

EXHIBIT 2

**Testimony of Venezuelan official who
rigged elections in Venezuela using
software that is now used in
Colorado voting system**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. __1:25-cv-00425 STV

TINA M. PETERS, Applicant,

v.

MOSES "ANDRE" STANCIL in his official capacity as the Executive Director of the Colorado Department of Corrections, and **PHILIP J. WEISER**, in his official capacity as Attorney General of the State of Colorado, Respondents

NOTICE OF FILING

To the Court and all parties:

Please take notice that, in response to the Court's invitation to provide additional information (ECF 67), Applicant files herewith the sworn testimony of a former Venezuelan government official who assisted the government in rigging Venezuelan elections using Smartmatic software from 2003 through 2016. Based on his own personal knowledge, computer expertise, and examination of the forensic image preserved by Tina Peters, the witness testified that Smartmatic software has the same structure and vulnerabilities as the Dominion software used in Mesa County and 61 other Colorado counties, and that elections in Colorado

using Dominion software are just as insecure as the elections that were rigged by the Venezuelan government using Smartmatic software. Venezuelan software engineers who designed the Smartmatic software to rig Venezuelan elections now work for Dominion in the United States. The witness also testified that in Venezuela, people who criticized the voting system were prosecuted by the same government that rigged the elections. The evidence before this Court shows that the judge who sentenced Clerk Peters to nine years in prison, and denied her bond on appeal, gave as his justification that Mrs. Peters' public statements about the voting system were "lies" that made her a "danger" to the community. The attached transcripts show that Mrs. Peters' public statements about the voting system were true. There is no legal justification, and there never was, for incarcerating Tina Peters without bond.

SUMMARY OF TESTIMONY WITH CITATIONS TO TRANSCRIPTS

References to transcripts are "AM" (9/18/25 morning transcript) and "PM" (9/18/25 afternoon transcript) with page numbers.

1. Mesa County Forensic Images Exposed Dominion Vulnerabilities

- Mesa County's forensic images of Dominion Software contained the same vulnerabilities the witness had seen in Venezuela's Smartmatic systems:

encryption flaws, plain-text passwords, and exposed source code that allowed undetectable manipulation (PM 50–51).

- Dominion’s log files were configured too small, causing data to be overwritten during elections, thereby erasing critical evidence needed for an audit (PM 17–19, 26–27).
- The “trusted build” conducted by the Secretary of State in May 2021 erased all 2020 election records, in violation of 52 U.S.C. § 20701 requiring preservation for 22 months (PM 24–26).

2. U.S. Elections Are Not Secure

- U.S. elections are not secure because Dominion’s software contains “basic” vulnerabilities left uncorrected for years, making manipulation possible by any engineer with system access (AM 6, 25–26).

3. SAES Tool and Rigging in Venezuela

- Venezuela used Smartmatic’s “SAES data utility tool” to emulate voting machines and inject false votes without detection (AM 12–15; PM 29–31, 45, 51–52).

- Example: In the state of Merida, transmissions for the entire state were falsified through SAES, ensuring the election of a government-favored candidate (PM 29–31).
- SAES data utility tool was presented as a legitimate system-testing tool, but in practice it became the government’s instrument to inject phony votes in rigged elections.

4. Suppression of Whistleblowers

- Venezuelans who criticized Smartmatic were prosecuted, often with evidence provided by Smartmatic itself. Judges lacked the expertise to verify whether that evidence was genuine (PM 6–7).

5. Engineers moved from Smartmatic to Dominion

- **Ronald Morales** – Smartmatic engineer now employed by Dominion; installs “man-in-the-middle” systems for remote access to county voting systems (PM 23, 31).
- **David Moreno** – Developed Smartmatic software; now manages Dominion’s Texas warehouse and configures U.S. election equipment (PM 31–32).

- **Heider Garcia** – Former Smartmatic engineer; now head of elections in Dallas County, Texas (PM 32–35).

6. Audits Are Controlled and Ineffective

- Election audits only reveal what the companies allow. Source code is withheld, and tools like SAES data utility are excluded from review, leaving true manipulation undetectable (AM 17–18; PM 45).
- Witness confirmed that digital ballot images can be altered inside Dominion machines without trace (PM 43–46).

7. Foreign Manufacturing and Firmware Risks

- Dominion and Smartmatic machines use components manufactured in China and assembled in Taiwan. Firmware may be configured overseas to keep internal modems enabled, permitting covert internet connections even when software reports them disabled (AM 9–12; PM 53).

8. Venezuelan and Cuban Government Involvement

- Venezuela financed Smartmatic with \$250,000 to build its election system in 2003, later paying \$140 million annually to run the elections. In exchange, the government received 28% ownership and full rights to the source code, stored at the Venezuelan central bank in Caracas (PM 13–15, 48–49).

- Cuban communist managers were directly involved in Venezuela’s elections, exercising oversight (PM 7–8).

9. Dominion’s International Operations

- Dominion maintains headquarters in the U.S., Canada, and Serbia. The Serbian office is responsible for resolving U.S. election software issues on election days (AM 22).
- Remote access to U.S. election systems is achieved through “man-in-the-middle” setups, allowing Dominion engineers to make changes during elections via VPN or virtual machines (PM 20–23).

10. Witness Qualifications

- The confidential witness testified to having over 20 years of experience in electoral systems and information technology, beginning in Venezuela in 2003. He served as the National Coordinator within the Venezuelan National Electoral Council. In that capacity, he was responsible for:
 - Configuring and managing Smartmatic voting equipment and data transmission systems used nationwide in Venezuela (2003–2016) (AM 7).

- Establishing and overseeing national and state-level “war rooms”
(situation rooms) where election results were monitored, manipulated,
and directed by top government officials, including the President, Vice
President, ministers, and senior military leaders (AM 8).
- Supervising audits conducted with international observers such as the
Carter Center and the European Union (AM 9).
- Managing data centers containing voter records, biometric systems,
and election backups (AM 10).
- Direct oversight of Smartmatic engineers and technology integration,
including interactions with Sequoia and Dominion systems after their
acquisitions AM 21-22).

Summary

The witness drew a direct connection between Smartmatic’s Venezuelan election rigging and the vulnerabilities found in Mesa County’s Dominion forensic images. He testified that Dominion’s system architecture shares core elements with Smartmatic, enabling manipulation through the same methods: deliberately small log files, accessible source code, SAES data utility style tools, and remote “man-

in-the-middle” connections. He concluded that Dominion systems, built with Chinese components in a voting system designed by former Smartmatic engineers, are not secure or auditable in U.S. elections.

Respectfully Submitted September 23, 2025.

Patrick M. McSweeney
Robert J. Cynkar
McSweeney, Cynkar & Kachouroff, PLLC
3358 John Hill Tree Road
Powhatan, VA 23139
(804) 937-0895
patrick@mck-lawyers.com

s/ John Case
John Case
John Case, P.C.
6901 S. Pierce St. #340
Littleton CO 80128
(303) 667-7407
brief@johncaselaw.com

THE TICKTIN LAW GROUP
270 SW Natura Avenue
Deerfield Beach, Florida 33441
Telephone: (561) 232-2222

/s/ Peter Ticktin
PETER TICKTIN, ESQUIRE
Florida Bar No. 887935
Serv512@LegalBrains.com

Co-counsel for Applicant Tina M. Peters

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will cause an electronic copy of same to be served on counsel of record via the email addresses that counsel registered with the Court's ECF system.

s/ Linda Good

EXAMINATION UNDER OATH OF CONFIDENTIAL WITNESS

DATE: September 18, 2025

TIME: Commenced at 10:33 a.m.
Concluded at 11:36 a.m.

Pages 1 through 31

Stenographically Reported By:

Teresa R. Cruise, CRR, RPR, FPR-C, FPR
Registered Professional Reporter
Florida Professional Reporter
Notary Public, State of Florida

APPEARANCES:

On Behalf of Tina Peters:

JOHN CASE, ESQUIRE OF:

Colorado Attorney
6901 South Pierce Street
Suite 340
Littleton, CO 80128
(303) 667-7407
Brief@johncaselaw.com

Also Present:

Caleb Bowen, Videographer

Also Remotely Present:

Jose Vega, Interpreter
Linda Good
Jason Ickes
Walter Daugherty

INDEX OF PROCEEDINGS

Examination Under Oath of CONFIDENTIAL WITNESS

	<u>Page</u>
Examination by Mr. Case	6
Certificate of Oath	29
Certificate of Oath	30
Certificate of Reporter	31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS

NO.	DESCRIPTION	PAGE
-----	-------------	------

(NO EXHIBITS MARKED)

1 The examination under oath of CONFIDENTIAL WITNESS
2 was taken on Thursday, September 18, 2025,
3 commencing at 10:33 a.m.

4 Said examination under oath was reported by
5 Teresa R. Cruise, CRR, RPR, FPR-C, FPR
6 Notary Public, State of Florida at Large.

7 - - - - -

8 (The witness, having already presented
9 their government-issued identification and
10 their identity verified, was sworn in as
11 follows.)

12 THE STENOGRAPHER: Mr. Vega, could you
13 please raise your right hand?

14 Do you solemnly swear to truly and
15 accurately interpret from English to
16 Spanish and Spanish to English the
17 questions propounded and the answers given,
18 and that you have such the ability to do
19 so?

20 THE INTERPRETER: I swear and I swear
21 that I have done so to this point this
22 morning.

23 THEREUPON,

24 JOSE VEGA,
25 the interpreter, was sworn to truly and correctly

1 translate English into Spanish and Spanish into
2 English.

3 - - -

4 THE STENOGRAPHER: Mr. Vega, would you
5 please ask our deponent to raise his right
6 hand?

7 Do you swear or affirm the testimony
8 you're about to give will be the truth, the
9 whole truth, and nothing but the truth, so
10 help you God?

11 THE WITNESS: Yes, I do.

12 THE STENOGRAPHER: You can put your
13 hand down.

14 THE VIDEOGRAPHER: Here begins the
15 examination under oath of a confidential
16 witness.

17 Today's date is September 18, 2025.

18 The time is 10:33 a.m.

19 Would counsel please introduce
20 themselves for the record?

21 MR. CASE: My name is John case. I'm
22 a lawyer representing Tina Peters.

23 I'm investigating whether foreign
24 agents manipulated computer voting systems
25 in U.S. elections.

1 THE VIDEOGRAPHER: You may proceed.

2 THEREUPON:

3 CONFIDENTIAL WITNESS,

4 having been first duly sworn, was examined and
5 testified as follows:

6 EXAMINATION

7 BY MR. CASE:

8 Q. Sir, do you have personal knowledge,
9 whether the election systems, in the United States,
10 the voting systems, can be manipulated by foreign
11 agents?

12 A. The electoral systems of the United
13 States can be manipulated by foreign agents or
14 third parties.

15 Q. Sir, are you in danger, physical
16 danger, if your true identity is known?

17 A. Yes.

18 Q. And in order to protect your safety,
19 have you and I agreed that your identity will be
20 redacted in the final transcript of your testimony,
21 and that your face will be disguised and your voice
22 will be altered by technology?

23 A. That's correct.

24 Q. Have you received any money or thing
25 of value in exchange for your testimony today?

1 **A.** No, not at all.

2 **Q.** Have you been promised any money or
3 thing of value in exchange for your testimony
4 today?

5 **A.** No, not at all.

6 **Q.** Can you tell us about your expertise
7 in voting system computers?

8 **A.** I have 20 years of experience in
9 electoral systems. This comes from Venezuela, from
10 2003 onward, where we received for the time and we
11 configured the Smartmatic systems for the first
12 time in Venezuela. We configured the transmission
13 systems and the tally systems.

14 I was the National Coordinator for
15 voting machines. I was the National Coordinator
16 for national data and I work in the creation of
17 situation rooms or war rooms for the Venezuelan --

18 THE STENOGRAPHER: Mr. Vega, your
19 audio cuts out at the end of your sentence.

20 (A discussion off the record was
21 held.)

22 BY MR. CASE:

23 **Q.** You were the National Coordinator for
24 data situation rooms or war rooms for the
25 Venezuelan government?

1 **A.** Yes. Yes, I was the person in charge
2 in the situation room, for the Venezuelan
3 government.

4 **Q.** Is the situation room called a war
5 room?

6 **A.** That is correct.

7 **Q.** Who is present in the war room during
8 an election?

9 **A.** The president of the republic, the
10 vice president, they could either be there in
11 person or via call. The main ministers for the
12 country are there, and the president of congress or
13 what is called the National Assembly.

14 In the specific case of Venezuela, it
15 would be Diosdado Cabello, Jorge Rodriguez, Delci
16 Rodriguez, Rafael Ramirez as the president of the
17 oil industry. High level military personnel.

18 Those are the ones that are in these
19 situation rooms or war room.

20 **Q.** And were you personally present in the
21 Venezuelan war room with the people you just named
22 during elections in Venezuela?

23 **A.** I work together with them from 2004 to
24 2016.

25 **Q.** And when was the last time that you

1 were in the war room in Venezuela during an
2 election? What year was that?

3 **A.** 2015.

4 **Q.** Briefly describe your expertise in
5 computer technology.

6 **A.** Well, my high school degree is IT
7 degree, that's how we call it in Venezuela.

8 Aside from that, I went to the
9 university to study telecommunications, even though
10 I didn't end up graduating on that, I studied
11 telecommunication, business creation and
12 journalism.

13 I am knowledgeable regarding
14 programming systems, operating systems, such as
15 Windows and Linux, and in telecommunications in
16 general to be able to transmit the votes.

17 **Q.** What were you responsible for doing in
18 Venezuelan elections between 2003 and 2016?

19 **A.** I was responsible for configuring the
20 voting equipment. I was responsible for
21 configuring the electoral manager system,
22 responsible for the transmission systems,
23 responsible for the electoral system audits, along
24 with the Carter center and the European Union.

25 On top of that, I was, after that,

1 responsible for the data centers, where we keep all
2 the information of the voter records, biometric
3 systems and the electoral systems before an
4 election day.

5 THE INTERPRETER: Sorry, Counselor,
6 this is the interpreter.

7 The interpreter was somewhat unclear
8 in the last answer of the witness, whether
9 he meant the election systems where we keep
10 the election systems that were used during
11 election days, prior election days or to be
12 used for future election days.

13 MR. CASE: Can you ask him that,
14 please?

15 THE WITNESS: I meant the general
16 system, the general system where you keep
17 the backups for prior elections and where
18 you would set up future elections.

19 So, in the case of Venezuela, the
20 center is centralized in one place. It's
21 very similar to what is done here in the
22 United States except for that each county
23 has its own system and they operate very
24 much independently.

25 In Latin America, our countries have

1 just a single voting system, and the United
2 States has over 3,000.

3 BY MR. CASE:

4 Q. Are you familiar with a ministry in
5 Venezuela called the National Electoral Council?

6 A. Yes, I was an employee of the National
7 Electoral Council.

8 Q. And was it as an employee of the
9 National Electoral Council that you set up the war
10 room to manage the elections in Venezuela?

11 A. That is correct.

12 Q. Did you also set up or direct others
13 under your supervision to set up situation rooms in
14 the states throughout Venezuela?

15 A. Correct. We would create manuals so
16 they can replicate the rooms, and then send over
17 the data to the main room.

18 Q. So each state in Venezuela had its own
19 situation room where election data would be
20 transmitted to the war room; is that correct?

21 A. That's correct. Each individual
22 monitors his state and then sends over the studies
23 to the main room.

24 That's why I have the minister for the
25 administration in each one of the different rooms

1 because each minister is responsible for a certain
2 number of states in the country.

3 Q. Were the results of elections
4 manipulated in Venezuela while you worked for the
5 National Electoral Council?

6 A. That is correct.

7 Q. And how were election results
8 manipulated?

9 A. In the case of 2004, one million fake
10 voters were inputted into the system, into the
11 record of voters, and then the electoral system was
12 used in order to designate who each citizen had
13 voted for.

14 THE INTERPRETER: Sorry, the
15 interpreter would like to make a
16 correction.

17 "And the electoral system was used to
18 determine who each citizen had voted for
19 that the government later on used to be
20 able to persecute those that were not
21 within its ranks."

22 THE WITNESS: In 2006, a tool was
23 used. The tool was called S-A-E-S data
24 utel.
25

1 BY MR. CASE:

2 Q. Can you explain how SAES works?

3 A. SAES data utel is a tool that allows
4 you to do a general test of the entire electoral
5 system.

6 In order for you to test the entire
7 system, you need to input the credentials or the
8 certifications for the particularly election. And
9 this tool allows you to emulate voting machines in
10 order to then transmit the votes.

11 Q. Was SAES used in Venezuela to
12 manipulate the outcome of elections? So change the
13 results?

14 A. It was used by the technology
15 directors. In this case, his name is Eduardo
16 Hernandez. Later on it was used by Delci's cousin,
17 his name is Louis Campos Cabello.

18 Q. And how did they use SAES to
19 manipulate Venezuelan elections?

20 A. By using a statistical system, knowing
21 the electors behavior, without exceeding a maximum
22 of 2 or 3 percent of vote manipulation, while at
23 the same time taking over a large number of voting
24 machines that you need in order to change the total
25 amount of votes that you need to modify.

1 So, specifically, in the year 2008,
2 the technology director for the National Electoral
3 Council was in charge of transmitting the data from
4 an entire state so that his relatives could win.

5 And this can be corroborated because
6 in the transmission system, the telephone companies
7 have to show that all the voting machines issue the
8 transmissions through the official channels, and a
9 red flag came up that -- that particular state,
10 that's the state of Merida, had not issued its
11 transmission yet. So it issued a red flag in order
12 for it to be determined whether there was a failure
13 or an error.

14 And so the national center of
15 tallying, or the adjudication center, responded
16 that -- that the entire state's data had already
17 been transmitted, yet there was no traceability, no
18 trace that showed that state had transmitted the
19 data through the regular transmission channels.

20 So, the solution was to have all the
21 different pieces of equipment retransmitted. But,
22 nevertheless, that would not change the final
23 tally, because the tally was already there -- the
24 total was already there, and all the technical
25 reports regarding these errors or failures were

1 handed over to the military personnel.

2 So they used SAES data utility tool to
3 transmit the entire information for the entire
4 state because you can use it to transmit correctly
5 all the state's data.

6 This is supposed to be a tool that --
7 for its normal usage, it's supposed to allow you to
8 test the integrity of the system. When it's
9 misused, it can allow you to inject votes without
10 people knowing you did so.

11 Q. And can you tell us what S-A-E-S
12 stands for?

13 A. System automated electoral systems --
14 is it system?

15 It's automated system of elections
16 or -- or something similar. It's like a
17 centralized electoral system. It stands for
18 automated system of elections or something like
19 that.

20 That is -- that is -- applies for the
21 entire line of products from the Smartmatic
22 company. Every product is called SAES. So, in
23 Venezuela, we had SAES 3000, 3300, SAES 4000.

24 And in the United States, they used
25 SAES 3367, for the Chicago, Illinois machine, where

1 President Obama, in the 2006 elections, cast his
2 vote.

3 Q. Is there a data utility feature for
4 S-A-E-S?

5 A. So there's a tool -- aside from the
6 system itself, there's a tool called SAES data UTEL
7 that allows you to test the entire system.

8 In general, any company providing
9 election systems needs to have such a tool because
10 they need to be able to prove the integrity of the
11 system.

12 Q. Can the S-A-E-S data utility tool be
13 used to manipulate election results?

14 A. That is correct.

15 Q. How does that work?

16 A. So, in the case of Venezuela, this
17 tool has been designed for the SAES system. So,
18 now, if my system is integrated with an external
19 system, I have to then adapt my tool to be able to
20 test all of the element of my system plus the
21 element of the other system that is being
22 integrated with my system.

23 Well, then, this happened in 2005 when
24 Smartmatic, of the Venezuelan government who owns
25 the source code, the source code belongs to the

1 government, made an integration with the American
2 company called Sequoia Voting Systems when it was
3 acquired in the year 2005 to then bring to pass the
4 elections -- carried out the elections in Chicago,
5 Illinois in 2006.

6 That then lending or selling its
7 technology to Dominion Voting Systems in the year
8 2010, meaning that I need to have a tool to test
9 the integrity of the system, and I adapt that tool
10 to the different integrations.

11 So that's why I'm saying that you
12 would adapt the tool to each one of the systems
13 because each system has a different way in which is
14 writes to the databases and different processes.

15 Q. Is auditing an election part of the
16 Smartmatic software?

17 A. That is correct. And it varies by
18 state and country. And, also, when you audit an
19 election or when you audit a system, you will be
20 auditing only that which the company wants you to
21 see or what the electoral body wants you to see.

22 In other words, it's not like the
23 audit is like an open audit, only the modules and
24 the functions that the public needs to know are
25 audited.

1 That is why you have been unable to
2 detect whether a library has been hidden, has been
3 locked or if it can be manipulated, and you are not
4 auditing tools like this one either, like SAES data
5 utility, which are tools that allow you to inject
6 votes.

7 So people ends up not knowing what the
8 tool's actual purpose or utility is.

9 Q. So if an audit discovers a problem,
10 was there a strategy of how to explain that to the
11 public?

12 A. No, because you would never show the
13 public the errors of the system, you would only
14 show the functionality of it.

15 It was only in 2004 that it was
16 uncovered, that you could find out who people voted
17 for; and, by 2005, there was a modification made,
18 but that was the only thing.

19 Q. What was -- what was the role of human
20 error in terms of public relations?

21 How did human error figure into the
22 public relations of Smartmatic?

23 A. When any company -- and that doesn't
24 just apply to Smartmatic -- when any company
25 mentions human error, what you're doing is you're

1 putting the responsibility for the blame on a
2 person, and not on the system itself.

3 It's easier for me to fire somebody
4 from a company and then pay them their severance
5 package as compared to me losing my entire business
6 because my electoral system, or the system that I
7 am selling has errors. I would end up losing
8 everything.

9 That's why you can read up how all
10 these different electoral companies, they're always
11 alleging human errors here and there. Therefore,
12 for any type of manipulations of elections, you
13 need to have the company to provide the certs
14 because they are the ones who know how their own
15 system works.

16 They know how to make an injection
17 into the system in an undetectable manner, so that
18 when a detailed audit of the election is performed
19 it wouldn't show any sort of trace.

20 **Q.** Is this S-A-E-S data utility similar
21 in its security to a key to a house?

22 **A.** That is correct.

23 **Q.** Can you explain?

24 **A.** This tool allows you to emulate a
25 voting machine.

1 It allows you to emulate multiple
2 voting machines, which means that I can transmit on
3 behalf of a machine, as if I was that machine. The
4 original machine is not transmitting, but I'm
5 emulating this machine, and I'm transmitting
6 whatever data I need to transmit.

7 In the case of Venezuela, the machines
8 that would be transmitted, the data to the machines
9 that would transmitted were the machines that were
10 not going to be audited.

11 **Q.** So, in the case of Venezuela, was the
12 S-A-E-S data utility used to transmit fictitious
13 votes?

14 **A.** That is correct. That's the function
15 for which the Venezuelan government would use that
16 tool for.

17 **Q.** How was the Venezuelan government
18 involved in developing the Smartmatic software that
19 was used to run Venezuelan elections?

20 **A.** Their involvement was a hundred
21 percent. The software was created by the
22 Venezuelan government. Historically speaking, the
23 government financed Smartmatic for it to create the
24 software.

25 This is obvious and public

1 information, based on the audits that the European
2 Union did of the elections of 2004, where its
3 president -- the president of Smartmatic, Antonio
4 Mugica, he informed the European Union that the
5 source code was property of the National Electoral
6 Council.

7 Q. What is the connection between
8 Dominion Voting Systems, Sequoia Voting Systems and
9 Smartmatic?

10 How are those three entities related?

11 A. So Smartmatic purchases Sequoia in
12 2005, so the SAES software is implemented for the
13 element of Sequoia.

14 From 2007 to 2013, Sequoia and
15 Dominion worked for the elections in the
16 Philippines. And that relationship allows Dominion
17 to purchase Sequoia in 2010, allowed it to purchase
18 Sequoia in 2010.

19 So, therefore, the SAES election
20 software from Smartmatic ended up being implemented
21 in Sequoia and later on transferred to Dominion.
22 And you have two engineers there, their names are
23 David Moreno and Ronald Morales, which are -- which
24 were the ones that handled the integration of the
25 software belonging to Smartmatic called SAES and

1 integrated it into Sequoia.

2 And then these very same engineers did
3 the integration from Sequoia to Dominion in the
4 year 2010. Currently, these engineers still work
5 for Dominion and they are in charge of their
6 software.

7 Q. Where is the worldwide global
8 headquarters for Dominion Voting Systems, Inc.?

9 A. They have three headquarters, United
10 States, Canada and Belgrade, Serbia.

11 It is in Serbia that they developed
12 the programs that are then implemented here in the
13 United States. Ronald Morales is the person in
14 charge of configuring the entire security network
15 so that these three different headquarters can
16 communicate between themselves.

17 At that point in time, they used
18 initially VPN networks. And, during the days that
19 the American elections were held, Serbia is the
20 office that is responsible for resolving the errors
21 that pop up in the systems.

22 Q. Is it possible for engineers in
23 Serbia, working for Dominion Voting Systems, to
24 inject votes into an election in the United States
25 of America?

1 **A.** Though I don't have evidence of that,
2 it is possible. If I happen to have access, remote
3 access to the system, I can make changes in the
4 electoral system.

5 **Q.** And would that be by using the S-A-E-S
6 data utility tool?

7 **A.** No.

8 **Q.** And then how would it be done?

9 **A.** Well, we need to understand something.
10 Let's not, you know, end up marrying this tool
11 name, but rather its functionality.

12 So what this tool does, SAES data
13 utility, it uses the libraries for the electoral
14 system that were first used in Venezuela then
15 transferred over to Sequoia and then finally to
16 Dominion.

17 It uses system votes or errors --
18 let's call it the libraries. The libraries for
19 data transmission, data encryption by libraries,
20 the communication between the databases.

21 So what SAES data utility does is that
22 it takes the credentials or passwords for an
23 election so that the system can authorize it to
24 connect itself, and then it can inject as many
25 votes as it needs to.

1 If the Dominion systems have bugs in
2 their libraries, then, in turn, you can you can use
3 those bugs while having the correct credentials or
4 passwords, and use the processes of the same system
5 to then inject the votes that are needed, whether
6 it be minutes, data or votes.

7 Whatever that the system allows me to
8 do, I will be able to do it while using those
9 libraries.

10 **Q.** Did you review the forensic image of
11 the Mesa County election management server from the
12 November 2020 election?

13 **A.** I did.

14 **Q.** And what did you find in your
15 examination of that forensic image?

16 **A.** That the electoral systems of Dominion
17 have vulnerabilities that can be used to attack the
18 system. It's source code is not a hundred percent
19 obfuscated, or hidden.

20 The use in handling passwords --
21 they're all stored in plain text, which allows you
22 to get that data from the database. You can get it
23 from the backups of the different elections, from
24 the settings files of an election, and from the
25 button device that allows to have access to the

1 equipment, because the credentials are also stored
2 in the button itself.

3 So, once you have that information,
4 and if you know how the system operates, then you
5 can attack the encryption levers, which then
6 literally allows you to manipulate the system and
7 change votes at will.

8 Additionally, on top of that, the
9 Windows Operating System has, in turn,
10 vulnerabilities and can also be attacked using an
11 error code, it's called the internal blue. It's an
12 attack system that even the entity the NSA uses
13 here in the United States.

14 Q. Now, after the 2020 election, we were
15 told by the Attorney General of the United States
16 that the 2020 election was the most secure in
17 history.

18 We were also told by the Colorado
19 Secretary of State that the Colorado voting system
20 was the gold standard for running elections.

21 Can you tell us if that is true? Are
22 our elections in the United States and Colorado
23 really secure?

24 A. No, they are not secure.

25 Q. Can any election be run fairly and

1 securely using Dominion software, which is so
2 susceptible to manipulation?

3 **A.** Well, we have to keep in mind or
4 understand something clearly: No system is
5 infallible.

6 Dominion's software is a software that
7 has a lot of errors or bugs. And they have --
8 they've had many years to correct them and they
9 haven't done so. From an IT standpoint, you could
10 even say that the types of errors that they have
11 made are very basic. But the reason why those
12 errors are intentionally there is because they need
13 it, they need them.

14 Now, can they be cured in the future?
15 Of course they can. Is it possible that you can
16 have a secure election using electronic voting
17 systems in the future of the United States? Of
18 course.

19 But the current voting -- the current
20 software that Dominion Voting Systems is using
21 right now does not provide the -- cannot ensure
22 that an election cannot be manipulated because if
23 we, not knowing how their system worked, were able
24 to detect the bugs, that means that either an
25 engineer or a technician working for Dominion that

1 have even better knowledge than we have, can use
2 his or her system to manipulate the votes as
3 needed.

4 And it can be done undetectably --
5 without be detected.

6 Q. Have you understood all of my
7 questions as translated by the interpreter?

8 A. That is correct.

9 Q. Did you answer all questions
10 truthfully?

11 A. Totally truthfully.

12 Q. Were your answers based on your
13 personal knowledge?

14 A. Totally.

15 Q. Okay. You have another appointment
16 and you have to interrupt this to go to that
17 appointment?

18 A. Yes, as I told you earlier when we
19 first started.

20 Q. Would you come back later this
21 afternoon, please?

22 A. Yes.

23 As soon as I'm done with my other
24 appointment, I can come back and we can continue
25 this conversation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE VIDEOGRAPHER: Thee time is
11:35 a.m.
We are going off the video record.
(The examination under oath was
adjourned at 11:35 a.m.)
- - -

CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PASCO

I, Teresa R. Cruise, Notary Public, State
of Florida, certify that JOSE VEGA remotely
appeared before me on the 18th of September, 2025,
and was duly sworn.

Signed this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C
Notary Public - State of Florida
Commission Number: HH351124
Expiration Date: 02/25/2027

CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PASCO

I, Teresa R. Cruise, Notary Public, State
of Florida, certify that CONFIDENTIAL WITNESS
personally appeared before me on the 18th of
September, 2025, and was duly sworn.

Signed this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C
Notary Public - State of Florida
Commission Number: HH351124
Expiration Date: 02/25/2027

C E R T I F I C A T E

THE STATE OF FLORIDA
COUNTY OF PASCO

I, Teresa R. Cruise, a Certified
Shorthand Reporter, do hereby certify:

That I was authorized to and did
stenographically report the foregoing examination
under oath of CONFIDENTIAL WITNESS, pages 1 through
31, that a review of the transcript was not
requested, and that the transcript is a true record
of my stenographic notes.

I further certify that I am not a
relative, employee, attorney, or counsel of any of
the parties, nor am I a relative or employee of any
of the parties' attorneys or counsel connected with
the action, nor am I financially interested in the
action.

The foregoing certification of this
transcript does not apply to any reproduction of
the same by any means unless under the direct
control and/or direction of the certifying
reporter.

DATED this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C

1
2
3
4
5
6
7 **CONTINUATION OF THE EXAMINATION UNDER OATH OF**
8 **CONFIDENTIAL WITNESS**
9

10 DATE: September 18, 2025

11 TIME: Commenced at 2:24 p.m.
12 Concluded at 4:55 p.m.
13
14
15

16 Pages 1 through 61
17
18
19
20

21 Stenographically Reported By:

22 Teresa R. Cruise, CRR, RPR, FPR-C, FPR
23 Registered Professional Reporter
24 Florida Professional Reporter
25 Notary Public, State of Florida

1 APPEARANCES:

2 On Behalf of Tina Peters:

3 JOHN CASE, ESQUIRE OF:

4 Colorado Attorney
5 6901 South Pierce Street
6 Suite 340
7 Littleton, CO 80128
(303) 667-7407
Brief@johncaselaw.com

8 Also Present:

Caleb Bowen, Videographer

9 Also Remotely Present:

10 Jose Vega, Interpreter
11 Linda Good
12 Jason Ickes
13 Walter Daugherty

14
15
16
17 INDEX OF PROCEEDINGS

18 Examination Under Oath of CONFIDENTIAL WITNESS

	<u>Page</u>
19	
20 Examination by Mr. Case	5
21 Certificate of Oath	59
22 Certificate of Oath	60
23 Certificate of Reporter	61
24	
25	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO EXHIBITS

NO.	DESCRIPTION	PAGE
-----	-------------	------

(NO EXHIBITS MARKED)

1 The examination under oath of CONFIDENTIAL WITNESS
2 was taken on Thursday, September 18, 2025,
3 commencing at 2:24 p.m.

4 Said examination under oath was reported by
5 Teresa R. Cruise, CRR, RPR, FPR-C, FPR
6 Notary Public, State of Florida at Large.

7 - - - - -

8 (The witness, having already presented
9 their government-issued identification and
10 their identity verified, was sworn in as
11 follows.)

12 THE STENOGRAPHER: Mr. Vega, could you
13 please raise your right hand?

14 Do you solemnly swear to truly and
15 accurately interpret from English to
16 Spanish and Spanish to English the
17 questions propounded and the answers given,
18 and that you have such the ability to do
19 so?

20 THE INTERPRETER: I swear.

21 THEREUPON,

22 JOSE VEGA,
23 the interpreter, was sworn to truly and correctly
24 translate English into Spanish and Spanish into
25 English.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - -

THE STENOGRAPHER: Mr. Vega, would you please ask our deponent to raise his right hand?

Do you swear or affirm the testimony you're about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I do.

THE STENOGRAPHER: You can put your hand down.

THE VIDEOGRAPHER: The time is 2:24 p.m.

We're back on the video record.

THEREUPON:

CONFIDENTIAL WITNESS,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. CASE:

Q. Sir, I am here because my client, Tina Peters, was prosecuted by the government in Colorado for criticizing the voting system in Colorado.

In your experience -- let me start the

1 question over.

2 I'm here because my client, Tina
3 Peters, was prosecuted by the state of Colorado for
4 criticizing the voting system. There is evidence
5 that Dominion Voting Systems demanded that Tina
6 Peters be prosecuted because she criticized the
7 voting system and made a forensic image of the
8 election management server.

9 In your experience, as part of the
10 Venezuelan government, were you aware of the
11 Venezuelan government prosecuting people who
12 criticized the Smartmatic voting system?

13 **A.** Yes, they have been prosecuted.
14 People have been prosecuted for criticizing the
15 voting system.

16 **Q.** Did Smartmatic participate in helping
17 the government prosecute those people who
18 criticized the Smartmatic voting system?

19 **A.** Yes. The electoral technology
20 companies have to turn over evidence as requested
21 by the government.

22 **Q.** And, in your experience, were the
23 judges who oversaw those prosecutions able to know
24 if the evidence provided by Smartmatic was true or
25 false?

1 **A.** No, they do not have that capacity.

2 They would have to be specialists in technology to
3 know, sir.

4 **Q.** So, the judges in Venezuelan had to
5 rely on the witnesses provided by Smartmatic in the
6 prosecution of people who criticized the voting
7 system?

8 **A.** Correct. Provide by them for the
9 government, correct.

10 **Q.** Now, when you worked for the
11 Venezuelan government between 2003 and 2016, did
12 you meet with any officials who were from Cuba?

13 **A.** Yes, on many occasions.

14 **Q.** And how is it that you met with Cuban
15 officials on many occasions in your role in
16 managing the Smartmatic voting system in Venezuela?

17 Where did you meet with Cubans?

18 **A.** Well, this is because the Cuban
19 officials or Cuban authorities are part of the
20 Venezuelan government. They have full oversight of
21 the activities carried out by the Venezuelan
22 government and provide advice or consulting to
23 them.

24 **Q.** Do you know if Cuba has a communist
25 government?

1 **A.** Yes, yes, it does.

2 **Q.** So are you saying that the Venezuelan
3 government is managed by representatives of the
4 Cuban communist government?

5 **A.** That is correct.

6 **Q.** And do you know if the engineers for
7 Smartmatic, who later became employees of Dominion,
8 were trained in Cuba to write election software for
9 Smartmatic?

10 **A.** No, I'm not aware of that.

11 What I am aware of is that Cuban
12 engineers traveled over to Venezuela to obtain
13 training as far as technology was concerned. Not
14 only electoral technology, but also for public
15 records, such as birth certificates.

16 They received training in biometric
17 technology, passports and to implement Cuban
18 systems within the government. When I refer to
19 Cuban systems, I'm referring to telecommunications
20 and intelligence systems.

21 And what they would explain to us was
22 that given the -- the blockade or embargo that they
23 are going through, they don't have access to those
24 tools that Venezuelans ended up giving them.

25 But as far as election are concerned,

1 or electoral speaking, all the technicians or
2 engineers that created the elections system have
3 all graduated from a Venezuelan university called
4 Simón Bolívar University.

5 Q. Now, when you were working for the
6 Venezuelan government between 2003 and 2016, was
7 part of your responsibility to manage the
8 manufacturing of the voting equipment?

9 A. Well, the manufacturing of the voting
10 equipment, these were manufactured in Taiwan and
11 China.

12 My responsibilities was to receive
13 those components, or those pieces of equipment,
14 configure them and send them out to production to
15 be used through the elections, meaning that any
16 part or piece that was given to me was exported
17 from either China or Taiwan.

18 Q. Did that include firmware in the
19 computers?

20 A. They would already come pre-configured
21 from Taiwan or China. It's already been
22 established, based on the part that you're
23 acquiring.

24 And if there's any modification made
25 to them, then the engineers of Smartmatic would be

1 the ones to do so; or, if it would be the case,
2 another company, like in the case of Dominion.

3 But based on my experience, the
4 components are first tested in the warehouse where
5 they have been manufactured, which means either in
6 China or Taiwan.

7 Q. What is firmware?

8 A. The firmware is a program that is
9 included inside a chip or a particular device for
10 the correct functioning of an entire device.

11 It's the first electrical impulse that
12 the computer receives so that then, after that, it
13 can only -- after that, it can start receiving the
14 instructions from the operating system.

15 Q. So firmware is a set of commands
16 embedded in the hardware?

17 A. That's correct.

18 Q. And those commands that were used in
19 Smartmatic computers were installed in either China
20 or Taiwan?

21 A. That is correct.

22 But, you know, you don't want to be
23 mixed up, though, and mix this up with the
24 electoral system. The electoral system later on
25 needs to be set up on this equipment.

1 So the electronic devices have some
2 certain command sequences, and that is why we're
3 calling firmware. Part of that are memory
4 sequences that allow you to receive video or print
5 that, later on, allows you to receive other
6 information.

7 It is later, after this, that you
8 signal the electoral management system, the
9 electoral system, and that has a command sequence
10 where you can utilize a program or a piece of
11 software.

12 **Q.** Do the computers made in China and
13 Taiwan include circuits that can communicate with
14 the internet?

15 **A.** Correct. They have internal modems
16 that allow for external communications, and it is
17 the responsibility of each one of the different
18 corporations to disable those components or to
19 leave them enabled for the elections.

20 **Q.** Now, can the firmware keep those
21 modems enabled even if the software commands the
22 system to disable the modem?

23 In other words, can you have firmware
24 that allows the modem to remain on, even when the
25 software thinks that it's off?

1 **A.** Yes. Well, for that, you would need
2 an engineer that understands the Windows pipeline
3 system, which will allow you to block certain
4 parameters within the system. But through the
5 operating system, then I can enable that component.

6 In other words, yes, the answer to
7 your question is yes.

8 **Q.** When did Smartmatic acquire Sequoia?
9 What year?

10 **A.** 2005, its first year of existence.
11 Smartmatic did so during its first year of
12 corporate existence.

13 **Q.** And were you involved -- as an
14 official of the Venezuelan government, were you
15 involved in Smartmatic's acquisition of Sequoia?

16 **A.** No.

17 **Q.** What year did Dominion Voting Systems
18 acquire Sequoia from Smartmatic?

19 **A.** 2010.

20 **Q.** Are you aware of a Smartmatic official
21 bribing a government representative in the
22 Philippines during an election?

23 **A.** Well, there is an open case, it's
24 pending against Roger Pinate, for bribery during
25 the 2016 elections in the Philippines.

1 I mean, I'm just talking about
2 publically known cases of bribery. Because, in
3 Venezuela, Smartmatic worked hand-in-hand with the
4 Venezuelan government.

5 And Jorge Rodriguez would collect
6 bribes from Smartmatic.

7 Q. And Jorge Rodriguez was part of the
8 Venezuelan government?

9 A. He's the current President of Congress
10 in Venezuela. We call it the National Assembly.
11 And his sister is the Vice President for the
12 country.

13 And it is Jorge Rodriguez who hired
14 Smartmatic, or awarded the Smartmatic in 2003 in
15 order for them to develop the electoral system for
16 Venezuela.

17 Q. And how much money did Smartmatic
18 receive from the Venezuelan government in 2003 to
19 develop the software to rig elections in Venezuela?

20 A. \$250,000 American dollars. And they
21 held 28 percent interest in the company.

22 Q. So the Venezuelan government owns
23 28 percent of Smartmatic?

24 A. As far as publically available
25 information, yes.

1 And during 2003 and 2004, Smartmatic
2 had a sister company, it was called Bizta. So
3 Bizta created the system and Smartmatic was running
4 the elections, and the business partners for each
5 one of those companies are correspondingly the same
6 person.

7 And both of those companies were
8 recorded or incorporated here in the state of
9 Delaware.

10 Q. Who owned the source code used in
11 Smartmatic software?

12 A. The Venezuelan government.

13 Q. And where is the source code kept?

14 A. In Venezuelan.

15 Q. What city?

16 A. In the central bank, that's where they
17 would keep the backups for the source codes, in
18 Caracas.

19 Q. How much money per year did the
20 Venezuelan government pay to Smartmatic after
21 Smartmatic developed the software to rig Venezuelan
22 elections?

23 A. Well, is it varied by year. During
24 the first year, Smartmatic received \$140 million.
25 That was in 2004.

1 Q. In U.S. dollars?

2 A. Everything's dollars, I'm only talking
3 dollars.

4 In 2005, Smartmatic purchased the
5 Sequoia for \$17 million, so it was basically a
6 business.

7 And it was very strange because
8 Sequoia Voting Systems was a company that had
9 20 percent of the market share of the American
10 market, United States market.

11 Q. And so from the \$140 million that
12 Smartmatic received from the Venezuelan government,
13 then did Smartmatic pay bribes out of that money to
14 officials in the Venezuelan government?

15 A. That's correct.

16 Q. And how do you know this?

17 A. So in 2004 -- in 2002 was when the
18 first elections machines were purchased in
19 Venezuelan. The contract for the first batch of
20 machines, contract for \$40 million, authorized by
21 Jorge Rodriguez.

22 And, then, Olivetti, after a scandal
23 became public, goes ahead and publishes the real
24 cost of those machines in Italy, which was
25 \$21 million. So add another \$19 million on top of

1 that, those were to pay bribes to the people within
2 the Venezuelan government.

3 And this was explained by Jorge
4 Rodriguez himself in a meeting where I was present,
5 because I worked there, we were part of the
6 technical team from the national electoral council
7 for the coordination of all the elections.

8 Q. I want to ask you a few questions
9 about log files.

10 Can you tell us what a log file is?

11 A. A log, on an IT level, and anywhere,
12 is a record of what each one of the machines is
13 doing. It's the absolute evidence that a machine
14 has performed a certain process, and that record
15 must be maintained in order for you to be able to
16 verify if any sort of equipment is functioning
17 properly.

18 This not only applies to a piece of
19 equipment but also to a system, a software, because
20 you have operating system logs that tell you about
21 the components within the machines, and they are
22 system logs, which inform me about the behavior of
23 a system.

24 In my computer, or electoral system,
25 uses systems I will have seven different logs.

1 Q. Did the Smartmatic computer voting
2 system, was the operating system Windows?

3 A. For the voting machines, yes, it was
4 Windows.

5 The tally system or vote counting
6 system had been built on Linux. But it doesn't
7 mean that because you have a change in the
8 operating system, you can't maintain the logic
9 within the systems.

10 Q. So in -- did you -- you examined the
11 forensic image of the election management server
12 that was used in the Mesa County 2020 election,
13 correct?

14 A. That's correct.

15 Q. Did you notice the settings on the
16 size of the Windows log files in the Windows
17 operating system?

18 A. I don't recall, but it is part of the
19 report that we created, and I can get that to you.

20 But I seem to remember that it was too
21 small, the size was too small for what it needed to
22 do. When I talk about small in size or very little
23 space, I'm talking -- I mean, that on a programming
24 level.

25 You assign a certain disc space or

1 memory space for the log to be stored in, and
2 that's going to give you an X number of lines so
3 that a log or a record can be kept. And depending
4 on what the setting is, once the log gets full, it
5 starts rewriting over it and deleting evidence.

6 That's why I believe their settings
7 were too small. And we talked about this with our
8 team and we thought that it wasn't going to have
9 enough space to be able to keep all the logs
10 throughout the election.

11 In the case of Venezuela, elections
12 are just one day but, in the United States,
13 elections last over 20 days. Therefore, the space
14 allocation for the logs have to be large enough to
15 be able to allow for the storage of all the
16 different days or activities during the days of the
17 election.

18 And that evidence, or logs, should be
19 kept as a backup in a database. Those are the
20 standard procedures that should be followed.

21 **Q.** Now, are you familiar with the manual
22 for the Dominion Voting System?

23 **A.** Yes. We read the voting system manual
24 and it has many chapters because there's a manual
25 for each module of the system.

1 **Q.** Now, I don't want to put words in your
2 mouth, but if I can remind you, does the Dominion
3 Voting System manual that you read with your own
4 eyes specify to set the log file size at 20
5 megabytes?

6 **A.** I believe so.

7 **Q.** And in the event that 20 megabyte file
8 fills up with information, then does the Dominion
9 manual allow you to designate what should happen
10 next when that file gets full?

11 **A.** No. It does not say so because the
12 Dominion -- Dominion's manual only tells you how to
13 set that setting. The manual has no instructions
14 on how to solve problems that could occur during a
15 given election.

16 And the only way for you to verify
17 that a log record has been poorly configured is for
18 someone to point out that the log files have been
19 being rewritten.

20 But I believe that, in the United
21 States, and I have read a whole deal regarding
22 this, that there is no manual for the monitoring
23 for the electoral systems within the United States.
24 Nor does the Dominion system issue any sort of
25 alert or notification if the system is full.

1 If there is any error, they would have
2 to create a support ticket and call support, and
3 then these people would come and be in charge of
4 resolving the issue by either send a technician
5 on-site or by remote support.

6 Q. Now, if the voting system isn't
7 connected to the internet, how could a Dominion
8 technician possibly communicate and get into the
9 system, other than through the internet?

10 THE INTERPRETER: Other than through
11 what?

12 MR. CASE: The internet.

13 THE WITNESS: Well, then the
14 representatives for each county have to
15 create a VPN connection so that the
16 representatives can then be connected to
17 the electoral systems. As I have read in
18 certain reports that the case -- this has
19 happened in Chicago, Chicago, Illinois and
20 Georgia.

21 In the case of Georgia as well, they
22 have set up VPN connections in order to
23 resolve issues as far as settings were
24 concerned or to resolve system problems.
25 They can use a virtual machine that is put

1 in the middle.

2 When I say that it's in the middle, it
3 means that over here on one hand, you have
4 the county's electoral system, then you can
5 configure a virtual machine in the county
6 that would allow for the elections to be
7 made. And you provide it with the
8 necessary credentials or authorization so
9 that the electoral system can then
10 communicate with this machine. And then
11 the company, in turn, connects to the
12 virtual machine.

13 So, legally speaking, they're not
14 connected directly to the electoral system,
15 but nevertheless, from this other system, I
16 can effect changes in the system to update
17 it. Either that or I can just do a direct
18 connection through a VPN and do all the
19 changes that I need.

20 You need to have one person in that
21 county to have the authorization of the
22 secretary of state. I mean, that's what I
23 am -- think is the case, based on what I
24 have read about this. But I don't really
25 know whether a secretary of state is the

1 maximum authority or not during an ongoing
2 election.

3 BY MR. CASE:

4 Q. Now, is what you just described called
5 the man-in-the-middle program?

6 A. That is correct.

7 Q. And is the man-in-the-middle system
8 used in Venezuela?

9 A. It was not used in Venezuela because
10 Smartmatic had full control of the election system.
11 It was not necessary. Nor was the government going
12 to sue Smartmatic. From the government, the
13 government was not going to sue Smartmatic since
14 they were working for them.

15 And just on a side note, like an
16 anecdote, the elections, the 2006 elections in the
17 United States, in Chicago, Illinois, the proof of
18 concept for that election was created in Venezuela
19 in 2005.

20 That is why a very similar piece of
21 equipment was used, it was the SAES 3300. It's an
22 identical machine, identical machine to the SAES
23 3377 that were used for the elections here in the
24 United States.

25 So at all times was what Venezuela

1 used as a proof of concept for the different
2 elections that Smartmatic carried out throughout
3 the entire world.

4 Q. So, are you saying that the
5 man-in-the-middle system was used in Chicago in the
6 2006 election?

7 A. No, it is used currently in these last
8 elections that you held here.

9 Dominion has an engineer, whose name
10 is Ronald Morales, and Ronald Morales is the person
11 that does maintenance on the electoral systems.
12 Ronald Morales is the person that puts that
13 man-in-the-middle in place.

14 Sorry, that's not the word. To be
15 able to set up the system, to be able to set up the
16 communication from the Dominion system, between the
17 new Dominion system and the old Smartmatic system.
18 But that same behavior --

19 THE STENOGRAPHER: I'm sorry, you cut
20 out, Mr. Vega.

21 THE WITNESS: They have used it
22 elsewhere as well.

23 BY MR. CASE:

24 Q. So was there a problem when the
25 computer equipment changed and became more modern

1 and Dominion was still running old Smartmatic,
2 based software on the new computer equipment coming
3 out the China and Taiwan?

4 A. That is correct. They use that
5 because they need the county to authorize certain
6 updates on the systems.

7 So, for example, in the case of Mesa,
8 let's see, I was five -- 11 -- okay. So the 2020
9 election was done with version 5.5. And then they
10 updated the system to version 5.11. When they did
11 that update, all the old data was deleted because
12 they are overridden. It is written on top of that.

13 So, at that point in time, you can no
14 longer carry out a formal audit because you no
15 longer have the original machine. All evidence,
16 all log, all of that was deleted.

17 Q. And what you've just referred to is
18 when the Colorado Secretary of State performed
19 what's called a trusted bill in Mesa County on
20 May 25th and 26th of 2021, the Secretary of State
21 erased all of the records of the 2020 election that
22 was preserved on that Mesa County election
23 management server; is that correct?

24 THE INTERPRETER: A trusted build, is
25 that right, Counsel?

1 MR. CASE: Yes.

2 THE WITNESS: That's correct.

3 I didn't know the dates that you were
4 mentioning but, yes, that's -- that is
5 correct.

6 BY MR. CASE:

7 Q. So, you examined the image of the Mesa
8 County election management server that was taken
9 after the trusted build; is that correct?

10 A. No, we saw both images, the old one
11 and the new one.

12 Q. Correct.

13 In the new image, all of the data was
14 gone except new software. True?

15 A. And the structure changed, the
16 structure of the program changed as compared to the
17 version 5.5.

18 Q. Now, so far as you are aware, is it a
19 law that the system must preserve the records from
20 the previous election for a certain period of time?

21 A. I believe it's 18 months.

22 Q. Just so the record's clear, are you
23 aware of 52 U.S. Code Section 20701, which requires
24 every officer of election to preserve all election
25 records, including electronic records, for

1 22 months after each election?

2 A. That is correct. Correct, yes, we
3 knew that.

4 Q. And based on your examination of the
5 forensic images from Mesa County, it's your
6 testimony that the Colorado Secretary of State
7 erased all records of the 2020 election when they
8 installed new software in May of 2021; is that
9 true?

10 A. Well, whoever gave the authorization,
11 like whoever gave the authorization for the system
12 to be updated, would be the person responsible for
13 all the files being deleted.

14 If the person giving the green light
15 was the secretary of state, then it would be the
16 secretary of state. If it was the person in charge
17 of the elections, then it would be the person in
18 charge of the elections.

19 Q. Now, going back to the log file size.

20 A. Okay.

21 Q. What you've told us is that the
22 Dominion system was configured so that when the log
23 files got full, they just overwrote the information
24 that was already in the log file. True?

25 A. Of course. These are standard

1 settings, standard configurations.

2 Q. So, while the system was operating
3 during the 2020 election, it was actually writing
4 over the data from the election?

5 A. It rewrites the day-to-day of an
6 election. So let's say it gets -- it becomes full,
7 then the next day gets overridden on top of that.

8 Q. And so when you have an election that
9 lasts for several days, it becomes impossible to
10 audit the full election because the records are
11 being erased after they are written. True?

12 A. That is correct.

13 Q. And so that is a capability that is
14 built into the Dominion software -- correct? --
15 that is overwrites election records while the
16 election is going on?

17 A. That is correct. If the machine is
18 operational and it is operating, it will record on
19 top of a log that is already there.

20 Q. And that is part of the Dominion
21 software that allows it to erase records while the
22 election is going on. True?

23 A. That's correct.

24 Q. And is that same capability in the
25 Smartmatic software that was created in Venezuela

1 to rig elections?

2 **A.** That's not how it was configured over
3 in Venezuela. You had a dedicated server just for
4 the logs, meaning that all the different machines
5 or servers would send the information to one
6 location, send the logs to one location.

7 And there, you can do a review of all
8 the elections through all the logs stored there.
9 It's just that in Venezuela, no one would go and
10 want to check those logs.

11 THE INTERPRETER: Interpreter would
12 like to make a correction.

13 "In Venezuela, no one would check
14 those logs."

15 BY MR. CASE:

16 **Q.** Can you tell us about the multiple
17 transmission capabilities and methods in the
18 Venezuelan elections telecommunication system?

19 **A.** Can you repeat the question, please?

20 **Q.** Yes.

21 Can you tell us about the transmission
22 capabilities and methods of the telecommunication
23 system that was used in Venezuela during elections
24 when you worked for the Venezuelan government?

25 **A.** So Venezuela would transmit in three

1 different ways. It could be by home telephone
2 line, active telephone lines, by cellular
3 communication and by satellite communication.

4 All these divisions, depending on what
5 part of the country you were in, were then
6 connected to the voting machines through network
7 port, an RJ-45 jack, or an RJ-11 telephone jack.
8 And through these lines, which are secured lines,
9 all the electoral data was transferred.

10 And this data is transmitted through
11 the telephone lines of the carriers in that -- in
12 the country. So in this country, it would be the
13 equivalent of AT&A or Verizon, or over in
14 Venezuela, we call it can TV. And these networks
15 are then connected to the national center for
16 tallying, or totalling.

17 And all the electoral data is
18 transmitted using that method of communication.

19 **Q.** Now, you mentioned an election that
20 was rigged in a state, I believe you said Merida;
21 is that correct?

22 **A.** In Merida, M-E-R-I-D-A.

23 So it turns out the results of the
24 entire state of Merida were not transmitted
25 throughout the country. They used the tool, SAES

1 data utility tool, to transmit all the data from
2 all -- from the electoral machines, and transmit
3 them to the national center for tallying.

4 And this became public knowledge
5 because when the logs for those different
6 communication companies were checked, there wasn't
7 any sort of trace or data packets that were being
8 transmitted. So this triggered a red flag, and the
9 national tallying center was contacted, where they
10 said that the state of Merida had already sent all
11 the entire transmission of one hundred percent of
12 issues, which is impossible, because they didn't
13 use any of the regular channels of transmission
14 that are used during the elections, or that are
15 authorized to be used during elections.

16 It's as if you ordered a package, and
17 instead of it being delivered through your front
18 door, it comes in through the window. It's the
19 same thing, same exact thing, and this is how it
20 happened in Venezuela. And the person responsible
21 for doing that was Carlos Quintero. He was the
22 technology director for the National Electoral
23 Council.

24 During that specific election, his
25 sister ended up being elected as a mayor. So this

1 whole operation was done in order for his sister to
2 get a position within the government.

3 Q. I want to ask you about some names of
4 persons who were involved with Smartmatic and
5 Sequoia and Dominion, and then if you can tell us
6 what you know about each of those persons.

7 But please keep it to a brief summary
8 unless I ask a follow up.

9 A. Okay.

10 Q. Do you know Ronald Morales?

11 A. He's a Smartmatic tech who was in
12 Venezuela, Sequoia, and in Dominion as well.

13 Q. Does he currently work for Dominion?

14 A. He currently works for Dominion.

15 Q. Was Mr. Morales one of the developers
16 of the original Smartmatic election software?

17 A. That is correct.

18 Q. And was that the same Smartmatic
19 software that was used to rig elections in
20 Venezuela?

21 A. That is correct.

22 Q. Do you know David Moreno?

23 A. Oh, David Moreno. The same thing goes
24 for David Moreno. He was a specialist technician
25 who used to be in Venezuela, then later on went to

1 Mexico, then in 2004 ended up being transferred
2 over to Sequoia.

3 In 2005 when it -- and then when it
4 took over, he became part of Dominion.

5 Q. Is Mr. Moreno currently employed by
6 Dominion?

7 A. He's in charge -- he's in charge of
8 Dominion's warehouse in Texas, if I'm not mistaken.

9 In other words, he's the person
10 responsible for configuring the Dominion equipment
11 for their -- for the elections.

12 Q. And this is the same David Moreno that
13 was involved in creating the Smartmatic software
14 that was used to rig elections in Venezuela?

15 A. That is correct.

16 Q. Do you know Ron Rosania?

17 A. No.

18 Q. Do you know Heider Garcia?

19 THE INTERPRETER: Sorry, Counsel, how
20 do you spell that?

21 MR. CASE: H-E-I-D-E-R, Garcia.

22 A. Yes. Heider Garcia is the person
23 responsible for the deployment of the electoral
24 system in Venezuela, one of the engineers that
25 created it. One of the leaders and person

1 responsible for the implementation of the SAES
2 system, and its implementation of Dominion in the
3 Philippines.

4 He was the person in charge of
5 reconfiguring the 78,000 machines that failed in
6 the Philippines out of the error of Dominion Voting
7 Systems.

8 And I think that he's currently the
9 person assigned to be the elections manager in
10 Texas, the county of Dallas, Texas, he's in charge
11 of the elections.

12 Q. You mentioned 78,000 machines that
13 were used in the Philippines.

14 Were those scanners?

15 A. Yes. It's equipment -- this is
16 equipment similar to the equipment that you use for
17 your elections here in the United States. They're
18 either similar or identical.

19 Q. And those scanners were configured and
20 programmed by Dominion Voting Systems?

21 A. Dominion Voting Systems and
22 Smartmatic.

23 Q. And what was the error in those 78,000
24 scanners that were used in the Philippine election?

25 A. Oh, I did not mention what that error

1 was, it is worth noting.

2 Those 78,000 had a failure five days
3 prior to the elections. They had fully configured
4 from the very beginning, before they had even been
5 sent out and distributed throughout the different
6 islands in the Philippines.

7 Dominion never handed over the source
8 code which, by law, they should have delivered to
9 the electoral authorities in the Philippines. So
10 then, Smartmatic had to come and reconfigure a
11 piece of software that didn't belong to them.

12 I think we need to understand one
13 thing here. The electoral system used by
14 Smartmatic in the Philippines is the same one as in
15 Venezuela. So what Smartmatic did was that it
16 integrated the equipment provided by Dominion into
17 its system. And on top of that, Smartmatic was
18 the manufacturer for the 78,000 scanners that
19 Dominion ended up selling to the Philippines.

20 And so Heider Garcia went ahead and
21 reconfigured the equipment because he knew how
22 about that was what was inherited from Sequoia,
23 knowing that Sequoia has SAES built into its
24 system, in its core.

25 That's how Smartmatic was able to come

1 and resolve the problem that had been caused by
2 Dominion without any issues whatsoever, because
3 they were configuring their own system, basically.

4 Q. And when you say that Sequoia had SAES
5 built into its system, did you mean that it had the
6 S-A-E-S data utility tool built into its system?

7 A. In the case of the Philippines, yes.

8 But you have to remember that SAES
9 data utility tool is a tool that is outside,
10 external to the electoral system. And the SAES
11 system, when we say SAES system, we're talking
12 about the entire electoral system. Okay?

13 Q. Now, turning back to Mr. Heider
14 Garcia, you mentioned that he was the head of
15 elections in Tarrant County, Texas?

16 Is that what you said?

17 A. In the -- in Dallas county, in Dallas,
18 in Texas.

19 Q. Thank you.

20 A. I think he's the current head of
21 elections, the current head of the county in
22 Dallas.

23 Q. Do you know a woman named Illiana De
24 Los Angeles?

25 A. No.

1 **Q.** Are you aware that Heider Garcia has
2 been named the new president of Hart Voting
3 Systems?

4 **A.** No, I did not know.

5 **Q.** Do you know a person named Alex Soto
6 Vasquez?

7 **A.** No.

8 **Q.** Do you know a person named Victor
9 Vasquez?

10 **A.** Victor was a director or one of the
11 directors of Smartmatic.

12 No, sorry, I apologize, he was a
13 manager of a warehouse in the Philippines -- I
14 mean, Taiwan, sorry. Wait, wait, wait, sorry.

15 Victor Vasquez is a manager, a manager
16 for Smartmatic, and he's currently been named as
17 part of the bribery case in the Philippines, or
18 2016 -- 2016 bribery case in the Philippines.

19 I just got mixed up with another guy
20 called Victor Lopez, because Victor Lopez was a
21 manager of a warehouse in Taiwan, and he was the
22 person in charge of the manufacturing of the
23 equipment, one of the people in charge of the
24 manufacturing of the 78,000 scanners built for
25 development, that's why I got mixed up, I

1 apologize.

2 Q. And who was Victor Lopez employed by
3 in Taiwan?

4 A. Employed by Smartmatic.

5 Q. Do you know a person named Ed Ryan
6 Macias?

7 A. No.

8 Q. Do you know a person named Eric
9 Coomer, C-O-O-M-E-R?

10 THE INTERPRETER: C-O?

11 MR. CASE: C-O-O-M-E-R, Eric Coomer.

12 THE WITNESS: All I know is that
13 Mr. Coomer used to be the president of
14 Sequoia and then was the president of
15 Smartmatic United States around 2005/2006.

16 BY MR. CASE:

17 Q. Do you know a person named Anselmo
18 Valdez?

19 A. No.

20 Q. Do you know a person named Hugo
21 Carvajal?

22 A. Hugo Carvajal is -- or was what you
23 call here the National Security Advisor, the
24 National Security Advisor for President Hugo
25 Chávez.

1 **Q.** Do you know if Hugo Carvajal was an
2 officer with Cuban intelligence?

3 **A.** I do not. He was the highest-ranking
4 intelligence officer in Venezuela.

5 Now, did he have contact with Cubans?
6 Of course. Because Hugo Chávez had a relationship
7 with Cuba, and he was involved in all the
8 investigations against the people, or about --
9 investigating the people that surrounded the
10 president.

11 And Carlos Quintero, the one that
12 committed the fraud in 2008, I mentioned this to
13 you just a few questions back, was the second in
14 command right under Hugo Carvajal. Hugo Carvajal
15 placed Carlos Quintero in the National Intelligence
16 Council so he could have control over the
17 elections.

18 **Q.** Can you spell Carlos Quintero? Can
19 you spell his last name, please?

20 **A.** Q-U-I-N-T-E-R-O.

21 **Q.** And your testimony is that Hugo
22 Carvajal placed Carlos Quintero in the National
23 Intelligence Council so Quintero would have control
24 over Venezuelan elections?

25 **A.** He placed him as the technology

1 director so that he could have control over the
2 elections.

3 Q. Did you have personal contact with
4 Carlos Quintero?

5 A. He was my boss.

6 Q. Are you aware that Hugo Carvajal has
7 recently pleaded guilty to a drug charge in the
8 Southern District of New York Federal District
9 Court?

10 A. Yes.

11 Q. And are you aware that Hugo Carvajal,
12 as part of his guilty plea, agreed to cooperate
13 with the U.S. Department of Justice in explaining
14 the connection between the Venezuelan government
15 and the drug cartels?

16 A. No, I did not know that.

17 Q. Are you familiar with the Windows
18 operating system software updates?

19 A. Yes.

20 Q. And when you were in Venezuela, did
21 you regularly supervise the regular implementation
22 of the monthly -- what's called the monthly
23 Microsoft patch?

24 A. That's correct. We had a team who was
25 in charge of maintaining the operating systems

1 update.

2 Q. What is the monthly Microsoft patch?

3 A. Well, these are different updates that
4 company considers are vulnerability and they are
5 forced to issue this patch to avoid from -- avoid
6 their system from being penetrated maliciously.

7 We need to know, we need to understand
8 that whenever Microsoft issues a patch or an update
9 is because, at that point in time, other people
10 have already been affected and their systems have
11 been breached. These updates don't occur just
12 because the company is preemptively issuing them as
13 part of their normal processes.

14 These updates happen because somebody
15 attacked the system and somebody went ahead and
16 reported the issue. That's when they create a
17 patch or an update and people do that.

18 Q. Now, as the person responsible for the
19 voting system machines in Venezuela, what was your
20 procedure for handling the Microsoft patch?

21 A. For the elections, all the machines
22 needed to go out having the latest updates. And
23 then, on top of that, the operating systems for the
24 Window-based machines would be blocked. You use an
25 image that does not allow anybody from modifying

1 it.

2 The difference with American software
3 is that your machines are not blocked, rather that
4 machines are left open, and each one of its element
5 or components can be accessed or used.

6 In Venezuela, we would disable and
7 turn off all the different processes or components
8 that are not going to be used that are not needed
9 for the elections.

10 In the United States, however, I can
11 go ahead and install a new component right on the
12 very day of the elections. That's why, in
13 Venezuela, if you want to commit a fraud, you had
14 to use the tool SAES data utility tool.

15 In the United States, all I need is to
16 have access to the machine and know the
17 vulnerabilities, either of Windows or the electoral
18 system. And from there, you can exert an attack
19 that is undetectable.

20 **Q.** In general, would you say that
21 Smartmatic software was designed with two
22 principals in mind:

23 Number one, it's easy to rig
24 elections; and number two, it's hard to audit?

25 **A.** That is correct.

1 **Q.** And is the same true for Dominion
2 software, it's easy to rig an election with it and
3 it's hard to audit?

4 **A.** That is correct.

5 **Q.** Do you know about GEMS Software?
6 That's G-E-M-S.

7 **A.** A little.

8 **Q.** What do you know about GEMS Software?

9 **A.** The little that I seem to remember is
10 that they were integrated with Diebold, the
11 company, and their suite of products.

12 Later on, that suite of programs were
13 acquired by Dominion Voting Systems in 2009 or
14 2010. That's the only thing that I can remember
15 right now about this GEMS Company.

16 **Q.** Now, you mentioned that elections in
17 Venezuela were rigged using Smartmatic software.

18 Do you know of other countries where
19 elections were rigged using Smartmatic software?

20 **A.** No, I am not aware.

21 **Q.** You mentioned somewhere in your
22 testimony about IP addresses. Can you tell us a
23 typical IP address for Taiwan?

24 **A.** Well, IPs go by ranges. Each country
25 has a range. If I'm not mistaken, as part of our

1 investigations, we would find some records of
2 communications using IP addresses, some IP
3 addresses from Taiwan.

4 And I think this was part of -- they
5 showed in the settings or configurations of the
6 firmware, and it was either the firmware or the
7 EPROM memory, that's E-P-R-O-M memory, which is a
8 temporary memory that is stored in each one of the
9 pieces of equipment.

10 That's what I recall right now, but I
11 can go over the details of the investigation and
12 maybe it will help me remember more clearly.

13 Q. Can you tell us what a ballot image
14 is, please?

15 A. The ballot image is the scanning of a
16 voting ballot through which you-all issue your
17 vote.

18 THE INTERPRETER: I would like to
19 correct a prior translation of a temporary
20 memory and would like to correct that to a
21 volatile memory.

22 THE WITNESS: This image is to be a
23 true and correct image of the paper ballot
24 that then later needs to be sent over to
25 the databases for it to be stored or backed

1 up there, and that transmission, the
2 transmission of that image or that backup,
3 may vary by county.

4 There are some counties that may
5 decide to only transmit the results and
6 other counties that may decide to transmit
7 both the results and the images.

8 Nevertheless, all the images are
9 stored in the flash cards that are in each
10 of the election devices.

11 MR. CASE: Thank you.

12 We need to take a 15-minute break and
13 then we'll finish up by 5 o'clock.

14 THE WITNESS: Okay.

15 THE VIDEOGRAPHER: The time is
16 4:08 p.m.

17 We're going off the video record.

18 (A recess was held.)

19 THE VIDEOGRAPHER: The time is
20 4:21 p.m.

21 We're back on the video record.

22 BY MR. CASE:

23 Q. Sir, do you understand that you're
24 still under oath?

25 A. That is correct.

1 **Q.** You talked about ballot images.

2 Can ballot images be changed inside
3 the computer?

4 **A.** That is correct, yes, they can.

5 **Q.** And is that true with Dominion
6 software?

7 **A.** You would have to use Dominion's
8 software to be able to do a change or modification
9 of the ballot images in order for it to be
10 undetectable. We're talking about the digital
11 ballots.

12 We can also talk about more
13 sophisticated methods of how that can be done, but
14 yes, it's possible.

15 **Q.** And is it possible to change ballot
16 images inside the computer using Smartmatic
17 software?

18 **A.** No. And you have to remember that
19 each system has its own structure. The structures
20 are all similar when we're talking about different
21 types of electoral software.

22 What you can do is that you use the
23 original software from the provider, you search for
24 it's vulnerabilities, and then you use it to be
25 able to change either images or data. And when I'm

1 talking -- when I say data, we're talking about
2 vote tallies.

3 What the use of the system will allow
4 me to do is to do all of that in a way that cannot
5 be detected because you're using the same software
6 to sign for content that is not the original
7 content. So then when you go ahead and you audit
8 that, you have no way of showing that those pieces
9 of data are incorrect.

10 There's no other way unless you go and
11 you file a case before the law, then you appear
12 before a judge and you get a judge to allow me to
13 actually go and inspect the system itself.

14 And this causes a big delay timewise.
15 And then, this can cause the time period where I am
16 mandated to keep information, data stored, this
17 time period can expire, and then you can delete
18 this data because the period machine dated by law
19 has expired.

20 And so then these companies are, of
21 course, going to claim intellectual property rights
22 in order to disallow any detailed inspection of
23 their source code because the only entity in charge
24 of the elections is either the county or the
25 secretary of state.

1 So this becomes a bureaucratic loop
2 that you cannot exit from.

3 **Q.** So I want to wrap this deposition --
4 I'm sorry -- I'd like to wrap up this examination
5 under oath by summarizing your testimony. And you
6 would just answer briefly to tell me that I'm
7 correct or incorrect. So I'd like a yes or no.

8 **A.** Okay.

9 **Q.** So summarize, is it true that the
10 Venezuelan government paid Smartmatic to create
11 software that could be used by the Venezuelan
12 government to rig elections?

13 **A.** That is true.

14 **Q.** Is it true that Smartmatic sold its
15 software to the Venezuelan government to use in
16 elections?

17 **A.** That is correct.

18 **Q.** Is it true that you personally set up
19 the war room with technology that was used to rig
20 Venezuelan elections using Smartmatic software?

21 **A.** I would like to make a correction.

22 The answer to the question as asked
23 would be no. The reason we set up the war rooms
24 was in order to monitor the election. The process
25 of manipulating the elections is as a result of the

1 responses that the war room receives.

2 And then they notify the technology
3 director of the National Electoral Council, which,
4 according to the stories that go around, that was
5 Leonardo Hernandez, Louis Campos, the cousin of
6 Delci, or Carlos Quintero, the second in command
7 under Carlos Carvajal. So that would be the
8 correct way, as explained.

9 So, from the situation room, we, or I
10 did not have the authority to give an order to rob
11 an election or manipulate an election. It was the
12 ministers or the presidents that would make the
13 decisions in those rooms and then notify of what
14 that decision had been.

15 And I would like to correct something
16 regarding the prior question, because I think I
17 misunderstood it.

18 The Venezuelan government gives the
19 contract to Smartmatic for it -- for to create the
20 Venezuelan electoral system, called SAES, and
21 financed it \$250,000 U.S. dollars. Then the
22 Venezuelan government paid it \$140 million for them
23 to carry out the elections. And, in return of that
24 \$250,000 loan, the Venezuelan stays or keeps the
25 software for the elections itself, keeps it.

1 As well as the 28 percent shareholder
2 interest of the company called Bizta, and both Visa
3 and Smartmatic have the same owners. These are
4 sister companies set up to be able to carry out an
5 election.

6 I just wanted to make that
7 clarification.

8 Q. Thank you.

9 Is it true that Smartmatic then
10 purchased Sequoia, an American company?

11 A. Yes.

12 Q. And is it true that Dominion then
13 purchased Sequoia from Smartmatic in 2010?

14 A. That's correct.

15 Q. And Eric Coomer was president of
16 Sequoia when it was purchased by Dominion. True?

17 THE INTERPRETER: Sorry, Counsel, can
18 I get that question again?

19 MR. CASE: Yes.

20 BY MR. CASE:

21 Q. Was Eric Coomer president of Sequoia
22 when it was purchased by Smartmatic?

23 A. That is correct.

24 Q. And was Eric Coomer subsequently
25 employed by Dominion after Dominion purchased

1 Sequoia?

2 A. That's correct.

3 Q. And is it true that Dominion acquired
4 from Sequoia the same Smartmatic software that was
5 used to rig elections in Venezuela?

6 A. That is correct. It acquired the
7 Venezuelan systems integration into the Sequoia
8 systems.

9 You cannot say that its exactly the
10 same because, semantically speaking, the company is
11 going to say that that is incorrect. These are
12 parts of a system that are included in the new
13 systems. This is what we call the central core,
14 the main functionality of the system.

15 Q. Is it true that when you examined the
16 forensic images of the Mesa County election
17 management server, you saw the same security bugs
18 you were familiar with in the Smartmatic software
19 that was used to rig elections in Venezuela?

20 A. The same system bugs which would be
21 used to manipulate or change an election.

22 And I can name what those bugs were.
23 These were errors in the encryption systems, they
24 had the source code in legible text for any program
25 to be able to read it -- to be able to read the

1 passwords written in plain text, which allowed you
2 to breach the system easier.

3 Q. Is it true that Smartmatic created a
4 tool called S-A-E-S data utility, data UTIL?

5 A. That is correct. And it's recorded
6 that tool is named in the studies and configuration
7 manuals.

8 Q. And that tool was created to test the
9 element of the system within an election. Is that
10 true?

11 A. That is correct. That is -- that is
12 its main function.

13 Q. But that tool can be misused to
14 emulate a voting machine?

15 A. That is correct. To emulate voting
16 machines.

17 Q. And that tool, when it's misused, can
18 be used to rig elections that are run on Smartmatic
19 software?

20 A. That is correct.

21 Q. And is it true that S-A-E-S is the
22 brand name for Smartmatic software?

23 A. That is correct. Smartmatic software
24 products that belong to the Venezuelan government,
25 that are property of the Venezuelan government.

1 **Q.** Is it true that the S-A-E-S data
2 utility is like a key to a house: If one has the
3 key, one can enter the house undetected, and when
4 they leave, no one will know they were there?

5 **A.** That's correct.

6 **Q.** And is it true that the S-A-E-S data
7 utility was used to rig election in Venezuela by
8 injecting false ballots?

9 **A.** That is correct. False votes, false
10 votes, because Venezuela does not use ballots like
11 the United States does.

12 **Q.** Is it true that the Dominion Voting
13 System software architecture is essentially the
14 same as Smartmatic voting system architecture?

15 **A.** They have enough similarity that they
16 can operate in an integrated manner.

17 In other words, they can operate
18 gently. But let's remember that they cannot be
19 identical for intellectual property issues. So
20 what we do is that we integrate the functionality
21 of the parts that we need to use.

22 **Q.** Since Dominion Voting Systems and
23 Smartmatic software architecture are essentially
24 the same, could a data utility tool similar to
25 S-A-E-S data utility be misused to manipulate

1 elections in Dominion Voting System voting
2 computers?

3 A. That is correct. That is possible.

4 Q. Is it true that the Venezuelan voting
5 system created by Smartmatic used computer
6 components manufactured in China and assembled in
7 Taiwan?

8 A. That is correct.

9 Q. Is it true that the Dominion Voting
10 System used in the United States today uses
11 computer components manufactured in China and
12 assembled in Taiwan?

13 A. That is correct.

14 Q. Under U.S. law, is it legal or illegal
15 to use computer components made by our enemy, The
16 Peoples' Republic of China, within critical
17 infrastructures within the United States?

18 A. It's illegal.

19 Q. And is it true that Dominion Voting
20 Systems uses computers with components made by our
21 enemy, The Peoples' Republic of China?

22 A. Yes, it does.

23 Q. And because the Dominion Voting System
24 supply chain has not been secured to ensure that
25 there is no foreign access or compromise of the

1 voting system, is it true that Dominion voting
2 system computers cannot be legally certified for us
3 in U.S. elections?

4 **A.** You cannot trust a system that you can
5 not buy. So they shouldn't be trusting company,
6 whatever their name is, unless they go through on
7 an inspection.

8 And even more so, in critical
9 infrastructure as in the electoral
10 infrastructure -- elections infrastructure.

11 **Q.** The information that you've testified
12 to today, have you ever given that information
13 before to the Federal Bureau of Investigation in
14 the United States?

15 **A.** No.

16 **Q.** The information that you've testified
17 to today, have you given it to lawyers for the
18 United States Department of Justice?

19 **A.** Lawyers? No.

20 **Q.** Have you given this --

21 **A.** Would prosecutors be lawyers?

22 **Q.** Yes.

23 **A.** That's my question?

24 Yes, yes, definitely, we have provided
25 that information.

1 Q. Have you given this information to
2 investigator for the United States government?

3 A. Yes. Part of this information, part
4 of what I have told you today.

5 Q. When? What year was the first time
6 that you gave this information to any
7 representative of the United States government,
8 whether they were an investigator or a -- or a
9 lawyer or a prosecutor for the Department of
10 Justice?

11 A. I would like to not answer that
12 question, because I don't know if I'm breaking any
13 rules, because I may say that I have worked with
14 some prosecutors and I may not be allowed to
15 provide you that information here.

16 Because just as you are in the midst
17 of your investigation, these other people are also
18 doing their investigation, and I don't want, you
19 know, to create a problem with the investigations.

20 And why I'm answering this way is
21 mainly because I do not know what the law says, so
22 I prefer to err on the side of caution and not
23 answer that. I hope you understand.

24 Q. I understand.

25 Can you tell us the year that you

1 first gave information about the vulnerabilities
2 and insecurities in the U.S. voting system to any
3 representative of the United States government?

4 What year did you first give them that
5 information?

6 A. The year would be 2024.

7 Q. What month in 2024, please?

8 A. March. It was March or April when
9 individuals were notified.

10 Q. And so after you gave this information
11 to the United States government in March of 2024,
12 our government went ahead and used that same voting
13 system to run the 2024 elections; is that correct?

14 A. Yes. I suppose that they have to
15 validate the -- the investigation or the
16 information that we're presenting them.

17 And I believe that this delay in them
18 not taking action with the information that we have
19 provided them with, is because they have to first
20 corroborate each one -- each and every one of the
21 points that we have exposed or explained to them in
22 our different reports and videos.

23 So I cannot put into question the
24 timing of the actions of the government entities.

25 Q. Sir, have you understood all of my

1 questions this afternoon?

2 A. A hundred percent.

3 Q. Have you answered all questions
4 truthfully?

5 A. Truthfully, totally truthfully and
6 only with the truth.

7 Q. And were your answers based on your
8 personal knowledge?

9 A. Very much.

10 MR. CASE: Thank you very much for
11 coming and giving us this information
12 today.

13 THE WITNESS: Okay. Thank you very
14 much.

15 THE VIDEOGRAPHER: This concludes the
16 under oath examination of the confidential
17 witness.

18 The time is 4:55 p.m.

19 (The following discussion was held off
20 the video record:)

21 MR. CASE: Teresa, I'll need these by
22 tomorrow morning, please.

23 THE STENOGRAPHER: That's no problem,
24 but I can also have them to you by this
25 evening instead, if you'd like.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CASE: That would be perfect.

(The examination under oath was
adjourned at 4:55 p.m.)

- - -

CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PASCO

I, Teresa R. Cruise, Notary Public, State
of Florida, certify that JOSE VEGA remotely
appeared before me on the 18th of September, 2025,
and was duly sworn.

Signed this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C
Notary Public - State of Florida
Commission Number: HH351124
Expiration Date: 02/25/2027

CERTIFICATE OF OATH

THE STATE OF FLORIDA

COUNTY OF PASCO

I, Teresa R. Cruise, Notary Public, State
of Florida, certify that CONFIDENTIAL WITNESS
personally appeared before me on the 18th of
September, 2025, and was duly sworn.

Signed this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C
Notary Public - State of Florida
Commission Number: HH351124
Expiration Date: 02/25/2027

C E R T I F I C A T E

THE STATE OF FLORIDA
COUNTY OF PASCO

I, Teresa R. Cruise, a Certified
Shorthand Reporter, do hereby certify:

That I was authorized to and did
stenographically report the foregoing examination
under oath of CONFIDENTIAL WITNESS, pages 1 through
61, that a review of the transcript was not
requested, and that the transcript is a true record
of my stenographic notes.

I further certify that I am not a
relative, employee, attorney, or counsel of any of
the parties, nor am I a relative or employee of any
of the parties' attorneys or counsel connected with
the action, nor am I financially interested in the
action.

The foregoing certification of this
transcript does not apply to any reproduction of
the same by any means unless under the direct
control and/or direction of the certifying
reporter.

DATED this 18th day of September, 2025.

TERESA R. CRUISE, CRR, RPR, FPR-C