

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 21-CR-20005-DPG

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, August 7, 2023
vs. 9:39 a.m. to 4:50 p.m.
ALBERICO AHIAS CRESPO, Volume 1
Defendant. Pages 1 to 231

JURY TRIAL
BEFORE THE HONORABLE DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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1 (Call to the Order of the Court.)

2 THE COURT: All right. Please be seated.

3 COURTROOM DEPUTY: Calling case 21-CR-20005. United
4 States of America versus Alberico Ahias Crespo. Counsel,
5 please state your appearances, starting with the Government.

6 MR. MCLAUGHLIN: Good morning, Your Honor, Sean
7 McLaughlin on behalf of the United States.

8 Also with me at counsel table is my co-counsel, AUSA
9 Chris Clark, and the case agent, FBI Special Agent Sean
10 Slattery.

11 THE COURT: Good morning.

12 MR. QUINON: Good morning, Your Honor, Jose Quinon on
13 behalf of Alberico Crespo, who is here to my right, and also
14 sitting with us at the table is Jose Gonzalez, my
15 paralegal/investigator.

16 THE COURT: Good morning.

17 Is the government ready to proceed?

18 MR. MCLAUGHLIN: We are, Your Honor.

19 THE COURT: Is the defense ready to proceed?

20 MR. QUINON: Yes, Your Honor.

21 THE COURT: I received the defendant's objections to
22 the government's proposed jury instructions, but we can take
23 care of those at the charge conference.

24 Is there anything we need to take up before we bring in
25 the jury from the government?

1 MR. MCLAUGHLIN: I don't believe so, Your Honor.

2 THE COURT: All right. From the defense?

3 MR. QUINON: No, Your Honor. What I filed yesterday
4 was just towards the charge conference, which is really, you
5 know, a couple of proposed instructions and my objections so
6 that you would know what they were before then.

7 THE COURT: Okay. There is the original indictment.

8 There is no superseding indictment.

9 Correct?

10 MR. MCLAUGHLIN: That's correct, Your Honor.

11 THE COURT: I'll read at some point when I'm speaking
12 to the jury the charges against the defendant, and it's as to
13 Count 1, Count 5 and Count 7, 8, and 9.

14 Is that correct?

15 MR. MCLAUGHLIN: That's correct, Your Honor.

16 THE COURT: I'm sorry, and Count 10.

17 MR. MCLAUGHLIN: One second, Your Honor.

18 I am getting copies of the indictment.

19 Yes, the defendant is charged in Count 1, Count 5,
20 Count 7, Count 8, Count 9 and Count 10.

21 THE COURT: When I read the charges, I don't typically
22 read the general allegations or the manner or means.

23 I simply just read the substantive allegations from the
24 counts.

25 Now, there were obviously co-defendants who are not

1 going to be tried with this defendant, so are you both fine
2 with me just saying the defendant's name and others, or do you
3 want me to read the names of those?

4 MR. QUINON: Just "others" would do, Judge.

5 MR. MCLAUGHLIN: I would object to that.

6 I think we do need to have the names read.

7 Some of these jurors might know the co-defendants, and
8 I don't want that coming out in trial, Your Honor.

9 There is no problem with the Court reading who the
10 co-defendants are.

11 MR. QUINON: The only ones that would matter are if
12 they are coming in to testify, and they would be on the witness
13 list that the Court will read.

14 THE COURT: What I will do is I will say "and others,"
15 but I will make sure that those names are added to the list
16 when I read off the name of potential witnesses.

17 Also, the defendant's, the correct pronunciation of his
18 name is Alberico Ahias Crespo.

19 THE DEFENDANT: Alberico Ahias.

20 THE COURT: Alberico?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Ahias?

23 THE DEFENDANT: Ahias, yes, Your Honor.

24 THE COURT: If there is nothing else, the jury is still
25 downstairs, so why don't you take a few moments to go over the

1 questionnaires.

2 MR. CLARK: I have one question, Judge.

3 I see that we have 50 jurors listed on the roster, and
4 I see designations for 44 in the box.

5 COURTROOM DEPUTY: The last jurors will sit on this
6 side.

7 MR. CLARK: They will be in the first row?

8 THE COURT: Right.

9 MR. CLARK: Right to left?

10 THE COURT: Right. So, for those of you that are
11 seated in the gallery behind defense counsel, we are going to
12 ask you to sit back in the last two rows because we need space
13 for the jury, please.

14 MR. QUINON: Just to make sure, on this row here we are
15 going to put some additional jurors starting with 45 to 50,
16 that way?

17 Okay. That's all I needed to know.

18 COURTROOM DEPUTY: 46, starting with 46.

19 MR. CLARK: 45 will be on the end here?

20 COURTROOM DEPUTY: Right.

21 THE COURT: Temperature-wise, are you okay or do you
22 need it cooler?

23 MR. QUINON: A little bit cooler, I think.

24 MR. MCLAUGHLIN: Whatever defense counsel wants, I am
25 fine, Your Honor.

1 MR. QUINON: A little bit cooler. It will help us stay
2 awake.

3 THE COURT: Understand, we don't control the
4 temperature. We request the building manager to make the
5 adjustment. We will see if it happens.

6 So we will be in recess for now until we get the jury.

7 (Brief recess.)

8 THE COURT: All right. Please be seated. Do you still
9 need a few more minutes?

10 MR. QUINON: Yes.

11 (Brief recess.)

12 MR. QUINON: Judge, we can start.

13 THE COURT: Okay. Thank you.

14 COURT SECURITY OFFICER: All rise for the jury.

15 (The prospective jurors entered the courtroom at
16 10:16 a.m.)

17 THE COURT: Please watch your step as you go up the
18 incline.

19 All right. Everyone, please be seated.

20 JURY VOIR DIRE

21 THE COURT: Good morning, ladies and gentlemen. My
22 name is Darrin Gayles.

23 I am a United States District Judge for the Southern
24 District of Florida. The Southern District of Florida is a
25 federal judicial district that runs from Fort Pierce all the

1 way down through to Key West.

2 I have the pleasure of presiding over the case, United
3 States of America versus Alberico Ahias Crespo.

4 Is the government ready to proceed?

5 MR. MCLAUGHLIN: We are, Your Honor.

6 THE COURT: Is the defense ready to proceed?

7 MR. QUINON: Yes, Your Honor.

8 THE COURT: In a few moments, I will give the attorneys
9 an opportunity to introduce themselves as well as their clients
10 to you.

11 The first thing that I am going to have you do while
12 you remain seated is for each of you to please raise your right
13 hand and the oath will be administered.

14 I need all the jurors to please raise your right hands.

15 (The prospective jurors were duly sworn.)

16 THE COURT: You may put your hands down.

17 The oath is administered because there are a lot of
18 questions that I am going to have to ask you and the attorneys
19 will ask you during this, the jury selection process.

20 I know our summons for jury duty may not have come at a
21 convenient time for you. However, you should understand how
22 important it is to all of us that you are here today. The
23 United States Constitution guarantees that we all have the
24 right to a trial by a jury of our peers if we are accused of a
25 crime. In fact, the right to a jury trial is central to our

1 criminal justice system.

2 Jury service is the highest form of service that a
3 civilian can give to this country. Of course, our men and
4 women in the armed services pledge to protect and defend the
5 Constitution with their lives.

6 What you are being asked to do is, of course, very
7 different but it is no less important. It is to protect and
8 defend the Constitution through your jury service.

9 All that is asked of us as citizens of this great
10 country is, of course, to pay our taxes and to serve as jurors
11 when requested to do so.

12 Now, before we get to the charges, I want to take a
13 moment to introduce the courtroom personnel.

14 You have already met my courtroom deputy, Mr. Rehan
15 Ahmad.

16 You will see him quite a bit during the trial. He is
17 charged -- well, he is responsible for the overall mechanics of
18 the trial. He will -- for those of you selected -- tell you
19 when and where to report, provide you with whatever
20 documentation you need for school or work, and deal with the
21 mechanics of the trial.

22 We have our two court security officers here today,
23 Officer David Gonzalez right here, and Officer Orlando Silva in
24 the back.

25 Their primary responsibility is the security of this

1 courtroom and for all of us, and you will see other court
2 security officers rotate in and out throughout the trial. They
3 will do it quietly. You probably won't even notice until you
4 look up and you will see another person there.

5 But if any issues come up outside of my presence,
6 please notify the court security officers or Mr. Ahmad, my CRD,
7 and they will notify me. And I say "outside of my presence,"
8 because if there is something that comes up in this jury room
9 or in this courtroom, just raise your hand and get my attention
10 and then I will address it.

11 Seated right in front of me is our court reporter,
12 Ms. Patricia Diaz.

13 She is typing down everything that we say during this
14 proceeding. So when we are questioning the jurors, we always
15 have you start with your name and your juror number before
16 asking a question or responding to a question. That way,
17 Ms. Diaz can have an accurate record of what is being said.

18 You will see me occasionally refer, look over to this
19 computer, this laptop on my desk. That's because I am getting
20 a real-time transcription of what is being said. So,
21 understand if I am looking at the computer, I am not playing
22 games, I am just trying to see or verify what I believe I
23 heard.

24 Seated to my right in front of me are the attorneys for
25 the government. At this time I will let them introduce

1 themselves and the agent sitting there.

2 MR. MCLAUGHLIN: Thank you, Your Honor.

3 Good morning, ladies and gentlemen, my name is Sean
4 McLaughlin. I am an Assistant United States Attorney.

5 Also with me at my counsel table is my co-counsel, also
6 an Assistant United States Attorney. His name is Chris Clark,
7 and also at counsel table is the case agent in this case, FBI
8 Special Agent Sean Slattery.

9 Thank you and good morning.

10 THE COURT: All right, and seated to my left in front
11 of me is the attorney representing the defendant, as well as
12 the defendant.

13 Would you like to introduce yourself and your client?

14 MR. QUINON: Yes, Your Honor. Good morning, ladies and
15 gentlemen. Good morning to you.

16 I don't want to give you my back.

17 My name is Jose Quinon, and I represent Alberico Ahias
18 Crespo. Mr. Crespo is to my right here. And with me is Jose
19 Gonzalez, who is a paralegal and investigator who works in my
20 office, and he is going to be assisting me during the course of
21 the trial.

22 Good morning again.

23 THE COURT: All right. Thank you.

24 Ladies and gentlemen, do any of you know any of the
25 people that were introduced this morning, anyone on my staff,

1 the court security officers, the attorneys, the agent or the
2 defendant, or the paralegal?

3 Do any of you know those individuals?

4 All right. For the record, I see no hands.

5 Now, the defendant is charged in this case by an
6 indictment. The indictment is a formal charging document, and
7 in Count 1, it alleges that beginning no later than in or
8 around November of 2016 and continuing through on or about July
9 21st of 2020, in Miami-Dade County, in the Southern District of
10 Florida and elsewhere, the defendant, Alberico Ahias Crespo,
11 and others, did knowingly and willfully combine, conspire and
12 agree with each over and others, known and unknown, to
13 distribute and possess with intent to distribute a controlled
14 substance in violation of Title 21, United States Code,
15 Section 841(a)(1), all in violation of Title 21, United States
16 Code, Section 846.

17 The controlled substance involved in the conspiracy
18 attributable to the defendant, as a result of his own conduct
19 and the conduct of other conspirators reasonably foreseeable to
20 them, is a mixture and substance containing a detectable amount
21 of Oxycodone, a Schedule II controlled substance, in violation
22 of Title 21, United States Code, Section 841(b)(1)(C).

23 In short, in Count 1, the defendant is charged with
24 conspiracy to distribute and possess with intent to distribute
25 a controlled substance.

1 The defendant is also charged in Count 5 of the
2 indictment which alleges that beginning no later than in or
3 around September of 2019, and continuing through on or about
4 July 21st of 2020, in Miami-Dade County, in the Southern
5 District of Florida, and elsewhere, the defendant, Alberico
6 Ahias Crespo, and another person, did knowingly and willfully
7 combine, conspire and agree with each other and others, known
8 and unknown, to corruptly persuade another person and knowingly
9 engage in misleading conduct toward another person with intent
10 to hinder, delay and prevent the communication to a law
11 enforcement officer of the United States, of information
12 relating to the commission and possible commission of a federal
13 offense in violation of Title 18, United States Code,
14 Section 1512(b)(3), all in violation of Title 18, United States
15 Code, Section 1512(k).

16 In sum, in Count 5 the defendant is charged with
17 conspiracy to commit witness tampering.

18 For Counts 7, 8, and 9 of the indictment, it alleges
19 that on or about the date set forth as to each count below, in
20 Miami-Dade County, in the Southern District of Florida, and
21 elsewhere, the defendant, as set forth in each count below, did
22 corruptly persuade and knowingly engage in misleading conduct
23 with another person with intent to hinder, delay and prevent
24 the communication to a law enforcement officer of the United
25 States of information relating to the commission and possible

1 commission of a federal offense in violation of Title 18,
2 United States Code Sections 1512(b)(3) and (2).

3 For Count 7, as to July 8th of 2020, it relates to that
4 date for this defendant.

5 For Count 8, it relates to July 17th of 2020, for this
6 defendant, and in Count 9, it relates to the date July 20th of
7 2020, for this defendant, and for those three counts, in 7, 8,
8 and 9, the defendant is charged with witness tampering.

9 In Count 10, it alleges that beginning no later than in
10 or around September of 2019, and continuing through on or about
11 July 21st of 2020, in Miami-Dade County, in the Southern
12 District of Florida, and elsewhere, the defendant, Alberico
13 Ahias Crespo, and another person, did knowingly and willfully
14 combine, conspire and agree with each other and others, known
15 and unknown, to corruptly otherwise obstruct, influence and
16 impede an official proceeding in violation of Title 18, United
17 States Code, Section 1512(c)(2), all in violation of Title 18,
18 United States Code, Section 1512(k).

19 In sum, in Count 10, the defendant is charged with
20 conspiracy to obstruct justice.

21 The definitions of each of those crimes will be
22 provided to you later during the trial.

23 Now, I want to explain to each of you that an
24 indictment, that is, the formal charging document that I read
25 from, is merely the charging document in the case.

1 It is not evidence of guilt. Therefore, you cannot
2 draw any inferences of guilt merely because an indictment was
3 returned in this case.

4 Does everyone here understand that the indictment is
5 merely the formal charging document in the case?

6 All right. Is there anyone here that does not
7 understand that?

8 All right. For the record, I see no hands.

9 As to each of the charges in the indictment, the
10 defendant has entered a plea of not guilty. This means you
11 must presume or believe the defendant is innocent. That
12 presumption stays with the defendant as to each material
13 allegation in the indictment through each stage of the trial
14 unless it has been overcome by the evidence to the exclusion of
15 and beyond a reasonable doubt.

16 Does everyone here understand that the defendant is
17 presumed innocent of the charges in the indictment?

18 All right. Is there anyone here that does not
19 understand that?

20 All right. Again, for the record, I see no hands.

21 The government, meaning the attorneys that are seated
22 at the table in front of me to my right, the government has the
23 burden of proving the defendant guilty of the charged crimes by
24 the standard beyond a reasonable doubt. At no time is a
25 criminal defendant ever required to prove his innocence or to

1 furnish any evidence whatsoever. This is a right guaranteed to
2 all of us by the United States Constitution.

3 Do all of you understand that the government has the
4 burden of proof in this case?

5 All right. Is there anyone here that does not
6 understand that the government has the burden of proof? All
7 right. Again, for the record, I see no hands.

8 In addition to the presumption of innocence, and the
9 government's burden of proof, the Constitution guarantees every
10 defendant the right to remain silent. As the government has
11 the burden of proving the defendant guilty beyond a reasonable
12 doubt, the defendant does not have to testify or present
13 evidence, and you must not hold it against him in any way if he
14 exercises that right. Nor, may it be a factor in your
15 deliberations in any way.

16 Does everyone here understand the defendant has the
17 absolute right to remain silent?

18 All right. Is there anyone here that does not
19 understand that?

20 All right. For the record, I see no hands.

21 Now, I want to take a moment to discuss with you
22 scheduling. After consulting with the parties, we think this
23 trial is going to take up to three weeks to try. We are going
24 to work a full day, typically between 9:30 and about 5:30 each
25 day.

1 We will have an hour break for lunch every day and we
2 will have short breaks in the morning and in the afternoon. We
3 will work four days this week, so we will select a jury today
4 and we will work full days through Thursday, and then we will
5 be off on Friday. We also, because of some conflicts, we are
6 going to be off, some scheduling conflicts, we will be off on
7 Monday as well, so next week we will resume on Tuesday.

8 We will be off Friday, then we will resume on Tuesday
9 and we will work Tuesday, Wednesday, Thursday, and Friday.
10 Then we will resume the third week that following Monday, but I
11 fully expect the case to conclude before that Friday of the
12 third week.

13 Now, with that schedule in mind, does it pose a
14 hardship to anyone?

15 I will start here in the jury box.

16 So, please raise your hand.

17 Okay. We will hand each of you a microphone.

18 Remember, please state your name and your juror number
19 first.

20 PROSPECTIVE JUROR: Lisa Rafkin, Juror Number 2.

21 I am already committed to leaving town on next Tuesday
22 for a week.

23 THE COURT: Okay. Is that for business or pleasure?

24 PROSPECTIVE JUROR: It's neither. It's a personal
25 obligation for my son who is in the process of moving to

1 Boston.

2 THE COURT: Okay. All right. I have to ask, is that
3 something that can be rescheduled?

4 PROSPECTIVE JUROR: No.

5 THE COURT: All right. Thank you, ma'am.

6 Who is the next person with the hand?

7 Okay. If we can pass the microphone, please tell me
8 your name and jury number.

9 PROSPECTIVE JUROR: Gabriela Gutierrez, Juror Number 3,
10 and I have my dorm move-in scheduled next week.

11 THE COURT: Where are you going to school?

12 PROSPECTIVE JUROR: University of Miami.

13 THE COURT: What day is your dorm move-in?

14 PROSPECTIVE JUROR: We can start on the 15th so I think
15 I am moving in on the 15th and 16th.

16 THE COURT: What day of the week is that? I don't have
17 my calendar up.

18 COURTROOM DEPUTY: Tuesday and Wednesday, Judge.

19 THE COURT: Okay. When do you start school?

20 PROSPECTIVE JUROR: The 21st, I believe, so that Monday
21 after.

22 THE COURT: Okay. All right. Thank you.

23 The next person.

24 PROSPECTIVE JUROR: Juror Number 4, Hung Do.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: I just had a new employee start at
2 my department, a department of two, and he just started
3 training last Wednesday. So, I just have to clear it with work
4 to make sure it is -- you know, I have everything planned out
5 for him.

6 I am technically the only one in my department that has
7 my job title in all of the county.

8 THE COURT: Where do you work?

9 PROSPECTIVE JUROR: Miami-Dade County, Zoo Miami.

10 THE COURT: What do you do there?

11 PROSPECTIVE JUROR: I am the zoo exhibit technician.

12 I do a lot of electronics, IT, surveillance systems,
13 you know, all the interactives, all the event lighting and
14 stuff that we, unfortunately, have a couple of events coming up
15 right at the end of the month.

16 THE COURT: Okay. The conflict that you are talking
17 about is you've got someone else starting --

18 PROSPECTIVE JUROR: Yeah, he is not ready to go.

19 I have two events.

20 You said it's going to take three weeks.

21 We have a conference coming up for the board of
22 directors for the AZA, which is the American Zoological
23 Association, they are nationwide so they are coming to our
24 facility, and it's quite a big event that we have to set up
25 for.

1 I believe it's on the 26th, and I need at least a week
2 to set up for those events, for that kind of stuff.

3 As long as -- I mean, you said the trial is going to
4 start tomorrow.

5 I have to talk to my supervisor and everything, get all
6 of that.

7 THE COURT: Well, technically the trial has started.

8 PROSPECTIVE JUROR: Yeah, that's just the only conflict
9 I have.

10 THE COURT: When do you normally work? You work Monday
11 through Friday or do you work on the weekends?

12 PROSPECTIVE JUROR: I work Sunday through Thursdays.
13 The zoo doesn't close.

14 THE COURT: Given the fact that we are, for example,
15 going to be off Friday, Saturday, Sunday and Monday of this
16 week, would that help alleviate some of those?

17 PROSPECTIVE JUROR: I would have to clear it with them,
18 like I say, you know, the county is going to pay me for my time
19 on the jury so I could care less about that. It's just getting
20 the new guy up to speed and then, yeah, I probably can come in.

21 They will probably have to pay me overtime and all of
22 that but, hey, I am good for it.

23 I just have to clear it up with my supervisor and the
24 people and all that.

25 THE COURT: All right. Thank you, sir.

1 Yes, sir.

2 PROSPECTIVE JUROR: Eduardo Llado, Juror Number 6. I
3 am a commercial director for the company. I am the only
4 employee in the U.S., for the U.S., and we have an RFP coming
5 up this month, so the three weeks would basically close down
6 our office, per se, for that time period.

7 THE COURT: What do you do for a living?

8 PROSPECTIVE JUROR: I am a commercial director for
9 Knowmad Mood.

10 THE COURT: I'm sorry, for?

11 PROSPECTIVE JUROR: Knowmad Mood. It's a company based
12 out of Spain.

13 THE COURT: Would you spell that, please?

14 PROSPECTIVE JUROR: Sure. K-N-O-W, M-O-O-D, M-A-D.

15 THE COURT: I'm sorry to have you repeat it because I
16 don't write as fast as Ms. Diaz can type. The issue is what,
17 exactly?

18 PROSPECTIVE JUROR: Well, I am the only one really
19 handling the U.S. So while I am in the office, I work with
20 colleagues outside the country but I direct the U.S.

21 Then we have an RFP coming up this month; I am not sure
22 what time, which needs to be addressed and answered.

23 THE COURT: When you say RFP, please --

24 PROSPECTIVE JUROR: Request for Proposal, sorry.

25 THE COURT: Is that something that you think that would

1 take the bulk of the time or you just need some time to set
2 aside?

3 PROSPECTIVE JUROR: No, that would take the bulk of the
4 time. It hasn't been issued as of yet, but they said it would
5 be out for this month.

6 THE COURT: All right. Thank you.

7 Next hand.

8 PROSPECTIVE JUROR: Regina Solorzano. Juror Number 8.
9 I am flying back to school next Tuesday.

10 I am in college in North Carolina.

11 THE COURT: All right. Where do you go to school?

12 PROSPECTIVE JUROR: Elon University.

13 THE COURT: All right. Thank you, ma'am.

14 PROSPECTIVE JUROR: My name is Maily Santana. My
15 number is ten. My English is very bad but I understand you
16 need to know, I have a travel in 19, August 19th.

17 THE COURT: Is that for work or for pleasure?

18 PROSPECTIVE JUROR: No, pleasure.

19 THE COURT: So, how much have you been able to
20 understand so far of what I have said to the jury?

21 PROSPECTIVE JUROR: The half.

22 THE COURT: About half?

23 PROSPECTIVE JUROR: Yes, more or less. I know he has
24 problem with a drug or something like that. I have the idea
25 but --

1 THE COURT: Okay. All right. Thank you, ma'am.

2 PROSPECTIVE JUROR: You are welcome.

3 THE COURT: All right. The next hand regarding
4 scheduling.

5 PROSPECTIVE JUROR: Abel Fernandez, Juror Number 11. I
6 have a trip out of the country scheduled for the 19th to the
7 25th of August.

8 THE COURT: Let's see, so that would eliminate the
9 third week.

10 All right. Thank you, sir.

11 Yes, ma'am.

12 PROSPECTIVE JUROR: My name is Chernea Young. I am
13 Juror Number 13.

14 I actually have a couple of conflicts. One, I work for
15 a sole proprietor in a law firm.

16 We recently had our junior paralegal to resign, so I am
17 the senior paralegal there and the attorney is scheduled to go
18 out of the country on Wednesday. We have a couple of hearings
19 that are scheduled. I have covering attorneys, but I still
20 have to be there for the office. That's one conflict for me.

21 The other thing is I attend law school online, but
22 Mondays and Wednesdays and it starts at 5:30.

23 THE COURT: Okay. Let's back up.

24 You are the senior paralegal for a solo practitioner?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Who is that that you work for?

2 PROSPECTIVE JUROR: Nexcy De La Rosa-Monroe Law in
3 Miami Lakes.

4 THE COURT: What kind of law does she practice?

5 PROSPECTIVE JUROR: She is family law.

6 THE COURT: And you were saying earlier, I believe,
7 that right now you are the only paralegal?

8 PROSPECTIVE JUROR: Actually, I am the only person left
9 in the office, honestly.

10 We have one remote and she only does the office
11 portion.

12 She doesn't handle clients or anything like that, so I
13 am the one that's there.

14 THE COURT: Okay. And you are saying that Ms. De La
15 Rosa will be out of town?

16 PROSPECTIVE JUROR: Out of the country.

17 THE COURT: Out of the country, there are attorneys
18 covering, but you would be the only one in the office?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Where are you attending law school?

21 PROSPECTIVE JUROR: American Law Institute. It's
22 online.

23 THE COURT: You said that's 5:30 every day.

24 PROSPECTIVE JUROR: Yes. No, 5:30 Monday and
25 Wednesdays.

1 THE COURT: Okay. Okay. Thank you, Ms. Young.

2 Yes, sir.

3 PROSPECTIVE JUROR: Good morning.

4 My name is Ibrahim Franco. My juror number is 15,
5 one-five.

6 THE COURT: Yes.

7 PROSPECTIVE JUROR: I work for Dade County Schools
8 Transportation and this week is really a conflict of interest
9 because today I am supposed to be going, I was scheduled here,
10 which is mandatory, we are supposed to be going viewing routes
11 to make a decisions.

12 Tomorrow I have an appointment with an attorney with my
13 wife for the process of her residency change of status.

14 Wednesday, I have to be on mandatory appointment in
15 order to choose a route. Otherwise, they will bypass me and I
16 definitely don't want to be bypassed and be given whatever they
17 want.

18 On Friday, we have a mandatory practice run, which we
19 have to be there for.

20 On Monday, we have mandatory in-service meeting, and on
21 Tuesday we have to be going to check our equipment and that's
22 also mandatory, I've got it here in writing, so that kind of
23 poses a problem.

24 THE COURT: So, you are a Miami-Dade School --

25 PROSPECTIVE JUROR: Transportation, yes.

1 THE COURT: Does that mean you are a bus driver?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: You are saying that you have a couple of
4 meetings to go over routes.

5 PROSPECTIVE JUROR: Today, we have until four o'clock
6 to go view our routes. Tomorrow, I have an AM appointment with
7 the attorneys with my wife for a change of status.

8 THE COURT: I want to deal with the work stuff first.

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: How long does it take to review the routes?

11 PROSPECTIVE JUROR: Well, we have until -- it's about
12 an hour, you know, whatever. Like today, we have from 7 a.m.,
13 7:30 a.m. until 4:30. Tuesday -- rather, Wednesday, we are
14 supposed to be going there to choose, and I am scheduled to
15 show there -- rather, I'm sorry, Wednesday, we are there to,
16 August the 9th, we are there to choose, and on Friday we have
17 the practice run, which is all a.m. until around 2 p.m.

18 THE COURT: So, Friday, we are not in session Friday.

19 As far as, where do you go to look at the routes? Is
20 it at the school board here downtown?

21 PROSPECTIVE JUROR: My compound, close to the Metro
22 Zoo, 117th Ave., close to 152nd Street, Southwest.

23 THE COURT: This selection, is it done by seniority or
24 how is the selection?

25 PROSPECTIVE JUROR: We are scheduled there by

1 seniority. Like today, we -- it's open because, like I said,
2 we go either from 7:30 a.m. until 4:30.

3 That's how much time we have on the window. So either
4 we go there. It takes about an hour. So, considering that I
5 have to come here, I said, "Well, I think I can make it before
6 4:30."

7 THE COURT: So, that's just to look at the routes.

8 PROSPECTIVE JUROR: I got to view, I got to jot down
9 the pros and the cons in order to be ready to go back and
10 choose what would be the most appropriate for me for the rest
11 of the year, for the remainder of the year.

12 THE COURT: How long -- when you decide which one is
13 the best, when you actually choose on Wednesday?

14 PROSPECTIVE JUROR: I am scheduled to be there at 3:55
15 on Wednesday. That's according to my seniority and I am being
16 given about a ten-minute window to choose.

17 THE COURT: Okay.

18 Do you have to be in-person for that?

19 PROSPECTIVE JUROR: In-person, yes.

20 THE COURT: Okay. So, now, the appointment tomorrow to
21 see the lawyer, what time is that?

22 PROSPECTIVE JUROR: In the a.m. hours.

23 THE COURT: What time is that?

24 PROSPECTIVE JUROR: They open around nine or ten,
25 something like that.

1 I don't have the information with me as far as change
2 in status.

3 THE COURT: And that's just a consultation?

4 PROSPECTIVE JUROR: No, the process already began.

5 We've already been through an agency which did not
6 work. We already spent over 7,000 to no avail.

7 So, this is a nonprofit so they are really helping us
8 out because they have seen a lot of mishaps so we got to follow
9 up. Because this is our last chance for her to get her change
10 of status.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR: Because I am starting school pretty
13 soon. The following week, we are starting on the 17th.

14 THE COURT: The schedule that you just mentioned was
15 for next week.

16 For the next two weeks, are there any conflicts for the
17 second or the third week?

18 PROSPECTIVE JUROR: The following week we have checking
19 of the equipment, setting it up on Monday -- no, rather, Monday
20 we have the in-service meeting which is from -- it's an
21 eight-hour mandatory, and then Tuesday we have the checking of
22 the equipment which is all a.m. hours, and then we won't start
23 until the 17th when school starts, which will be, I believe,
24 Thursday.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: Officially.

2 THE COURT: We may follow up with you a bit more with
3 the attorneys.

4 Thank you, sir.

5 Yes, sir, your name and juror number?

6 PROSPECTIVE JUROR: Gianmarco Carrera, Juror Number 16.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: I have classes at like the third
9 week, so I don't know how -- but the first two weeks I will be
10 free.

11 THE COURT: Okay. Where do you go to school?

12 PROSPECTIVE JUROR: Miami-Dade College?

13 THE COURT: Which campus?

14 PROSPECTIVE JUROR: Kendall campus.

15 THE COURT: Your classes start on, when?

16 PROSPECTIVE JUROR: August 20th or 21st. I know it's
17 in that week.

18 THE COURT: The 21st is a Monday.

19 PROSPECTIVE JUROR: Okay.

20 THE COURT: What do you study there?

21 PROSPECTIVE JUROR: I am studying for accounting for --
22 it's my third year like, it's a concentration in accounting,
23 but I get some business management supervision.

24 THE COURT: Okay.

25 What is your class schedule, do you know?

1 PROSPECTIVE JUROR: I know like I have two, but they
2 are like eight-week courses, so I don't know how, like, how the
3 due dates and assignments are going to go for those classes yet
4 or who my professor is, if they give any, like, gruesome
5 assignments or not.

6 THE COURT: So, I mean, like, are you going to class
7 like Monday, Wednesday, Friday or Tuesday, Thursday?

8 PROSPECTIVE JUROR: No, it's online, but I don't know
9 how gruesome -- how many assignments I will be given in those
10 eight weeks.

11 THE COURT: Okay. Can you take the classes at any time
12 or is there a set time for the class?

13 PROSPECTIVE JUROR: I think any time.

14 THE COURT: Okay. Thank you, sir.

15 So, anyone with a scheduling issue in the center, in
16 the rear of the courtroom.

17 PROSPECTIVE JUROR: Yes, hello, everybody. I am Number
18 29, my name is Tod Raphaely. I have eye surgery next Tuesday.
19 It's been scheduled. I have been waiting three years for it
20 because due to the pandemic they haven't been doing elective
21 surgeries and I'd like to get that done without any
22 postponement.

23 If I didn't have that, otherwise I am okay.

24 THE COURT: I'm sorry, what day is your eye surgery?

25 PROSPECTIVE JUROR: Tuesday, next Tuesday.

1 I think it's the 15th. Correct?

2 THE COURT: It is the 15th. What is your recovery time
3 for that, do you know?

4 PROSPECTIVE JUROR: From the last time I had my right
5 eye done about a month ago, it took about a week until I was
6 all right.

7 THE COURT: Okay. Thank you, sir.

8 Next hand.

9 PROSPECTIVE JUROR: Hello, Raymond Suits, Number 25. I
10 am a teacher at South Dade Senior High, teachers report back on
11 the 10th.

12 Also, school starts on the 17th so we will have
13 meetings for that week and preparation for the school year.

14 I also have an appointment on this Thursday at 1 p.m.
15 with my doctor.

16 THE COURT: Where do you teach?

17 PROSPECTIVE JUROR: South Dade Senior High.

18 THE COURT: What do you teach?

19 PROSPECTIVE JUROR: This year I will be teaching
20 probability and statistics.

21 THE COURT: Okay. Is there another hand?

22 PROSPECTIVE JUROR: Hi, my name is Hector Barrios, 23.

23 THE COURT: I'm sorry, I am going to have everyone in
24 the back stand up because we can see everyone in the jury box
25 because it's raised, but it's hard to see people in the back.

1 Thank you.

2 PROSPECTIVE JUROR: Yes, my name is Hector Barrios.

3 I am 23.

4 Would you please repeat the schedule?

5 You said you did not have this Friday and next Friday?

6 THE COURT: No, we are off this Friday and we are off
7 the following Monday.

8 PROSPECTIVE JUROR: Okay. Because I have two doctors'
9 appointments, this Friday and next Friday morning, eight to 10
10 a.m.

11 Tomorrow I have to take my car to the mechanic. It has
12 a wheel bearing problem. There's nothing tomorrow or is there
13 something tomorrow?

14 THE COURT: No, we will be working all day tomorrow?

15 PROSPECTIVE JUROR: Starting at what time?

16 THE COURT: At 9:30.

17 PROSPECTIVE JUROR: Might be here late, because they
18 open at eight. I can drop it off, take the bus and the
19 Metrorail, but let's see.

20 THE COURT: We can make a slight accommodation for you.

21 So, if we just want to start after you drop your car
22 off tomorrow, then you are fine for the rest of this week.

23 Correct?

24 PROSPECTIVE JUROR: Correct.

25 THE COURT: And next week we are off that Monday.

1 Does that give you time to do whatever else you need to
2 do?

3 PROSPECTIVE JUROR: The only thing I had the other week
4 was just another Friday results with the doctor, lab one week,
5 results the next week.

6 THE COURT: And next -- a week from this Friday, that
7 doctor's appointment, what time is that?

8 PROSPECTIVE JUROR: Eight to 10 a.m.

9 THE COURT: What part of the county is that?

10 PROSPECTIVE JUROR: I live in Kendall, way up there in
11 Kendall, southwest Kendall.

12 THE COURT: So that's an appointment you think will
13 take just about two hours?

14 PROSPECTIVE JUROR: Correct.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR: Good morning, Your Honor. My name
17 is Jason Gray, and right now as I stand here speaking to you,
18 my wife at home who suffers from bipolar schizophrenia, is
19 watching our two kids.

20 She is stable at this time and the grandmother is
21 popping in throughout the day to make sure that things stay
22 okay, and I don't have a problem sneaking away for a few days
23 to help out with court, but to commit to a three-week stretch
24 is going to be a real hard press.

25 The Department of Children and Families does not want

1 me leaving her alone with my kids for long durations of time.
2 I work from home. My kids are not in summer camp at this time
3 and school has not yet begun, and I can't commit to a
4 three-week period where I am leaving my kids alone with my wife
5 all day. She was hospitalized earlier this year and a number
6 of years back.

7 It's going to cause a problem with the Department of
8 Children and Families for me if I try to do that.

9 THE COURT: All right. I appreciate that. Thank you,
10 sir.

11 Anyone else with their hands up regarding the schedule?

12 PROSPECTIVE JUROR: My name is Jese Feijoo, Number 33,
13 and I start school on the 21st.

14 THE COURT: I'm sorry, just a moment.

15 Where do you go to school?

16 PROSPECTIVE JUROR: I am going to be going to FIU.

17 THE COURT: And what do you study at FIU?

18 PROSPECTIVE JUROR: Computer science.

19 THE COURT: What's your class schedule for the
20 semester?

21 PROSPECTIVE JUROR: I think it's Monday and Wednesday.
22 On one of those days it has to be through Zoom online.

23 THE COURT: Do you know -- well, what time are your
24 classes on Monday and Wednesday?

25 PROSPECTIVE JUROR: Well, it's in the morning so

1 from -- I believe it's like 9:30 to 11:30.

2 THE COURT: So, your classes are 9:30 to 11:30 on
3 Mondays and Wednesdays, one of them is by Zoom?

4 PROSPECTIVE JUROR: Yeah, Wednesday.

5 THE COURT: And that would be in the third week because
6 you start on the 21st. Right?

7 PROSPECTIVE JUROR: Yeah, the 21st.

8 THE COURT: I don't know if I asked you, what are you
9 studying?

10 PROSPECTIVE JUROR: What do I study?

11 THE COURT: Yes.

12 PROSPECTIVE JUROR: Computer science.

13 THE COURT: You also work for the Florida Health
14 Department?

15 PROSPECTIVE JUROR: Yeah.

16 THE COURT: What do you do there?

17 PROSPECTIVE JUROR: I am just a clerk. I register
18 clients in.

19 THE COURT: Are you a full-time or part-time employee?

20 PROSPECTIVE JUROR: Full-time.

21 THE COURT: Will you keep that full-time job when
22 school starts?

23 PROSPECTIVE JUROR: Well, they are going to do like a
24 flex schedule to help me out.

25 THE COURT: So regarding your full-time job, for that,

1 though, if you were selected you would be paid?

2 PROSPECTIVE JUROR: For this?

3 THE COURT: During your jury service.

4 PROSPECTIVE JUROR: I think so, yeah.

5 I confirmed with them for today but I don't know about
6 like the whole three weeks.

7 THE COURT: You will be paid.

8 PROSPECTIVE JUROR: Okay.

9 THE COURT: You will be paid. You will be paid.

10 PROSPECTIVE JUROR: Okay.

11 THE COURT: And I will say that for the benefit of
12 everyone here. So for full-time employees -- you can have a
13 seat, sir, it's directed to everyone -- well, federal and state
14 law prohibit employers from discriminating against a person
15 based on jury service.

16 There is also a Dade County ordinance that requires
17 full-time employers that have a certain number of employees, I
18 will have to look, it's either 10 or 14, that they provide --
19 that they pay you during your jury service.

20 Now, that ordinance does not apply to part-time
21 employees. So, if you work part-time, unless the employer
22 agrees to pay you, there is no way we can force them to pay
23 you.

24 Now, some larger employers often recognize the
25 importance of jury service and they will pay their employees

1 anyway for even their part-time employees but, if you work for
2 a company with at least 10 or 14 employees and you are a
3 full-time employee, then your employer is required to pay your
4 salary, so just to make sure everyone understands.

5 There is another hand.

6 PROSPECTIVE JUROR: I'm sorry, quick question.

7 THE COURT: We have to wait for the microphone because
8 it's a big courtroom so we will pass the microphone up.

9 We will go back up here.

10 State your name and juror number.

11 PROSPECTIVE JUROR: Erica Rojkes, Juror Number 17.

12 And I have a quick question about what you just said.

13 I am a full-time employee and they told me they would
14 pay only one week, not three.

15 THE COURT: Who do you work for?

16 PROSPECTIVE JUROR: Audi North Miami.

17 THE COURT: I'm sorry, who?

18 PROSPECTIVE JUROR: It's a car dealership, Audi North
19 Miami.

20 THE COURT: I assume they have quite a few employees?

21 PROSPECTIVE JUROR: About a hundred-plus.

22 THE COURT: Okay. What do you do for Audi of North
23 Miami?

24 PROSPECTIVE JUROR: Title clerk.

25 THE COURT: What does the title clerk do?

1 PROSPECTIVE JUROR: Registration, title work.

2 THE COURT: Are you the only person that does that for
3 Audi of North Miami?

4 PROSPECTIVE JUROR: Mainly. I have somebody that helps
5 me but I am the main title clerk.

6 I mean, I didn't raise my hand not to be available but
7 I just wanted to ask about the -- if they have to pay me for
8 the three weeks, I have no problem coming.

9 THE COURT: Yes, and if I need to speak to them, I
10 will.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: They are obligated by law to pay you.

13 PROSPECTIVE JUROR: They told me they will pay one week
14 and after that it will be taken out of my vacation or sick
15 days.

16 THE COURT: That's not accurate.

17 I will make sure you have all the necessary
18 information, and I will talk to your employer if I have to.

19 PROSPECTIVE JUROR: Okay. Thank you.

20 THE COURT: Yes, ma'am.

21 PROSPECTIVE JUROR: That was going to be --

22 THE COURT: I'm sorry, I need your name and juror
23 number.

24 PROSPECTIVE JUROR: My name is Rode Gonzalez, Number
25 20.

1 That was my question. I mean, they -- I am sure they
2 would pay me, but would they take it out of my PTO hours or I
3 can tell them that they cannot take it out of my PTO hours?

4 THE COURT: They are not supposed to take it out of
5 your vacation time.

6 I am referring to Miami-Dade County Ordinance 11-32. I
7 think they are required to pay you but, again, it's usually not
8 a problem once we provide the information. If I have to call
9 your employer into federal court to explain to me why they
10 refuse to follow the law, that will usually take care of it.
11 So, they are required to pay you if you are a full-time
12 employee.

13 PROSPECTIVE JUROR: Yes, thank you.

14 THE COURT: And not take it out of your vacation time.
15 Okay.

16 PROSPECTIVE JUROR: Good morning. My name is Dulce
17 Rodriguez and my number is 35.

18 I don't have problem with my job but my English a
19 little. I can't understand -- I can't well and I can't speak
20 well.

21 I only write and I don't know.

22 THE COURT: Okay. How much have you been able to
23 understand so far?

24 PROSPECTIVE JUROR: How much?

25 THE COURT: Yes.

1 PROSPECTIVE JUROR: So far? I don't know.

2 THE COURT: Okay. Thank you, ma'am.

3 PROSPECTIVE JUROR: You're welcome.

4 THE COURT: Some other issues regarding scheduling?

5 PROSPECTIVE JUROR: Yes, my name is Christopher

6 Vasquez, Number 27. Regarding what you mentioned about the job

7 and the payment, I work for a company, an HVAC technician

8 company, Cyclone Mechanical.

9 Currently, we only have six people that work as
10 technicians and my boss did tell me -- he told me that I would
11 not be penalized and my job is secure, but they would not be
12 able to pay me during the time I am in jury service.

13 THE COURT: What company do you work for?

14 PROSPECTIVE JUROR: Cyclone Mechanical.

15 THE COURT: Can you spell that name for me?

16 PROSPECTIVE JUROR: C-Y-C-L-O-N-E.

17 THE COURT: Cyclone.

18 PROSPECTIVE JUROR: Correct.

19 THE COURT: How big is that company?

20 PROSPECTIVE JUROR: We have six technicians and in
21 total we have eight people working in the company.

22 THE COURT: Okay. That number falls below what is
23 required by the county. So, they could lawfully not pay you
24 for your jury service because they don't meet that requisite
25 number of employees.

1 PROSPECTIVE JUROR: Correct.

2 THE COURT: So, if your employer does not pay your
3 salary, would that pose a financial hardship for you?

4 PROSPECTIVE JUROR: I believe so, yes, sir.

5 THE COURT: Thank you, sir.

6 Anyone else with a scheduling issue or employment
7 issue?

8 PROSPECTIVE JUROR: Hi, my name is Mithza Pardo. My
9 number is 41.

10 This Thursday I have a travel with my family. It's a
11 pleasure, we already reserved like long time ago. For next
12 week, I have a daughter that have 14 years.

13 She start school, Miami Senior, Miami Springs Senior
14 High School on Thursday, but also she is cheerleading so on
15 Monday, Tuesday and Wednesday, she has practice on the school
16 because on Friday they have the pep rally and they have a show
17 -- a game after school.

18 THE COURT: So this Thursday, you are traveling with
19 your family?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And next week you've got scheduling issues
22 for your daughter?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Now, Ms. Pardo, you also wrote on your
25 questionnaire that you don't speak English very well.

1 How much have you been able to understand what I have
2 talked about so far this morning?

3 PROSPECTIVE JUROR: I understand something about
4 *substancia*, controlled substance and Oxycodone or something
5 like that. Half.

6 THE COURT: All right. Thank you, ma'am.

7 Anyone else with a scheduling or work issue?

8 PROSPECTIVE JUROR: Good morning.

9 My name is Jairo Valencia. I am Juror Number 43, and
10 the problem is my son is getting married in Boston,
11 Massachusetts, August 17 -- I mean 18, and we are going to be
12 traveling from August 17th all the way to the 27th.

13 THE COURT: Thank you, sir.
14 Congratulations.

15 PROSPECTIVE JUROR: Hi, my name is Lizandra Matos and I
16 am Juror Number 44.

17 I have an issue with the schedule. I am currently
18 unemployed. I lost my employment a week ago, but I do some
19 side gigs on the side. I am a bartender and I am a teacher, a
20 dance teacher, and I have two days out of the week that I am
21 not going to be available because I will be teaching. That
22 will be Tuesdays and Thursdays, and then on the weekend,
23 Friday, Saturday and Sunday, which will be only Friday, I will
24 be doing the bartender.

25 THE COURT: Okay. So when you work on Tuesdays and

1 Thursdays, what time are you doing that part-time work?

2 PROSPECTIVE JUROR: I have to be in the studio at four.

3 THE COURT: Four p.m.?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: What part of the county would you need to
6 be in for that?

7 PROSPECTIVE JUROR: Doral.

8 THE COURT: Okay. And that is on Tuesdays and
9 Thursdays?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: What about Fridays?

12 PROSPECTIVE JUROR: Fridays, they are event gigs so
13 it's not set. Like this Friday I have an event gig but this
14 Friday we are not doing the trial, but I am not going to know
15 until the following week so I can't commit Fridays.

16 THE COURT: Now, I mean, I am just assuming, bartending
17 would take place later in the day?

18 PROSPECTIVE JUROR: Well, we start at three. Why,
19 because it's an event for a wedding. It's a wedding event.

20 THE COURT: Okay. All right. Thank you, ma'am.

21 Anyone else in this part of the courtroom regarding
22 scheduling?

23 All right. How about this side?

24 PROSPECTIVE JUROR: Hello, my name is Rosemary
25 Rodriguez. I am Juror 46. My issue is that I am the caregiver

1 of my mother. She is 91. I do work from home and down the
2 street from her so I have cameras and I watch her during the
3 day, and for lunch I will go over there and help her with her
4 lunch, and I am the only one there for her.

5 She does have assistance that come in 19 hours a week,
6 but the rest of the time, I am her caregiver.

7 THE COURT: The assistance is only 19 hours a week?

8 PROSPECTIVE JUROR: Yes, the state provides her
9 19 hours for someone to come in and help her.

10 THE COURT: Okay. So, during the day, the time that
11 you are speaking of, is there anyone else that could assist her
12 if you were called to serve?

13 PROSPECTIVE JUROR: No, there is nobody else.

14 THE COURT: All right. Thank you, ma'am.
15 Anyone else?

16 PROSPECTIVE JUROR: Hi, my name is Selin Pichs, Juror
17 Number 47. I have two conflicts.

18 First is that I will be traveling out of the country
19 starting the 18th through the 26th.

20 THE COURT: Is that for business or pleasure?

21 PROSPECTIVE JUROR: Both.

22 THE COURT: And these are tickets you have already
23 purchased?

24 PROSPECTIVE JUROR: Yeah, they are nonrefundable.

25 THE COURT: Anyone else?

1 PROSPECTIVE JUROR: Hi, my name is Benedict, Juror
2 Number 49.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: Yes, next week -- I am a teacher
5 next week so I have to report on Monday. I am teaching for
6 Miami-Dade.

7 THE COURT: You start on Monday?

8 PROSPECTIVE JUROR: I have to report on Monday, and
9 Tuesday we have the in-service mandatory.

10 THE COURT: What do you teach?

11 PROSPECTIVE JUROR: I teach math, calculus, pre-
12 calculus.

13 THE COURT: For not being a teacher -- what happens if
14 you miss the first week or two? I mean, would they not simply
15 get a substitute to come in?

16 PROSPECTIVE JUROR: Most of the time if school has
17 already started it's easier for them but when we don't start,
18 when it's the beginning of the school year, it's tough to get
19 substitutes.

20 THE COURT: All right. Okay. Thank you, sir.

21 Is there anyone else with a scheduling issue or work
22 issue?

23 PROSPECTIVE JUROR: How are you doing? My name is
24 Antonio Havard, Juror Number 50.

25 My problem happens to be with my father, 30 years of

1 service in the Air Force. Now he has dementia, cancer, high
2 blood pressure.

3 We have an aide that is only allotted two hours,
4 five days a week, and she comes early in the morning.

5 My job has given me a lot of leniency.

6 I can run home in between. I work for the Miami-Dade
7 School Board, too.

8 So they allow me on my routes to go home and help
9 because he falls a lot now.

10 There are days he doesn't even remember who I am. He
11 gets belligerent with everybody. My momma calls me in to help.
12 He is on the floor. I have to help. She can't pick him up.

13 The aide is only there for two hours.

14 He helps during that time, which I believe the aide
15 from 9 to 11, and maybe even earlier now. And I run in between
16 doing my job to helping him and trying to calm him down.
17 Several times the police had to show up at the house.

18 Now that's turned into seven days a week.

19 THE COURT: Where do you work?

20 PROSPECTIVE JUROR: I work for Miami-Dade County School
21 Board. I am a sprinkler mechanic.

22 THE COURT: Do you go to different locations as needed?

23 PROSPECTIVE JUROR: Yes, sir. Well, we have routes.
24 We actually cover from Florida City all the way to Flagler but
25 we have different groups of twos.

1 My route is usually set from Cutler Ridge on down
2 because I live in Homestead.

3 THE COURT: You are a full-time employee?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Ordinarily, from what you are saying your
6 father is home with your mother?

7 PROSPECTIVE JUROR: Yes, she is his caretaker now but
8 they -- the VA has allotted a person to come in for only two
9 hours.

10 She was willing to give up the money or whatever so
11 they can have more time, but it didn't work out that way.

12 There are a lot of things he hasn't received and we had
13 to do.

14 THE COURT: So if -- so, you work your full-time job
15 and if there is an issue, then you --

16 PROSPECTIVE JUROR: We have --

17 THE COURT: Let me finish my question first.

18 You work a full-time job but if there are any issues
19 that arise with your father, your job gives you leave to go
20 take care of it?

21 PROSPECTIVE JUROR: Yes, while I'm on the job.

22 All I do is -- we have a cell phone for the job. I
23 just call my director or my coordinator and say, "I am going by
24 the house."

25 Just about everybody knows what's going on, the

1 situation with him, because I was going to resign. His
2 situation is not getting any better.

3 She can't handle him. She is older. She is having
4 heart problems.

5 I had no other choice. I was going to leave and they
6 said, "No, no, we will take care of you. We got you."

7 They have done more than the VA or the military has
8 done for him.

9 THE COURT: How frequently in a week --

10 PROSPECTIVE JUROR: He might --

11 THE COURT: Sir, you got to let me finish my questions
12 first.

13 How frequently in a week do you have to leave your
14 route to rush to your parents' home?

15 PROSPECTIVE JUROR: At least four days. At least four
16 days.

17 He might have one good day. That day might end up
18 being on a Saturday and I don't work on Saturday or Sunday.

19 THE COURT: So, if you were selected, with the
20 understanding that if you need to leave when you have a
21 personal issue, would that satisfy your concern?

22 PROSPECTIVE JUROR: Well, being that I live in
23 Homestead, the timing would be a problem for me. Having to
24 take the Metrorail or if I drove, however it be to get to him.

25 I have a company vehicle. So I am in -- from Cutler

1 Ridge to get to my house is like five minutes or less.

2 THE COURT: Okay. All right. Thank you, sir.

3 Was there anyone else with a scheduling or employment
4 issue?

5 Okay.

6 I am going to read off a list of potential witnesses
7 that may be called to testify during the trial. I need all of
8 you to listen because then I am going to ask you if you know
9 any of these people.

10 Special Agent Sean Slattery from the Federal Bureau of
11 Investigations. Special Agent Charles Lawless, also from the
12 Federal Bureau of Investigations, or FBI. Special Agent Jose
13 Subias, S-U-B-I-A-S, with the Federal Bureau of Investigations.
14 Special Agent Regino Chavez with the FBI. Special Agent Juan
15 Valenzuela with the FBI. Special Agent Timothy Lawler with the
16 FBI. Special Agent Alexander Gordon, also with the FBI.
17 Special Agent Robert Herbster, with the FBI.

18 Assistant Special Agent in Charge Jesus Barranco with
19 the U.S. Department of Health and Human Services. Special
20 Agent Rolando Alvarez with the U.S. Department of Health and
21 Human Services. Special Agent Joel Stringer with the
22 U.S. Department of Health and Human Services. Special Agent
23 Jennifer Bliss with the U.S. Department of Health and Human
24 Services. Kevin Latimer with the U.S. Department of Health and
25 Human Services.

1 Major Fernando Villa with the Hialeah Police
2 Department.

3 Special Agent Carlos Ayala with the Drug Enforcement
4 Administration, also known as DEA. Diversion Investigator
5 Donna Richards, with the DEA.

6 Lucia Alvarez, Braulia Rego, Anibal Amaro, Mercedes
7 Perez, Suyima Valdes, S-U-Y-I-M-A, Jorge Diaz, Yandre Trujillo
8 Hernandez, Anais Lorenzo, Jorge Diaz Gutierrez.

9 Special Agent Henry Luna, U.S. Department of Health and
10 Human Services. Special Agent Victoria Buono, with the
11 U.S. Department of Health and Human Services, Nicholas Palmeri,
12 Ivan Alvarez, and Lazaro Perez.

13 Do any of you know any of those individuals?

14 All right. For the record I see no hands.

15 We all know just from our life experiences that
16 sometimes we might not recognize a name but we might recognize
17 the person if we see him or her, so for those of you ultimately
18 selected to sit on the jury, if you recognize anyone that's
19 called to testify, raise your hand and get my attention
20 immediately to let me know.

21 Last, but not least, is the jury which we will begin to
22 select in a few moments from among all of you.

23 The jury's job will be to decide what the facts are and
24 what the facts mean. Jurors must remain neutral until you have
25 been charged to begin your deliberations.

1 Now, before we start those individual questions, we are
2 going to take just a short break.

3 I will give you a chance just to use the restroom.

4 The restrooms are across the hall.

5 I will ask that you don't talk anything at all about
6 the case.

7 You really don't know much about the case because I
8 haven't told you very much other than the charges, but I don't
9 want you to even talk about that, and I will call you back in
10 in about ten minutes.

11 We will take a lunch break at about -- well, before
12 12:30, and then we will break for an hour then, but for now,
13 why don't we take ten minutes and you will remain outside until
14 we start back up again.

15 COURT SECURITY OFFICER: All rise for the jury.

16 THE COURT: You can go out this way or you can push the
17 end and go out that way as well.

18 (The prospective jurors exited the courtroom at
19 11:30 a.m.)

20 THE COURT: All right. Please be seated.

21 So, one, I wanted to give you all a break if you need
22 it, but also I thought it would make sense to excuse certain
23 jurors for cause and cut down on the time we need to spend on
24 this part of jury selection.

25 Do you need a break first before we do that or do you

1 want to look at your notes now?

2 MR. MCLAUGHLIN: Your Honor, I think it would be
3 helpful just to take a quick break so we can use the restroom
4 and come back and do it, if that works for Mr. Quinon.

5 THE COURT: All right. So, for the lawyers, you can
6 use the restrooms here in the jury room. Just walk through
7 this way.

8 MR. MCLAUGHLIN: Thank you, Your Honor.

9 THE COURT: For the defendant, I am just going to ask
10 that if you need to use the restroom, don't do it on this
11 floor. Just go either a floor below or above because we don't
12 want any contact with the jury.

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Likewise, for everyone that is here,
15 presumably in support of either of the government or the
16 defense, I am going to ask that you use a restroom on a
17 different floor as well during the break so you don't have any
18 unnecessary contact with the jurors.

19 We will resume back here in about five minutes.

20 (Brief recess.)

21 THE COURT: All right. Please be seated.

22 MR. QUINON: Judge, my client, he had to use another
23 floor so he is running a little bit --

24 THE COURT: That's fine. Sure.

25 All right. We are back on the record. I note the

1 presence of the attorneys as well as the defendant who has been
2 present at all parts of this proceeding.

3 During the break, the other CRD -- Mr. Rehan is my
4 regular CRD and we are assisted by Mr. Rodriguez, the other CRD
5 today. He said that a juror -- was it Juror Number 26?

6 COURTROOM DEPUTY: Yes, Judge.

7 THE COURT: She has got some conflict information. She
8 told him that she has some difficulty speaking in public, so
9 she -- he said she was kind of visibly shaken, that she doesn't
10 like to speak in public, but I think we need to have her come
11 in and explain what the problems are, so we can bring her in
12 now and ask her what those issues are.

13 MR. QUINON: Certainly, Your Honor.

14 MR. CLARK: Sure, Your Honor.

15 THE COURT: Let's bring her in. Juror Number 26,
16 Ms. Garcia Calero.

17 COURT SECURITY OFFICER: All rise for the juror.

18 (Prospective Juror 26 entered the courtroom at
19 11:45 a.m.)

20 THE COURT: We are going to have you -- she can have a
21 seat over here by me.

22 Just watch your step as you go up the incline.

23 Ma'am, right here.

24 All right. Please be seated, everyone.

25 All right. You are Mariana Garcia Calero, Juror Number

1 26?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Mr. Rodriguez, one of the courtroom
4 deputies told me that you talked a bit about some scheduling
5 difficulties and that you don't like to talk in public and I
6 understand that difficulty. A lot of people don't feel
7 comfortable.

8 The only problem is we have to do this on the record
9 and so I kept out the other jurors so at least hopefully that
10 would alleviate some of your concern.

11 But can you tell us what your issues are as far as
12 serving?

13 PROSPECTIVE JUROR: I've been not feeling well. I've
14 been going to the chiropractor. I've been having therapies
15 this last week and this coming week and, I also have my
16 psychiatrist appointment on Wednesday, and in my job I have
17 been going to my job every day but I still have a lot of things
18 to do that are pending.

19 THE COURT: Is that regarding something physical or
20 something emotional?

21 Both?

22 PROSPECTIVE JUROR: (Nods head.)

23 THE COURT: I'm sorry, for the court reporter, you just
24 have to answer yes or no.

25 PROSPECTIVE JUROR: Both of them, emotional and

1 physical.

2 THE COURT: And you have appointments for both this
3 week?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Okay. Based on your physical and emotional
6 state, do you think that you are able to serve as a juror in
7 this case?

8 PROSPECTIVE JUROR: Well, depending on the case, I
9 don't know.

10 THE COURT: Is there anything about the nature of the
11 charges that might affect your ability to serve?

12 PROSPECTIVE JUROR: I don't understand the question,
13 I'm sorry.

14 THE COURT: Well, I told you earlier what the
15 allegations were against the defendant. Is there anything
16 about the allegations that might affect your ability to serve?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Okay. So, let me ask you specifically, the
19 appointments you have with the chiropractor, when is that?

20 PROSPECTIVE JUROR: Today at five. It's very close by.
21 On Wednesday, actually I have it at 1:20, but it
22 interferes with my psychiatric part, so I have to reschedule it
23 for five and then Friday at one.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: But Friday we are not supposed

1 to -- it's off. Right?

2 THE COURT: We are not going to be here Friday.

3 So, are you in physical pain?

4 PROSPECTIVE JUROR: My back, my lower back and my...

5 THE COURT: By standing, would that help or is it going
6 to matter at all?

7 PROSPECTIVE JUROR: It doesn't matter because it's more
8 like emotional, stressful. I have a pinching nerve here.

9 It depends.

10 THE COURT: I have to rely on you to tell me because
11 it's an important trial for everyone here.

12 PROSPECTIVE JUROR: No, I know.

13 THE COURT: I mean, is this a case where you can give
14 your full attention or are all those other things, your
15 physical pain and the emotional issues, are they going to --

16 PROSPECTIVE JUROR: It's hard for me to concentrate.

17 THE COURT: It's hard for you to concentrate.

18 All right. Any questions from the government?

19 MR. CLARK: No objection to cause, Your Honor.

20 THE COURT: Any questions?

21 MR. QUINON: No objection, Your Honor.

22 THE COURT: We will have you remain outside for just a
23 few moments, and don't discuss with anyone what we have talked
24 about here today.

25 Thank you.

1 (Prospective Juror 26 exited the courtroom at
2 11:50 a.m.)

3 THE COURT: All right. Please be seated.

4 So --

5 MR. QUINON: Judge, in order to expedite, we are in
6 agreement that she is emotionally not in a position to serve.

7 THE COURT: All right. I will strike Juror Number 26,
8 Ms. Garcia Calero, for cause.

9 Are there any other people, any cause challenges we can
10 take up now?

11 I will, if there is a -- I will strike anyone where the
12 parties agree. If there is any disagreement, I will just save
13 them for another time and hear argument later.

14 MR. QUINON: We can expedite that as well, because
15 we --

16 MR. CLARK: We can just go in order and then just start
17 going through them.

18 MR. QUINON: Whichever, I mean, we basically agree on
19 just about everybody, except two.

20 THE COURT: All right. Why don't you tell me the ones
21 where you agree?

22 MR. CLARK: I think it would be easier, Judge, if we
23 just went in order.

24 THE COURT: Okay. That's fine.

25 You are going to just read off the ones you agree to?

1 MR. CLARK: Could you, Judge, just highlight those that
2 you think are worthy of discussion for cause, and then we will
3 respond?

4 THE COURT: All right. Juror Number 2, Rafkin?

5 MR. CLARK: No objection.

6 MR. QUINON: No objection.

7 THE COURT: She will be stricken for cause without
8 objection.

9 Juror Number 3, Gutierrez?

10 MR. CLARK: No objection.

11 MR. QUINON: No objection.

12 THE COURT: All right. She will be stricken for cause
13 without objection.

14 Mr. Do spoke but he didn't seem to have a clear
15 problem, Juror Number 4?

16 MR. CLARK: Agreed.

17 THE COURT: Juror Number 6, Eduardo Llado. He is the
18 one that said he had the RFP coming up.

19 MR. CLARK: It was kind of hard to get a handle on that
20 fellow.

21 MR. QUINON: I agree he should be for cause.

22 MR. CLARK: That's fine, Judge.

23 THE COURT: Both sides are in agreement?

24 MR. QUINON: Yes.

25 THE COURT: All right. I will strike Mr. Llado for

1 cause.

2 MR. QUINON: Judge, going back to Mr. Do, we discussed
3 him before and I understand your position as well as our
4 position. I just want to make sure because --

5 THE COURT: Let me just say, I don't have a position
6 yet until I hear from the two of you.

7 MR. QUINON: What I meant to say is that you understood
8 that he was not a clearcut cause. That's what I meant.

9 I just want to make sure that he said he had to check
10 with his supervisor or something to that effect. I just want
11 to make sure that we don't get a jury today and he will come in
12 tomorrow and say that he is not able to. I just want to
13 mention that.

14 THE COURT: Yeah. So, we will make sure we have him
15 call his boss to find out today.

16 Juror Number 8, Regina Solorzano?

17 MR. CLARK: No objection.

18 MR. QUINON: No objection, Judge.

19 THE COURT: All right. She will be stricken for cause.

20 MR. CLARK: Was it just me or were those two jurors
21 sitting in each other's seats, eight and nine?

22 COURTROOM DEPUTY: They were swapped, Judge, but we
23 fixed them afterwards.

24 THE COURT: All right.

25 Can we get Mr. Rodriguez, the CRD, and have him come

1 back in for a moment, please? Thank you.

2 COURTROOM DEPUTY: Yes, Your Honor.

3 THE COURT: Juror Number 10, Maily Santana.

4 MR. CLARK: No objection because of language.

5 MR. QUINON: No objection.

6 THE COURT: All right. She will be stricken for cause.

7 Juror Number 11, Abel Fernandez Gonzalez, any objection
8 from the government?

9 MR. CLARK: None, Your Honor.

10 THE COURT: From the defense?

11 MR. QUINON: None, Your Honor.

12 THE COURT: Can you tell them it's going to take us
13 another 10, 15 minutes and then we will bring them in.

14 Juror Number 4, Mr. Do, can you ask him to call the
15 supervisor about the scheduling issue so we can address it when
16 he comes back?

17 Thank you.

18 COURTROOM DEPUTY: Sure, Judge.

19 THE COURT: Juror 13, Chernea Young, from the
20 government is there an objection?

21 MR. CLARK: I think that's one of those cases, Judge,
22 where she can work around the situation.

23 MR. QUINON: I agree.

24 THE COURT: Okay. We will leave it for now.

25 Juror Number 15, Ibrahim Franco, the bus driver.

1 MR. CLARK: No objection.

2 MR. QUINON: No objection.

3 THE COURT: All right. I will strike him for cause.

4 Juror Number 16, Gianmarco Carrera.

5 MR. CLARK: No objection.

6 MR. QUINON: I just want to make sure.

7 This fellow is a student at Miami-Dade College.

8 Classes begin the 21st. He had two courses online.

9 THE COURT: You know, because he was one that spoke up
10 I called his name, but this might be one where you might want
11 to explore a little bit more so we will leave him for now.

12 Likewise, Juror Number 17, Erica Rojkes, the one with
13 Audi of North Miami, I mean, clearly, they are required to pay
14 her. I think the only issue might be because she works -- I
15 don't know how many title clerks they have, if that is an issue
16 but I assume we keep her for now and follow up with her a bit
17 more later.

18 Juror Number 25, Raymond Suits, any motion as to him?

19 All right. Hearing none.

20 MR. QUINON: Judge, I think 23 was the gentleman with
21 the two doctors' appointments on Friday, had to drop the car
22 off.

23 THE COURT: I understood that he said that -- well, I
24 understood that we might be able to accommodate his schedule.

25 He said that if we need to start at ten as opposed to

1 9:30, I think we can work around that schedule.

2 So, 25, Mr. Suits?

3 MR. CLARK: No objection.

4 THE COURT: Mr. Suits is the one that says school
5 starts on the 17th and he has some appointment on Thursday.

6 Again, you don't have to commit now.

7 MR. QUINON: I am not going to agree to this one
8 because I think he may be able to work it out.

9 THE COURT: Okay. We have already stricken Juror
10 Number 26.

11 Juror Number 29, Tod Raphaely. He is the gentleman
12 with the eye surgery.

13 MR. CLARK: No objection.

14 MR. QUINON: No objection, Judge.

15 THE COURT: All right. We will strike him for cause.

16 Jason Gray, Juror Number 30, the wife has issues.

17 MR. CLARK: No objection.

18 MR. QUINON: No objection.

19 THE COURT: All right. We will strike him for cause.

20 Juror Number 33, Jese Feijoo. He is the FIU student.

21 He starts school on the 21st and he -- we might have to
22 adjust the schedule that Monday and Wednesday of the third
23 week, but otherwise, it seems like he can serve.

24 Any issues with him? Hearing none we will move on.

25 Juror Number 35, Dulce Rodriguez. There is a language

1 issue.

2 MR. CLARK: No objection.

3 MR. QUINON: No objection.

4 THE COURT: All right. She will be stricken for cause.

5 Christopher Vasquez, Juror Number 37, he works for a
6 small company with less than ten employees and he is not sure
7 if he is going to get paid.

8 MR. CLARK: No objection.

9 MR. QUINON: No objection.

10 Same, we don't want him here if he's not going to get
11 paid.

12 THE COURT: We will strike him for cause without
13 objection.

14 Juror Number 41, Mithza Pardo. She is traveling and
15 she said she understood about 50 percent.

16 MR. CLARK: No objection.

17 MR. QUINON: No objection.

18 THE COURT: I will strike her for cause.

19 Juror Number 43, Jairo Valencia.

20 His son is getting married. He said he will be away
21 the 17th to the 27th.

22 MR. CLARK: No objection.

23 MR. QUINON: No objection.

24 THE COURT: I will strike for cause.

25 Lizandra Matos, Juror Number 44. Is there a motion as

1 to her?

2 MR. CLARK: No objection.

3 MR. QUINON: No objection.

4 THE COURT: All right. I will strike her for cause.

5 Rosemary Rodriguez, Juror 46, the caregiver for her
6 91-year-old mother.

7 MR. CLARK: No objection.

8 MR. QUINON: No objection.

9 THE COURT: All right. I will strike her for cause.

10 Juror Number 47, Selin Pichs, is there an objection?

11 MR. CLARK: None.

12 MR. QUINON: No objection.

13 THE COURT: I will strike her for cause.

14 Juror Number 49, Benedict Jouissance, a teacher.

15 MR. CLARK: No objection.

16 MR. QUINON: No objection.

17 THE COURT: All right. I will strike him for cause.

18 MR. CLARK: Your Honor, can I have a moment with
19 co-counsel.

20 THE COURT: Mr. Antonio Havard, Juror Number 50.

21 What's the government's position as to Mr. Havard?

22 MR. CLARK: Unfortunately, I think we can't accommodate
23 him.

24 I think we can work with him, Judge.

25 MR. QUINON: Number 50, I think we can deal.

1 MR. CLARK: I think we can deal with Mr. Havard's
2 issue, Judge.

3 THE COURT: We will leave him for now.

4 MR. CLARK: No objection to Havard, Juror 50.

5 THE COURT: When you said you can work with him, were
6 you talking about Juror Number 50?

7 MR. CLARK: No, I got confused, Judge.

8 So no objection to excusal for Mr. Havard, Number 50,
9 for cause.

10 THE COURT: What is the defense position as to Juror
11 Number 50, Havard?

12 MR. QUINON: We will agree for cause.

13 THE COURT: All right. I will strike him for cause.

14 So, we have stricken Juror Number 2, Rafkin; Juror
15 Number 3, Gutierrez; Juror Number 6, Llado; Juror Number 8,
16 Solorzano; Juror Number 10, Santana; Juror Number 11, Fernandez
17 Gonzalez; Juror Number 15, Franco; Juror Number 26, Garcia
18 Calero; Juror Number 29, Raphaely; Juror Number 30, Gray; Juror
19 Number 35, Rodriguez; Juror Number 37, Vasquez; Juror Number
20 41, Pardo; Juror Number 43, Valencia; Juror Number 44, Matos;
21 Juror Number 46, Rodriguez; Juror Number 47, Pichs; Juror
22 Number 49, Jouissance; and Juror Number 50, Havard.

23 Is that what you have for the government?

24 MR. CLARK: Yes, Judge.

25 THE COURT: For the defense?

1 MR. QUINON: Yes, sir.

2 We will bring them in and I will excuse them.

3 Since, it's already noon, I would just as soon send
4 them to lunch now.

5 MR. CLARK: I believe 31. We excused 19.

6 THE COURT: We have 31 jurors remaining. When we
7 called earlier, the only other jurors we had downstairs -- we
8 only had one other juror, although Judge Altman is also
9 selecting a jury; there may be some leftovers.

10 Do you want me to bring others or just proceed with
11 what we have now?

12 MR. MCLAUGHLIN: I think we should bring a handful
13 down, Judge, just for alternates because we have 31 left, we
14 have 16 strikes among us. That leaves 15. We don't know if we
15 are going to lose a few more for cause, so I think if we have
16 an additional six jurors, that may cover the alternates as
17 well.

18 MR. QUINON: It's hard to say these things, so I will
19 go along with it, Judge.

20 THE COURT: Well, I hope that we have some people but
21 we should know, we will get an update soon.

22 I will bring them in. I will excuse the ones that we
23 struck for cause.

24 I know you have your charts.

25 Do you wanted me to start condensing them or leave them

1 where they are?

2 MR. QUINON: No, don't condense them.

3 THE COURT: All right. We will leave them where they
4 are.

5 Let's bring them in.

6 COURT SECURITY OFFICER: All rise for the jury.

7 (The prospective jurors entered the courtroom at
8 12:06 p.m.)

9 THE COURT: All right, everyone, please be seated.

10 Welcome back, ladies and gentlemen. Thank you very
11 much for your patience.

12 You should understand that we were hard at work while
13 you were away because a number of you had scheduling conflicts
14 and we wanted to discuss whether or not we need to keep all of
15 you here for the duration of jury selection in this case.

16 Before I proceed, Mr. Do, Juror Number 4, did you get a
17 chance to -- if we can give him the microphone, please?

18 Did you get a chance to speak to your employer?

19 PROSPECTIVE JUROR: I did, it's on, it's not synced.
20 It's part of what I do.

21 Okay. It's on now.

22 Yes, I did speak with my supervisor. He had not gotten
23 back to me to confirm the day, but I can make it work.

24 Like I said, the new guy could sink or swim, you know.

25 Yeah, I can make it work. The only thing is I know I

1 have a meeting on the 16th, but I could probably get them to
2 reschedule that.

3 It's a pre-construction meeting where I get to tell
4 them I am not giving them the money to do something. So they
5 will love me cancelling that one.

6 That's it.

7 I can make it work.

8 Like I said, it's just getting back to confirm the
9 dates. Some of the work will be at night, so if we leave by
10 5:30-ish.

11 THE COURT: Yes. All right. Thank you, sir.

12 PROSPECTIVE JUROR: I think that's him but I don't know
13 if I should take it, my supervisor.

14 THE COURT: We are going to take a break in just a
15 moment so you will get a chance to call him right back.

16 So, ladies and gentlemen, when I call your name, you
17 are the people that will be excused from this trial but you
18 will have to report back to the fifth floor.

19 There are still other trials going on in the courthouse
20 and you may be in another panel like this for another trial,
21 but you will be excused for this trial.

22 So when I call your name, you can report now to the
23 fifth floor jury room.

24 Juror Number 2, Rafkin. You may exit now to the fifth
25 floor. Juror Number 3, Gutierrez, report back to the fifth

1 floor. Juror Number 6, Llado, if you will report back to the
2 fifth floor. Juror Number 8, Solorzano, please report to the
3 fifth floor.

4 Juror Number 10, Santana; Juror Number 11, Fernandez
5 Gonzalez, please go back to the fifth floor.

6 Juror Number 15, Mr. Franco, please report back to the
7 fifth floor.

8 Juror Number 26, Ms. Garcia Calero, please report to
9 the fifth floor. Juror Number 29, Mr. Raphaely, please report
10 to the fifth floor, and Juror Number 30, Mr. Gray.

11 Juror Number 35, Ms. Rodriguez.

12 Juror Number 37, Mr. Vasquez, please report to the
13 fifth floor.

14 Juror Number 41, Mithza Pardo, please report to the
15 fifth floor.

16 Juror Number 43, Valencia, and Juror Number 44, Matos,
17 please report to the fifth floor.

18 Juror Number 46, Ms. Rodriguez, and Juror Number 47,
19 Ms. Pichs, please report to the gift floor.

20 Juror Number 49, Mr. Jouissance, and Juror Number 50,
21 Mr. Havard, please report to the fifth floor.

22 For those of you remaining, this is now probably a good
23 time to take our lunch break.

24 I would have sent you earlier but I didn't think it was
25 going to take us this long, but we wanted to -- it will make

1 jury selection, the rest of it go faster if we eliminated the
2 people that should be eliminated.

3 We are going to recess for an hour for lunch. We will
4 come here at 1:15 to resume jury selection.

5 A couple of things.

6 We are going to report back to this floor, not the
7 fifth floor.

8 At 1:15, you will report back to the 11th floor.

9 Please don't discuss anything about the case which,
10 again, should be easy because you don't know much about the
11 case.

12 Also, during the break, you could use the fifth floor
13 cafeteria but you don't have to.

14 You can go across the street. There are other options
15 around the courthouse.

16 If you see any of the attorneys or the special agent
17 seated at the government's table or the defendant and they
18 don't say "good afternoon" or exchange the kinds of
19 pleasantries you would expect a good, fine person to exchange
20 with you or even otherwise acknowledge your presence, do not
21 hold that against them because they are following my
22 instructions. They are to have no contact with you at all and
23 we don't even want the appearance of any impropriety.

24 Now, you can be on the same elevator but, again, they
25 shouldn't -- no one should talk to you and you should not talk

1 to them.

2 Also, there are other trials going on in this
3 courthouse so make sure if you are in the courthouse you wear
4 your jury badge so no one talks about another case in your
5 presence.

6 We will see you back here at 1:15.

7 All right. Enjoy your lunch.

8 COURT SECURITY OFFICER: All rise for the jury.

9 THE COURT: All right. You may step down.

10 (The prospective jurors exited the courtroom at
11 12:15 p.m.)

12 THE COURT: All right. Please be seated. We will
13 check to see if there are any other jurors downstairs and we
14 will let you know as soon as we find out as well as give you
15 copies of the questionnaires.

16 If Rehan has your phone cell numbers. If not, just
17 write it down so that we have that and give it to the CSO. And
18 we will see where we are at 1:15.

19 MR. CLARK: Judge, how many alternates do you think we
20 are going to go with?

21 THE COURT: Alternates on a three-week trial, I err on
22 more than less.

23 How many are you suggesting?

24 MR. CLARK: I guess we have a box that accommodates 15.
25 Is that right?

1 THE COURT: Seventeen. And we can add another couple
2 of chairs, but 17 should be fine.

3 MR. QUINON: Three is fine.

4 MR. CLARK: Three will suffice.

5 I don't think we have the luxury of getting five
6 alternates with this group.

7 THE COURT: Normally, it goes without saying, but I had
8 an issue in the trial before.

9 Mr. Quinon, please make sure the friends and family
10 members know that they are to have no contact with the jurors.
11 I just had that problem in another trial. I don't want to
12 repeat that. All right. Thank you.

13 We will be in recess until 1:15.

14 COURTROOM DEPUTY: All rise.

15 (Lunch recess taken at 12:15 p.m.)

16 THE COURT: Back on the record. I note the presence of
17 the attorneys as well as the defendant.

18 We still don't have any additional jurors to bring.

19 Judge Altman is still in jury selection, so I suggest
20 we just proceed with what we have. We will see where we are
21 and by then we will bring additional jurors as we need them.

22 Anything before we get started?

23 MR. CLARK: Not from the government, Your Honor.

24 MR. QUINON: Nothing, Judge.

25 THE COURT: All right. Let's bring them in.

1 (The prospective jurors entered the courtroom at
2 1:19 p.m.)

3 THE COURT: All right. If you will return to your
4 original seats. Please return to your original seats.

5 COURT SECURITY OFFICER: Your Honor, I had one of the
6 jurors from here sit over here because she was by herself.

7 THE COURT: All right. We will have her sit with
8 everyone else.

9 Please be seated, everyone.

10 Welcome back.

11 Hopefully, everyone had a good lunch. The next thing
12 before we select a jury is explain to you how the selection
13 process works.

14 This is the part of the case where the parties and
15 their lawyers have an opportunity to get to know a little bit
16 about you in order to help them come to their own conclusions
17 about your ability to be fair and impartial.

18 That way, the lawyers can decide who they think should
19 be the jurors in the case.

20 How we will go about that is as follows:

21 First, I am going to ask some general questions of you
22 based on your answers to the questions.

23 Then the lawyers, one for each side, will have an
24 opportunity to ask more specific questions.

25 After the lawyers have asked all of their questions, I

1 will meet with them and they will tell me their choices for
2 jurors.

3 Each side can ask that I exclude a person from serving
4 on a jury if they can give me a reason to believe that the
5 person is unable to be fair and impartial.

6 That is what we call a challenge for cause.

7 In addition, each side has a certain number of what we
8 call peremptory challenges by which a party can exclude a juror
9 without giving a specific reason for doing so.

10 By this process of elimination, the remaining persons
11 are selected as the jury.

12 The questions that you are going to be asked during
13 this process are not intended to embarrass you or to
14 unnecessarily pry into your personal affairs, but it is
15 important that the parties and their attorneys know enough
16 about you to make this important decision.

17 If a question is asked that you prefer not to answer in
18 front of the rest of the jury panel, just let me know and we
19 will take that answer in private outside the presence of the
20 other jurors.

21 If you don't understand a question, please let me know
22 and I will provide an explanation or the attorneys will.

23 Remember, there are no right or wrong answers to the questions
24 that will be asked of you. The only thing we ask is that you
25 answer the questions as frankly, honestly and as completely as

1 you can.

2 You have each taken an oath to answer questions
3 truthfully and completely, and you must do some.

4 Also, remaining silent when you have information you
5 should disclose is a violation of that oath as well.

6 If a juror violates this oath, it not only may result
7 in having to try the case all over again, but it can also
8 result in civil and criminal penalties against the juror
9 personally.

10 So, again, it is very important that you be as honest
11 and complete with your answers as you possibly can.

12 Again, if you do not understand the question, raise
13 your right hand and ask for an explanation or clarification.

14 In sum, this is a process to assist the parties and
15 their attorneys to select a fair and impartial jury. All the
16 questions they ask are for this purpose.

17 If for any reason you do not think that you can be fair
18 and impartial, you must tell us.

19 Now, with regard to the questionnaires, I just want to
20 provide one bit of clarity.

21 In Question 10, the question is, "Have you or any
22 immediate family member ever been the victim of a crime?" And
23 then you answer yes or no and then there are some follow-up
24 questions.

25 Now, conversely, Question 11 is, "Have you, any family

1 member or close friend ever been accused of a crime? If yes,
2 for what crime?"

3 So, again, Question 10 asks whether or not you or a
4 family member has been a victim. Question 11 asks whether or
5 not you, a family member or close friend have ever been accused
6 of a crime.

7 I do want to note in Question 11, it asks whether you
8 have been accused of a crime, not whether you have been
9 convicted of a crime.

10 So, if you were arrested and you were found not guilty
11 after a trial, your answer is yes, and then you get an
12 opportunity to explain, or if you were accused of a crime and
13 you entered a guilty or no contest plea, or if you went to a
14 diversion program or if the case was just otherwise dropped,
15 your answer is yes and then you provide the explanation.

16 And I am taking the time to do it because sometimes
17 jurors don't quite understand so I am telling you now.

18 So, if you need -- any of you need to amend your
19 answer, just tell me you need to amend your answer and then we
20 will take it. It is not a problem.

21 That goes for any question.

22 Sometimes listening to other jurors answer the
23 questions, it may remind you of something, and if that is the
24 case, just, again, let me know and you can amend your answer.

25 It's not a problem.

1 Again, there are certain types of crime where one might
2 be a victim and it might embarrass you or, likewise, if you
3 have been accused of a crime and for some people, it's
4 embarrassing. They don't want to talk about it in public and
5 that's fine.

6 We will take the answers in private. Just tell me you
7 would like to tell me in private and we will do that, but we
8 need to know.

9 I want to emphasize, this is a federal trial. We are
10 going to know the answers to these questions ultimately.

11 We can't know all the stuff right now, but we will know
12 and we will find out.

13 Please don't make me go through this process only to
14 find out that you were not truthful.

15 So, with that being said, I want to start with Juror
16 Number 1, Mr. Harris.

17 I just have a few questions for you.

18 You work in IT?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Where do you work?

21 PROSPECTIVE JUROR: NOAA.

22 THE COURT: Nova?

23 PROSPECTIVE JUROR: NOAA, National Oceanographic and
24 Atmospheric Administration.

25 THE COURT: How long have you been going to that?

1 PROSPECTIVE JUROR: 25 years in IT, and I have been
2 there for 35 years.

3 THE COURT: Are you a full-time employee?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Any issue with being paid if you are
6 selected?

7 PROSPECTIVE JUROR: No, issue.

8 THE COURT: You write that your ex-wife is a lawyer.

9 PROSPECTIVE JUROR: She was a lawyer.

10 THE COURT: What kind of law did she practice?

11 PROSPECTIVE JUROR: Corporate and probate.

12 THE COURT: Is there any reason why you cannot be fair
13 to both sides in this case?

14 PROSPECTIVE JUROR: Not that I see.

15 THE COURT: Okay. Thank you, sir.

16 If you can pass the microphone down to Juror Number 4,
17 Mr. Do. Is it Do?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: So we talked about your career, what you
20 do.

21 So have you now talked to your supervisor? Did you
22 call back?

23 PROSPECTIVE JUROR: Yes, I was able to speak with him.

24 We can take care of it, like I said, on the days off that we
25 are here this week, I can take care of what needs to be done

1 for one of the event and then the meeting I already told them
2 they could reschedule it.

3 THE COURT: You indicate that you had -- you or a
4 family member was previously the victim of a crime. Was it you
5 or someone else?

6 PROSPECTIVE JUROR: Mine was just credit card theft.
7 But my mom and my sister were both identity theft, credit card
8 fraud.

9 THE COURT: Was anybody caught?

10 PROSPECTIVE JUROR: No, not that I know of. I think
11 the insurance company just paid.

12 THE COURT: How long ago did -- let's start with you.
13 How long ago were you the victim of credit card theft?

14 PROSPECTIVE JUROR: About five or six years ago.

15 THE COURT: When you say credit card theft, you mean
16 someone compromised your account?

17 PROSPECTIVE JUROR: Yeah, my debit card. They were
18 able to get it and use it and I was able to prove that it was
19 not my purchase.

20 THE COURT: And then your family members?

21 PROSPECTIVE JUROR: That was plain identity theft.

22 Somebody took ID, got like a new mortgage, bought a
23 car, that kind of stuff. So it was a nice mess to deal with.

24 THE COURT: Did you have to speak to law enforcement
25 officers?

1 PROSPECTIVE JUROR: Me personally, no.

2 THE COURT: Is there anything about your experience or
3 your family members' experience that would affect your ability
4 to be a fair and impartial juror?

5 PROSPECTIVE JUROR: It shouldn't.

6 I have law enforcement in my family.

7 My answer on Number 9 so --

8 THE COURT: Yes, you did write "yes" as to Question
9 Number 8.

10 What law enforcement members do you have in your
11 family.

12 PROSPECTIVE JUROR: My sister-in-law is City of Miami.

13 One of my cousins is City of Coral Gables. Another one
14 is City of Hialeah.

15 I have one of my good friends is a Miami-Dade, a
16 sergeant in Miami-Dade Police Department, and my two nieces are
17 in the process of going into criminal law to become FBI agents.

18 THE COURT: Okay. Your nieces. You said they are in
19 the process of becoming FBI agents. Do you know --

20 PROSPECTIVE JUROR: Oh, no, they are going to go to
21 school.

22 Their goal is -- they are dead-set on becoming FBI
23 agents, don't ask me why, but they are going to study criminal
24 law and all that stuff.

25 THE COURT: Is there anything about the fact that you

1 have family members in law enforcement that would affect your
2 ability to be fair in this trial?

3 PROSPECTIVE JUROR: I don't think so. But like I said,
4 my friends are in law enforcement. I hear stories about the
5 arrests they make and stuff like that, stuff you see on the
6 news and whatnot. I don't think so. I think I am a very fair
7 and competent person that I can make my own decisions and
8 stuff.

9 THE COURT: There may be a number of law enforcement
10 officers that will testify during the trial. Can you listen
11 and evaluate their testimony as you would any other witness?

12 PROSPECTIVE JUROR: Yeah. Though, I have never been on
13 a jury before.

14 THE COURT: Well, it's -- that's fine.

15 I think most of the people here, based on the
16 questionnaires, have not been jurors before but, you know, any
17 witness, whether it be a law enforcement officer or a teacher
18 or an expert witness or whoever it is, what we want is for
19 people -- we want people not to automatically believe or
20 disbelieve any witness.

21 We want jurors to listen to the testimony that you get
22 from the witness stand and decide whether or not you believe
23 that testimony, in whole or in part, or not at all based on all
24 the evidence in the case.

25 It doesn't make sense to you. Those are individual

1 decisions jurors have to make but we want people to keep an
2 open mind as opposed to deciding who they believe or don't
3 believe because of who they are or what they do in the
4 beginning.

5 Is that something you think you can do, wait until you
6 hear all the evidence before deciding?

7 PROSPECTIVE JUROR: Yeah, I think I can.

8 THE COURT: Is there any reason why you cannot be fair
9 to either the government or the defense in this case?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Okay. Thank you.

12 Juror Number 5, Ms. Jones.

13 Good afternoon, you are a medical coder?

14 PROSPECTIVE JUROR: I am.

15 THE COURT: For whom do you work?

16 PROSPECTIVE JUROR: VA Medical.

17 THE COURT: You are a full-time employee?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Any issue with being paid if you are
20 selected?

21 PROSPECTIVE JUROR: There shouldn't be.

22 THE COURT: You indicate that you are -- so I explained
23 the difference between questions 10 and 11.

24 PROSPECTIVE JUROR: Yes. The answer I have for ten
25 should be actually for 11, and 10 should actually be no.

1 THE COURT: Okay. And your response to Question 11, do
2 you mind answering some questions about that now?

3 PROSPECTIVE JUROR: Regarding my son?

4 THE COURT: Yes.

5 PROSPECTIVE JUROR: Yes, my son, he have gun charges
6 and right now he is doing time over at the federal prison in
7 Mississippi.

8 THE COURT: That was prosecuted in Mississippi?

9 PROSPECTIVE JUROR: No, it was here in the same
10 building.

11 THE COURT: Well, you were introduced to the
12 prosecutors here today. You didn't indicate that you knew
13 either one of them.

14 PROSPECTIVE JUROR: I don't remember. No, I don't.

15 THE COURT: But it would have been the same U.S.
16 Attorney's Office?

17 PROSPECTIVE JUROR: Yeah. Right in the same
18 building -- I think it was -- I can't remember which one.

19 I don't know. I just came here. It's something I
20 wasn't familiar with. That was my first time coming. This is
21 like my second time.

22 THE COURT: Did you watch any of the court proceedings
23 for your son?

24 PROSPECTIVE JUROR: Well, they end up giving him a
25 plea-out of like 36 months or something like that. But that's

1 all I really -- I just showed up as, you know, just to support
2 him. I wasn't there to ask questions.

3 THE COURT: Okay. Are you going to hold it against
4 these prosecutors or law enforcement because of what happened
5 to your son?

6 PROSPECTIVE JUROR: Not at all.

7 THE COURT: I assume I was not the Judge in that case?

8 PROSPECTIVE JUROR: No, it was a lady Judge.

9 THE COURT: Okay. Is there any reason why you could
10 not be fair to either side in this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. Thank you, ma'am.

13 Juror Number 7, Ms. Sanchez. You work in customer
14 service?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: For what company do you work?

17 PROSPECTIVE JUROR: Neiman Marcus.

18 THE COURT: Are you a full-time employee?

19 PROSPECTIVE JUROR: No, I'm retired.

20 THE COURT: Do you have any issues with serving these
21 three weeks, if you are selected?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Is there any reason why you could not be
24 fair to both sides?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. Thank you, ma'am.

2 We will go to Juror Number 9, Susana Bombino. Good
3 afternoon.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: You are a clinical research coordinator?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: And what do you do in that capacity?

8 PROSPECTIVE JUROR: I work for Baptist Health. I am a
9 research coordinator. We do clinical trials.

10 THE COURT: Are you a full-time employee?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Any issue with being paid if you are
13 selected?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Now, in response to Question 15, we are
16 here for a criminal trial. The defendant is charged by an
17 indictment. I told you, as in any criminal case, you have to
18 presume the defendant to be innocent and the government has the
19 burden of proving him guilty beyond a reasonable doubt.

20 Is that something you think you can do?

21 PROSPECTIVE JUROR: Yes, I think so.

22 The only reason why I answered it like that is because
23 answering Question 11, I, myself, have not been accused of any
24 crime but I do have a family member that was over 25 years ago.
25 He was sentenced to two years.

1 THE COURT: Okay. So, the family member what was he
2 accused of doing?

3 PROSPECTIVE JUROR: It was a drug charge.

4 THE COURT: Okay. Do you recall the type of drug?

5 PROSPECTIVE JUROR: Sorry, it was a long time ago. I
6 don't remember. I went through radiation because I had also
7 breast cancer three years ago, so it has affected my mind a
8 little bit. I get foggy brain on and off because of the
9 radiation.

10 THE COURT: All right.

11 PROSPECTIVE JUROR: So I don't remember much. But I
12 felt that that was important to mention on the questionnaire
13 for you.

14 THE COURT: All right. So let me try to stick with the
15 most recent things.

16 Okay. So the effect of the radiation, do you think
17 that would affect your ability to serve in this trial?

18 PROSPECTIVE JUROR: I don't think so.

19 THE COURT: So, when you said that sometimes you get
20 the foggy brain, I mean, how does that manifest itself?

21 PROSPECTIVE JUROR: I meant foggy brain because I can't
22 remember 20 years ago, you know, the exact details of that
23 case.

24 I'm sorry, if that's what you were asking before.

25 THE COURT: Okay. So, I guess listening to the

1 evidence in this case and everything, that's something you
2 think you would be able to do?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: When you say that -- when wrote you are not
5 sure if you can be fair to criminals, just explain to me, what
6 did you mean by that?

7 PROSPECTIVE JUROR: I guess I just -- well, first of
8 all, not knowing what the case is about and, second of all, I
9 guess being in the situation that I was, you know, with having
10 a spouse prosecuted 20 years ago. Having some, like, iffy
11 emotional feelings.

12 THE COURT: Okay. So did you feel that -- I'm sorry,
13 was it your husband or ex-husband?

14 PROSPECTIVE JUROR: Husband.

15 THE COURT: Do you feel like your husband was treated
16 fairly or unfairly?

17 PROSPECTIVE JUROR: I'm not sure. I'm not sure.

18 THE COURT: The reason I am asking these questions is
19 because, on one hand, I think when you talk about your
20 ex-husband, you are saying that -- I am sensing that you are
21 saying you might not be fair to the government but then your
22 statement seems that you might not be fair to the defense.

23 PROSPECTIVE JUROR: That's why I said I'm not sure.

24 I guess I have to hear all the evidence.

25 THE COURT: One of the things, and Mr. Do talked about

1 it before, like you haven't served as a juror -- you have never
2 served as a juror before?

3 PROSPECTIVE JUROR: I have not, no.

4 THE COURT: Some of these things that we think about, I
5 mean, sometimes we think about the criminal justice system kind
6 of in the abstract, but when you are actually in court to serve
7 on a jury, what you are being asked to do is significant, but
8 it's actually fairly simple, right, you listen to the evidence
9 and you decide who do you believe? It's almost as simple as
10 that, and in deciding who you believe, that's important because
11 the jury decides what the facts are.

12 The jury decides what happened, and then the jury
13 decides what happened and they apply that to the law that I am
14 going to give you.

15 Is that something you think you can do?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: In doing that, can you be fair to the
18 government?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And in doing that, do you think you can be
21 fair to the defendant?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: All right. Thank you, ma'am.

24 Juror Number 12, Ms. Cardenas. Good afternoon. You
25 are an ad evaluator?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: What is that exactly?

3 PROSPECTIVE JUROR: So, I rate ads online for a search
4 engine.

5 THE COURT: That's an interesting job.

6 How long have you been doing that?

7 PROSPECTIVE JUROR: About six years.

8 THE COURT: Are you a full-time --

9 PROSPECTIVE JUROR: No.

10 THE COURT: Well, first, do you work for yourself or do
11 you work for a company?

12 PROSPECTIVE JUROR: A company.

13 THE COURT: How many employees does that company have?

14 PROSPECTIVE JUROR: I'm not sure.

15 THE COURT: What company is it that you work for?

16 PROSPECTIVE JUROR: Rater Labs, R-A-T-E-R, Labs,
17 L-A-B-S.

18 THE COURT: Are there a lot of people that do what you
19 do for Rater Labs?

20 PROSPECTIVE JUROR: I think so, yeah.

21 THE COURT: Have you talked to your supervisor about
22 being called for jury duty?

23 PROSPECTIVE JUROR: No.

24 THE COURT: So, I mean, are you able to serve if you
25 are selected?

1 PROSPECTIVE JUROR: Probably, but I don't think that
2 they would be covering any payment.

3 THE COURT: How many hours a week do you work?

4 PROSPECTIVE JUROR: 29.

5 THE COURT: 29. So you are a part-time employee?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Do you have any -- well, let me
8 start with that.

9 What hours do you normally work or do you set your own
10 hours?

11 PROSPECTIVE JUROR: It depends. It depends on when
12 they have tasks available.

13 THE COURT: When they have what available?

14 PROSPECTIVE JUROR: Tasks available.

15 THE COURT: So how does that work? They contact you
16 and say, "We want you" --

17 PROSPECTIVE JUROR: No, so I would log on and if there
18 is work available, I would be able to work for however long it
19 lasts. It's been fluctuating, so I don't really have a set
20 schedule.

21 THE COURT: So, is this work that you could do after
22 5:30?

23 PROSPECTIVE JUROR: If there are tasks, yeah.

24 THE COURT: What time of day do you normally work?

25 PROSPECTIVE JUROR: Normally, maybe around 11, I will

1 start and it depends on how much they have available.

2 THE COURT: How many days a week do you normally do it?

3 PROSPECTIVE JUROR: Five.

4 THE COURT: Okay. Is there a conflict with our regular
5 time for the trial for you to do your work, or is it something
6 that you can, I guess, fit within your schedule?

7 PROSPECTIVE JUROR: I wouldn't really be able to say
8 because I can't really say when they would have tasks
9 available.

10 THE COURT: And if you were not able to do those tasks
11 for Rater, would that be a financial hardship for you?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Do you work in any other capacity, for any
14 other company?

15 PROSPECTIVE JUROR: No, I don't.

16 THE COURT: Like many jurors, you write that you are
17 somewhat nervous.

18 We get that, especially the speaking in public.

19 Jury selection is really the only time that jurors have
20 to talk to us. Otherwise, other than deliberation when the
21 jurors have to talk to one another, that's really the only time
22 that jurors are required to talk.

23 Is that something you think you would be able to do?

24 PROSPECTIVE JUROR: Probably, yes.

25 THE COURT: Okay. Is there any reason why you could

1 not be fair to the government or to the defense?

2 PROSPECTIVE JUROR: I don't think so.

3 THE COURT: Okay. Thank you, ma'am.

4 Number 13, Ms. Young, we got a chance to speak earlier.

5 So, how long have you been a paralegal?

6 PROSPECTIVE JUROR: Fifteen-plus years as a Florida Bar
7 registered paralegal, 15-plus.

8 THE COURT: Have you ever worked on criminal cases?

9 PROSPECTIVE JUROR: I have.

10 THE COURT: In what capacity?

11 PROSPECTIVE JUROR: Murder and DUI criminal, traffic
12 criminal.

13 THE COURT: Were you working for an attorney or for
14 a --

15 PROSPECTIVE JUROR: For an attorney, private attorney.

16 THE COURT: Who was that private attorney?

17 PROSPECTIVE JUROR: Neil Odessky.

18 THE COURT: Was that primarily in state court?

19 PROSPECTIVE JUROR: Yes, but that was like 2005 or
20 something. But yes, that was state. That was so long ago.

21 THE COURT: So the principles that I talked about
22 earlier, that a defendant is innocent until proven guilty, that
23 the government has the burden of proof -- to prove the
24 defendant guilty beyond a reasonable doubt, and the defendant
25 has a right to remain silent, you are familiar with those

1 principles?

2 PROSPECTIVE JUROR: Very familiar.

3 THE COURT: You indicate that you or a family member
4 was the victim of a crime.

5 Is that correct?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Was it you or someone else?

8 PROSPECTIVE JUROR: Well, mine was burglary, but it was
9 stemming from a contentious divorce that I was going through
10 but I have family members that have gone through identity
11 theft, you know, ID theft.

12 THE COURT: Any of those things that would affect your
13 ability to be a fair and impartial juror?

14 PROSPECTIVE JUROR: No, because my dream is being a
15 criminal lawyer, so no.

16 THE COURT: You want to be a criminal lawyer?

17 PROSPECTIVE JUROR: Criminal and family is my area of
18 expertise, yes.

19 THE COURT: So, do -- would you hope to work on the
20 prosecution side or on the defense side? Have you given some
21 thought about that?

22 PROSPECTIVE JUROR: I am still on the fence because I
23 kind of like the excitement of being on the prosecutor -- I
24 worked for the State Attorney's Office, too, at one point. So
25 I know what it's like to work on that side so I kind of like

1 that area, but I am not sure yet.

2 THE COURT: We talked before about -- you worked for a
3 solo practitioner and she is going to be out of the country for
4 the next week?

5 PROSPECTIVE JUROR: A week and a half.

6 THE COURT: And she has got attorneys covering for her
7 but I want to follow up with that part, you would be the only
8 person in the office?

9 PROSPECTIVE JUROR: There is no office staff. I'm the
10 office, everything.

11 THE COURT: So, if clients call, if you are serving
12 there would be no one to answer the phones. Is that what you
13 are saying?

14 PROSPECTIVE JUROR: That is correct.

15 Nobody will be there to attend to any emergencies or
16 the Judge's office or anything. It's me.

17 THE COURT: Okay. Thank you, ma'am.

18 Juror Number 14, Daylin, is it Breijo?

19 PROSPECTIVE JUROR: Breijo.

20 THE COURT: Thank you.

21 You are a case manager with a health insurance company?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Which health insurance company?

24 PROSPECTIVE JUROR: Aetna.

25 THE COURT: Are you a full-time employee?

1 PROSPECTIVE JUROR: Yes, ma'am.

2 THE COURT: Any issue with being paid if you were
3 selected?

4 PROSPECTIVE JUROR: I don't think so.

5 THE COURT: In response to Question 14, you mentioned
6 one medical issue. Is that going to be any issue if you were
7 selected to serve?

8 PROSPECTIVE JUROR: Maybe, I'm not sure.

9 THE COURT: Okay. I mean, is that something that's
10 under control with --

11 PROSPECTIVE JUROR: No. That's why I mention it.

12 THE COURT: Okay. Sometimes we get jurors with a
13 variety of medical issues and we do whatever we can to
14 accommodate that, whether it be breaks or if the juror needs to
15 stand as opposed to sit, time to take medication or to do an
16 examination.

17 I mean, is there something that if you are selected we
18 would need to be mindful of to make sure that everything is
19 okay for you?

20 PROSPECTIVE JUROR: All right.

21 THE COURT: I mean, is there anything that we would
22 need to do?

23 PROSPECTIVE JUROR: No, as long as I take my medicine,
24 I'm fine.

25 THE COURT: Okay. Is there any reason why you could

1 not be fair to the government or the defendant?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Okay. Thank you, ma'am.

4 Juror Number 16, Mr. Carrera. You told me before about
5 your classes. You are a student at Miami-Dade's Kendall
6 campus.

7 When do you start school?

8 PROSPECTIVE JUROR: August 21st.

9 THE COURT: Both of your classes are online or only one
10 of them is online?

11 PROSPECTIVE JUROR: Both of them are online.

12 THE COURT: I can't recall, did you know your schedule?

13 PROSPECTIVE JUROR: No, I think it's any time, though.
14 The problem is I don't know how much assignments I will be
15 assigned in the week or whatever.

16 THE COURT: I mean, I will say, you know, just like
17 employers, universities are very accommodating of students that
18 have jury duty.

19 Have you spoken to either of your soon-to-be professors
20 about the fact that you might be called as a juror?

21 PROSPECTIVE JUROR: No, I haven't. I haven't contacted
22 them.

23 THE COURT: Okay. I will say, if you are selected, we
24 will make sure that they do whatever they can to accommodate
25 you.

1 That's something that the schools are used to doing.

2 PROSPECTIVE JUROR: Oh, okay.

3 THE COURT: Is there any reason why you cannot be fair
4 to either the government or the defense?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Thank you, sir.

7 We will move to Juror Number 17.

8 Is it Ms. Rojkes?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Hi.

11 PROSPECTIVE JUROR: Hi. I do have to amend Number 10.

12 THE COURT: You or an immediate family member has been
13 the victim of a crime?

14 PROSPECTIVE JUROR: Yeah, me.

15 THE COURT: What type of crime?

16 PROSPECTIVE JUROR: It was a robbery at gunpoint.

17 THE COURT: A robbery.

18 PROSPECTIVE JUROR: At gunpoint.

19 THE COURT: How long ago did that happen?

20 PROSPECTIVE JUROR: Ten years, something like that.

21 THE COURT: Where did that occur?

22 PROSPECTIVE JUROR: I was working at a used car
23 dealership and I was by myself. It was the -- the owner was my
24 brother. He went out for, I don't know, to buy something. I
25 don't even remember, and somebody came in. It was like late.

1 It was winter, between six, seven, already dark. It was a
2 warehouse and a young guy came in with a gun and just asked me
3 to give him everything, to go under the desk and just grabbed
4 whatever he could and ran off.

5 THE COURT: Did you call the police?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Was anyone caught?

8 PROSPECTIVE JUROR: No. They called me to see pictures
9 after a few days but, no, they couldn't find him.

10 THE COURT: You no longer work at that dealership.
11 Right?

12 PROSPECTIVE JUROR: No, I mean, it's my brother's. I
13 mean, I stopped working for a while because I was, you know, a
14 bit scared but then, I mean, I went back.

15 He moved and, you know, things changed a little bit.
16 Then I started working where I am right now. So...

17 THE COURT: Okay. Is there anything about that
18 experience that would affect your ability to be a fair juror in
19 this case?

20 PROSPECTIVE JUROR: No, I don't think so.

21 THE COURT: You indicate that you are divorced.
22 What did your ex-spouse do for a living?

23 PROSPECTIVE JUROR: He worked for a waste management
24 company.

25 THE COURT: Okay. So, we talked earlier about your

1 employer. Have you, over lunch or anything, had a chance to
2 follow up with --

3 PROSPECTIVE JUROR: No, no, I didn't talk to them yet
4 because until I know for sure, I don't think -- I mean, I just
5 went back to the e-mail to confirm that's what he told me, but
6 that was about it.

7 I mean, I want to talk to them if I get selected. If
8 not, there is --

9 THE COURT: Well, the only problem is we kind of need
10 to know before we select you if there is going to be a problem.
11 And I am not saying you are going to be selected, I mean as a
12 candidate, we need to know because, just from what you have
13 told me and what I just understand, I mean, it's a big company.
14 They would be required to pay you, as long as you are a
15 full-time employee.

16 PROSPECTIVE JUROR: Well, I went with what you said, if
17 it's the law, I mean, I don't think they can say no but --

18 THE COURT: Right.

19 Yeah.

20 PROSPECTIVE JUROR: But they work pretty much under the
21 law. So I don't know if they don't know it or --

22 THE COURT: That's usually the case. They just don't
23 know and then we have to --

24 PROSPECTIVE JUROR: I mean, I don't know if it defers
25 from state to state because it's a company that has several

1 dealerships on the country. The human resources manager is in
2 Georgia, so I don't know if that changes over there and he is
3 not aware.

4 THE COURT: It could be all that. Usually when a
5 federal Judge notifies them of the law, then it seems to help.

6 PROSPECTIVE JUROR: I trusted that.

7 THE COURT: But, otherwise, are you able to serve as a
8 fair and impartial if we ask you to do so?

9 PROSPECTIVE JUROR: Yeah. Yeah.

10 THE COURT: All right. Thank you, ma'am.

11 Juror Number 18, Lance Kaplan.

12 Good afternoon.

13 PROSPECTIVE JUROR: Good afternoon.

14 THE COURT: You are a finance executive?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: For what company?

17 PROSPECTIVE JUROR: Right now I am unemployed working
18 for myself, but I have worked for 30 years straight so I am
19 taking a little bit of a well-earned sabbatical.

20 THE COURT: Any issue with serving if you are selected?

21 PROSPECTIVE JUROR: No.

22 THE COURT: Any reason why you could not be fair with
23 the Government and the defense if selected?

24 PROSPECTIVE JUROR: No.

25 THE COURT: The medical issue that you mentioned in

1 response to Question 14, would that in any way affect your
2 ability to serve?

3 PROSPECTIVE JUROR: No, I wear glasses when I drive.
4 If there were exhibits, it might be hard for me to see from
5 afar. That's it.

6 THE COURT: So the good thing about the technology,
7 there are computer screens in the jury box.

8 PROSPECTIVE JUROR: Perfect.

9 THE COURT: The exhibits are usually shown either on
10 the computer or the ELMO and they are right up close.

11 PROSPECTIVE JUROR: Great.

12 THE COURT: And otherwise, to the extent you can't see
13 something, you just let us know and we will make sure you see
14 it, if you are selected.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Although, I will say, witnesses testify
17 from the witness box here, depending on where a juror sits in
18 the box.

19 So to the extent that you need to bring your glasses,
20 you should do that.

21 Thank you, sir.

22 Juror Number 19, Sandelman Galsky. Good afternoon.

23 PROSPECTIVE JUROR: Good afternoon.

24 THE COURT: You are a business manager and owner?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What business do you own?

2 PROSPECTIVE JUROR: Real estate investment company.

3 THE COURT: If you were selected to serve at trial,
4 would this be any kind of hardship for you?

5 PROSPECTIVE JUROR: No. As I mentioned, English is not
6 my first language. I do understand most of what has been
7 discussed in the courtroom, but I don't know if I am going to
8 understand all the legal terms in the trial.

9 THE COURT: So we live in a community in South Florida
10 where probably the majority of people, English is not their
11 first language, so that's an issue we deal with all the time.

12 But for anyone, we don't expect that non-lawyers would
13 understand legal terms. So, when we provide the instructions
14 on the law, we try to give them in simple terms that an average
15 person would understand.

16 If we do that, do you think that would be helpful?

17 PROSPECTIVE JUROR: Yeah, I think so.

18 THE COURT: Okay. Is there any reason why you could
19 not be fair to the government in this case?

20 PROSPECTIVE JUROR: So, it's not that I want to amend
21 any of the answers, it's the way that the question was asked.

22 I was involved in a company, a company that invest in
23 real estate that a few years ago was investigated by the
24 government for, not money laundering, but like we -- we raised
25 money from private investors and apparently one of the

1 investors sent money using the black-market peso from Mexico,
2 and the company was investigated by the DEA and it was a case
3 with the Southern District of New York.

4 No one was accused. The case was settled. We never
5 went to trial.

6 I believe that the government abused a little bit of
7 their position of power at that time, but I still feel that I
8 can be impartial in this case.

9 THE COURT: Okay. So you said that that was an
10 investigation from the Southern District of New York?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: To your knowledge, was the prosecutors in
13 South Florida involved at all in that investigation?

14 PROSPECTIVE JUROR: No, not that I am aware of.

15 THE COURT: Okay. What's the name of the company
16 that --

17 PROSPECTIVE JUROR: Sefira Capital.

18 THE COURT: How do you spell that?

19 PROSPECTIVE JUROR: S-E-F-I-R-A, Capital.

20 THE COURT: And to your knowledge, is that
21 investigation over?

22 PROSPECTIVE JUROR: Yeah, it's over.

23 THE COURT: And you said that was resolved with a civil
24 penalty?

25 PROSPECTIVE JUROR: Yeah, a settlement.

1 THE COURT: A settlement. Okay.

2 Was it a criminal settlement or civil settlement?

3 PROSPECTIVE JUROR: Civil.

4 THE COURT: Okay. Is there anything about that
5 experience that would affect your ability to be fair to the
6 government in this case?

7 PROSPECTIVE JUROR: No, as I said, I don't think so.
8 As I said, I think they didn't act the right way with the
9 company but I don't think it's going to affect my decision.

10 THE COURT: Okay. Is there any reason why you could
11 not be fair and impartial towards the defendant in this case?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Okay. Thank you, sir.

14 PROSPECTIVE JUROR: Thank you.

15 THE COURT: Juror Number 20, Ms. Gonzalez.

16 PROSPECTIVE JUROR: Hello.

17 THE COURT: Hello again.

18 You are an x-ray technologist?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: I know we discussed earlier, you are a
21 full-time employee?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: For which facility?

24 PROSPECTIVE JUROR: For Baptist Health Systems.

25 THE COURT: During the break, did you have any

1 follow-up discussions with your employer?

2 PROSPECTIVE JUROR: No, I mean, I know they are going
3 to pay me. I just need to clarify with them that it shouldn't
4 be taken out from my PTO hours.

5 THE COURT: It should not at all. I will help clarify
6 that for you, if necessary.

7 You were called for jury duty but you never served.

8 Is that correct?

9 PROSPECTIVE JUROR: Yes, 2011 actually, on 9/11, I was
10 at the one by Jackson Memorial and that's when 9/11 happened,
11 so I didn't even get to --

12 THE COURT: Okay. So, in response to Question 15, you
13 wrote, "Not sure, fair is one thing, being right is another."

14 I didn't quite understand what you meant.

15 PROSPECTIVE JUROR: Well, probably neither did I
16 myself.

17 I think just listening to everybody else and the
18 question, I think I overanalyzed the question like I do a lot
19 of times.

20 I don't think I will have an issue but, then again,
21 I've never been in a position like this. So, nothing that
22 triggers for me, nothing that happened.

23 THE COURT: Okay.

24 That's why I try to take the time to explain really
25 what jury service is.

1 It really isn't that complicated. The people selected
2 sit in the jury box, they listen to the evidence presented from
3 the witness stand or if there is physical evidence they look at
4 it and the jury decides who they believe, what the facts are,
5 you know, in the case and then at the end of the trial I will
6 read you the instructions on the law and you apply the facts as
7 you believe them to be to the law and that's how you reach a
8 verdict.

9 Is that something you think you can do?

10 PROSPECTIVE JUROR: I guess.

11 THE COURT: Okay. Is there any hesitation regarding
12 that?

13 PROSPECTIVE JUROR: Again, I've never been in this
14 situation. I have never gone through this and it is a big
15 responsibility for each one of us so...

16 THE COURT: Again, you know, it's not something that
17 should be taken lightly. Right?

18 It's important for everyone here that we have jurors to
19 take the time that consider all the evidence and, of course,
20 the jury, they talk, you know, and I will give further
21 instructions about it later but it's -- to some degree, it's a
22 collaborative process for the jury once you are charged to
23 begin or told you can begin discussing the case.

24 Until then, you can't discuss the case but is there any
25 reason why you could not be fair to either the government or

1 the defendant?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Thank you, ma'am.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Juror Number 21, Clara Sanchez.

6 Good afternoon.

7 PROSPECTIVE JUROR: Good afternoon.

8 THE COURT: You are a senior IT auditor.

9 PROSPECTIVE JUROR: Yes, I am.

10 THE COURT: What do you do in that capacity?

11 PROSPECTIVE JUROR: I look at controls for IT, rules,
12 regulations, and I report findings and recommendations based on
13 my analysis.

14 THE COURT: For what company do you work?

15 PROSPECTIVE JUROR: For City National Bank.

16 THE COURT: Are you a full-time employee?

17 PROSPECTIVE JUROR: Yes, I am.

18 THE COURT: Any issue with being paid if you are
19 selected?

20 PROSPECTIVE JUROR: No.

21 I want to amend my response to Number 11. My cousin
22 30 years ago, her ex-husband went to jail. He was a drug
23 dealer. He was found guilty.

24 THE COURT: Was that case in South Florida?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Do you recall if it was state or federal
2 court?

3 PROSPECTIVE JUROR: No, I don't. I don't remember. It
4 was more than 30 years ago. It was probably 35 years ago.

5 THE COURT: Did you attend any court proceedings?

6 PROSPECTIVE JUROR: No.

7 THE COURT: Is there anything about your cousin's ex-
8 husband that would affect your ability to be a fair and
9 impartial juror in this case?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Is there any reason why you could not be
12 fair to both sides?

13 PROSPECTIVE JUROR: No.

14 THE COURT: You served on a civil jury?

15 PROSPECTIVE JUROR: I did.

16 THE COURT: Was that in state court or federal court?

17 PROSPECTIVE JUROR: I think it was federal.

18 THE COURT: Do you recall if it was this building or
19 another building?

20 PROSPECTIVE JUROR: No, it was the old building.

21 THE COURT: Across the street?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Anything about that experience that would
24 affect your ability to serve?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Thank you, ma'am.

2 PROSPECTIVE JUROR: Thank you.

3 THE COURT: Junior Number 22, Lorraine Rodriguez.

4 Good afternoon.

5 PROSPECTIVE JUROR: Good afternoon.

6 THE COURT: Where do you work as a manager?

7 PROSPECTIVE JUROR: JBT Aerotech.

8 THE COURT: JBT Aerotech. What do you do for that
9 company?

10 PROSPECTIVE JUROR: I manage the baggage system for
11 West Palm Beach.

12 THE COURT: So you work in West Palm?

13 PROSPECTIVE JUROR: West Palm Beach Airport, yeah.

14 THE COURT: Do you live in Dade County?

15 PROSPECTIVE JUROR: Yes, I do.

16 THE COURT: That's a big commute.

17 PROSPECTIVE JUROR: I don't do that everyday but, yes,
18 it is.

19 THE COURT: Are you a full-time employee?

20 PROSPECTIVE JUROR: Yes, I am.

21 THE COURT: Any issue with being paid if you are
22 selected?

23 PROSPECTIVE JUROR: No.

24 THE COURT: You write that your -- your spouse is a
25 manager, of what kind of company?

1 PROSPECTIVE JUROR: Actually, he does the same thing I
2 do. He manages the baggage system in Miami International
3 Airport.

4 THE COURT: You also write that your father is a
5 retired officer with FHP?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Anything about the fact that your father
8 was a law enforcement that would affect your ability to serve?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Is there any reason why you cannot be fair
11 to both sides?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Thank you, ma'am.

14 Juror Number 23, Hector Barrios.

15 I know we talked earlier about some scheduling things
16 but I think that we can accommodate those issues.

17 PROSPECTIVE JUROR: It depends on when it starts, the
18 proceeding starts because my issues are from 8 a.m. to 10 a.m.

19 THE COURT: Okay. Was it an appointment?

20 PROSPECTIVE JUROR: Well, I had two doctors'
21 appointments on Friday, and I had the car mechanic tomorrow.

22 THE COURT: So, whatever happens on this Friday is not
23 an issue.

24 PROSPECTIVE JUROR: Right.

25 THE COURT: The car mechanic, do you think you can make

1 it here by 9:30 tomorrow or a little later?

2 PROSPECTIVE JUROR: I don't know because I have to take
3 the bus and then the Metrorail so I don't know. I am not going
4 to tell you yes because I don't know.

5 THE COURT: So, can you give me an approximation, by
6 ten, do you think you could make it here.

7 PROSPECTIVE JUROR: It depends. Because I live way out
8 there, southwest Kendall.

9 So I have to take the Kendall bus to the Metrorail
10 station over there and have to come all the way to here.

11 Honestly, I haven't taken -- I have driven so many
12 years, I haven't taken it in like over ten years.

13 THE COURT: So you are taking your car to a mechanic in
14 Kendall.

15 PROSPECTIVE JUROR: That's right.

16 THE COURT: And then you would have to take public
17 transportation to get here?

18 PROSPECTIVE JUROR: Get the bus and then the Metrorail.

19 THE COURT: Okay. And you are dropping your car off at
20 what time?

21 PROSPECTIVE JUROR: Eight a.m. when they open.

22 THE COURT: Okay. So. By ten o'clock I think that's
23 probably -- we have staff that takes that Kendall Metrorail
24 here so that should be a reasonable amount of time.

25 You write that you or someone was the victim of a car

1 theft.

2 Is that correct?

3 PROSPECTIVE JUROR: I was the victim but that was in
4 Puerto Rico.

5 I'm Puerto Rican and I lived many years in Puerto Rico.

6 THE COURT: Was anyone caught?

7 PROSPECTIVE JUROR: No, they stripped it. They found
8 the car but it was stripped. The wheels were gone.

9 THE COURT: Anything about that experience that would
10 affect your ability to be fair in this case?

11 PROSPECTIVE JUROR: No.

12 THE COURT: In response to Question 12, you indicate
13 that you were selected as a juror but the case was resolved?

14 PROSPECTIVE JUROR: Yes, that was in Miami-Dade, the
15 other one, the criminal one in Miami-Dade County.

16 THE COURT: By Jackson Hospital?

17 PROSPECTIVE JUROR: Yeah, that one.

18 THE COURT: How long ago was that?

19 PROSPECTIVE JUROR: Years. Several years.

20 THE COURT: Do you recall what kind of case it was?

21 PROSPECTIVE JUROR: Shoplifting. I think he had robbed
22 JC Penney or something.

23 THE COURT: Is there any reason why you could not be
24 fair to the government or the defendant in this case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: All right. Thank you, sir.

2 Juror Number 24, Ms. Rodriguez.

3 Good afternoon.

4 PROSPECTIVE JUROR: Good afternoon.

5 THE COURT: You work as a benefit integrity analyst?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What is that exactly?

8 PROSPECTIVE JUROR: We do -- well, my specific job
9 duty, I work with law enforcement agencies and do the research
10 for Request For Information regarding subjects and I provide to
11 them whatever analytics, investigative research to support
12 whatever they are investigating.

13 THE COURT: Who do you work for?

14 PROSPECTIVE JUROR: Safeguard Services, LLC.

15 THE COURT: What's the name of the company?

16 PROSPECTIVE JUROR: Safeguard Services, LLC.

17 THE COURT: And so through your work you provide
18 certain analytics to law enforcement to help them in their
19 investigations?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Those investigations are usually car thefts
22 and things like that?

23 PROSPECTIVE JUROR: We are a government contractor for
24 the Centers For Medicaid and Medicare Services, so we work with
25 DOJ, FBI, local and state law enforcement.

1 THE COURT: Okay.

2 Have you ever been called to testify in a trial?

3 PROSPECTIVE JUROR: No, we have a professional witness
4 that does that.

5 THE COURT: Okay. Is there anything about the nature
6 of your work that might affect your ability to be a fair and
7 impartial juror in this case?

8 PROSPECTIVE JUROR: No.

9 THE COURT: You or a family member was once the victim
10 of a crime?

11 PROSPECTIVE JUROR: Yes. I was and so was my sister.
12 Basically, for me they broke into the car and they stole, like,
13 parts and my sister, they broke into her house.

14 THE COURT: Okay. Was anyone caught from either of
15 those incidents?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Anything about those experiences that would
18 affect your ability to be a fair and impartial juror?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Is there any reason why you cannot be fair
21 to both the government and the defendant?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Yes, ma'am.

24 PROSPECTIVE JUROR: I need to clarify Number 8. I took
25 it as current employees.

1 My cousin is a retired sergeant in the police
2 department and my cousin's husband is a corrections, retired
3 corrections officer.

4 THE COURT: Okay.

5 Your cousin retired from which department?

6 PROSPECTIVE JUROR: Miami-Dade County.

7 THE COURT: Did your cousin work in a particular
8 department?

9 PROSPECTIVE JUROR: Kendall. She was a sergeant.

10 THE COURT: Okay. Anything -- and your cousin's spouse
11 worked for corrections?

12 PROSPECTIVE JUROR: Correct, Miami-Dade as well.

13 THE COURT: Anything about your cousin and her
14 husband's work that would affect your ability to be fair?

15 PROSPECTIVE JUROR: Not at all.

16 THE COURT: Okay. Thank you very much.

17 Juror Number 25, Raymond Suits. Good afternoon again.

18 You told me for you school starts on the 17th and
19 you've got an appointment.

20 PROSPECTIVE JUROR: This Thursday it starts for op
21 days, for Thursday and Friday, but that's not a problem.

22 Monday and Wednesday is mandatory meetings all day.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR: And Tuesday it's supposed to be a
25 workshop day, professional development.

1 The students show up on the 17th.

2 THE COURT: Okay. I asked another juror about whether
3 or not at the beginning of the school year, whether or not
4 there would be any difficulty getting a substitute.

5 PROSPECTIVE JUROR: There are difficulties all year.
6 We didn't have them at the end of the year this past year, so
7 they ended up piling the students up in the auditorium. That's
8 not the big problem.

9 The big problem is I have meetings on Monday and
10 Wednesday, and my professional development day, which is
11 required.

12 THE COURT: Okay. In response to Question 11, is this
13 about you or someone else?

14 PROSPECTIVE JUROR: What's that?

15 THE COURT: Question 11, have you, any family member or
16 a close friend ever been accused of a crime?

17 PROSPECTIVE JUROR: Accused of a crime?

18 THE COURT: Yes.

19 PROSPECTIVE JUROR: Yes, I was in New York about
20 20 years ago and adjudication was withheld.

21 THE COURT: What were you accused of doing?

22 PROSPECTIVE JUROR: Endangering the welfare of a minor.

23 THE COURT: Is there anything about that experience
24 that would affect your ability to be a fair and impartial juror
25 in this case?

1 PROSPECTIVE JUROR: No.

2 THE COURT: The medical issues that you mention in
3 response to Question 14, would that in any way affect your
4 ability to serve?

5 PROSPECTIVE JUROR: Sometimes. I got, what is it, I've
6 got pills in my pocket now that are nitroglycerin because I
7 have atrial fibrillation, so I have an irregular heartbeat,
8 sometimes it revs up, sometimes it dies down.

9 I take medicine in the morning and the afternoon, so I
10 do those twice a day.

11 Right now it's pretty much under control, but I have to
12 go see my doctor on Thursday.

13 In the past, I had issues with blacking out when my
14 blood pressure went too high.

15 THE COURT: All right. Thank you, sir.

16 PROSPECTIVE JUROR: Thank you.

17 THE COURT: Juror Number 27, Ms. Gonzalez Ramos.

18 PROSPECTIVE JUROR: Hello.

19 THE COURT: Good afternoon.

20 PROSPECTIVE JUROR: Good afternoon.

21 THE COURT: Where do you work doing behavior therapy?

22 PROSPECTIVE JUROR: Yes, behavior analysis.

23 THE COURT: What company do you work for?

24 PROSPECTIVE JUROR: Behavioral Family Solution.

25 THE COURT: Are you a full-time employee of that

1 company?

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: I'm sorry, you have to answer yes or no.

4 PROSPECTIVE JUROR: Yes, sorry.

5 THE COURT: Any issue being paid if you are selected?

6 PROSPECTIVE JUROR: Hopefully no. I just asked them

7 but they haven't answered me back.

8 THE COURT: How big a company is this company?

9 PROSPECTIVE JUROR: It's big, yes, around Florida.

10 THE COURT: To the extent you that you need any

11 assistance with that --

12 PROSPECTIVE JUROR: I believe so.

13 THE COURT: -- we will assist you with that.

14 PROSPECTIVE JUROR: Thank you.

15 THE COURT: Is there any reason why you cannot be fair

16 either to the government or the defense in this case?

17 PROSPECTIVE JUROR: No.

18 THE COURT: All right. Thank you, ma'am.

19 PROSPECTIVE JUROR: Thank you.

20 THE COURT: All right. Juror Number 28, Ms. Barrameda?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: Good afternoon.

23 Where do you work as a Registered Nurse?

24 PROSPECTIVE JUROR: Jackson Memorial Hospital.

25 THE COURT: Are you a full-time employee?

1 PROSPECTIVE JUROR: Yes, full-time.

2 THE COURT: Any issue with being paid if you are
3 selected?

4 PROSPECTIVE JUROR: No.

5 THE COURT: You have, I guess, a friend or family
6 member that's a lawyer?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Well, first, who is that person?

9 PROSPECTIVE JUROR: My partner's brother.

10 THE COURT: What is his name?

11 PROSPECTIVE JUROR: Raymond Dieppa.

12 THE COURT: Does he do criminal or civil work?

13 PROSPECTIVE JUROR: I believe civil.

14 THE COURT: Is there any reason you cannot be fair to
15 both sides in this case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: All right. Thank you?

18 PROSPECTIVE JUROR: Thank you.

19 THE COURT: Juror Number 31, Evan Peters.

20 PROSPECTIVE JUROR: Good afternoon.

21 THE COURT: Good afternoon. You are a student and you
22 do freelance work.

23 Is that right?

24 PROSPECTIVE JUROR: Yes, that's correct.

25 THE COURT: Let's start with the student part.

1 PROSPECTIVE JUROR: I graduated FIU in 2018, so that
2 was kind of muscle memory, I just kind of wrote that.

3 THE COURT: So you are not in school anymore?

4 PROSPECTIVE JUROR: I am not currently enrolled, no.

5 THE COURT: What did you study?

6 PROSPECTIVE JUROR: Digital media.

7 THE COURT: What kind of work do you do now?

8 PROSPECTIVE JUROR: I do freelance work for any sort of
9 digital media production. All sort of things from crafty to PA
10 work.

11 THE COURT: So in that capacity, are you working for
12 yourself doing contracting?

13 PROSPECTIVE JUROR: Self-employed, yes.

14 THE COURT: Would serving on this jury, would that pose
15 any kind of financial hardship for you?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Are you able to serve if you are selected?

18 PROSPECTIVE JUROR: Yes. I would like to amend Number
19 10 and 11.

20 For Number 10, I was a victim of a banking theft, which
21 was a very simple case. I just disputed the charges.

22 THE COURT: Meaning someone --

23 PROSPECTIVE JUROR: My checking account.

24 THE COURT: Was anyone arrested?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR: Then, for Number 11, this is very
3 long ago, like 20 years ago, but I do believe my mother was
4 arrested. I am not sure for what.

5 THE COURT: Okay. Anything about her experience that
6 would affect your ability to be a fair juror?

7 PROSPECTIVE JUROR: No, I don't hold any resentment.

8 THE COURT: All right. Well, when you say you don't
9 hold any resentment, were you involved?

10 PROSPECTIVE JUROR: No, I must have been like ten years
11 old. I believe my family just like kept the details from me
12 because they didn't want me knowing.

13 THE COURT: Your response to Question 14, would that in
14 any way affect your ability to serve?

15 PROSPECTIVE JUROR: No, that was a general anxiety that
16 I mentioned, like public speaking like right now.

17 THE COURT: Again, this is the only time in jury
18 selection that you will have to talk, other than with other
19 jurors.

20 Any other reason why you cannot be fair to either the
21 government or the defense?

22 PROSPECTIVE JUROR: I don't believe so.

23 THE COURT: All right. Thank you.

24 Juror Number 32, Rose Marie Staropoli.

25 Good afternoon.

1 PROSPECTIVE JUROR: Good afternoon.

2 THE COURT: You are a flight attendant.

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Do you do that full-time?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Is there any issue with serving if you are
7 selected?

8 PROSPECTIVE JUROR: The pay will not be my full pay,
9 but no.

10 THE COURT: Which airline do you work for?

11 PROSPECTIVE JUROR: American.

12 THE COURT: You will get your full pay.

13 PROSPECTIVE JUROR: No, they pay you vacation. They
14 don't pay you working lost pay.

15 THE COURT: The law requires American Airlines to pay
16 you your full salary.

17 I will bring in someone from American if they don't pay
18 you. So, whoever is over your human resources department, you
19 should tell them that the Judge says that the law requires you
20 to pay me my full-time salary, that you not take it from my
21 vacation pay, and if they disagree, then you let me know.

22 PROSPECTIVE JUROR0: They don't take your vacation pay.
23 They just pay you a lesser rate.

24 THE COURT: They are not allowed to do that under the
25 law.

1 If they try to do that, then what I told you before,
2 you tell me or you tell Mr. Rodriguez or Mr. Ahmad, then we
3 will contact American Airlines and that will be taken care of.

4 PROSPECTIVE JUROR: All right.

5 THE COURT: Now, in response to -- well, in response to
6 Question 15, you wrote, the question is, "Is there any reason
7 why you cannot be fair to both parties?"

8 You wrote, "Depends on the case but no."

9 Is there any reason to believe that you cannot be fair
10 to both sides in this case?

11 PROSPECTIVE JUROR: No, what I mean by depends on the
12 case is depends on the evidence.

13 THE COURT: Okay. Right.

14 Well, that's what we want the jury to do, listen to all
15 the evidence before making a decision.

16 Is that something that you think you can do?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: You served on a jury before, as you write,
19 many years ago.

20 Is there anything about that experience that would
21 affect your ability to serve?

22 PROSPECTIVE JUROR: No, it was a good experience.

23 THE COURT: So, is there any reason why you cannot
24 serve as a fair and impartial juror in this case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Thank you, ma'am.

2 PROSPECTIVE JUROR: There is something that I would
3 like to amend and it is Number 14, I do have a medical
4 condition that I don't care to explain in public but it would
5 not preclude me from being a juror so it doesn't affect my jury
6 service. I just would like to explain it.

7 THE COURT: So to the extent that you need any
8 accommodation from us, if you are selected, then let us know
9 and then we will make that accommodation.

10 PROSPECTIVE JUROR: Perfect. Thank you.

11 THE COURT: Thank you.

12 Juror Number 33, Mr. -- is it Feijoo?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: We talked before about your school
15 schedule. We told me before you work as a senior clerk in the
16 Florida Health Department.

17 What do you do as a clerk?

18 PROSPECTIVE JUROR: I just register clients in. I put
19 in their information, address, emergency contacts, all that
20 stuff into the system.

21 THE COURT: All right. Is there any reason why you
22 could not be fair to either the government or the defense?

23 PROSPECTIVE JUROR: No.

24 THE COURT: All right. Thank you.

25 Juror Number 34, Diana Nelson.

1 PROSPECTIVE JUROR: Good afternoon, Your Honor.

2 THE COURT: Good afternoon.

3 You do marketing for a home health company?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: What company is that?

6 PROSPECTIVE JUROR: Parx Home Health Care.

7 THE COURT: I'm sorry, what's the name?

8 PROSPECTIVE JUROR: Parx, with an X.

9 THE COURT: Are you a full-time employee?

10 PROSPECTIVE JUROR: Yes, sir, I am.

11 THE COURT: Is there any issue with being paid if you
12 are selected?

13 PROSPECTIVE JUROR: I don't believe so, sir.

14 THE COURT: Your answer to Question 10, is that
15 something that should be in Question 11?

16 PROSPECTIVE JUROR: It was possible that I was going to
17 ask for an amendment but he was wrongly accused so it kind of
18 was against him also.

19 THE COURT: So, what was he accused of?

20 PROSPECTIVE JUROR: So, a terrible aunt of mine accused
21 him of touching inappropriately her granddaughter.

22 THE COURT: And how long ago did that occur?

23 PROSPECTIVE JUROR: Oh, over 30 years ago.

24 THE COURT: And that case was dismissed?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: That case, I am assuming, was investigated
2 by law enforcement?

3 PROSPECTIVE JUROR: Yes, for a long, long time. When
4 they finally brought the charges, it was just ridiculous.

5 THE COURT: Was that by a local police department?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: By which one?

8 PROSPECTIVE JUROR: The South Miami Police Department.

9 THE COURT: And so did you have to attend any court
10 proceedings?

11 PROSPECTIVE JUROR: My father did, yes.

12 THE COURT: Did you attend any of those court
13 proceedings?

14 PROSPECTIVE JUROR: No, sir, I actually went to the
15 first one where all my girl cousins came with us and spoke to
16 the Judge and explained how they had lived with us during their
17 youth and nothing had ever occurred. They all stood up for
18 him.

19 THE COURT: Is there anything about your father's
20 experience that would affect your ability to be a fair and
21 impartial juror in this case?

22 PROSPECTIVE JUROR: Absolutely not.

23 THE COURT: Is there any reason why you could not be
24 fair to both sides in this case?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Thank you, ma'am.

2 Juror Number 36, Ms. Gilliam.

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Hi, how are you?

5 PROSPECTIVE JUROR: Hi.

6 THE COURT: What do you do for Miami-Dade County Public
7 Schools.

8 PROSPECTIVE JUROR: Secretary-treasurer of an
9 elementary school.

10 THE COURT: You are a full-time employee?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Any issue with serving if you are selected?

13 PROSPECTIVE JUROR: Not at all.

14 THE COURT: The person that you write about in response
15 to Question 11, was that you or a close friend or a family
16 member?

17 PROSPECTIVE JUROR: Family member.

18 THE COURT: That person was accused of drug
19 trafficking?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Was it state or federal court?

22 PROSPECTIVE JUROR: I believe federal, I'm not sure.

23 THE COURT: Did you attend any of the court
24 proceedings?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Anything about that relative's situation
2 that would affect your ability to be a fair and impartial juror
3 in this case?

4 PROSPECTIVE JUROR: No, not at all.

5 THE COURT: Is there any reason why you cannot be fair
6 to both sides?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Thank you, ma'am.
9 Juror Number 38, Stephanie Camargo-Merino.

10 PROSPECTIVE JUROR: Hello, good afternoon.

11 THE COURT: Good afternoon.

12 You are an after-sales coordinator?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What is that, exactly?

15 PROSPECTIVE JUROR: I am a repair specialist. I work
16 for Chanel, and we specialize in servicing, it's basically like
17 the property management side for real estate. We take care of
18 that after-sales experience for clients to keep business going.

19 THE COURT: Are you a full-time employee?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Any issue with being paid if you are
22 selected?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Your best friend is a police officer in New
25 York at Penn station?

1 PROSPECTIVE JUROR: Yes, she is a sergeant for the
2 PAPD. I mean, I say that because I like to be truthful with my
3 answers, but that will not affect my ability to be fair to both
4 sides.

5 THE COURT: Okay. Is there any reason why you cannot
6 be fair to both sides?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Thank you.

9 Juror Number 39, Pedro --

10 PROSPECTIVE JUROR: -- Cosculluela.

11 THE COURT: Thank you, sir.

12 PROSPECTIVE JUROR: How are you doing?

13 THE COURT: You do landscaping.

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you work for yourself or do you work for
16 someone else?

17 PROSPECTIVE JUROR: For somebody else.

18 THE COURT: And how big a business is that?

19 PROSPECTIVE JUROR: Small. We got about six or
20 seven people.

21 THE COURT: Of course, that person is not required to
22 pay you if you are selected.

23 PROSPECTIVE JUROR: I know. I understand.

24 THE COURT: Would that be a hardship for you if you
25 were selected for this trial?

1 PROSPECTIVE JUROR: No, not really, no.

2 THE COURT: Are you willing to serve if they select
3 you?

4 PROSPECTIVE JUROR: Sure.

5 THE COURT: Is there any reason why you could not be
6 fair to the government and the defense in this case?

7 PROSPECTIVE JUROR: I can be fair.

8 THE COURT: Thank you, sir.

9 Juror Number 40, Erica Marines.

10 PROSPECTIVE JUROR: Good afternoon.

11 THE COURT: Did I say it right?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: You are an airport ramp clerk?

14 PROSPECTIVE JUROR: That's correct.

15 THE COURT: What airport?

16 PROSPECTIVE JUROR: Miami International for American
17 Airlines.

18 THE COURT: What do you do as a ramp clerk?

19 PROSPECTIVE JUROR: We have a variety of duties but
20 mainly is to just make sure that the aircraft arrives in time
21 and the outbound goes out on time, and that includes servicing
22 and baggage.

23 THE COURT: Now, I know you do very different things,
24 but do you know Ms. Staropoli?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay. Are you a full-time employee?

2 PROSPECTIVE JUROR: I'm part-time.

3 THE COURT: Now, as I have now said a few times,
4 American is not required by law to pay a part-time employee.
5 Some companies will do it as a gesture of goodwill.

6 Do you know whether or not they are going to pay you?

7 PROSPECTIVE JUROR: I'm not sure. I haven't discussed
8 it with them because I do my own scheduling, so I was planning
9 on just modifying my days.

10 It doesn't affect me at all.

11 THE COURT: So you can modify your days?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Is there any reason why you cannot sit as a
14 fair and impartial juror in this case?

15 PROSPECTIVE JUROR: There isn't, but I would like to
16 amend 10 and 11, please.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR: For Number 10, I don't remember
19 exactly when, but it was like 12 years ago, maybe more, I was a
20 victim of domestic violence.

21 THE COURT: And was the person that -- was the other
22 person arrested?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: How was the case resolved?

25 PROSPECTIVE JUROR: I know he did jail time, but I

1 don't know how long.

2 THE COURT: Okay. Did you have to attend court
3 proceedings?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Is there anything about that incident that
6 would affect your ability to be a fair and impartial juror?

7 PROSPECTIVE JUROR: Absolutely not.

8 THE COURT: And is there anything else you wanted to
9 say regarding Question 10?

10 PROSPECTIVE JUROR: No, that was all.

11 THE COURT: And you said you wanted to amend your
12 answer for Question 11.

13 PROSPECTIVE JUROR: Yes, earlier this year, my 17-year
14 old daughter was caught with her friends shoplifting at a store
15 and she got caught and arrested.

16 THE COURT: How was that resolved?

17 PROSPECTIVE JUROR: She is currently on a juvenile
18 program or something that lasts like four months and they told
19 me that after she is done, as long as she is following her
20 community service and her therapy, then they will, like, not
21 show it in her record or something, her arrest, and she is
22 almost done.

23 THE COURT: Okay. Anything about that that would
24 affect your ability to serve?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Okay.

2 Juror Number 42, Patrick Metz.

3 Good afternoon.

4 PROSPECTIVE JUROR: Good afternoon, sir.

5 THE COURT: You work as a manager.

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: For what company?

8 PROSPECTIVE JUROR: I work as a manager for Floor and
9 Decor.

10 THE COURT: You are a full-time employee?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Any issue with being paid if you are
13 selected?

14 PROSPECTIVE JUROR: Yes, they only pay up to three days
15 and I know that because I was in a jury sometime this year in
16 civil.

17 THE COURT: Okay. Floor and Decor is a big company?

18 PROSPECTIVE JUROR: Very big.

19 THE COURT: I know you are a manager, but you are head
20 of --

21 PROSPECTIVE JUROR: I am head of the installation
22 department.

23 THE COURT: So, I am drawing a blank. The people that
24 handle your scheduling and all that stuff, you are going to
25 have to have them contact my chambers and then I will have a

1 discussion with them about what their obligations are.

2 PROSPECTIVE JUROR: Okay.

3 THE COURT: Because they are required to pay you.

4 I mean, it's -- but other than that, I mean, as long as
5 you are paid, are you able to serve?

6 PROSPECTIVE JUROR: Yes.

7 I have to amend my answer to Number 10. So, like six
8 months ago my daughter was assaulted, battery, domestic
9 violence.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: There was an arrest.

12 It happened in front of my house and, therefore, the
13 person she is with now or was with, he can't see his son, so
14 his son and my daughter are at home.

15 I watch my grandson every night Sunday through Saturday
16 because she works Sunday through Saturday at Baptist Hospital.

17 THE COURT: Is that case still ongoing or is that
18 resolved?

19 PROSPECTIVE JUROR: That case is resolved and I want to
20 say he has visitation and he is counselor -- he has to go seek
21 help.

22 THE COURT: Okay. Now, was there anything else you
23 needed to add?

24 PROSPECTIVE JUROR: No.

25 THE COURT: You previously served on a jury, as you

1 just said a moment ago, and you write in your questionnaire.

2 That was a criminal case?

3 PROSPECTIVE JUROR: Yes, it was civil, I want to say.

4 It was in the other court up north.

5 THE COURT: Okay. You write, "Robbery and attempted
6 burglary."

7 That would be a criminal case.

8 PROSPECTIVE JUROR: Okay, sorry.

9 THE COURT: Was that at the courthouse near Jackson
10 Hospital?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And without discussing what the verdict
13 was, did the jury reach a verdict?

14 PROSPECTIVE JUROR: On two counts, not on Count 3.

15 THE COURT: Okay. Is there anything about that
16 experience that would affect your ability to serve as a fair
17 and impartial juror on this case?

18 PROSPECTIVE JUROR: Not at all.

19 THE COURT: Is there any reason why you cannot be fair
20 to both sides?

21 PROSPECTIVE JUROR: Not at all.

22 THE COURT: I don't know why I was drawing a blank.

23 Your human resources department, whoever the head of
24 that is in your store, if you -- during a break, because we
25 will take a break, you should contact them to let them know

1 that they may have to come to court and have this discussion
2 with me. I will give you a copy of the local ordinance in case
3 they are not aware of it, but they are required to pay your
4 salary.

5 All right. Thank you.

6 Juror Number 45, Edison Berdugo.

7 PROSPECTIVE JUROR: Good afternoon, sir.

8 THE COURT: You are a retired -- what is CBP?

9 PROSPECTIVE JUROR: Custom and Border Protection.

10 THE COURT: How long did you do that?

11 PROSPECTIVE JUROR: Twenty-four years.

12 THE COURT: What was the nature of your work?

13 PROSPECTIVE JUROR: Being more or less an inspector,
14 inspect cargo, passengers, at the port of entry.

15 THE COURT: Okay. Were you ever called to testify as a
16 witness in a trial?

17 PROSPECTIVE JUROR: No, never.

18 THE COURT: Is there anything about the nature of the
19 charges in this case that would affect your ability to serve as
20 a fair juror?

21 PROSPECTIVE JUROR: No.

22 THE COURT: You indicate that one of your children is a
23 K9 handler.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: For which department?

1 PROSPECTIVE JUROR: Excuse me, it's for a regular
2 company.

3 THE COURT: Okay. Is that a K9 handler for
4 investigations or law enforcement? In what capacity?

5 PROSPECTIVE JUROR: He said a company that inspect
6 cargo at the airport.

7 THE COURT: Is there any reason why you cannot be fair
8 to either the government or the defendant in this case?

9 PROSPECTIVE JUROR: No.

10 THE COURT: All right. Thank you.

11 PROSPECTIVE JUROR: Sir.

12 THE COURT: Yes, sir.

13 PROSPECTIVE JUROR: I'd like to amend Number 10 and
14 Number 11.

15 Number 10, my son was the victim of a credit card theft
16 and Number 11, my brother was accused of DUI.

17 THE COURT: Okay. Did you attend any court proceedings
18 for your brother?

19 PROSPECTIVE JUROR: No, that was 24 years ago.

20 THE COURT: Is there anything about your son being the
21 victim of credit card theft or your brother being charged with
22 a DUI that would affect your ability to be fair?

23 PROSPECTIVE JUROR: No.

24 THE COURT: All right. Thank you, sir.

25 Juror Number 48, Ms. Pierre-Louis?

1 PROSPECTIVE JUROR: Yeah.

2 THE COURT: Do you pronounce it Louis or Louis?

3 PROSPECTIVE JUROR: Either one.

4 THE COURT: You are a pharmacy technician?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: For whom do you work?

7 PROSPECTIVE JUROR: Walgreens.

8 THE COURT: Are you a full-time employee?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Any issue with being paid if you are
11 selected?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Is there any reason why you cannot be fair
14 to both sides in this case?

15 PROSPECTIVE JUROR: No.

16 THE COURT: All right. That's all my questions.

17 All right. Ladies and gentlemen, the attorneys have an
18 opportunity to now ask you some questions. Normally I take a
19 break after an hour and a half to give my court reporter a
20 break because she has been typing everything that we say.

21 So, why don't we just take ten minutes so we can give
22 her a break.

23 Then we will come back, the attorneys will resume with
24 their questioning, but we will complete jury selection well
25 before five o'clock.

1 Again, please don't discuss anything about the case.

2 COURT SECURITY OFFICER: All rise for the jury.

3 (The prospective jurors exited the courtroom at
4 2:43 p.m.)

5 THE COURT: All right. Anything we need to take up
6 before we break?

7 MR. MCLAUGHLIN: Your Honor, speaking with Mr. Quinon,
8 we would ask the Court and the Court's indulgence whether we
9 could pick our jury today, hopefully, and then start tomorrow
10 with openings instead of rushing through openings late in the
11 day.

12 THE COURT: That's fine.

13 MR. MCLAUGHLIN: Thank you, Your Honor.

14 MR. QUINON: Thank you.

15 THE COURT: All right. Let's take ten minutes.

16 THE COURT: I'm sorry, before you all go.

17 COURT SECURITY OFFICER: One of the jurors wants to ask
18 you a question.

19 THE COURT: After the break.

20 One of the jurors wanted to talk to us about something
21 but we will figure out who it is.

22 (Recess.)

23 THE COURT: We are back on the record. Note the
24 presence of the attorneys as well as the defendant.

25 All right.

1 Are we ready to resume?

2 MR. MCLAUGHLIN: We are, Your Honor.

3 THE COURT: All right. Juror Number 39 wanted to speak
4 to us.

5 That is Mr. Cosculluela.

6 All right. We will bring him in.

7 COURT SECURITY OFFICER: All rise for the juror.

8 (Prospective Juror 39 entered the courtroom at
9 2:57 p.m.)

10 THE COURT: If you will come up here.

11 Just watch your step as you come up the incline.

12 You can have a seat, sir. I was told you wanted to
13 amend your answer to one of the questions.

14 PROSPECTIVE JUROR: I didn't answer all your questions.

15 I didn't answer Number 6. My wife is a discrimination
16 supervisor. It's a federal job.

17 THE COURT: Who does she work for?

18 PROSPECTIVE JUROR: EOC, or something like that,
19 discrimination.

20 THE COURT: EEOC?

21 PROSPECTIVE JUROR: Yeah.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR: She is a supervisor. And Number 5,
24 you know, I answer because I am still married, but I am
25 planning to getting a divorce.

1 I already present the papers to get divorced but I am
2 still married.

3 I don't know if the answer is right or --

4 THE COURT: It's fine.

5 PROSPECTIVE JUROR: That's all I wanted to say.

6 THE COURT: All right. Well, thank you.

7 You can take your old seat now, sir. We are going to
8 bring everyone else in.

9 (The prospective jurors entered the courtroom at
10 2:59 p.m.)

11 THE COURT: Please take your old seats.

12 All right. Please be seated.

13 As I told you before, ladies and gentlemen, the
14 attorneys will have an opportunity to ask you some questions.
15 The same rules apply. If any questions are asked that you
16 prefer to answer in private, outside the presence of the other
17 jurors, just let me know and we will take those answers in
18 private.

19 All right. Let's see, for those of you, especially in
20 the back -- well, all of you, if there is anyone that was
21 sitting next to you that is not present, can you let me know?

22 All right. By procedure, the government always goes
23 first, followed by the defense.

24 Is the government ready to proceed?

25 MR. CLARK: I am, Your Honor.

1 Good afternoon, ladies and gentlemen. By way of
2 reintroduction, my name is Christopher Clark, and along with
3 Mr. McLaughlin, it is our honor to present this case on behalf
4 of the United States to those of you who will be selected as
5 jurors in this case.

6 I can tell you in advance that you are going to hear
7 much more from Mr. McLaughlin than myself, if you are selected
8 which may be good or bad, depending on your perspective.

9 But we appreciate your candor that you have extended to
10 us to this point; your continued attention here late in the
11 afternoon on Monday.

12 I am just going to begin by following up on some of the
13 questions and responses that you previously provided to Judge
14 Gayles to certain issues that may or may not become part of
15 this case if you are selected as jurors.

16 I am sure you will understand my first follow-up
17 question to those of you jurors who have to have family members
18 prosecuted by the government, particularly the federal
19 government.

20 You can understand Mr. McLaughlin and my, not concern,
21 but just we want assurances that that won't provide any kind of
22 impediment for you being seated as a juror in this case.

23 I know you went over this with Judge Gayles.

24 I just want to put a fine point on it.

25 Ms. Bombino, I want to begin with you, if you can pass

1 the microphone to Juror Number 9.

2 Ms. Bombino, I know you mentioned that you had a spouse
3 who had been convicted of drug charge, a couple of years ago,
4 was it?

5 PROSPECTIVE JUROR: Yes, almost 25 years ago.

6 MR. CLARK: Twenty-five years ago?

7 PROSPECTIVE JUROR: Yes.

8 MR. CLARK: Did you at all attend court as part of his
9 case?

10 PROSPECTIVE JUROR: No, only once and that was it.

11 MR. CLARK: Because that was so distant in the past,
12 that's nothing that's in the forefront of your mind if you are
13 selected as a juror in this case.

14 PROSPECTIVE JUROR: Yes, that's correct.

15 THE COURT: I'm sorry, I couldn't hear you, ma'am.

16 PROSPECTIVE JUROR: No.

17 MR. CLARK: So if you are selected as a juror in this
18 case, you wouldn't feel disposed for the defendant because he
19 is charged with a crime like your spouse was at the time.

20 Correct?

21 PROSPECTIVE JUROR: Yes.

22 MR. CLARK: You wouldn't retaliate against
23 Mr. McLaughlin and me because somebody prosecuted your husband
24 25 years ago and now we are prosecuting this case?

25 PROSPECTIVE JUROR: No.

1 MR. CLARK: Ms. Jones, I am going to follow up with the
2 same questions.

3 If we could please pass the microphone to Ms. Jones.

4 Ms. Jones, your situation is a little more immediate
5 than Ms. Bombino's. Hers was 25 years ago.

6 Yours was more recent.

7 PROSPECTIVE JUROR: Yes.

8 MR. CLARK: It was in this very building.

9 PROSPECTIVE JUROR: Yeah.

10 MR. CLARK: So I suppose when you received the jury
11 summons in this case, you thought to yourself, "Oh, no, not
12 again, I have to come to court."

13 PROSPECTIVE JUROR: True.

14 MR. CLARK: That would be natural. Coming in the very
15 same courthouse?

16 PROSPECTIVE JUROR: Same courthouse.

17 MR. CLARK: Different Judge.

18 PROSPECTIVE JUROR: Different Judge.

19 MR. CLARK: Different prosecutors.

20 PROSPECTIVE JUROR: Different prosecutors.

21 MR. CLARK: Nevertheless, it must hit home for you.

22 PROSPECTIVE JUROR: Not really. My son created his own
23 issues, so he has to deal with them.

24 I don't make his burden mine. Do you know what I'm
25 saying?

1 He has to do his own time. I am not doing his time
2 with him.

3 That's not going to happen.

4 MR. CLARK: You feel he was treated fairly by the
5 justice system.

6 PROSPECTIVE JUROR: He caused the crime. He did a
7 crime. He has to pay it, the time, unfortunately.

8 MR. CLARK: So your heart didn't drop when you came
9 into this courthouse this morning for jury service? No, you're
10 shaking your head. You have to say yes or no.

11 PROSPECTIVE JUROR: No, my heart didn't drop.

12 It was okay.

13 MR. CLARK: You feel that you would be a fair and
14 impartial juror, and you wouldn't be favorably disposed to the
15 defendant because he is sitting in the same shoes as your son
16 once had?

17 PROSPECTIVE JUROR: No, I wouldn't be.

18 MR. CLARK: Nor would you have any --

19 PROSPECTIVE JUROR: None, not at all.

20 MR. CLARK: -- prejudice against the prosecution?

21 Okay. Thank you, Ms. Jones.

22 If we can then pass the microphone to this side of the
23 room.

24 Let me begin, I am going to target you, Ms. Rodriguez.

25 Ms. Rodriguez, as part of your duties as a benefit

1 integrity analyst with Safeguard, you are kind of tangentially
2 involved in law enforcement, are you not?

3 PROSPECTIVE JUROR: Correct.

4 MR. CLARK: It's your agency that oversees the Center
5 For Medicare and Medicaid Services, commonly known as CMS?

6 PROSPECTIVE JUROR: Yes.

7 MR. CLARK: CMS administers the federal benefit
8 programs that are extended to the elderly and the disabled and
9 persons who are financially disadvantaged?

10 PROSPECTIVE JUROR: Correct.

11 MR. CLARK: It's your job to respond for Request For
12 Information, ROIs, that are extended by federal agencies, who
13 are charged with investigating healthcare fraud, investigating
14 physicians and pharmacies who may be breaking the law with
15 respect to providing healthcare services, including
16 medications?

17 PROSPECTIVE JUROR: Correct. RFIs and RFAs, yes.

18 MR. CLARK: And among those agencies that you interface
19 with include the FBI, the Federal Bureau of Investigations like
20 Agent Slattery?

21 PROSPECTIVE JUROR: Yes, sir.

22 MR. CLARK: Another lead agency along with the FBI in
23 the investigation of providers, doctors, pharmacies who are
24 violating the healthcare laws, and other federal laws, is the
25 United States Department of Health and Human Services.

1 PROSPECTIVE JUROR: Yes, HHS.

2 MR. CLARK: And they, like these other federal
3 agencies, go by a three letter other acronym, like CBP, FBI,
4 DEA --

5 PROSPECTIVE JUROR: OIG.

6 MR. CLARK: ATF, HHS, and you mentioned OIG?

7 PROSPECTIVE JUROR: Correct. OIG, DOH, DOJ.

8 MR. CLARK: And Health and Human Services, along with
9 the FBI investigates healthcare fraud?

10 PROSPECTIVE JUROR: Correct.

11 MR. CLARK: They will send you, I would think by fax or
12 by some device, some request that you provide information of a
13 particular doctor or pharmacy that's under investigation for
14 potentially breaking the law?

15 PROSPECTIVE JUROR: Correct.

16 MR. CLARK: Now, in doing that job, you don't directly
17 deal with the agents, do you?

18 PROSPECTIVE JUROR: They will contact us with
19 questions, yes.

20 MR. CLARK: By phone, by --

21 PROSPECTIVE JUROR: By phone, e-mails. We receive
22 requests different ways and when we fulfill the request, if
23 they have follow-up questions, they will contact us for
24 clarifications.

25 MR. CLARK: But you are not law enforcement yourself?

1 PROSPECTIVE JUROR: No, no, no, no. We work with law
2 enforcement. We are not law enforcement.

3 MR. CLARK: And primarily you are collecting data on
4 behalf of the agencies?

5 PROSPECTIVE JUROR: Correct.

6 MR. CLARK: Because all of these records of all of
7 these claims being submitted through Medicare or Medicaid, are
8 all within your agency's control.

9 PROSPECTIVE JUROR: And we do also investigations, our
10 own internal investigations, leads, cases. We do referrals.

11 MR. CLARK: Are you stationed here in South Florida?

12 PROSPECTIVE JUROR: We are in Miramar, Florida.

13 MR. CLARK: Miramar.

14 PROSPECTIVE JUROR: Correct.

15 MR. CLARK: And you are familiar with all the Strike
16 Force, Task Group?

17 PROSPECTIVE JUROR: Correct. HEAT. SDF.

18 THE COURT: One of you at a time, please.

19 MR. CLARK: Yes, Judge, sorry.

20 You were saying, ma'am, HEAT?

21 PROSPECTIVE JUROR: Yes, HEAT and the Strike Force,
22 yes.

23 MR. CLARK: And the Strike Force is a joint task group
24 between FBI agents and HHS-OIG agents who are dedicated
25 primarily to investigating healthcare fraud?

1 PROSPECTIVE JUROR: Correct. Yes.

2 MR. CLARK: Do you ever testify in court as part of
3 your professional duties?

4 PROSPECTIVE JUROR: No, we have a professional witness
5 that testifies.

6 MR. CLARK: Have you dealt firsthand face-to-face with
7 any of these FBI, HHS, OIG agents, or engaged in healthcare
8 investigations?

9 PROSPECTIVE JUROR: Face-to-face, they will come into
10 the office just to pick up the information. That's as much
11 contact as we have, other than the clarification for questions
12 with the information we provided.

13 MR. CLARK: You don't recognize Agent Slattery?

14 PROSPECTIVE JUROR: No.

15 MR. CLARK: I don't believe Agent Slattery ever
16 investigated healthcare fraud.

17 PROSPECTIVE JUROR: No, I don't remember the name.

18 MR. CLARK: The names that were mentioned on the
19 witness list are individuals with the FBI and with HHS who have
20 investigated healthcare fraud.

21 PROSPECTIVE JUROR: Correct.

22 MR. CLARK: Did you recognize any of those names that
23 the Judge read to you earlier?

24 PROSPECTIVE JUROR: Only one.

25 MR. CLARK: Which one?

1 PROSPECTIVE JUROR: Jennifer Bliss. She sounds
2 familiar, but, again, I process a lot of requests.

3 So some of the names don't stand out right away. I
4 would have to do research to see if I have ever processed
5 anything for her.

6 MR. CLARK: One name that is going to figure very
7 prominently in this case is Alberico Crespo.

8 PROSPECTIVE JUROR: Doesn't sound familiar.

9 MR. CLARK: Do you have any knowledge of that name?

10 PROSPECTIVE JUROR: No.

11 MR. CLARK: Have you ever met that individual?

12 PROSPECTIVE JUROR: No.

13 MR. CLARK: Do you recognize the defendant sitting here
14 in court today?

15 PROSPECTIVE JUROR: No.

16 MR. CLARK: Because, in fact, the defendant in this
17 case, at the time of the charged conduct, was acting as an
18 HHS-OIG special agent. He is accused by the indictment in this
19 case for having used his access to privileged information to
20 assist individuals who are involved in drug trafficking and
21 violating the healthcare laws.

22 Does that at all register with you?

23 PROSPECTIVE JUROR: No.

24 MR. CLARK: If you were selected as a witness in this
25 case or as a juror, is the fact that you work for Safeguard and

1 that you responded to Requests For Information on behalf of the
2 FBI and HHS, would that at all color your ability to be a fair
3 and impartial juror?

4 PROSPECTIVE JUROR: Not at all.

5 MR. CLARK: Do you know anything at all about the
6 allegations in this case?

7 PROSPECTIVE JUROR: Not at this moment.

8 MR. CLARK: So if you were seated as a juror, you would
9 follow the Judge's law.

10 PROSPECTIVE JUROR: Of course.

11 MR. CLARK: You would presume the defendant not guilty?

12 PROSPECTIVE JUROR: Absolutely.

13 MR. CLARK: You would hold the government to its burden
14 beyond a reasonable doubt?

15 PROSPECTIVE JUROR: Absolutely.

16 MR. CLARK: Thank you, Ms. Rodriguez.

17 The other jurors having been now made aware of the fact
18 that the defendant, at the time of the charged conduct in this
19 case, was acting and performing as a federal agent, as somebody
20 who had a badge, who had arrest authorities, who could carry a
21 weapon, does that at all affect your ability to sit as fair and
22 impartial jurors in this case?

23 I see no affirmative responses. So, I take it, similar
24 to Ms. Rodriguez, that despite the fact that the defendant in
25 this case is accused of dishonoring his badge, using his

1 position to assist a drug trafficking organization, you will
2 hold him to the same standard as any other criminal defendant.

3 Is that correct?

4 Now, among the charges in this case, you will hear
5 testimony about the fact that the drugs that were being
6 distributed illegally, being obtained illegally, were primarily
7 Oxycodone, which, as you will learn, is a Schedule II
8 controlled substance because of its potent effect and its
9 likelihood of being abused.

10 Do any of you have any familiarity with oxycodone.

11 Sir, Mr. Do?

12 PROSPECTIVE JUROR: Yes.

13 MR. CLARK: With the microphone, could you please tell
14 us your familiarity or experience with Oxycodone?

15 PROSPECTIVE JUROR: I am kind of accident-prone. I
16 have had three ACL reconstructions and a separated shoulder.
17 So when I had my surgery, it was prescribed to me each time to
18 take a course of the painkillers for postsurgical recovery.

19 MR. CLARK: When you sought out that medical attention,
20 was it through your primary physician or a specialist?

21 PROSPECTIVE JUROR: It's a specialist. My orthopedic
22 surgeon.

23 MR. CLARK: In order to get a -- not to get, but attend
24 to the fact that you injured yourself and you were suffering
25 discomfort and pain, the doctor prescribed Oxycodone to you?

1 PROSPECTIVE JUROR: Yes, legally prescribed.

2 I have eight doctors in my family and I checked with
3 them before I took anything like that by myself. I was aware
4 of its potency and everything, so, yes.

5 MR. CLARK: And your doctor advised you of the risks
6 that were that are associated with Oxycodone?

7 PROSPECTIVE JUROR: Yes.

8 MR. CLARK: And he examined you in advance to assure
9 himself and yourself that you needed this, that it was
10 medically necessary?

11 PROSPECTIVE JUROR: I hope so, yes.

12 MR. CLARK: You are sitting here today?

13 PROSPECTIVE JUROR: Yeah.

14 MR. CLARK: Then you went to a pharmacy and you filled
15 the prescription?

16 PROSPECTIVE JUROR: Exactly.

17 MR. CLARK: Do you recall what strength of Oxycodone
18 you were prescribed?

19 PROSPECTIVE JUROR: They gave me 30 days' worth.

20 I think they were each 250 milligrams.

21 Drilling holes in your knee, it kind of hurts.

22 But I got off of them as quick as I can because that
23 stuff messes you up.

24 MR. CLARK: You just had the one 30-day prescription?

25 PROSPECTIVE JUROR: No, I took like -- I probably -- at

1 most I was one it for a week, as-needed. I think it was every
2 12 hours or so you need to take it.

3 MR. CLARK: And you discontinued the use?

4 PROSPECTIVE JUROR: Oh, yeah. Yeah.

5 MR. CLARK: Do any other jurors have any similar
6 experiences as Mr. Do? The lady in the back?

7 PROSPECTIVE JUROR: Well, I have two. I work --

8 MR. CLARK: You're Ms. Young, right?

9 PROSPECTIVE JUROR: Yes. I worked as a personal injury
10 paralegal, so back in the early 2000s they were giving Oxy
11 like it was Skittles basically, so at that time --

12 MR. CLARK: Like Skittles, you said?

13 PROSPECTIVE JUROR: Yes, they were giving it out for
14 pain management for car accidents, soft tissue.

15 So during that period of time, that's how I became
16 aware of Oxy.

17 But recently my husband was released from the hospital
18 with several herniated discs, and they prescribed him a 3-day
19 supply of Oxy, so they limited it.

20 MR. CLARK: Three day?

21 PROSPECTIVE JUROR: Yeah. They limited it because of,
22 you know, the strength, you know, because it's Oxy, so they
23 only gave him three days' worth and put him on other regimens.

24 So that is my most recent.

25 MR. CLARK: That was your only exposure to somebody who

1 was using Oxy?

2 PROSPECTIVE JUROR: Yes.

3 MR. CLARK: You, yourself, have never been prescribed
4 Oxycodone?

5 PROSPECTIVE JUROR: No.

6 MR. CLARK: Any other jurors. If we could turn to this
7 group, in the third row.

8 PROSPECTIVE JUROR: Yes, sir, my sister-in-law was
9 addicted to hydrocodone and later took her life.

10 MR. CLARK: I'm sorry to hear that, ma'am.

11 PROSPECTIVE JUROR: She was addicted and later took her
12 life.

13 MR. CLARK: You are Ms. Nelson?

14 PROSPECTIVE JUROR: Yes.

15 MR. CLARK: How recent was that?

16 PROSPECTIVE JUROR: Twelve years ago, about,
17 approximately.

18 MR. CLARK: Now, this is very traumatic within your
19 life and the fact that if you are selected as a juror in this
20 case, that the subject matter of this prosecution involves
21 Oxycodone, what effect would this have upon you if you are
22 seated as a juror?

23 PROSPECTIVE JUROR: I want to believe it would have
24 none.

25 MR. CLARK: No effect?

1 PROSPECTIVE JUROR: I am kind of tender-hearted, so
2 maybe -- I think I can separate it.

3 MR. CLARK: So, despite your own personal experience,
4 tragic experience with loved ones who are involved with Oxy,
5 died as a result of their abuse of Oxy, you will not let that
6 figure into your deliberations as a juror in this case?

7 PROSPECTIVE JUROR: No, sir.

8 MR. CLARK: You can fairly and impartially --

9 PROSPECTIVE JUROR: Also, I took it when I had a
10 C-section and put it away just as quick, and I am in the health
11 field so I have seen it and people deal with it.

12 It was just very tragic for my sister-in-law.

13 MR. CLARK: As long as you and the other jurors
14 understand that this case is not a referendum on Oxy, whether
15 it's a good drug, bad drug, whether people suffer from its
16 abuse, merely the charges as it relates to the defendant's
17 assistance of an organization peddling these drugs, but as you
18 just stated, you can fairly and impartially judge the facts if
19 you are selected as a juror in this case?

20 PROSPECTIVE JUROR: I believe I can.

21 MR. CLARK: You would not hold the government to any
22 lower standard because you have personal feelings about
23 Oxycodone?

24 PROSPECTIVE JUROR: No, sir.

25 MR. CLARK: Thank you, Ms. Nelson.

1 THE COURT: Four minutes.

2 MR. CLARK: Thank you, Judge.

3 Any other similar responses?

4 The lady -- well, let's keep going down the third row
5 for convenience sake.

6 Yes, Mr. Peters.

7 PROSPECTIVE JUROR: Yes.

8 I have been to the emergency room like four or five
9 times for a knee injury where I am pretty sure that I was
10 prescribed Oxycodone.

11 MR. CLARK: Was that short-term use?

12 PROSPECTIVE JUROR: Yes, short-term, probably no more
13 than a week.

14 MR. CLARK: You are an athlete?

15 PROSPECTIVE JUROR: Used to be. Until my fifth time.

16 MR. CLARK: The same questions I posed to the other
17 jurors. You would be a fair and impartial juror?

18 PROSPECTIVE JUROR: Absolutely.

19 MR. CLARK: Any other jurors who would respond in a
20 similar manner?

21 In front of you, Mr. Peters.

22 PROSPECTIVE JUROR: My late husband was diagnosed with
23 Stage 4 colon cancer that went to -- metastasized his liver.

24 They gave him Oxycodone for the pain. He only took it
25 for a few days. He didn't like the way it made him feel, but

1 that's the only exposure that I had to that.

2 MR. CLARK: Thank you, Ms. Rodriguez.

3 The next area of my inquiry of you has to do with some
4 evidence you will hear in this case, that the FBI, once they
5 were alerted to the allegations concerning the Defendant
6 Crespo, took various investigative means such as obtaining
7 phone records and obtaining a Court-ordered wiretap that a
8 federal judge, much like Judge Gayles, had reviewed the
9 affidavit provided by the FBI agents to investigate the
10 Defendant Crespo, and granted authority to listen in on the
11 conversations of the codefendant in this case who has plead
12 guilty, who was the one who was distributing these Oxycodone
13 illegally.

14 How many of you have any fundamental issues about the
15 whole process of the FBI obtaining a Court-ordered wiretap
16 authorization to listen in on the conversations of persons who
17 there is probable cause to believe were engaged in illegal
18 processes?

19 Do any of you have any difficulty whatsoever with that?

20 If I can just have a moment to consult my notes, Judge,
21 to see if there is any other area.

22 I think I have exhausted my time, but got to all the
23 points that I wished to, so one last thing.

24 Mr. Galsky Sandelman, I think I missed you earlier in
25 that line of questioning about persons who have been exposed to

1 criminal investigations.

2 PROSPECTIVE JUROR: Yes.

3 MR. CLARK: And you mentioned the company that you were
4 associated with was investigated by the U.S. Attorney's Office
5 in New York.

6 PROSPECTIVE JUROR: Yes.

7 MR. CLARK: In connection with that investigation, were
8 you ever called as a witness? Did they ever interview you?

9 PROSPECTIVE JUROR: No, so the company has its own
10 lawyer and I had my own lawyer.

11 My lawyer advised not to go as a witness. I was part
12 of the company. As I said, the case was resolved with a
13 settlement so I was never required to go.

14 MR. CLARK: So you had representation of an attorney?

15 PROSPECTIVE JUROR: Yes.

16 MR. CLARK: Was that an attorney who practiced criminal
17 law?

18 PROSPECTIVE JUROR: White collar, so I guess, yes.

19 MR. CLARK: He advised you to rely upon your Fifth
20 Amendment right and not talk about your knowledge of the case?

21 PROSPECTIVE JUROR: No, I think it wasn't the Fifth
22 Amendment. It's just they made some conditions for me to go
23 and they never reached an agreement.

24 MR. CLARK: That must have been an uncomfortable
25 situation for you.

1 PROSPECTIVE JUROR: Yes, of course. And costly.

2 MR. CLARK: How do you feel you were treated by the
3 prosecutors and the agents in connection with that
4 investigation?

5 PROSPECTIVE JUROR: So the problem in the case is that
6 the prosecutors never shared information with us. They said
7 that the information was confidential, that they were only
8 going to disclose information during discovery in the trial,
9 and we never end up going to trial, so we pay the settlement
10 amount, which was a big amount, and we settled.

11 THE COURT: Time, Mr. Clark.

12 MR. CLARK: Thank you, Judge. No further questions.
13 Thank you all for your time and attention.

14 THE COURT: For the defense.

15 MR. QUINON: Thank you, Your Honor.

16 Good afternoon. Just to reintroduce myself, because we
17 have been here quite a while, Jose Quinon, and I represent
18 Alberico Crespo, and he goes by Al, by the way, so I may refer
19 to Mr. Crespo at times by his first name, like we all do in a
20 normal conversation.

21 Okay.

22 So you just heard from Mr. Clark who is one of the
23 prosecutors in this case.

24 Now, Mr. Clark is not a witness. He doesn't have any
25 personal knowledge. He was just asking you questions but --

1 and that's important because this is a criminal case and what
2 we have at this point are allegations.

3 So I want to ask you at this point, that we are
4 starting out, it's important to know that there are going to be
5 certain rules that apply in a court of law.

6 The Judge already went through some of those rules.

7 One of them is the burden of proof being beyond a
8 reasonable doubt, and that that burden is always on the
9 government. And I believe every one of you said that you could
10 follow the instructions of the Court to that effect.

11 My question to you is: Do any of you feel that holding
12 the government to that kind of burden, beyond a reasonable
13 doubt, that's the highest burden known in the law.

14 Do any of you feel that that is unfair, that that is
15 too high of a burden for the government to take somebody's
16 liberty?

17 Do any of you feel that way? And if you do, that's
18 fine. That's another thing here today. You can have your
19 opinion. There is no such thing as a good opinion or a bad
20 opinion. We all have opinions. So, please, be honest with us.
21 Let's share these things.

22 Do any of you feel that it's too high of a burden to
23 ask the government to prove a case beyond a reasonable doubt,
24 which is the highest burden in the legal system?

25 Do any of you feel that way?

1 Okay. No response for the record. Okay.

2 Now, another thing, another rule that is going to be,
3 the Judge is going to instruct you in a criminal case you are
4 going to have witnesses that are going to come in, and one of
5 the instructions is concerning particular type of witness,
6 because not all witnesses are alike or the same.

7 These are witnesses who may have or may be looking for
8 a benefit from the government. There is an instruction, and
9 the Judge will give it to you at the end of the case, and what
10 that instruction tells you essentially is, with certain types
11 of witnesses, you have to be on the lookout, stop, this is not
12 a normal witness, you have to be, this person is looking for a
13 benefit from the government.

14 Would you be able to follow that instruction at the end
15 when the Judge gives you an instruction that tells you
16 basically, witnesses like this, who are looking for benefits,
17 when they testify for themselves, reductions in sentences, need
18 to be treated differently, or may be treated differently?

19 Would you be able to follow that instruction if the
20 Judge gives you that instruction at the end of the case?

21 Is there anybody who is not able to or feels they
22 wouldn't be able to follow that instruction?

23 Now, at this point in the proceedings, we just started
24 this actually, Mr. Harris, if I ask you at this point, if you
25 were to go back to the jury room and deliberate, what would be

1 your verdict at this point?

2 MR. CLARK: Objection, Your Honor. This goes to
3 preconditioning the jurors to vote a certain way.

4 THE COURT: Overruled.

5 PROSPECTIVE JUROR: I have no opinion at this point.

6 MR. QUINON: Because you haven't heard any evidence.

7 Correct?

8 PROSPECTIVE JUROR: Correct.

9 MR. QUINON: So, at this point, the point I wanted to
10 bring across, without any evidence at this point you have to
11 follow the law and your verdict has to be not guilty. You
12 don't have any evidence before you. Correct?

13 PROSPECTIVE JUROR: Correct.

14 MR. QUINON: The point being that at this point,
15 Mr. Crespo, and I should say Agent Crespo, Prosecutor Clark
16 said "ex-agent," he is not an ex-agent. He is an agent.

17 Agent Crespo at this point is presumed to be innocent.

18 Would you be able to follow that, Mr. Harris, at this
19 point?

20 PROSPECTIVE JUROR: Yes.

21 MR. QUINON: All right. Does anybody have a problem
22 with that, looking at Al right now, Mr. Crespo, and understand
23 that as every citizen in this country, he is entitled to the
24 presumption of innocence?

25 Does anybody have a problem with that?

1 Is there anybody who cannot follow that?

2 And if some people feel, listen, if you are in a
3 courtroom, you must have done something and if you feel that
4 way, let it be known. You are entitled to your opinion.

5 Does anybody feel that they cannot presume him innocent
6 at this point?

7 The Judge already went over that the indictment is a
8 mere accusation, like a traffic ticket. It tells you what it
9 is that you are accused of so you know when you go to court
10 what it is they are going to accuse you of, so you can defend.
11 That's what an indictment is. Important. It is not evidence.

12 Can we all agree on that?

13 Now, have any of you ever served on a grand jury?
14 That's not this type of jury. It's a different type of jury.

15 Is there anyone here who has served on a grand jury?

16 No, for the record, nobody has. Thank you.

17 Now, another question that I have for you, and I am
18 asking questions as a panel and later on I am going to ask a
19 couple of people questions individually, but I am asking
20 questions of the panel so we can go faster because this
21 thing -- it's kind of late in the day, and this is as enjoyable
22 for any of us as going to the dentist for a root canal, you
23 know. I mean, after a while it gets to be difficult. So I am
24 going to try to get through it as quickly and as painless as I
25 can with all of you.

1 At this point, have any of you ever applied for a law
2 enforcement job, not that you got the job, have any of you ever
3 applied for a law enforcement job?

4 It's a question that hasn't been asked.

5 I know, sir, in the back, Mr. Berdugo, you were a
6 Customs agent, but I am talking about people who applied, not
7 who got the job.

8 Has anybody applied for a job before?

9 Yes, sir.

10 PROSPECTIVE JUROR: I didn't apply but they got my
11 application through, I guess, the pool through the county for
12 the corrections department, not as an officer but it would be
13 in the corrections department in the IT video surveillance.

14 MR. QUINON: In the IT department?

15 PROSPECTIVE JUROR: Yeah.

16 MR. QUINON: Okay. But it wasn't going to be in the
17 law enforcement part of it?

18 PROSPECTIVE JUROR: Yeah, I don't believe so. I don't
19 know how that umbrella works. I would still be in the
20 facility. I think there was some training involved that I had
21 to be aware of, obviously, and work conditions.

22 MR. QUINON: You didn't apply for it? In other words,
23 they just sent it to you?

24 PROSPECTIVE JUROR: Yeah, they pulled my application.
25 I guess I met their standards, and I was in search for a

1 promotion at the time, so I took the interview and everything.

2 THE COURT: I'm sorry, for the record, that's Mr. Do.

3 MR. QUINON: Thank you, sir.

4 Ms. Bombino, let me just ask a question.

5 Mr. Clark asked you questions about this issue of your
6 husband many years ago had a problem. Again, we are just
7 trying to get a feel. We have never met before, and I just
8 want to make sure that if you are selected, you are going to be
9 able to provide a fair adjudication of whatever you -- whatever
10 you see, I just want you to have a fair mind and to make sure
11 that my client gets a fair shot in this case.

12 Is there anything at all about your experience that
13 happened with your ex-husband that you think may prevent you in
14 any way from giving a fair trial to Mr. Crespo in this case?

15 PROSPECTIVE JUROR: In all honesty, it happened such a
16 long time ago but I am going to say no.

17 MR. QUINON: All right. Would you be able to treat him
18 as he is entitled to be, and all the citizens. This is not
19 just for the benefit of Mr. Crespo, this applies to all of us,
20 under the Constitution, okay, we are entitled to a jury trial
21 and fair trial.

22 I am trying to get across questions kind of prodding to
23 see if we have a problem that anybody feels they cannot do it.

24 So my question to you is, and only you know the answer.

25 In your heart, are you able to put everything aside

1 from the past to be able to give him a fair trial in this case?

2 PROSPECTIVE JUROR: Yes.

3 MR. QUINON: Ms. Rodriguez, Juror 24. Again, I'm not
4 picking on you, but you have been asked a number of questions
5 so don't feel that I am picking on you.

6 PROSPECTIVE JUROR: That's okay.

7 MR. QUINON: Look, Mr. Clark brought up the fact that
8 you work closely with law enforcement and that's understood
9 because of the nature of your job. Right?

10 PROSPECTIVE JUROR: Yes, correct.

11 MR. QUINON: Again, I just want to make sure, and only
12 you can give me the right answer and the truthful answer.

13 Because of the fact that you were closely providing
14 information and you have exchanges with people involving law
15 enforcement, do you feel that you would be able to give
16 Mr. Crespo a fair trial and put away whatever relationships you
17 develop with the people that you work with in law enforcement
18 and give him a fair trial on this case?

19 PROSPECTIVE JUROR: Absolutely.

20 MR. QUINON: Now, his case is different.

21 He is law enforcement. He has been in law enforcement
22 for 27 years, all right, not only HHS-OIG, he worked for DEA.
23 He worked as a police officer here locally as well for a
24 municipality, a life of law enforcement, Mr. Crespo.

25 Would you be able to give him a fair shot in this case

1 and assess the evidence fairly?

2 PROSPECTIVE JUROR: Absolutely.

3 MR. QUINON: Ms. Nelson, again, this case is -- and I
4 think Mr. Clark mentioned that, not some type of referendum
5 about Oxycodone or anything of that sort, but we are all
6 affected in our lives by things that touch us or our close
7 circle of family, and you have been touched in this case you
8 mentioned by this Oxycodone.

9 This is not a test about that. This is not a
10 referendum about it.

11 I submit to you -- I don't want to get into the
12 evidence. I am not permitted to and I am not going to get
13 into, okay? That comes later in the trial, but I can tell you
14 now that there is no evidence that he was dispensing or selling
15 drugs to anyone.

16 The question is, would you be able to assess what other
17 people did in the case and be able to separate that from
18 whatever his actions may have been in this case, or do you
19 think that the fact that somebody was touched in a bad way by
20 Oxycodone may come into play and blame or shift some of the
21 culpability to Mr. Crespo for actions of other people?

22 PROSPECTIVE JUROR: No.

23 MR. QUINON: My question was basically, kind of awkward
24 in the way that I phrased it. Basically, I want to make sure
25 that your experience with this drug, Oxycodone, is not going to

1 cloud your judgment and say, "You know what? Somebody has to
2 pay for this whether they did something or not"?

3 PROSPECTIVE JUROR: No, sir, it will not.

4 MR. QUINON: Thank you.

5 Now, some of you worked in management positions and I
6 wanted to know that, those people that stated before that they
7 worked in their jobs in a management position, can you do me a
8 favor, just raise your hand for a second so I can see managers.

9 Thank you, I appreciate it. Thank you.

10 Judge, I believe that those are all the questions that
11 I have. I wanted to thank you all for being so patient this
12 afternoon.

13 Thank you so much. I appreciate it.

14 THE COURT: Ladies and gentlemen, the last thing for us
15 to do is to select the jury. That requires me having
16 discussions openly with the attorneys and we can't do that with
17 you in the courtroom, so one last time, I am going to have you
18 step outside.

19 This does take a little while, probably usually 15 to
20 20 minutes.

21 Please don't discuss anything about the case. You will
22 remain outside and when we call you back in, we will have
23 selected a jury and we will proceed from there.

24 COURT SECURITY OFFICER: All rise.

25 (The prospective jurors exited the courtroom at 3:38

1 p.m.)

2 THE COURT: All right. Please be seated.

3 You can take a moment to go over your notes.

4 Let me know when you are ready. If either of you need
5 to use the rooms outside to discuss this process in private,
6 you are welcome to do that.

7 MR. QUINON: Judge, before we do that, I neglected to
8 ask you at the very outset, or maybe before we even started
9 trial, and the hearings that we had, the method that you use
10 for the striking. I just want to make sure if you can explain
11 that.

12 THE COURT: Yes.

13 So I will say first, there are no backstrikes. So once
14 each side has agreed, that juror will be sat.

15 I will alternate between the government and the defense
16 as to each juror.

17 If there are any agreed cause challenges, I take those
18 first before the alternating. So, if you have agreed cause
19 challenges, you can raise them then. Otherwise, we will get to
20 them as we go through them one by one.

21 MR. QUINON: And you will do it then -- some judges do
22 it differently.

23 Government goes first, they exercise their first, and
24 then defense and it goes back, one and one.

25 THE COURT: I go back and forth alternating, yes.

1 MR. QUINON: Perfect. Understood, Judge. Thank you.

2 We will have a few minutes, we will step out into our
3 room and we will go over this.

4 THE COURT: Okay. That's fine.

5 (Recess.)

6 THE COURT: All right. We are back on the record. I
7 note the presentation of the attorneys as well as the
8 defendant.

9 Are we ready to proceed?

10 MR. QUINON: Yes, Your Honor.

11 THE COURT: All right.

12 There don't seem to be any obvious challenges, except
13 for maybe one.

14 Are there any agreed challenges for cause from the
15 parties?

16 MR. CLARK: Suits, Number 25.

17 MR. QUINON: Why?

18 MR. CLARK: With the teaching, all the programs he has
19 to attend in the next week, so I move to excuse for cause
20 Mr. Suits, Judge, Number 25. He falls in the same category
21 with other similarly situated jurors, who, because of their
22 commitments to the start of school, it would be onerous for him
23 to serve as a juror in this case.

24 THE COURT: Is this an agreed cause challenge?

25 MR. QUINON: Judge, that's not an agreed cause

1 challenge.

2 THE COURT: All right. We will take them up one by
3 one.

4 Starting with Juror Number 1, Jessie Harris.

5 Government, do you accept?

6 MR. CLARK: Accept.

7 THE COURT: Defense?

8 MR. QUINON: We will challenge.

9 THE COURT: All right. That is the defense's first
10 peremptory.

11 That takes us to Juror Number 4, Hung Do.

12 Defense, do you accept?

13 MR. QUINON: We will challenge.

14 THE COURT: All right. That is the defense's second
15 peremptory.

16 That takes us to Juror Number 5, Veronica Jones.

17 Government, do you accept?

18 MR. CLARK: Accept.

19 THE COURT: Defense?

20 MR. QUINON: Accept.

21 THE COURT: She will be our first juror.

22 That takes us to Marlene Sanchez, Juror Number 7.

23 Defense, do you accept?

24 MR. QUINON: We will accept.

25 THE COURT: Government?

1 MR. CLARK: Accept.

2 THE COURT: All right. Ms. Sanchez will be our second
3 juror.

4 That takes us to Juror Number 9, Susana Bombino.

5 Government, do you accept?

6 MR. CLARK: Strike.

7 THE COURT: That is the government's first peremptory.

8 That takes us to Juror Number 12, Karina Cardenas.

9 Defense, do you accept?

10 MR. QUINON: We will strike.

11 THE COURT: That is the defense's third peremptory.

12 That takes us to Juror Number 13, Chernea Young.

13 Government, do you accept?

14 MR. CLARK: Accept.

15 MR. QUINON: We will accept as well.

16 THE COURT: Hold on. She is the person -- she is the
17 paralegal. She says she works for a solo practitioner. I know
18 who that solo practitioner was. She was a former JA for one of
19 the judges when I was a state Judge.

20 She has got a solo practice, there is no requirement
21 that she pay Ms. Young and Ms. Young said she is the only
22 person that's going to be in the office while the attorney is
23 away. It seems to me that's a sufficient basis to strike her
24 for cause.

25 MR. CLARK: That's fine, Judge.

1 MR. QUINON: Judge, we don't agree.

2 THE COURT: All right. Well, we will bring her in and
3 make sure that we are all clear.

4 Can you bring Ms. Young in, Juror Number 13?

5 COURTROOM DEPUTY: All rise for the jury, please.

6 (Prospective Juror 13 entered the courtroom at
7 4:00 p.m.)

8 THE COURT: Ms. Young, would you come up to the jury
9 box, please?

10 Just watch your step as you go up the incline.

11 Just have a seat in the first chair.

12 Please be seated, everyone.

13 I know we have talked about this a few times.

14 So, you work for a solo practitioner and you do
15 everything else in the office. The law does not require that
16 you be paid if you are selected on the jury because it's a
17 small office.

18 Have you discussed that issue at all with your
19 employer?

20 PROSPECTIVE JUROR: Once I received the notice, I did.

21 Unfortunately, I will not be compensated for the time.
22 My PTO time was used with my husband in the hospital last week,
23 so I actually exhausted my little time when he was in the
24 hospital.

25 THE COURT: So, if you are not paid, would that pose a

1 hardship for you, a financial hardship for you?

2 PROSPECTIVE JUROR: It will be because he is still out
3 pending a cardio review waiting to go back to the doctor or
4 back to work. He is not cleared.

5 So, he is done with his flex time as well so, yes, it
6 would.

7 THE COURT: Any questions from the government?

8 MR. CLARK: None, Your Honor.

9 THE COURT: Any questions from the defense?

10 MR. QUINON: None.

11 THE COURT: All right. Thank you, Ms. Young, if you
12 will just wait outside.

13 (Prospective Juror 13 exited the courtroom at 4:02 p.m.)

14 MR. QUINON: Judge, with these additional facts, we
15 withdraw our objection.

16 THE COURT: All right. Without objection, I will
17 strike Ms. Young for cause.

18 That takes us to Juror Number 14, Daylin Breijo.

19 Defense, do you accept Ms. Breijo?

20 PROSPECTIVE JUROR: Yes, Your Honor.

21 THE COURT: Government?

22 MR. CLARK: Accept.

23 THE COURT: All right. Ms. Breijo will be our third
24 juror.

25 That takes us to Gianmarco Carrera.

1 Government, do you accept?

2 MR. CLARK: Strike.

3 THE COURT: That is the government's second peremptory.

4 That takes us to Erica Rojkes, Juror Number 17.

5 Defense, do you accept?

6 MR. QUINON: Just give us a second.

7 Strike her, Judge.

8 THE COURT: All right. That is the defense's fourth

9 peremptory.

10 That takes us to Juror Number 18, Lance Kaplan.

11 Government, do you accept?

12 MR. CLARK: Accept.

13 THE COURT: Defense?

14 MR. QUINON: Yes, accept.

15 THE COURT: All right. Mr. Kaplan will be our fourth

16 juror.

17 That takes us to Juror Number 19, Aby Galsky Sandelman.

18 Defense, do you accept?

19 MR. QUINON: Yes.

20 THE COURT: Government?

21 MR. CLARK: Strike.

22 THE COURT: That's the government's third peremptory.

23 That takes us to Rode Gonzalez, Juror Number 20.

24 Government, do you accept?

25 MR. CLARK: Accept.

1 THE COURT: Defense?

2 MR. CLARK: Accept.

3 THE COURT: All right. That will be our fifth juror.

4 That takes us to Juror Number 21, Clara Sanchez.

5 Defense, do you accept?

6 MR. QUINON: If I can just have a second here.

7 21, we strike. That's 21, Juror 21, right?

8 THE COURT: Juror Number 21. That is the defense's

9 fifth peremptory.

10 Juror Number 22, Lorraine Rodriguez.

11 Government, do you accept?

12 MR. MCLAUGHLIN: Accept.

13 THE COURT: Defense?

14 MR. QUINON: We will take her.

15 THE COURT: All right. You are fine with

16 Ms. Rodriguez?

17 MR. QUINON: Pardon me?

18 THE COURT: You accept Ms. Rodriguez?

19 MR. QUINON: Yes.

20 THE COURT: All right. Ms. Rodriguez will be our sixth

21 juror.

22 That takes us to Juror Number 23, Hector Barrios.

23 Defense, do you accept?

24 MR. QUINON: We accept.

25 THE COURT: Government.

1 MR. CLARK: We accept.

2 THE COURT: All right. Mr. Barrios will be our 7th
3 juror.

4 That takes us to Juror Number 24, Elsa Rodriguez.
5 Government, do you accept?

6 MR. CLARK: Yes.

7 THE COURT: Defense?

8 MR. QUINON: We will strike.

9 THE COURT: That is the defense's 6th peremptory.
10 That takes us to Juror Number 25, Raymond Suits.
11 Defense, do you accept?

12 MR. QUINON: Accept.

13 THE COURT: Government?

14 MR. CLARK: Strike. I moved for cause, Judge, but you
15 rejected the cause?

16 THE COURT: I'm sorry?

17 MR. CLARK: I previously moved to excuse that juror for
18 cause.

19 THE COURT: Well, I only took it up at that moment if
20 they are agreed, but if they are going to be argued then I just
21 take them as we are going through them one by one.

22 So I haven't ruled on a cause challenge.

23 MR. CLARK: So I would move to excuse this juror for
24 cause.

25 THE COURT: All right. And just me the basis.

1 MR. CLARK: The person is a high school teacher and he
2 reported that he has several upcoming commitments that are
3 vital on August 10th, on August 17th.

4 There were these orientations, these programming
5 seminars that he said were mandatory.

6 And then on a Thursday, he also mentioned he has some
7 medical appointments. So we have had several jurors like that
8 that because of the start of school and how vital it is that
9 they be there at the beginning of school, that they can't get
10 substitutes, that we excuse them.

11 THE COURT: And your response?

12 MR. QUINON: Judge, some of the other people have been
13 able to make arrangements and work out that are either similar-
14 situated, some of them even in more difficult circumstances.
15 I think he can work it out and I just want to make sure we
16 select a jury and I think he can work it out.

17 THE COURT: Mr. Suits, he also said he had a doctor's
18 appointment on Thursday.

19 Nobody has focused on that, but he did say that as
20 well.

21 I am going to strike him for cause based on the unique
22 point in the school year, the beginning and he described in
23 great detail all the things that he was responsible for at the
24 beginning of the year, which was similar to another juror,
25 Juror Number 49, which the parties agreed to strike for the

1 exact same reason and, in addition, Mr. Suits has his doctor's
2 appointment on Thursday.

3 That takes us to Juror Number 27, Yessica Gonzalez
4 Ramos.

5 Government, do you accept?

6 MR. CLARK: Accept.

7 THE COURT: Defense?

8 MR. QUINON: Accept.

9 THE COURT: All right. She will be our eighth juror.
10 That takes us to Juror Number 28, Arabella Barrameda.
11 Defense, do you accept?

12 MR. QUINON: Let me just have a second, Your Honor.
13 We will strike her.

14 THE COURT: All right. That is the defense's 7th
15 peremptory.

16 That takes us to Juror Number 31, Evan Peters.

17 Does the government accept?

18 MR. CLARK: Judge, I'm on 28.

19 THE COURT: They just struck Barrameda.

20 MR. CLARK: So 27 we sat, 28 we are striking.

21 THE COURT: We sat Juror Number 27. On 28, the defense
22 used their 7th peremptory, so we are on Juror Number 31.

23 MR. CLARK: Accept.

24 THE COURT: All right. Defense?

25 MR. QUINON: Accept.

1 THE COURT: All right. Mr. Peters will be our 9th
2 juror.

3 That takes us to Juror Number 32, Rosemary Staropoli.
4 Defense, do you accept?

5 MR. QUINON: Give me a second again, Judge. Hold on.
6 We accept.

7 THE COURT: All right. Government?

8 MR. CLARK: Juror 31?

9 THE COURT: Juror 32, Staropoli.

10 MR. CLARK: Accept.

11 THE COURT: All right. She will be our 10th juror.

12 That takes us to Juror Number 33, Jese Feijoo.

13 Government, do you accept?

14 MR. CLARK: Strike.

15 THE COURT: That is the government's 7th peremptory.

16 That takes us to Juror Number 34, Diana Nelson.

17 Defense, do you accept?

18 MR. QUINON: Yes, Judge, we accept.

19 THE COURT: Government?

20 MR. CLARK: Accept.

21 THE COURT: All right. Ms. Nelson will be our 11th
22 juror.

23 That takes us to Juror Number 36, Etophia Gilliam.

24 Government, do you accept?

25 MR. CLARK: Accept.

1 THE COURT: Defense?

2 MR. QUINON: Accept.

3 THE COURT: All right. Ms. Gilliam constitutes, with
4 her addition, a panel of 12.

5 Again, I have Juror Number 1, Veronica Jones; Juror
6 Number 2, Marlene Sanchez; Juror Number -- I'm sorry, Juror
7 Number 5, Veronica Jones.

8 Juror Number 7, Marlene Sanchez.

9 Juror Number 14, Daylin Breijo.

10 Juror Number 18, Lance Kaplan.

11 Juror Number 20, Rode Gonzalez.

12 Juror Number 22, Lorraine Rodriguez.

13 Juror Number 23, Hector Barrios.

14 Juror Number 27, Yessica Gonzalez Ramos.

15 Juror Number 31, Evan Peters.

16 Juror Number 32, Rose Marie Staropoli.

17 Juror Number 34, Diana Nelson.

18 Juror Number 36, Etophia Gilliam.

19 Does the government tender that panel?

20 MR. CLARK: Yes, Your Honor.

21 THE COURT: Does the defense tender the panel?

22 MR. QUINON: Yes, Your Honor.

23 THE COURT: All right. We will move on to the
24 alternates.

25 Starting with Juror Number 38, Stephanie Camargo-

1 Merino.

2 Defense, do you accept her as the first alternate?

3 MR. QUINON: If I could just have a second, Judge.

4 We will challenge her.

5 THE COURT: Okay.

6 MR. QUINON: For alternates, how many challenges do you
7 get?

8 THE COURT: I think one is enough.

9 MR. QUINON: That's what I thought. I'm just checking.

10 THE COURT: That takes us -- of course, you can raise
11 cause challenge.

12 That takes us to Juror Number 39, Pedro Cosculluela.

13 Government, do you accept?

14 MR. CLARK: If you give us just a moment.

15 Accept.

16 THE COURT: Accept?

17 MR. CLARK: Yes.

18 THE COURT: Defense, do you accept him?

19 MR. QUINON: Yes.

20 THE COURT: All right. He will be our first alternate.

21 That takes us to Juror Number 40, Erica Marines.

22 Defense, do you accept?

23 MR. QUINON: Yes.

24 THE COURT: Government?

25 MR. CLARK: Accept.

1 THE COURT: All right. She will be our second
2 alternate.

3 That takes us to Juror Number 42, Patrick Metz.

4 MR. CLARK: Accept.

5 THE COURT: Government accepts.

6 What about the defense?

7 MR. QUINON: Yes.

8 THE COURT: He will be our third alternate.

9 I mean, we have other jurors.

10 Are you sure three is enough?

11 MR. CLARK: By the skin of our teeth, Judge, we have
12 one spare.

13 MR. QUINON: We have two.

14 MR. CLARK: We have three alternates and how many
15 jurors are left? Just one.

16 MR. QUINON: Two.

17 THE COURT: There is two left.

18 I was wondering if we want a fourth alternate or not.

19 MR. QUINON: We did it.

20 THE COURT: Do you want a fourth alternate?

21 MR. CLARK: Sure, let's go with four.

22 MR. QUINON: All right. Yes.

23 MR. CLARK: You never know.

24 With COVID, you know, but still, it's not that long of
25 a trial. I don't know if you want to impose upon people.

1 THE COURT: Three weeks, I would feel a little safer
2 just in case, if the parties are fine with it.

3 MR. QUINON: We are fine with it.

4 THE COURT: Next up would be Michelle Pierre-Louise.
5 Wait a minute, no, it's Edison Berdugo, Juror Number 45.

6 Does the government accept him?

7 MR. CLARK: Yes.

8 THE COURT: Defense?

9 MR. QUINON: I don't have any challenges, right?

10 THE COURT: Well, you had some unused peremptories.
11 If you want to exercise one as to him, I will let you.

12 MR. QUINON: I will do one and hopefully we will take
13 the next one.

14 THE COURT: I will let you use a peremptory as to
15 Edison Berdugo.

16 As to Michelle Pierre-Louis, defense, do you accept
17 her?

18 MR. QUINON: Yes.

19 THE COURT: Government?

20 MR. CLARK: Yes.

21 THE COURT: All right. So, we will have her as our
22 fourth alternate.

23 We will bring them in. I will give them the
24 preliminary instructions and we will recess for the evening.

25 We will have to start no earlier than ten tomorrow

1 because one of our jurors is the one that has to take his car
2 in. That was Mr. -- isn't he still on the jury? Is that
3 Mr. Barrios?

4 We will start at ten tomorrow.

5 All right.

6 COURT SECURITY OFFICER: All rise for the jury, please.

7 (The prospective jurors entered the courtroom at 4:23 p.m.)

8 THE COURT: All right. Please be seated, everyone.

9 I know I told you all maybe 15 to 20 minutes, but it
10 took us much longer than that, but the good news is we have
11 selected a jury.

12 When I call your name, I am going to ask that you
13 please stand.

14 Juror Number 5, Veronica Jones. Juror Number 7,
15 Marlene Sanchez. Juror Number 14, Daylin Breijo. Juror Number
16 18, Lance Kaplan.

17 Juror Number 20, Rode Gonzalez. Juror Number 22,
18 Lorraine Rodriguez. Juror Number 23, Hector Barrios. Juror
19 Number 23, Yessica Gonzalez Ramos.

20 Juror Number 21, Evan Peters. Juror Number 32, Rose
21 Marie Staropoli.

22 Juror Number 34, Diana Nelson. And Juror Number 36,
23 Etophia Gilliam.

24 Juror Number 39, Pedro Cosculluela.

25 PROSPECTIVE JUROR: Cosculluela.

1 THE COURT: Thank you.

2 I will get the pronunciation right before we end the
3 trial.

4 PROSPECTIVE JUROR: No problem.

5 THE COURT: Juror Number 40, Erica Marines.

6 Juror Number 42, Patrick Metz and Juror Number 48,
7 Michelle Pierre-Louis.

8 I need the 16 of you to please raise your right hands
9 and be sworn.

10 (The jurors were duly sworn.)

11 THE COURT: Those of you that are selected, I am going
12 to have you stay in the jury box, so those of you in the rear,
13 you will make your way up to the jury box.

14 Everyone else, you have to go to the fifth floor. But
15 I am sure no one else is starting a trial at this time, so they
16 may excuse you.

17 Those of you not selected, please report to the fifth
18 floor.

19 Those of you that were selected, come up to the jury
20 box.

21 Those of you already in the jury box that were
22 selected, feel free to sit anywhere you like.

23 You don't have to stay in the same seats.

24 You can move if you like. Sit anywhere you like,
25 please.

1 You can have a seat. That's fine. There is a seat in
2 the first row at the end.

3 Yes.

4 All right. Please be seated.

5 All right. Ladies and gentlemen, I know it's been a
6 long day. I have some preliminary instructions I have to give
7 you and then we will recess for the evening. We will have to
8 resume at ten tomorrow.

9 Mr. Barrios, you are taking your car in, right?

10 JUROR BARRIOS: Right.

11 THE COURT: So we will start a little later to give you
12 that opportunity.

13 You don't have to take any notes.

14 Just listen attentively, and again, after these
15 preliminary instructions, we will recess for the evening.

16 Members of the jury, now that you have been sworn, I
17 need to explain some basics principles about a criminal trial
18 and your duty as jurors.

19 These are preliminary instructions.

20 At the end of the trial, I will give you more detailed
21 instructions.

22 It will be your duty to decide what happened so you can
23 decide or determine whether the defendant is guilty or not
24 guilty of the crimes charged in the indictment.

25 At the end of the trial, I will explain the law that

1 you must follow to reach a verdict.

2 You must follow the law as I explain it to you even if
3 you do not agree with the law. You must decide the case solely
4 on the evidence presented here in the courtroom. Evidence can
5 come in many forms. It can be testimony about what someone saw
6 or heard or smelled. It can be an exhibit admitted into
7 evidence. It can be someone's opinion.

8 Some evidence proves a fact indirectly, such as a
9 witness who saw wet grass outside and people walking into the
10 courthouse carrying wet umbrellas.

11 Indirect evidence, sometimes called circumstantial
12 evidence, is simply a chain of circumstances that proves a
13 fact. As far as the law is concerned, it makes no difference
14 whether evidence is direct or indirect.

15 You may choose to believe or disbelieve either kind and
16 should give every piece of evidence whatever weight you believe
17 it deserves.

18 Certain things are not evidence and must not be
19 considered. I will list them for you now.

20 First, the statements and arguments of the lawyers. In
21 their opening statements and closing arguments the lawyers will
22 discuss the case but their remarks are not evidence.

23 Second, the questions and objections of the lawyers.
24 The lawyers' questions are not evidence.

25 Only the witness's answers are evidence.

1 You should not think that something is true just
2 because a lawyer's question suggests that it is.

3 For instance, if a lawyer asks a witness, "You saw the
4 defendant hit his sister, didn't you," that question is not
5 evidence whatsoever of what a witness saw or what the defendant
6 did unless the witness agrees with it.

7 There are rules of evidence that control what can be
8 received into evidence. When a lawyer asks a question or
9 offers an exhibit and a lawyer on the other side thinks that it
10 is not permitted by the rules of evidence, that lawyer may
11 object. If I overrule the objection, then the question may be
12 answered or the exhibit received. If I sustain the objection,
13 then the question cannot be answered and the exhibit cannot be
14 received.

15 Whenever I sustain an objection to the question, you
16 must ignore the question and not try to guess what the answer
17 would have been.

18 Sometimes I may order that evidence be stricken and
19 that you disregard or ignore the evidence. That means that
20 when you are deciding the case, you must not consider that
21 evidence.

22 Some evidence is admitted only for a limited purpose.

23 When I instruct you that an item of evidence has been
24 admitted for a limited purpose, you must consider it only for
25 that limited purpose and no other.

1 In reaching your verdict, you may have to decide what
2 testimony to believe and what testimony not to believe. You
3 may believe everything a witness says or part of it or none of
4 it.

5 In considering the testimony of any witness, you may
6 take into account the following: The opportunity and ability
7 of the witness to see or hear or know the things testified to,
8 the witness's memory, the witness's manner while testifying,
9 the witness's interest in the outcome of the case and any bias
10 or prejudice, whether other evidence contradicted the witness's
11 testimony, the reasonableness of the witness's testimony in
12 light of all the evidence, and any other factors that bear on
13 believability.

14 I will give you additional guidelines for determining
15 credibility of witnesses at the end of the case.

16 As you know, this is a criminal case. There are three
17 basic rules about a criminal case that you must keep in mind.

18 First, the defendant is presumed innocent until proven
19 guilty. The indictment against the defendant brought by the
20 government is only an accusation, nothing more. It is not
21 proof of guilt or anything else. The defendant, therefore,
22 starts out with a clean slate.

23 Second, the burden of proof is on the government until
24 the very end of the case. The defendant has no burden to prove
25 his innocence or to present any evidence or to testify. Since

1 the defendant has the right to remain silent and choose whether
2 to testify, you cannot put any weight on the defendant's choice
3 not to testify. It is not evidence.

4 Third, the government must prove the defendant's guilt
5 beyond a reasonable doubt.

6 I will give you further instructions on this point
7 later, but bear in mind that the level of proof required is
8 high.

9 Our law requires jurors to follow certain instructions
10 regarding their personal conduct in order to help them assure a
11 just and fair trial.

12 I will now give you those instructions.

13 First, do not talk, either among yourselves or with
14 anyone else, about anything related to this case. You may tell
15 the people with whom you live and your employer that you are a
16 juror and give them information about when you will be required
17 to be in court, but you may not discuss with them or anyone
18 else anything related to the case.

19 Two, do not, at any time during the trial, request,
20 accept, agree to accept, or discuss with any person any type of
21 payment or benefit in return for supplying any information
22 about the trial.

23 Third, you must promptly tell me about any incident you
24 know of involving an attempt by any person to improperly
25 influence you or any member of the jury.

1 Fourth, do not visit or view the premises or place
2 where the charged crimes were allegedly committed, or any other
3 premises or place involved in the case, and, you must not use
4 Internet maps or Google Earth or any other programs or device
5 to search for a view of any location discussed in the
6 testimony.

7 Fifth, do not read, watch or listen to any accounts or
8 discussions related to this case which may be reported by any
9 newspapers, television, radio, the Internet or any other news
10 media.

11 Sixth, do not attempt to research any fact, issue or
12 law related to this case, whether by discussions with others,
13 by library or Internet research, or by any other means or
14 course.

15 In this age of instant electronic communication and
16 research, I want to emphasize that in addition to not talking
17 face-to-face with anyone about the case, you must not
18 communicate with anyone about this case by any other means,
19 including by telephone, text messages, e-mail, Internet chat,
20 chat rooms, logs or social networking websites, such as
21 Facebook, Instagram or Twitter.

22 You must not provide any information about the case to
23 anyone, by any means whatsoever, and that includes posting
24 information about the case or what you are doing in the case on
25 any device or Internet site including blogs, chat rooms, social

1 websites or any other means.

2 So, also, if you posted on Facebook or Twitter that you
3 were called for jury service, which is usually followed by a
4 sad face emoji, if you did that, take it down.

5 It's going to elicit a response and we don't want
6 anyone to say anything that would either affect your ability to
7 be fair or the parties' perception of your ability to be fair.

8 You also must not use Google or otherwise conduct
9 searches for any information about the case, or the law that
10 applies to the case, or the people involved in the case,
11 including the defendant, the witnesses, the lawyers or the
12 Judge.

13 It is important that you understand why these rules
14 exist and why they are so important. Our law does not permit
15 jurors to talk with anyone else about the case or to permit
16 anyone to talk to them about the case because only jurors are
17 authorized to render a verdict. Only you have been found to be
18 fair and only you have promised to be fair.

19 No one else is so qualified.

20 Our law also does not permit jurors to talk among
21 themselves about the case until the Court tells them to begin
22 deliberations because premature discussions can lead to a
23 premature final decision.

24 Our law also does not permit you to visit a place
25 discussed in the testimony.

1 First, you can't be sure that the place is in the same
2 condition as it was on the day in question.

3 Second, even if it were in the same condition, once you
4 go to a place discussed in the testimony to evaluate the
5 testimony in light of what you see, you become a witness, not a
6 juror.

7 As a witness you may have now -- or you may now have a
8 mistaken view of the scene that neither party may have a chance
9 to correct, and that is not fair.

10 Finally, our law requires that you not read or listen
11 to any news accounts of the case and that you not attempt to
12 research any fact, issue or law related to the case.

13 Your decision must be based solely on the testimony and
14 other evidence presented in this courtroom.

15 Also, the law often use words and phrases in special
16 ways. So it is important that any definitions you hear come
17 only from me and not from any other source. It would not be
18 fair to the parties for you to base your decision on some
19 reporter's view or opinion or upon other information you
20 acquire outside the courtroom.

21 These rules are designed to help guarantee a fair trial
22 and our law accordingly sets forth serious consequences if the
23 rules are not followed.

24 I trust that you understand and appreciate the
25 importance of following these rules, and in accord with your

1 oath and promise, I know you will do so.

2 Moving on now, if you wish you may take notes to help
3 remember what witnesses said. If you do take notes, please
4 keep them to yourself until you and your fellow jurors go to
5 the jury room to decide the case.

6 Do not let note-taking distract you so that you do not
7 hear other answers by witnesses. When you leave the courtroom,
8 your notes should be left in the jury room.

9 Whether or not you take notes, you should rely on your
10 own memory of what was said. Notes are to assist your memory
11 only. They are not entitled to any greater weight than your
12 memory or impression about the testimony.

13 Now, the trial will begin tomorrow morning.

14 First, the government will make an opening statement,
15 which is simply an outline to help you understand the evidence
16 as it comes into the trial.

17 Afterwards, the defendant's attorney may, but does not
18 have to, make an opening statement. Opening statements are
19 neither evidence nor argument.

20 The government will then present its witnesses and the
21 counsel for the defendant may cross-examine them.

22 Following the government's case, the defendant may, if
23 he wishes, present witnesses whom the government may
24 cross-examine.

25 After all the evidence is in, the attorneys will

1 present the closing arguments to summarize and interpret the
2 evidence for you and I will instruct you on the law.

3 After that, you will go to the jury room to decide your
4 verdict.

5 Now that concludes my instructions. You are now free
6 to go.

7 Before you leave, Mr. Ahmad is going to walk you into
8 the jury room so you are going to see where you are going to
9 report to tomorrow morning.

10 So, tomorrow morning, report directly to the jury room
11 on this floor, although you can also use -- walk about the
12 hallway here.

13 Also, tomorrow please don't use the restrooms on the
14 floor, use the restrooms in the jury room. That way, the
15 witnesses and the attorneys can use the restrooms on this
16 floor.

17 So, again, use the space here.

18 Please report back here at ten o'clock tomorrow morning
19 and hopefully we will have everyone assembled so we can start
20 promptly.

21 With that said, have a good evening.

22 We will see you tomorrow.

23 Also, we talked a lot about employers.

24 So, the time you have off, so we are not in session on
25 the weekends. So, this week we are going to work Monday --

1 well, today, Tuesday, Wednesday and Thursday full days.

2 We are off on Friday. Of course, we are off Saturday
3 and Sunday, and we are also off on Monday.

4 So, if you chose to work on those days, that's up to
5 you.

6 But, as far as receiving your salary, you each are
7 entitled to have your employer pay your full-time salary, your
8 regular rate. That doesn't include what you would get in
9 overtime, but your regular rate.

10 If you have any issues, please let Rehan know and we
11 will take care of it from there.

12 Otherwise, we will see you tomorrow morning.

13 Have a good evening.

14 (The jury exited the courtroom at 4:45 p.m.)

15 THE COURT: Please be seated.

16 I believe the parties requested 30 minutes for opening.

17 Is that right?

18 MR. MCLAUGHLIN: That's correct, Your Honor.

19 MR. QUINON: That's right.

20 THE COURT: Tomorrow morning you will let me know if
21 you want any time alerts for the opening statements.

22 Anything else we need to take up from the government?

23 MR. MCLAUGHLIN: Just a couple matter, Your Honor, I am
24 talking to Mr. Quinon, but it would be good to alert the Court.

25 We have provided our copies of the trial exhibits to

1 Mr. Quinon months ago.

2 Mr. Quinon has been gracious. We have talked on the
3 phone, we have e-mailed each other back and forth about exactly
4 how this trial is going to go.

5 We have provided Mr. Quinon an expected witness order,
6 and also for our first five witnesses, which exhibits those
7 witnesses are going to touch, talk about.

8 We are going to work tonight to see if we can come to
9 some sort of agreement in terms of a stipulation, probably a
10 verbal stipulation.

11 We were not able to get a written stipulation on any
12 exhibits, to make the trial move as fast as possible.

13 I gave Rehan a copy of all trial exhibits, Your Honor,
14 on a thumb drive so the Court has a copy as well.

15 But I wanted to let the Court know, and after talking
16 with Mr. Quinon, we are working together very well to make this
17 trial go as fast and as smooth as possible.

18 I know sometimes that doesn't happen in a trial, but I
19 wanted to let the Court know that.

20 THE COURT: All right. Well, I certainly appreciate
21 that.

22 Just so I am clear, I only have the -- Rehan gave me
23 two government's exhibit lists. One is titled, "Final
24 Government Exhibit List." The other is titled, "Updated."

25 Which one is the operative one?

1 MR. MCLAUGHLIN: That would be Docket Entry 237, Your
2 Honor.

3 Just so the Court is aware, and I have told Mr. Quinon,
4 there are two pen and ink changes, and I apologize. One is on
5 Page 3. It should read 15B1 through 15B9, not B8.

6 And secondly, on Page 5, where it says, "Amscot
7 Financial records," that should be 25G, not 25D. If the Court
8 would like, tonight I can go re-file a corrected version, but I
9 wanted to let the Court know there were a couple pending
10 changes we needed to make.

11 THE COURT: 25G instead of D?

12 MR. MCLAUGHLIN: Correct. The Amscot records should be
13 25G.

14 THE COURT: I mean, if those are the only two changes,
15 I don't need a new copy.

16 MR. MCLAUGHLIN: Very well.

17 THE COURT: All right. Anything from the defense?

18 MR. QUINON: No, Your Honor, thank you.

19 THE COURT: Who do you expect to call tomorrow?

20 MR. MCLAUGHLIN: We think we might be able to get
21 through three witnesses, Your Honor.

22 The first witness will be Special Agent Slattery.

23 Just so the Court is aware, there are actually other
24 two matters.

25 Agent Slattery is also the case agent. We are going to

1 call him first to introduce a series of exhibits, and I have
2 talked with Mr. Quinon about this. We are going to recall him
3 later in the trial to go through summary exhibits and evidence
4 that will be in once he testifies a second time.

5 We have had an issue with one of our expected
6 witnesses, so we have had to use Special Agent Slattery twice.

7 Secondly, there is another witness, CART witness,
8 Special Agent Herbster. His father died Saturday suddenly.
9 So, instead of trying to force him to come down here on such
10 short notice, the other CART witnesses adopted Agent Herbster's
11 report. So there is going to be one less witness on that.

12 I informed Mr. Quinon on that as well.

13 But tomorrow, Your Honor, I think we can get through
14 three witnesses, Agent Slattery, Donna Richards, who is the DEA
15 diversion witness, and then, three, we can start with Special
16 Agent Gordon, who is a CART witness. So I think we can get
17 three witnesses done.

18 Agent Slattery is going to be fairly lengthy to start.
19 So if we can get through three, we are making progress.

20 THE COURT: Just so you all can anticipate. I usually
21 give the court reporter a break after an hour and a half, so
22 you can kind of start anticipating when we are going to have
23 breaks, and then the hour lunch break, depending on where we
24 are with the witnesses, it will be sometime between 12 and
25 12:30, depending on where we are with the witness.

1 We will recess for the evening.

2 (The proceedings were adjourned at 4:50 p.m., to be
3 continued in Volume 2.)

4 C E R T I F I C A T E

5
6 I hereby certify that the foregoing is an
7 accurate transcription of the proceedings in the
8 above-entitled matter.
9

10

11	<u>April 1, 2024</u>	<u>/s/Patricia Diaz</u>
12	DATE	PATRICIA DIAZ, RPR, FPR, FCRR
13		Official Court Reporter
14		United States District Court
		400 North Miami Avenue, Eleventh Floor
		Miami, Florida 33128
		(305) 523-5178

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