

1 MR. LIBBY: That's correct.

2 THE COURT: Ms. Gertner, are you going to have any
3 witnesses?

4 MS. GERTNER: Yes, your Honor, I have one witness,
5 Mr. Donald Hansen.

6 THE COURT: Have you talked to each other about
7 allocating the available time so I can stop you when you've
8 gone over? We need to finish this this afternoon. I would
9 prefer not to keep the reporter here until later than I have
10 to.

11 MR. LIBBY: Might I take a moment to do that, your
12 Honor.

13 (Pause.)

14 Discussion off the record.]

15 THE COURT: We have agreed that since the object of
16 this hearing is to determine admissibility that we're not
17 bound by the rules of evidence in determining admissibilities
18 so you have free rein.

19 STEVEN SCHEID, Sworn

20 Direct Examination by Mr. Libby

21 Q State your name for record, please, spelling your last
22 name?

23 A My name is Steve B. Scheid, S C H E I D.

24 Q What do you do for a living, sir?

25 A I'm an intelligence research specialist for the Bureau of

1 Alchohol, Tobacco & Firearms.

2 Q What is an intelligence research specialist do?

3 A I do analytical work, via a computer data base.

4 Q For whom, sir?

5 A For the Bureau of Alchohol, Tobacco & Firearms.

6 Q How long have you been doing that?

7 A Since 1977, October, 15 years.

8 Q Specifically, sir, what, what service do you provide to
9 the ATF and other state and federal agencies?

10 A I provide investigative leads on explosive incidents
11 throughout the United States.

12 Q Do you do that by means of reference to computer compiled
13 data?

14 A Yes.

15 Q Related to explosive incidents?

16 A Yes.

17 Q What's an explosive incident?

18 A An explosive incident is any explosive situation
19 involving explosives, such as bombings, attempted bombings,
20 inciniary bombings, attempted bombings, stolen explosives,
21 recovered explosives, and devices, hoax devices, accidental
22 explosions that are of a noncriminal nature, and threats to
23 treasury facilities.

24 Q What does EXIS stand for?

25 A Its Explosive Incident System.

1 Q That's computer data base that you're referring to?

2 A Yes, sir.

3 Q How long have you been operating the EXIS data base,
4 please, Mr. Scheid?

5 A I was hired in October 1977 and that's my sole function
6 to oversee the data base.

7 Q Has anyone other than yourself been operating that data
8 base?

9 A Not since 1977.

10 Q You have been continuously operating that system?

11 A Yes, sir.

12 MR. LIBBY: To expedite matters, your Honor, we pass
13 up to the Court Mr. Scheid's curriculum vitae.

14 THE COURT: We have marked it as Exhibits 1 and 2 the
15 offer of proof but I guess -- we'll mark it and work on it.
16 This is Exhibit 3.

17 MR. LIBBY: The offer of proof will be supplemented
18 on those other matters.

19 [Government's Exhibit 3 entered in evidence.]

20 Q Tell us Mr. Scheid, the, how, how these explosive
21 incidents are broken down, how they are categorized in the
22 EXIS system?

23 A A determination is made what as to what type of incident
24 it is whether, it is a bombing, attempted bombing.

25 Information is gleaned from the investigator's reports and

1 information is put on to an input form and the input form is
2 used to input it into the computer system.

3 Q Do you have with you on the stand, Mr. Scheid, the
4 so-called EXIS code book, the ATF KSAR explosive incident
5 format and the FBI incident format?

6 A I don't have them on the stand with me, but I'm familiar
7 with them.

8 Q Would you explain to the Court, Mr. Scheid, first with
9 respect to the categories, the categories of information in
10 the EXIS data base with respect to target location and things
11 of that nature?

12 A Information is gleaned from the reports and it's
13 determined what type of target was the victim, and the
14 information is, is put on the input form.

15 Q Does it also include such information as location of
16 incident?

17 A Yes.

18 Q Motives underlying explosive incidents?

19 A Yes.

20 Q The components of the explosive device at issue?

21 A Yes.

22 Q Manufacturer of some of those components?

23 A Some of the manufacturers, yes.

24 MR. LIBBY: If we can mark those, first, the EXIS
25 code book, please, with the next number.

1 [Government's Exhibit 4 entered in evidence.]

2 THE COURT: For purposes of the hearing on
3 admissibility. Everything will be in evidence for that
4 purpose.

5 Q Go ahead please, Mr. Scheid. The EXIS code book the
6 Court has a copy, I believe, would you just simply thumb
7 through and explain to the Court what we have here, what types
8 of information, starting with the explosives incident page,
9 page 1.

10 A Okay, these are the different types of explosive
11 incidents that ATF captures information on.

12 Q And some examples are incendiary bombings, stolen
13 explosives, recovered explosives, and the like?

14 A Yes, sir.

15 Q Page 2 what do we see there?

16 A These are the facilities or otherwise known as the target
17 information.

18 Q Okay. Such as parking lots, Government buildings,
19 department stores and the like?

20 A Yes, sir.

21 Q All right. And page 3, what's on page 3?

22 A Some more of the targets. There's quite a bit of target
23 information.

24 Q Next is the location on page 4.

25 A Yes, page 4, these codes coincide with the actual target

1 themselves, it's a specific location on the target.

2 Q And continuing on please, we have on page 5, warning
3 method. What is that, please?

4 A Whether some type of warning was given, we also use it
5 for other types of information whether it was hate groups,
6 illegal fireworks, juveniles, organized crime, terrorists,
7 undercover purchase, it just depends on the type of incident
8 that we're working on.

9 Q So we have codes, and continuing on, we have codes for
10 purposes of breaking down the information relating to a
11 particular explosive incident --

12 A Yes, sir.

13 Q -- is that right? And inputting data in the EXIS data
14 computer base?

15 A Yes.

16 Q And we have further codes to indicate the evidence was
17 analyzed by, in other words, identifying the agency that
18 analyzed the real evidence?

19 A Yes.

20 Q Also we have an indication as to whether photographs were
21 taken?

22 A Yes.

23 Q Entry method if we have stolen explosives, correct?

24 A Yes.

25 Q Manufacturer's codes so we can identify who made

1 particular components?

2 A Yes.

3 Q We have other identifiers such as color, lab tech codes,
4 state codes, things of that nature; is that right?

5 A Yes, sir.

6 Q That's all in the EXIS data code book?

7 A Yes, sir.

8 Q Okay. Now, backing up just a minute, I see where I
9 jumped the gun a bit. There are three basic types of
10 operation which you perform with the EXIS system; are there
11 not?

12 A Yes, sir, there are.

13 Q What are those three basic types of functions that you
14 perform?

15 A The input of the data into the computer system,
16 maintaining that data, and the retrieval of that information.

17 Q Now, back to the input system that we just briefly talked
18 about with respect to Exhibit 4, on the page, first page
19 following the last set of codes, your Honor, you see what's
20 known as "explosives incident" work sheet.

21 THE COURT: What are you looking at?

22 MR. LIBBY: The last page next page following encoded
23 page?

24 A That's the work sheet that I fill out from the explosive
25 incident reports that I receive from law enforcement

1 agencies. I fill that out --

2 Q You assign a code to each bit of that information?

3 A If it applies, yes, sir.

4 Q Let's go back to the beginning here now. In terms of the
5 input process does every explosive incident that you start a
6 file on, first, does it have a descriptive number or
7 identifier?

8 A Yes.

9 Q And what are the various sources of the information that
10 you get for these incidents?

11 A I get this information from ATF's investigative reports
12 and forensic lab reports, but I also get the information from
13 the FBI's bomb data center. I get it from state and local law
14 enforcement as well as city and local law enforcement
15 agencies.

16 Q Let's take a look very briefly at the next two documents
17 that you have there, 5 and 6. Would you explain, please, what
18 we see on Exhibit 5, what form is that?

19 THE COURT: For the record, have you got those, Jim.

20 THE COURT: Mark -- which is the one you're now
21 talking about?

22 MR. LIBBY: Your Honor, I thought 5 would be the ATF
23 KASR.

24 THE COURT: The KASR form is the incident report form
25 is 6.

1 [Government Exhibits 5 and 6 entered in evidence.]

2 Q First with respect to the KASR form, what is that?

3 A That is a vehicle for ATF agents to report explosive
4 incidents to headquarters.

5 Q Is that how you receive a raw data from the field?

6 A Initially, yes.

7 Q All right. And with respect to Exhibit 6, what is that?

8 A That's an FBI's bomb data report that's sent out to the
9 many different bomb squads and local and state law enforcement
10 agencies throughout the United States.

11 Q And who receives that report?

12 A The FBI's Bomb Data Center.

13 Q Do you have any working relationship with the Bomb Data
14 Center?

15 A Yes, sir, I do.

16 Q Where is its located?

17 A It is located Quantico, Virginia.

18 Q What do that Bomb Data Center maintain, sir?

19 A It maintains all these records that are sent in from the
20 various state and local law enforcement agencies.

21 Q And would you describe to the Court very quickly, please,
22 what you do on an annual basis with the respect to the Bomb
23 Data Center?

24 A Each year, starting in November, I spend at least 20 days
25 down at the FBI's Bomb Data Center gleaning information from

1 these reports to put into ATF computerized data base.

2 Q When you take that information where does it go, where do
3 you first put it?

4 A I put it on the input form itself.

5 Q Is that the work sheet?

6 A Yes.

7 Q You do that also with respect ATF field reports?

8 A Yes.

9 Q And then what do you do with those work sheets now that
10 you have those filled out and you assigned it an investigative
11 number?

12 A It's given either to myself or I give it to data input
13 clerk who puts the information into the system.

14 Q And as you put it into the system, are there any quality
15 controls intrinsic that is built into the system to insure
16 that the data is accurately reported?

17 A Yes, sir.

18 Q Would you describe that for the Court, please?

19 A Going back to the EXIS codes themselves, in certain
20 fields only that certain information that's already
21 preprogrammed into the system will allow those codes to be
22 accepted.

23 Q Can you give the Court an example, please, looking at the
24 EXIS code book?

25 A Okay. Like in the state codes you can only type in a

1 valid state code, and the target area you can only type in one
2 of the valid target codes. And if it doesn't accept it, if
3 you type in the wrong it gives you an error message.

4 Q Is there any obligation, so far as you know, Mr. Scheid,
5 for state and local authorities to, in fact, forward
6 information to the EXIS data base for this purpose?

7 A No, sir.

8 Q With respect to those incidents which are in fact
9 reported to ATF and the FBI, would you give the Court your
10 description as to the scope of the information received by
11 your office and available data?

12 A Yes. Most of the reports are very detailed, and I take
13 as much information as I need to describe the device to put it
14 into the data base.

15 Q So you personally do this?

16 A Yes, sir.

17 Q How many such reports do you input a year into your data
18 base?

19 A Roughly about 4,000 incidents.

20 Q Is any --

21 THE COURT: That includes ATF as well as FBI?

22 THE WITNESS: Yes, ma'am.

23 Q Does it also include such matters as State Police?

24 A Yes, sir.

25 Q Fire marshal?

1 A Yes.

2 Q Local county authorities?

3 A Yes.

4 Q Is any of this information ever purged, Mr. Scheid?

5 A No, sir.

6 Q Would you describe, please, the next function that you
7 perform in the EXIS data base with respect to maintenance of
8 this information?

9 THE COURT: Before you do that, the information that
10 is inputted, is the information that, for example, if you get
11 it from the FBI, that is contained on the FBI reports,
12 correct?

13 THE WITNESS: Yes.

14 THE COURT: You do not verify the information on the,
15 on the FBI report, you assume it's correct?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: And the same with the state and local
18 police as well as ATF.

19 THE COURT: Yes, ma'am.

20 Q Maintenance of the system, would you describe to the
21 Court what steps you take to maintain updated information in
22 the system?

23 A The information is stored on an IBM 4381 computer
24 mainframe, and the system is backed up every week. We have
25 off site storage for the information so the most amount of

1 work that could ever be lost would be one week's worth of
2 work.

3 Q If you wanted to update any particular ongoing
4 investigation EXIS data entry, particular explosive incident,
5 how would that be done?

6 A You would call up that particular investigation and you
7 would change any information that needed to be changed as the
8 investigation progresses.

9 Q You can add information; is that correct?

10 A Yes, you can add information.

11 Q Do you do that frequently?

12 A Yes, sir, I do.

13 Q On the basis of updated information available to you?

14 A Yes as the investigations progress through its course,
15 information becomes available. We get forensic lab reports,
16 the investigators report their findings as far as motives, and
17 information like that.

18 Q And let's talk about the third step, Mr. Scheid,
19 retrieval. Is there a means by which you as EXIS computer
20 data base operator retrieve data from the system?

21 A Yes. Information is retrieved.

22 Q How do you do that?

23 A The information is retrieved by way of a computer form,
24 the same one that we use for the input. And that pops up on a
25 screen, and we just fill in the information that we want to

1 get back out of the computer.

2 Q So, in other words, if you wish to query the entirety of
3 the data base to determine how many explosive incidents
4 feature certain items, there's a way that you can punch in,
5 put together a program, and query the entire data base, and it
6 would give you, it would essentially a printout all incidents
7 that match?

8 A Yes, sir.

9 Q Now, when you do that, Mr. Scheid, is it fair to say that
10 when you add an attribute or a feature, if you will, another
11 piece of information that you want to search the whole data
12 base when you put in that query, does it scan, add another
13 feature or qualifer, does the scan the immediate subset of
14 incidents that were printed out previously or does it go back
15 to square 1, if you will?

16 A It must go back to square one to the very beginning. It
17 must scan the whole entire data base.

18 MR. LIBBY: That was a terrible question, I presume
19 you understood it.

20 THE COURT: I think I know a little about computers.

21 Q At the Government's request, have you ever performed and
22 conducted certain inquiries in connection with this
23 investigation?

24 A Yes, I have.

25 Q All right.

1 Now, first will you describe to the Court the time,
2 relevant time frame of that data query?

3 A The time frame and the data is from January 1st, 1979
4 until December 31st, 1991.

5 MR. LIBBY: Your Honor please, at this point I would
6 like to use this enlargement with the witness, I guess it
7 would be 7 for purposes of this hearing.

8 [Government's Exhibit 7 entered in evidence.]

9 Q If you would, Mr. Scheid, perhaps we can get the easel
10 down here and you can stand here and explain to the Court
11 precisely what you did here.

12 Q Would you describe please, can you describe the relevant
13 time period?

14 A The time period is 1/January '91 through 12/91.

15 Q Over that time period how many total explosives incidents
16 were there?

17 A There was 40,867 incidents.

18 Q Now--

19 THE COURT: What was the question you asked the
20 computer to give you an answer to?

21 THE WITNESS: I asked it to give me everything that's
22 in the data base between those two periods of time.

23 THE COURT: Then what? How did you narrow it?

24 THE WITNESS: Then it gave me back the answer which
25 was the 40,000.

1 Q The next thing you did was you you queried the computer
2 all bombing or attempted bombings within that category of
3 explosive incidents?

4 A Yes. Within that same time period there was 14,252
5 bombings and attempted bombings.

6 Q And for the purposes of this analysis we have assigned
7 that as 100 percent of the category we're truly interested in
8 and that is bombings, attempt bombings?

9 A Yes, sir.

10 Q What then did you add to the query load, if you will, to
11 the data base?

12 A The next query I made was the same time period, bombings
13 and attempted bombings, and I wanted all cars and trucks.

14 Q Cars and trucks being the target?

15 A Yes.

16 Q What was result of that query?

17 A Results 2,504, which is 18 percent of the 100 percent
18 14,000.

19 Q Did you then add another query to that?

20 A Yes, I did.

21 THE COURT: I thought the second query was all
22 bombings and attempted bombing.

23 THE WITNESS: Yes.

24 THE COURT: That was the fourth?

25 MR. LIBBY: 14,000. We assigned at 100 percent.

1 THE COURT: Then bombings and attempted bombings
2 involving trucks?

3 THE WITNESS: Trucks and cars.

4 THE COURT: That goes is actually 2500 about.

5 THE WITNESS: Yes.

6 Q And then what did you do?

7 A Then I, using the same information I just added under
8 vehicle as a particular location. And we came up with 428
9 incidents or 3 percent of the 14,000.

10 Q Then what did you do, sir?

11 A The next query that I made was the same as the previous
12 one except that I added the words "remote control." And we
13 came up with 19 incidents which is .1 percent of the 14,000.

14 Q That's throughout that relevant time period?

15 A Yes, sir, it is.

16 Q Then what did you do?

17 A Then I used the same previous information, but I added
18 magnets to it.

19 Q And the result there, sir?

20 A We came up with seven incidents which was .05 percent of
21 the 14,242.

22 Q Those seven incidents are reflected by these two little
23 yellow icons?

24 A Yes.

25 Q Would you describe quickly to the Court where and when

1 those incidents took place?

2 A The first one took place in 180 in New York City, the
3 next one happened in 1985 in Philadelphia, Pennsylvania; 1986,
4 Quincy, Massachusetts; 1987, in Cambell -- I'm not quite sure
5 the city of that Cambell.

6 THE COURT: Like soup.

7 A Next one was in 1987, in North Ridge.

8 Q Noridge.

9 A The next one was in 1990 was in Coral Gables, Florida.
10 And the 1991 was in Roslindale, Massachusetts.

11 Q Okay. Now, with respect to those seven printouts, Mr.
12 Scheid, did you take any further analysis to determine with
13 respect to the subject bombing incident, that is the
14 Roslindale bombing incident here marked Government's Exhibit
15 40A-G with reference --

16 THE COURT: Are you marking them A, B, C, D, E, F, G,
17 is that what you are doing?

18 MR. LIBBY: Actually, 40 A was the New York City
19 incident; 40 B was the Philadelphia incident; 40 C was Quincy,
20 40 D Campbell, 40 E Noridge, 40 F --

21 THE COURT: 40 A through whatever.

22 [Government's Exhibit 40 A through G entered in
23 evidence.]

24 Q Now, with respect to -- would you please explain to the
25 court what we see here in 40G? That is the information in the

1 data base with respect to Roslindale, correct?

2 A Yes, sir. It is.

3 Q Did you undertake any further analysis with respect to
4 common features between the Roslindale incident and any of the
5 other six candidates?

6 A Yes, sir, we have.

7 Q Do you have a marker with you?

8 A Yes, sir, I do.

9 Q With respect to presence of duct tape in the explosive
10 device, do you have that on Roslindale?

11 A Yes, I do.

12 Q Going down the line here, if you would, please, indicate
13 to the Court what other incidents we have duct tape present,
14 did we have duct tape present?

15 A In the Coral Gables, we did not. In the Norridge, we did
16 not.

17 Q In the Campbell, we did not. In the Quincy, we did.

18 MR. LIBBY: For the record, your Honor, Mr. Scheid is
19 just simply circling with the red marker.

20 A In Philadelphia, we did not. In the New York City, we
21 did not.

22 Q Now, very quickly the same question with respect to
23 presence of soldering?

24 A Yes, we do.

25 Q On the '91 Roslindale; is that right?

1 A Yes.

2 Q All right. Now, the same analysis with respect to the
3 other, for the other incidents.

4 A Coral Gables, we had no soldering. Noridge, we did. In
5 the Campbell, we did not. In the Quincy, we did. In the
6 Philadelphia --

7 Q Let me stop you right there.

8 THE COURT: Let him finish.

9 MR. LIBBY: There needs to be a revision.

10 Q Since the time of that printout of the prepared Mr.
11 Scheid, have you looked at the underlying lab reports relating
12 to that explosive incident?

13 A Yes, sir, I did.

14 Q Was there any information which is to be added to that
15 printout?

16 A Yes, there is.

17 Q What information is that?

18 A Soldering.

19 Q Solder, based on your more recent undertake to look at
20 the Philadelphia lab report, which you did not originally have
21 in the EXIS data base?

22 A That's true.

23 Q For the record just add soldering there?

24 A In New York City one, there was no soldering.

25 Q Turning your attention back to the subject explosion the

1 Roslindale explosion, one of the features there was remote
2 control?

3 A Yes.

4 Q Please circle that.

5 Same question for all the other incidents, sir.

6 A Coral Gables --

7 THE COURT: I thought we went down the list in the
8 computer. First we asked for trucks and cars, under vehicle
9 remote control, there were 19 and of the 19, seven also had
10 magnets --

11 MR. LIBBY: The computer brought us down to seven
12 incidents, we then manually prepared the printouts
13 investigative data available on each of those seven incidents
14 and queried further with respect to other things like Scotch
15 tape, soldering --

16 THE COURT: Magnets was the feature that gave us the
17 seven of the 19.

18 MR. LIBBY: It was the last determinant, that's
19 right. We want to go beyond that of the six candidates common
20 to the Roslindale, how many additional features marry up to
21 Roslindale.

22 THE COURT: You just asked about magnets, don't they
23 all have magnets by definition?

24 MR. LIBBY: I think I asked about remote control.

25 THE COURT: Don't they also have remote control --

1 because we started out with remote control, 19 remote
2 controlled, we ended up with seven with magnets.

3 MR. LIBBY: You are absolutely right.

4 Q Is there AA batteries?

5 A Yes.

6 Q And yes, as to?

7 A Yes as to Coral Gables. No to North Ridge. No to
8 Campbell. Yes to Quincy. Yes to Philadelphia. And no to New
9 York City.

10 Q Finally, with respect to the identifier round as so far
11 as magnets are concerned, have you done an analysis of that,
12 sir?

13 A Yes.

14 Q All right. And what have you found?

15 A Roslindale, they had round magnets. Coral Gables, it was
16 donut shape you have to assume they were round.

17 Q Okay. North Ridge, it was horseshoe shape. In Campbell,
18 it was horseshoe shape. In Quincy, they were round. In
19 Philadelphia, they weren't described, they were just particles
20 of magnets that's all they found, that's all they reported on
21 their lab report. And in New York City, they did not report
22 the type of magnet. They just said they were magnets
23 involved.

24 Q Now, with respect to the subject explosion and those five
25 matters you circled for the Court, that is presence of duct-

1 tape, soldering, AA batteries, and round magnets here,
2 Mr. Scheid, the remaining six incidents, six explosives
3 incidents which the chart behind that Roslindale printout
4 show, of those six incidents, sir, did anyone incident marry
5 up closer than the others?

6 A The Quincy one did. And the Philadelphia.

7 Q Now, with respect to Quincy, how many married up, how
8 many of those features married up?

9 THE COURT: Well, I can count that.

10 Q With respect to Philadelphia as well?

11 THE COURT: Five.

12 Q With respect to Philadelphia?

13 A Two.

14 Q Do you consider the commonalities between the subject
15 explosion, the Roslindale explosion, and the Quincy 1986
16 explosion, as depicted here in your red pen, to be
17 statistically significant, Mr. Scheid?

18 A Yes.

19 MR. LIBBY: I have nothing further, your Honor.

20 THE COURT: Ms. Barron Evans.

21 Do you need the witness down?

22 MS. BARON-EVANS: No, your Honor.

23

24

25

Cross-examination by Ms. Baron-Evans1
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Q I said that the EXIS system only contains information on bombings that are investigated by ATF or reported to ATF?

A Both investigated and reported to ATF.

Q And you said earlier that not all local and state law enforcement agencies are required to report to you; is that right?

A There is no requirement to do that. That's correct. In fact, the device that was allegedly built by Al Trenkler in 1986 was not reported to the ATF until after the Roslindale bombing?

A That's correct.

Q So it's likely that other bombings incidents haven't been report to the EXIS system?

A That's true.

Q Mr. Libby showed, showed us Exhibit 6 the FBI incident report.

A Yes.

Q Is that the one that you give to the local and state agencies to report with?

A That's the one that the FBI uses to give to the state and locals to report to.

Q Is there a form that the ATF sends out to all local and state agencies to fill out?

A No.

1 Q Okay.

2 So they can report on the FBI incident report or just
3 writing a letter or?

4 A What they normally do is they just send me their reports,
5 their reports of investigation and each one of them differs a
6 little bit from city to city or state to state.

7 Q So there's no uniform way of categorizing the components?

8 A Yes, there is.

9 Q How is that?

10 A When they report the incident, we have a code for the,
11 the components that's used then we use that component.

12 Q Well, you have a uniform way of inputting the components?

13 A Yes.

14 Q But the people that report to you don't have a uniform
15 way of reporting to you, do they?

16 A No, I just use their narrative reports that they send
17 in.

18 Q So, if a local law enforcement agent reported a toggle
19 switch as microswitch that information would be inaccurate in
20 reality, wouldn't it?

21 A It could very well be.

22 Q And it could end up in your system that way?

23 A Yes.

24 Q You did this search on June 11th, 1993?

25 A Yes.

1 Q And does this search doesn't take account of differences,
2 does it?

3 A No.

4 Q Okay.

5 So even though the 1986 device was an M 21 Hoffman
6 flash simulator and the 1991 device was, had a main charge of
7 dynamite, this still would be reported as a match?

8 A Yes, because there are other components that we queried
9 on when it came up.

10 Q That's not my question. If this system does not take
11 into account differences between devices, does it, it only
12 looks for the similarities?

13 A No, it only looks for which you ask it to look for and I
14 was asked to look for certain aspects of the components. Now,
15 because the others are sitting there with the incident, they
16 are automatically going to come up.

17 It prints everything that's in that record regardless
18 of what it is. But the things that I ask for, that's what,
19 what I base my query on, that's the information I get, and any
20 information that's along with that information it drags that
21 along with it, too.

22 THE COURT: If you had asked it to give you the
23 information, incidents fitting the information that you have
24 outlined plus dynamite, you would not have gotten Quincy.

25 THE WITNESS: That's true. Yes.

1 Q And if you had asked it to look for incidents with
2 blasting caps, you would not have gotten Quincy?

3 A That's correct.

4 Q Or incidents with the slide switch, you would not have
5 gotten Quincy?

6 A I have to look at that, if the slide switch is not on
7 there, it wouldn't be.

8 Q Or incidents where the remote control was a Futaba would
9 not have gotten Quincy, would you?

10 A That's correct. Well, is Quincy the Tyco?

11 Q Yes.

12 A Okay.

13 Q Or if you asked for bombs that were enclosed in a black
14 painted plywood box, you wouldn't have gotten Quincy?

15 A If that's all I asked for, yes.

16 Q Well, if you had asked for that, in addition to the six
17 or how many manufacturers that are circled there you still
18 wouldn't have gotten Quincy?

19 THE COURT: You would have gotten Quincy, but in the
20 earlier layer, not in the final layer.

21 MS. BARON-EVANS: That's what I mean.

22 Q If you had, does this system have the ability to
23 distinguish between a double or a single throw toggle switch?

24 A If that information was entered into the system, yes, we
25 could.

1 Q So, if, in this, the way you did this comparison, was
2 just by putting in toggle switch, right, without
3 differentiating between double throw and single throw?

4 A After I got got down to the seven incidents then I went
5 through and looked at them by hand.

6 Q And some have toggle switches and some do not.

7 Q But you didn't distinguish between the double throw
8 toggle switch and the Quincy device and the single throw
9 toggle switch in the 1991 --

10 A No.

11 Q -- the Roslindale device?

12 THE COURT: Mr. Scheid, does your office maintain in
13 addition to the computerized data the original reports from
14 which you derive the data you put into the computer?

15 THE WITNESS: The field offices do, after so many
16 years when the case is closed then I guess it goes to
17 archives.

18 THE COURT: How about if you input the data from a
19 state or local police report?

20 THE WITNESS: I have to take the state and local
21 report as is.

22 THE COURT: But are those maintained?

23 THE WITNESS: They are maintained by the local
24 authorities as well as the Bomb Data Center, and after five
25 years, or so, I purge that raw data.

1 THE COURT: So all you have in your offices, is the
2 incident report from which you derive from the original police
3 report.

4 THE WITNESS: I don't have that actual report. I
5 have the input forms that I fill out because the FBI will not
6 allow me to make xerox copies of those. I have to sit down
7 there for the 20 days during the year and copy the information
8 from their reports on to the input form, because they won't
9 allow me to take that information out of their office.

10 THE COURT: And all of what's on the input form ends
11 up in fact in the computer?

12 A Yes --

13 THE COURT: So there is no need to keep that?

14 A Yes, that's correct.

15 MS. BARON EVANS: I have nothing further.

16 THE COURT: Anything else, Mr. Libby?

17 Redirect Examination by Libby

18 Q Mr. Scheid, are you a bomb expert?

19 A No, sir.

20 Q Are you qualified to pass on whether any of these
21 components that we have circled here constitute building
22 blocks towards an opinion as to whether the signature quality
23 bomb technicians type quality comparison between the
24 Roslindale device and any of these other?

25 A No, sir.

1 MR. LIBBY: I have nothing further, your Honor.

2 THE COURT: Thank you, Mr. Scheid, you are excused.

3 THE WITNESS: Thank you.

4 MR. LIBBY: Mr. Thomas Waskom, your Honor.

5 THE COURT: For the record, Mr. Waskom is still under
6 oath from his earlier appearance, he understands that.

7 Thomas Waskom, recalled

8 Direct Examination by Mr. Libby

9 Q The last piece of evidence that we'll get into before he
10 incorporates all of your earlier testimony, Mr. Waskom, you
11 are presently employed as what?

12 A I'm an explosives enforcement officer with the Explosives
13 Technology Branch of Alcohol, Tobacco & Firearms.

14 Q Keep your voice up, please. Pull your microphone towards
15 you there.

16 MR. LIBBY: If we can just incorporate by reference
17 your Honor, his earlier testimony with respect to the '91
18 device?

19 THE COURT: Yes.

20 Now if you are going to do that, I have to go
21 searching for my notes.

22 Q With respect to the 1986 Quincy, Massachusetts,
23 explosives incident that you saw here on the printout, the
24 EXIS data printout, are you familiar with that investigation?

25 A Yes, I am.