


Sines v Kessler

 Daley, Benjamin (Vol. 01) - 10/08/2021

1 CLIP (RUNNING 00:24:06.962)

 Daley Designations



BD01 96 SEGMENTS (RUNNING 00:24:06.962)

1. PAGE 17:14 TO 17:15 (RUNNING 00:00:04.629)

14 Q Okay. Good afternoon, Mr. Daley.
15 A Good afternoon.

2. PAGE 31:22 TO 32:06 (RUNNING 00:00:35.373)

22 Q And at one point you had the phone number
23 310-415-5596, correct?
24 A Yes.
25 Q And when -- what period of time did you
00032:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 have that phone number?
03 A I would say from 2014 on, till the time
04 leading up to my arrest.
05 Q Okay. And your arrest was when?
06 A In 2018.

3. PAGE 33:13 TO 33:16 (RUNNING 00:00:09.486)

13 Now, Mr. Daley, you attended the Unite the
14 Right event in Charlottesville, Virginia, in August
15 2017, correct?
16 A Yes.

4. PAGE 37:25 TO 38:06 (RUNNING 00:00:13.947)

25 Q And you also attended a rally in Berkeley,
00038:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 California, in April of 2017, correct?
03 A Yes.
04 Q And that rally is often referred to as the
05 "Battle of Berkeley," right?
06 A People say that, yes.

5. PAGE 39:11 TO 39:21 (RUNNING 00:00:17.484)

11 (Exhibit 2 was marked for
12 identification by the reporter.)
13 BY MR. BLOCH:
14 Q Mr. Daley --
15 Can we show that? Thanks.
16 Mr. Daley, this is your plea agreement,
17 correct?
18 A Yes.
19 Q And your initials are on each page of the
20 agreement?
21 A Yes.

6. PAGE 40:18 TO 40:24 (RUNNING 00:00:21.726)

18 Q Just to be clear for the record, the
19 conspiracy you pled guilty to included violent acts
20 that you planned and committed at the Huntington
21 Beach rally, the April Berkeley rally, and the Unite
22 the Right event in Charlottesville in August of
23 2017, correct?
24 A Yes.

Sines v Kessler

7. PAGE 41:06 TO 41:09 (RUNNING 00:00:12.440)

06 Q In other words, you did, in fact, conspire
07 with other people to commit violence at the Unite
08 the Right event in Charlottesville 2017, correct?
09 A Yes.

8. PAGE 44:04 TO 44:11 (RUNNING 00:00:11.939)

04 Q Okay. I'm showing you Plaintiffs'
05 Exhibit 3, Mr. Daley.
06 Is this a copy of the statement offense --
07 of offense that you signed in connection with your
08 guilty plea?
09 A It appears to be so.
10 MR. BLOCH: And --
11 THE WITNESS: Yes.

9. PAGE 45:05 TO 45:15 (RUNNING 00:00:30.150)

05 Q And this statement of offense contains the
06 facts and circumstances surrounding your criminal
07 conduct, correct?
08 A Yes.
09 Q And do you agree with me that the
10 statements made in the document are true beyond a
11 reasonable doubt, correct?
12 A I am required to agree to this. And yes.
13 Q Well, that's what you were agreeing to when
14 you initialed every page and signed it, correct?
15 A Yes.

10. PAGE 46:07 TO 46:09 (RUNNING 00:00:09.367)

07 Q In 2017, would it be fair to say that you
08 considered yourself a white nationalist?
09 A Yes.

11. PAGE 46:22 TO 46:25 (RUNNING 00:00:11.968)

22 Q Okay. Do you believe that there should be
23 a separate ethnostate for White people?
24 A I believe that White people should be able
25 to have their own determination. So yeah.

12. PAGE 55:11 TO 55:23 (RUNNING 00:00:45.148)

11 Q Now, in 2017 you were a member of a group
12 called the Rise Above Movement, correct?
13 A Yes.
14 Q And that is often referred to in the white
15 nationalist community as RAM, correct?
16 A Yes.
17 Q And you were, in fact, one of the founding
18 members of RAM, right?
19 A Yes.
20 Q When did you found RAM?
21 A I do not recall.
22 Q Can you approximate what year?
23 A Somewhere in, yeah, 2016 or 2017.

13. PAGE 56:13 TO 56:16 (RUNNING 00:00:09.215)

13 Q Okay. And Thomas Gillen was a RAM member,
14 right?
15 A Yes. This is documented in my plea
16 agreement.

Sines v Kessler

14. PAGE 56:23 TO 57:12 (RUNNING 00:00:33.779)

23 Q Right. And, also, was Mr. Miselis a member
24 of RAM?
25 A Yes.
00057:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Q And was also a friend of yours, correct?
03 A Yes.
04 Q How about Robert Rundo? Was he a member of
05 RAM in 2017?
06 A Yes.
07 Q And also a friend of yours?
08 A Mm-hmm. Yes.
09 Q And at some point Cole White became a
10 member of RAM, right?
11 A Cole White attended some rallies with us
12 and was also a codefendant.

15. PAGE 58:19 TO 58:25 (RUNNING 00:00:29.837)

19 Q Mr. Daley, is this -- what's on the screen
20 right now as Plaintiffs' 7, is this a fair and
21 accurate depiction of you and other RAM members?
22 A This is a photo. Yes.
23 Q And this was posted to the RAM Twitter
24 account on March 8th; isn't that true?
25 A Yes.

16. PAGE 59:04 TO 59:12 (RUNNING 00:00:18.011)

04 Q And that's you in the lower left; isn't
05 that right?
06 A Yes.
07 Q And the masks that each of the folks in the
08 photograph are wearing are kind of half-skull masks,
09 right?
10 A Yes.
11 Q And that was the RAM mask, correct?
12 A Yes.

17. PAGE 65:03 TO 65:06 (RUNNING 00:00:13.193)

03 Q And the RAM mission was to revive the
04 "warrior spirit of White people," right?
05 A I mean, that's what that piece of paper
06 says, so yeah.

18. PAGE 67:21 TO 68:09 (RUNNING 00:00:50.978)

21 Q So let me ask you, Mr. Daley: Isn't it
22 true that RAM regularly held combat training for RAM
23 members and associates to prepare to engage in
24 violent confrontations with protesters and other
25 individuals at purported political rallies?
00068:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A Yes.
03 Q Isn't it also true, Mr. Daley, that you
04 would go to rallies with RAM with the expectation
05 that there would be physical violence against
06 counterprotesters?
07 A Yeah. There would be -- it was well known
08 that there was going to be more than likely
09 confrontations at these things, yes.

19. PAGE 69:10 TO 69:14 (RUNNING 00:00:18.175)

10 Q Well, the violence that you were part of at
11 Unite the Right, that was not in self-defense; isn't
12 that true?

Sines v Kessler

13 A I am required by the terms of my plea
14 agreement to say this. And, yes, it is true.

20. PAGE 69:25 TO 70:05 (RUNNING 00:00:13.037)

25 Q I'm showing you what's Plaintiffs' 9,
00070:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Mr. Daley.
03 Is this a tweet that was posted to the RAM
04 Twitter account?
05 A It would appear to be.

21. PAGE 70:20 TO 70:22 (RUNNING 00:00:06.096)

20 Q Got it. Okay. Sorry. He's -- so
21 Mr. Rundo is punching someone, correct?
22 A Yes.

22. PAGE 77:15 TO 77:20 (RUNNING 00:00:19.563)

15 Q Well, whether or not you actually posted
16 the posts themselves, you agree with me that RAM
17 promoted itself publicly as a group that -- that
18 would fight from time to time in the street,
19 correct?
20 A Yes.

23. PAGE 89:15 TO 89:22 (RUNNING 00:00:16.548)

15 Q How often would RAM train for combat?
16 A I don't know. Maybe a couple times a
17 month.
18 Q And this was in 2017, right?
19 A Yes.
20 Q And you attended those combat trainings,
21 right?
22 A Yes.

24. PAGE 92:22 TO 93:02 (RUNNING 00:00:20.344)

22 Q Isn't it true, Mr. Daley, that what you
23 would train for in your combat trainings was
24 training to aggressively attack counterprotesters?
25 A I'm going to -- I'm going to plead the
00093:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Fifth on that.

25. PAGE 98:16 TO 98:20 (RUNNING 00:00:17.269)

16 Q You agree with me that the trainings that
17 you conducted in anticipation of Unite the Right
18 included training to commit acts of violence
19 aggressively and not in self-defense, correct?
20 A I'm going to take the Fifth Amendment.

26. PAGE 101:08 TO 101:10 (RUNNING 00:00:06.882)

08 Q Okay. So it was either late 2016 or early
09 2017 that you met Patrick Casey, right?
10 A Yes.

27. PAGE 109:18 TO 110:07 (RUNNING 00:00:28.563)

18 Q Well, right now I'm asking about why it is
19 that RAM would celebrate violence. And referring to
20 your statement of offense, it says:
21 "RAM members celebrated this
22 coverage, and used the Internet to post
23 statements, photographs, and videos of
24 assaults committed by RAM members at
25 this rally in order to recruit members

Sines v Kessler

00110:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 to engage in violent conferences at
03 future events."
04 Correct?
05 A Yes, it says that.
06 Q And is that statement true?
07 A Yes.

28. PAGE 121:10 TO 121:13 (RUNNING 00:00:11.894)

10 Q At some point you met up with folks from
11 Identity Evropa at the Berkeley -- the Battle of
12 Berkeley, correct?
13 A Yeah. We ran into them there.

29. PAGE 122:23 TO 123:06 (RUNNING 00:00:22.698)

23 Q Okay. And how many -- when you'd say the
24 people from Identity Evropa, how many people were we
25 talking about?
00123:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A I don't know. Probably around 10 or 12
03 people.
04 Q And did that group of 10 to 12 people
05 include Nathan Damigo?
06 A Yes.

30. PAGE 125:22 TO 125:25 (RUNNING 00:00:09.842)

22 Q You got into physical fights with
23 counterprotesters at the Berkeley event; isn't that
24 right?
25 A Yes.

31. PAGE 128:07 TO 128:10 (RUNNING 00:00:06.113)

07 Q Okay. You agree with me that the violence
08 you committed at Berkeley was not in self-defense,
09 correct?
10 A Yes.

32. PAGE 132:18 TO 132:19 (RUNNING 00:00:02.389)

18 (Exhibit 20 was marked for
19 identification by the reporter.)

33. PAGE 132:22 TO 133:04 (RUNNING 00:00:22.595)

22 Q Is this, Mr. Daley, a fair and accurate
23 depiction of you engaged in an altercation with
24 counterprotesters at Berkeley in April 2017?
25 A Yes.
00133:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Q And is Nathan Damigo right next to you?
03 A Yes. He appears to be doing something with
04 a megaphone.

34. PAGE 142:24 TO 143:02 (RUNNING 00:00:06.366)

24 Q Well, the people that you assaulted at
25 Berkeley, they hadn't done anything to justify your
00143:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 doing that to them; isn't that right?

35. PAGE 143:06 TO 143:07 (RUNNING 00:00:03.089)

06 THE WITNESS: I will take the Fifth
07 Amendment.

Sines v Kessler

36. PAGE 149:05 TO 149:06 (RUNNING 00:00:07.034)

05 Q Okay. So Plaintiffs' 25. And I want you
06 to take a look, Mr. Daley.

37. PAGE 149:12 TO 149:12 (RUNNING 00:00:35.992)

12 (Playing video.)

38. PAGE 149:14 TO 149:19 (RUNNING 00:00:13.147)

14 Q Mr. Daley, what we just showed,
15 Plaintiffs' 25, is that a fair and accurate
16 depiction of what happened during that time at the
17 Battle of Berkeley?
18 A I would say that is a fair and accurate
19 depiction of however long that segment was.

39. PAGE 154:04 TO 154:12 (RUNNING 00:00:20.501)

04 Q Yeah, understood. But in terms of what's
05 going on in Plaintiffs' 25, Cole White is punching
06 some people, right?
07 A Mm-hmm.
08 Q Is that a yes?
09 A Yes.
10 Q And Nathan Damigo punches a woman with
11 dreadlocks, right?
12 A He punches a person with dreadlocks.

40. PAGE 160:21 TO 161:03 (RUNNING 00:00:15.120)

21 Q Now, you agree with me that after the
22 Berkeley rally, RAM once again publicized the
23 violence that was committed there?
24 A On the -- you're referring to social media
25 stuff, yes?
00161:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Q Correct.
03 A Yes.

41. PAGE 162:11 TO 162:18 (RUNNING 00:00:18.882)

11 Q And looking at your statement of offense,
12 Mr. Daley, it says:
13 "On May 31st the defendant posted on
14 Facebook: 'White nationalists were the
15 reason the battle of Berkeley on
16 April 15th was a victory.'
17 Correct?
18 A Yes. If it's on there, then it's correct.

42. PAGE 163:14 TO 163:22 (RUNNING 00:00:16.827)

14 Did you invite Cole White to Unite the
15 Right?
16 A Yes.
17 Q And when you invited him to Unite the
18 Right, isn't it true that you said:
19 "It's going to be like Berkeley
20 again. Going to be the event of the
21 year"?
22 A Yes.

43. PAGE 163:24 TO 164:13 (RUNNING 00:00:27.283)

24 You attended Unite the Right, correct?
25 A Yes.
00164:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Q And you attended with fellow members of

Sines v Kessler

03 RAM?
04 A Yes.
05 Q Mike Miselis, right?
06 A Yes.
07 Q Cole White?
08 A Yes.
09 Q Thomas Gillen?
10 A Yes.
11 Q And you attended Unite the Right expecting
12 that you would engage in violence with
13 counterprotesters, correct?

44. PAGE 164:19 TO 165:03 (RUNNING 00:00:22.233)

19 A Yes. I will plead the Fifth.
20 Q Okay. You attended the torch march on
21 August 11th, correct?
22 A Yes.
23 Q You also attended the events on
24 August 12th, correct?
25 A Yes.
00165:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Q And you agree that you assaulted
03 counterprotesters on August 11th?

45. PAGE 165:06 TO 165:06 (RUNNING 00:00:02.417)

06 THE WITNESS: I'm going to plead the Fifth.

46. PAGE 165:08 TO 165:10 (RUNNING 00:00:13.712)

08 Q You agree, Mr. Daley, that on August 11th
09 you and other RAM members punched and struck
10 multiple counterprotesters with a torch?

47. PAGE 165:13 TO 165:13 (RUNNING 00:00:01.774)

13 THE WITNESS: I'm going to plead the Fifth.

48. PAGE 165:15 TO 165:16 (RUNNING 00:00:05.816)

15 Q You also assaulted counterprotesters on
16 August 12th, correct?

49. PAGE 165:19 TO 165:19 (RUNNING 00:00:02.537)

19 THE WITNESS: I'm going to plead the Fifth.

50. PAGE 167:03 TO 167:13 (RUNNING 00:00:26.803)

03 Q Okay. So, just to back up, you marched
04 with a number of other white nationalists on
05 April -- on August 11th at the University of
06 Virginia, correct?
07 A Yeah.
08 Q And you chanted things like "blood and
09 soil," right?
10 A Mm-hmm. Yes.
11 Q And you chanted things like "Jews will not
12 replace us," right?
13 A Yes.

51. PAGE 169:22 TO 169:25 (RUNNING 00:00:07.040)

22 Q Well, the march participants encircled the
23 Thomas Jefferson statue and surrounded the
24 protesters, right?
25 A Yes.

Sines v Kessler

52. PAGE 170:10 TO 170:17 (RUNNING 00:00:20.996)

10 Q And during and in furtherance of this riot
11 you and other RAM members and associates punched and
12 struck multiple individuals with a torch, correct?
13 A Yes.
14 Q And those actions that you committed were
15 not in self-defense, correct?
16 A My actions and the actions of my
17 codefendants were not in self-defense.

53. PAGE 171:20 TO 171:21 (RUNNING 00:00:05.991)

20 Q But the reason why you went was to assault
21 counterprotesters, right?

54. PAGE 171:24 TO 171:25 (RUNNING 00:00:02.658)

24 THE WITNESS: I'm going to plead the Fifth
25 on that one.

55. PAGE 173:04 TO 173:05 (RUNNING 00:00:04.493)

04 Q Weren't you on Discord?
05 A Yes.

56. PAGE 175:20 TO 175:20 (RUNNING 00:00:02.066)

20 MR. BLOCH: Plaintiffs' 31.

57. PAGE 176:04 TO 177:02 (RUNNING 00:00:49.557)

04 Q Well, you see that on Discord
05 Reinhard Wolff writes:
06 "Any RAM guys coming to Cville 2.0?
07 Or others from SoCal in general?"
08 Do you see that?
09 A I do see that.
10 Q And then Alerio-CA#4824 says:
11 "Ben Daley is going as well."
12 A I do see this.
13 Q And that was on July 22nd, right?
14 A Yes.
15 Q So by July 22nd you had already decided
16 that you were going to Unite the Right, correct?
17 A I don't recall, but clearly this person was
18 under the impression that I was.
19 Q Right. Well, didn't you get a plane ticket
20 the next day?
21 A I don't know when, but yeah. So very well
22 possibly.
23 Q Well, you agree with me that, by July 22nd
24 there were folks that knew that you were going to
25 Unite the Right, correct?
00177:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A Yes.

58. PAGE 177:16 TO 177:19 (RUNNING 00:00:07.047)

16 Q Right. And so you had discussed it in such
17 a way that people in Identity Evropa knew you were
18 going, right?
19 A Yes.

59. PAGE 181:24 TO 182:13 (RUNNING 00:00:26.875)

24 Q You at one point texted Michael Miselis
25 saying that:
00182:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 "Rick Flair will be staying with us.

Sines v Kessler

03 Excellent fighter. Stoked to have him
04 with us."
05 Correct?
06 A Yes.
07 Q And you were referring to Cole White,
08 correct?
09 A Yes.
10 Q And you were excited to have him with you
11 because you wanted to have somebody who was good at
12 fighting with you, right?
13 A Yes.

60. PAGE 182:17 TO 183:05 (RUNNING 00:00:22.816)

17 Q You bought athletic tape at the Walmart in
18 Charlottesville?
19 A Yes.
20 Q And you bought that for yourself and other
21 RAM members, correct?
22 A Yes.
23 Q And the reason why you bought athletic tape
24 was so you could wrap their hands for protection for
25 when you punched people, right?
00183:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A Yes.
03 Q You also brought a knife to Unite the
04 Right, correct?
05 A Yes.

61. PAGE 184:16 TO 184:21 (RUNNING 00:00:17.185)

16 Q You did, however, instruct other people to
17 buy equipment in preparation for Unite the Right,
18 correct?
19 A I'm going to plead the Fifth.
20 Q You instructed other people to bring
21 weapons to Unite the Right; isn't that true?

62. PAGE 184:24 TO 184:25 (RUNNING 00:00:02.759)

24 THE WITNESS: I'm, yeah, going to plead the
25 Fifth.

63. PAGE 188:03 TO 188:09 (RUNNING 00:00:19.974)

03 Q Now, you're aware, going back to Discord,
04 you were aware that the Charlottesville 2.0 server
05 was the primary source of information for Unite the
06 Right, correct?
07 A Yes.
08 Q And your handle was Ben Daley, right?
09 A Yes.

64. PAGE 189:09 TO 189:10 (RUNNING 00:00:03.298)

09 (Exhibit 32 was marked for
10 identification by the reporter.)

65. PAGE 189:13 TO 189:25 (RUNNING 00:00:32.132)

13 Q Mr. Daley, did you post in the
14 Charlottesville 2.0 server on July 24th:
15 "Need room for at least 3 Goys from
16 California for Friday and Saturday
17 night. Solid sober respectful
18 experienced at" all "these events all
19 were in Berkeley riots. Please let me
20 know."
21 A Yes.

Sines v Kessler

22 Q And what does "goys" mean?
23 A That would be gentiles.
24 Q Meaning people who are not Jewish, right?
25 A Yes.

66. PAGE 207:24 TO 208:08 (RUNNING 00:00:20.250)

24 Q And when -- who did you go to the torch
25 march with?
00208:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A My codefendants.
03 Q And --
04 A Except Cole -- Cole White met us there. He
05 did not go with us. He met us there.
06 Q So you went to the torch march with
07 Michael Miselis and Thomas Gillen; is that right?
08 A Yes.

67. PAGE 214:24 TO 215:06 (RUNNING 00:00:27.426)

24 Q You agree with me, Mr. Daley, that you hit
25 about five people at the torch march?
00215:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A I'm going to plead the Fifth.
03 Q Isn't it true that you posted on Facebook
04 that you were present at the fight at the torch
05 march and that you hit like five people?
06 A Yes.

68. PAGE 216:23 TO 217:02 (RUNNING 00:00:14.272)

23 Q And did you also say that the torch march
24 was a huge success and that you were proud and
25 honored to be there and be a part of it?
00217:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A Yes.

69. PAGE 218:18 TO 218:19 (RUNNING 00:00:04.428)

18 (Exhibit 39 was marked for
19 identification by the reporter.)

70. PAGE 219:10 TO 220:10 (RUNNING 00:01:12.533)

10 Q Well, was this -- let's just -- let's just
11 go through the picture.
12 Q So in the photo is you, correct, in the
13 middle?
14 A Yeah.
15 Q And behind you off -- over your shoulder
16 with the red cap backwards is Michael Miselis,
17 right?
18 A Yeah.
19 Q And next to you wearing a white shirt -- to
20 your left but to the right as we look at the
21 photo -- is Thomas Gillen, right?
22 A Yep.
23 Q And the guy to Thomas Gillen's left, but
24 the right as we look at the photo, is Cole White
25 with the blond hair, right?
00220:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 A Yep.
03 Q And in the foreground of the photo on the
04 right-hand side is Elliott Kline, correct?
05 A Yeah. I think that's him.
06 Q And your hands are taped, right?
07 A Yeah.
08 Q And your hands are taped that way because
09 you're expecting to fight, correct?

Sines v Kessler

10 A Yeah.

71. PAGE 220:15 TO 220:17 (RUNNING 00:00:11.647)

15 Q Well -- okay. And Thomas Gillen, to your
16 left also has his hands taped, right?

17 A Mm-hmm.

72. PAGE 221:04 TO 221:06 (RUNNING 00:00:06.518)

04 Q Right. So this is -- this is as you're on
05 your way into Lee Park, correct?

06 A Yes.

73. PAGE 225:10 TO 225:12 (RUNNING 00:00:15.132)

10 Q Well, what you did do was -- with a number
11 of other people, was tried to ram through the
12 counterprotesters, right?

74. PAGE 225:15 TO 225:15 (RUNNING 00:00:02.546)

15 THE WITNESS: I'm going to plead the Fifth.

75. PAGE 227:03 TO 227:19 (RUNNING 00:00:44.346)

03 Q Going back to your statement of offense,
04 Mr. Daley, right above your signature does it say:

05 "As they made their way through the
06 group of protesters who were blocking
07 their path to the park, the defendant
08 and other RAM members collectively
09 pushed, punched, kicked, choked,
10 head-butted, and otherwise assaulted
11 several individuals, resulting in a
12 riot"?

13 A Yes.

14 Q And is that true?

15 A Yes.

16 Q And during and in furtherance of this riot,
17 you personally committed multiple acts, including
18 but not limited to punching a protester at least
19 twice and kicking him once; is that true?

76. PAGE 227:22 TO 227:22 (RUNNING 00:00:02.603)

22 THE WITNESS: I'm going to plead the Fifth.

77. PAGE 227:24 TO 227:25 (RUNNING 00:00:06.050)

24 Q Isn't it true you also attempted to punch a
25 second protester on August 12th?

78. PAGE 228:04 TO 228:04 (RUNNING 00:00:03.522)

04 THE WITNESS: I'm going to plead the Fifth.

79. PAGE 228:06 TO 228:07 (RUNNING 00:00:05.613)

06 Q You also grabbed a protester and threw her
07 off the sidewalk, correct?

80. PAGE 228:10 TO 228:13 (RUNNING 00:00:06.173)

10 THE WITNESS: I'm going to plead the Fifth.
11 BY MR. BLOCH:

12 Q You also grabbed a protester by her throat
13 and threw her to the ground, correct?

81. PAGE 228:18 TO 228:20 (RUNNING 00:00:06.097)

18 A I'm going to plead the Fifth.

Sines v Kessler

19 Q And none of those acts were in
20 self-defense, correct?

82. PAGE 228:24 TO 228:24 (RUNNING 00:00:02.426)

24 THE WITNESS: I'm going to plead the Fifth.

83. PAGE 229:23 TO 230:03 (RUNNING 00:00:17.280)

23 Q Was there a time, Mr. Daley, in the morning
24 of August 12th that there was a counterprotester in
25 the middle of you, Michael Miselis, Cole White, and
00230:01 BENJAMIN DRAKE DALEY - October 8, 2021
02 Cole White was choking her and you were punching
03 her?

84. PAGE 230:06 TO 230:06 (RUNNING 00:00:02.362)

06 THE WITNESS: I'm going to plead the Fifth.

85. PAGE 230:18 TO 230:19 (RUNNING 00:00:05.795)

18 Q Is this photograph, Plaintiffs' 43, a fair
19 and accurate depiction of you August 12th, 2017?

86. PAGE 230:22 TO 230:22 (RUNNING 00:00:02.990)

22 THE WITNESS: I'm going to plead the Fifth.

87. PAGE 231:24 TO 231:24 (RUNNING 00:00:02.545)

24 THE WITNESS: I'm going to plead the Fifth.

88. PAGE 232:03 TO 232:06 (RUNNING 00:00:11.551)

03 Q Was there a moment on the morning of
04 August 12th, Mr. Daley, where you choked a
05 counterprotester and you and Elliott Kline then
06 threw her off the sidewalk?

89. PAGE 232:09 TO 232:09 (RUNNING 00:00:02.367)

09 THE WITNESS: I'm going to plead the Fifth.

90. PAGE 232:14 TO 232:15 (RUNNING 00:00:02.467)

14 (Exhibit 45 was marked for
15 identification by the reporter.)

91. PAGE 233:03 TO 233:14 (RUNNING 00:00:28.888)

03 Q So is this -- so the answer to my question
04 is, yes, this is a fair and accurate depiction of
05 that counterprotester lying on the ground on
06 August 12th?

07 A Yes.

08 Q And she -- in addition to the shirt that
09 you describe, she also has blood streaming down the
10 side of her face, right?

11 A I mean, it would appear so.

12 Q And this is the counterprotester who you
13 had just choked and thrown off the sidewalk; is that
14 right?

92. PAGE 233:17 TO 233:17 (RUNNING 00:00:02.424)

17 THE WITNESS: I'm going to plead the Fifth.

93. PAGE 233:19 TO 233:21 (RUNNING 00:00:13.045)

19 Q Do you agree that that act that resulted in
20 that woman lying on the ground like that was not
21 taken in self-defense, correct?

Sines v Kessler

94. PAGE 233:24 TO 233:25 (RUNNING 00:00:11.691)

24 THE WITNESS: I'm going to plead the Fifth.
25 I'm going to plead the Fifth.

95. PAGE 236:18 TO 236:23 (RUNNING 00:00:09.540)

18 (Exhibit 48 was marked for
19 identification by the reporter.)
20 BY MR. BLOCH:
21 Q Is this photograph a fair and accurate
22 depiction of you on August 12th?
23 A Yeah. Throwing a nice thumbs-up.

96. PAGE 237:03 TO 237:08 (RUNNING 00:00:17.337)

03 Q And is it your testimony that you're just
04 giving a thumbs-up there?
05 A A nice sideways thumbs-up.
06 Q Just tilting your head back, showing your
07 neck, and doing the old sideways thumbs-up?
08 A Yep.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:24:06.962)