
11 Clearly, as we've all stated, and we all know this is about
12 much more than that, but that's what his charges, and there
13 is no presumption against bond. He's found to be a category
14 one risk, and so he's a safe risk for bond.

15 Third-party custodians stand ready to assist their
16 family member and the Court in ensuring that he complies
17 with any conditions that are imposed by the Court to assure
18 his reappearance and the safety, and we believe that this
19 Court can impose conditions that will make him a safe person
20 to remain in this community while this case proceeds, and we
21 are asking the Court to set bond.

22 THE COURT: All right. Thank you, Mr. Swartz.

23 MR. WOODWARD: Thank you, Judge.

24 THE COURT: Well, the Court, as I always say, looks
25 at every case individually through the four factors of the

1 Bail Reform Act. The first factor for the Court to consider
2 is the nature and circumstances of the offense. The offense
3 charged is possession of a short-barreled rifle without
4 authorization. But as Mr. Swartz has pointed out, this case
5 appears to be about much more than that.

6 So while what's been alleged in the criminal
7 complaint, and the reason why Mr. Spafford was arrested, is
8 because he possessed a firearm in violation of the National
9 Firearms Act. The underlying concern, it appears in this
10 case, is the nature of what the defendant might have
11 intended, not just in possession of that weapon but in
12 possession of what appeared to be a tremendous amount of
13 explosive devices, and there is an expressed inclination to
14 believe that violence is somehow the answer to what ails
15 this nation, apart from the notion that I'm always puzzled
16 by people who have such violent anti-government beliefs,
17 those are still First Amendment beliefs as long as they are
18 not acted on, and clearly the government is concerned,
19 however, that the defendant may be trying to put himself in
20 a position where he can act on those beliefs.

21 So while the nature and circumstances of the
22 offense itself are certainly not the most severe the Court
23 has ever seen, the potential for additional offenses has to
24 be taken into consideration.

25 Secondly, the weight of the evidence appears to be

1 quite substantial, largely stemming from the search warrant
2 that was executed that turned up all these explosives, and
3 certainly turned up evidence of the possession of a rifle
4 with too short a barrel.

5 With respect to the defendant's personal history
6 and characteristics, the defendant has a solid work history.
7 He has family support. He's a lifelong resident. He has
8 significant ties to this area. He has children. He's
9 married. His parents are here. So he has every reason not
10 to flee. The government really hasn't argued that the
11 defendant is a risk of non-appearance.

12 But the question really is the risk, in the fourth
13 factor, posed to any other person or the community by the
14 defendant's release. The question is always for the Court
15 whether there are circumstances the Court can fashion that
16 will reasonably assure the safety of any other person.

17 Nobody's really talked too much about what those
18 conditions might be, but the Court's been at this long
19 enough to be able to make those kinds of calculations and
20 evaluations itself by looking at what's available and
21 whether or not that is sufficient to mitigate any risk to
22 any other person or the community.

23 And certainly the risk posed to any other person or
24 the community is that, at least as the Court infers the
25 government's argument, is that the defendant might find

1 himself in a position for wanting to use these types of
2 devices against either political figures or anyone else he
3 thinks is responsible for whatever ills he things are going
4 on, but the question is can the Court fashion conditions?

5 The Court has a toolbox of conditions which it
6 relies on in cases that come before it, and while I have
7 this terrible concern that if I decide incorrectly, there
8 could be a significant problem down the road, there is no
9 presumption of detention, and the defendant has put forward
10 at least some conditions that might mitigate the risk, but
11 as I look at what conditions are available to me under the
12 statute, I believe additional conditions may provide the
13 reasonable assurance that any other person or the community
14 can be protected.

15 So I'm going to order the defendant's release, but
16 I'm going to order his release on a number of what I think
17 are sufficient but not greater than necessary conditions.
18 First of all, the defendant is going to be subject to a
19 \$25,000 unsecured bond, and I'm going to appoint his mother
20 as his third-party custodian, who will be required to sign
21 off on that bond. That bond is the defendant's written
22 guarantee that he will appear at all future court
23 proceedings, and he and the defendant's mother are advised
24 that if he fails to appear, or if he commits any offense
25 while on bond, that can subject the defendant to additional

1 penalties, including possible fine or imprisonment and the
2 forfeiture of up to \$25,000.

3 I'm going to require that the defendant maintain
4 his residence with his mother, because I think that is
5 appropriate to keep the kind of sufficient eye, that he
6 won't be somewhere else on the property deciding that maybe
7 the problems of this world are such that his solution, or at
8 least his expressed desire to believe that violence is some
9 type of solution, at least that situation can be minimized.

10 So he will be required to maintain his employment.
11 I'm assuming his employment is still available, Mr. Swartz.
12 Is it?

13 MR. SWARTZ: I understand that it is. I spoke to
14 the owner of the company, Your Honor.

15 THE COURT: All right. He will be required to
16 maintain his employment. His travel will be restricted to
17 the Eastern District of Virginia. He needs to surrender
18 that passport that he has that's expired, if he hasn't
19 already, and he's not to apply for a new passport. He's not
20 to have any contact with any victim, witness, or anyone else
21 involved in this case, and that includes the confidential
22 human source.

23 He's not to possess any firearm, destructive
24 device, or other dangerous weapons, and this is where the
25 importance of the third-party custodian comes into play.

1 Which one of you is the defendant's mother?

2 All right, ma'am. I have appointed you as
3 third-party custodian. That means you are responsible for
4 being basically the eyes and ears of the Court to make sure
5 your son adheres to these conditions that I'm imposing. And
6 so I trust that you are willing to accept that
7 responsibility?

8 THE MOTHER: Definitely, yes.

9 THE COURT: All right. Then any firearms? The
10 bond report indicates that you are prepared to remove it if
11 you haven't already removed them from your home, but they
12 should be removed from your home. I'm going to direct that
13 the defendant not use or unlawfully possess any drug or
14 controlled substance unless prescribed. He's not to use
15 alcohol excessively. He's to submit to random testing in a
16 manner required by probation.

17 I'm also going to require the use of electronic
18 monitoring in this case. That will be -- the type of
19 monitoring will be determined by the probation office. The
20 expenses will be paid by the defendant.

21 Mr. Swartz, what are the defendant's work hours?

22 MR. SWARTZ: Usually he works second shift, which
23 is 3:00 p.m. to 11:00 p.m.

24 THE COURT: All right.

25 MR. SWARTZ: That's subject to change, but that is

1 his regular work schedule.

2 THE COURT: All right. So I'm going to impose the
3 condition of home detention, which means the defendant is
4 restricted to his residence at all times except for
5 employment, education, religious, medical, substance abuse,
6 mental health treatment, attorney visits, court or other
7 activities approved in advance by the probation officer.

8 Now, the probation office will be setting up the
9 monitoring and will have the right to perform home
10 inspections, either announced or unannounced, to make sure
11 that the defendant is adhering to these conditions.

12 I impose these conditions, Mr. Spafford, with the
13 understanding that you understand these aren't suggestions
14 or these aren't inclinations that you may or may not decide
15 to adhere to. They are, in fact, conditions, and your
16 adherence to those conditions is what will keep you from
17 being detained in the future.

18 So those are the conditions I'm going to impose.

19 Ms. Gantt, does the government think any other
20 conditions are necessary?

21 MS. GANTT: No, Your Honor. But we would note an
22 appeal of the decision and ask a release order be stayed
23 until the appeal is determined.

24 THE COURT: Well, I'll tell you what I'll do,
25 Ms. Gantt. You can file that by the end of today. If you

1 file it by the end of today, then the release decision will
2 be stayed until it's resolved by a District Judge. But I
3 want to make sure that you understand that this matter
4 should be expedited.

5 The defendant has already been in custody for a
6 while, and I've been doing this a long time, and the only
7 time I ever made the wrong decision, it was someone who fled
8 the country. I don't think that's a significant risk with
9 respect to this defendant, but I do respect your position.

10 I do understand the government's concerns, but I do
11 acknowledge, as part of the basis for my decision, you know,
12 it's almost a catch 22, that the government's been aware of
13 this potential risk since January of '23, and on the one
14 hand it's been almost two years since they finally acted on
15 it. On the other hand, there is always the criticism that
16 the government acted too soon, and so I do appreciate the
17 sort of Hobson's choice you had there.

18 But in this case I do think that there are
19 conditions that can be fashioned, as I've expressed. So get
20 some on file this afternoon, and the District Judge, whoever
21 gets assigned to it, I will reach out to them and let them
22 know that they should give this their prompt attention.

23 MS. GANTT: Thank you, Your Honor. And I'll order
24 the transcript as soon as I return.

25 THE COURT: Thank you, Ms. Gantt.

1 All right, Mr. Swartz or Mr. Woodward, is there
2 anything further for the Court to address?

3 MR. WOODWARD: Only, Your Honor, that when the
4 government orders the transcript, we would like a quick
5 expedited copy as well.

6 THE COURT: We don't have a reporter in here today
7 so it's by FTR, and so, therefore, we will do our best to
8 get that promptly.

9 MR. WOODWARD: I understand, Your Honor. Thank
10 you.

11 THE COURT: Just one question on the possession of
12 the weapons.

13 THE PROBATION OFFICER: Did you want the condition
14 that probation having reviewed ammunition and magazines?
15 Did you want --

16 THE COURT: Yes. We are -- nothing dangerous.

17 THE PROBATION OFFICER: Okay.

18 THE COURT: Thank you, everyone.

19 The Court stands in recess.

20 MR. WOODWARD: Thank you, Your Honor.

21 (Hearing adjourned at 12:29 p.m.)
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CERTIFICATION

I certify that the foregoing is a correct transcript, to the best of my ability, of the court's audio recording of proceedings in the above-entitled matter.

X _____ /s/ _____ X

Jody A. Stewart

X _____ 1-2-2025 _____ X

Date

JODY A. STEWART, Official Court Reporter