

1 MS. CRAIG: State court, criminal case. And we
2 reached a verdict.

3 THE COURT: Thank you, ma'am. Others on that row?
4 Next row? We passed one. Mr. Rockwood?

5 MR. ROCKWOOD: State court, and we reached a verdict.

6 THE COURT: Civil or criminal?

7 MR. ROCKWOOD: It was criminal.

8 THE COURT: Thank you. On the next row, please.

9 Ms. Artist?

10 MS. ARTIST: Yes. It was state, and it was criminal.
11 And what else?

12 THE COURT: Did you reach a verdict?

13 MS. ARTIST: Yes.

14 THE COURT: Thank you, ma'am.

15 Now, did I get everyone on that row? Let's move to
16 the next row then. Anyone?

17 Mr. Alldreadge?

18 MR. ALLDREADGE: County court. It was civil and two
19 verdicts.

20 THE COURT: Thank you. Ms. Cadwallader.

21 MS. CADWALLADER: It was a state court criminal case,
22 and we reached a verdict.

23 THE COURT: Thank you. Mr. Rolling.

24 MR. ROLLING: Yes, sir. Right here federal. We
25 reached a verdict.

1 THE COURT: Criminal or civil?

2 MR. ROLLING: Criminal.

3 THE COURT: Thank you.

4 Anyone else on that row? On the back row?

5 Ms. Parks?

6 MS. PARKS: I sat on a federal circuit court jury for
7 criminal and civil, and we've always reached a verdict.

8 THE COURT: Criminal and civil. Thank you, ma'am.

9 Ms. Andrews.

10 MS. ANDREWS: I have been on two juries. One in
11 county and the -- I believe it was civil. We did not reach a
12 verdict. One state criminal, we did reach a verdict.

13 THE COURT: Thank you. Others on that row?

14 Mr. Pisano.

15 MR. PISANO: I served on several too that I remember.
16 One was criminal, one was civil. And we did reach a verdict.

17 THE COURT: Thank you. Others on the row? Down to
18 Mr. Gore. I'm sorry. Mr. Parrett.

19 MR. PARRETT: It was a state court criminal trial.
20 And we reached a verdict.

21 THE COURT: Thank you, sir. Did I get everyone on
22 that row? On this side? How about over here on my right side?
23 Front row. Mr. Kowalske.

24 MR. KOWALSKE: I served on both a civil and criminal
25 state court, and verdicts were reached.

1 THE COURT: Thank you, sir. Ms. Brandon.

2 MS. BRANDON: I served alternate once on a jury. It
3 was criminal and we did reach a verdict.

4 THE COURT: Thank you. Second row. Anyone?
5 Mr. Dickerson, Jr.

6 MR. DICKERSON: I served as an alternate on a
7 criminal jury at county court. And I served on a civil jury
8 here and we reached a verdict in this court.

9 THE COURT: Thank you. Ms. Lake.

10 MS. LAKE: County court criminal, and we reached a
11 verdict.

12 THE COURT: Anyone else on that row? And on the last
13 row? Ms. -- Is it Denier?

14 MS. DENIER: Yes, sir. It was county court. It was
15 a criminal trial. And we were let go.

16 THE COURT: Okay. Ms. Hudson.

17 MS. HUDSON: It was a state trial, civil and we
18 reached a verdict.

19 THE COURT: Thank you. Anyone else on that row?
20 Mr. Cosby.

21 MR. COSBY: State court, criminal. We did reach a
22 verdict.

23 THE COURT: Thank you. And Ms. Blair.

24 MS. BLAIR: State criminal. Reached a verdict.

25 THE COURT: Good. Did I get everyone?

1 Ladies and gentlemen, any person accused of a crime
2 in a court of the United States is by law presumed to be
3 innocent of the charge.

4 Both defendants here on trial are, under the law,
5 presumed to be innocent of each charge that faces them. Is
6 there any among you who will not give to each of those
7 defendants on trial the benefit of that presumption of
8 innocence to which they are entitled? Is there anyone who
9 cannot or will not do that? No one.

10 We are here because an indictment has been returned.
11 And an indictment is simply the instrument that charges the
12 violation of a criminal law. An indictment is not evidence of
13 guilt. It's not evidence of anything.

14 You are not entitled to draw any adverse inference
15 from the fact that an indictment has, in fact, been returned.
16 And it would be improper for any of you to go to the jury room
17 and think or say that: Well, since they have been indicted
18 they are -- there must be something here, and they might be
19 guilty or anything along that line. That would be wrong. You
20 cannot do it.

21 So is there any among you who feels that you would
22 draw any adverse inference from the fact that an indictment has
23 been returned in reaching your decision on the issue of guilt
24 or innocence. Is there anyone? No one?

25 I would like to know from each of you -- we already

1 know from some of you, but from each of you if you, a member of
2 your family or any close personal friend are now or in the past
3 have had employment as police officers or employment within
4 broadly what is defined as the criminal justice system.

5 That would be prosecutors, public defenders, you
6 know, department of corrections, anyone within that area. So
7 we'll take you a row at a time. Ms. Latta.

8 MS. LATTA: Sir, my husband is a Gainesville police
9 officer. My brother is a probation officer in Panama City. My
10 brother-in-law is a marine patrolman.

11 THE COURT: Anyone else on the front row? I missed
12 you. Let me get Mr. Brown first.

13 MR. BROWN: Sir, I have three cousins who are police
14 officers sworn in Duval County and one in Alachua County.

15 THE COURT: The ones in Alachua County, are they with
16 the Sheriff's Office?

17 MR. BROWN: Yes, sir.

18 THE COURT: Are they uniformed deputies or do you
19 know what they do?

20 MR. BROWN: Yes, sir. Bubba Roundtree and then --
21 Robin, I don't know her last name. She just got married.

22 THE COURT: Okay. Thank you.

23 Others on the front row. Mr. Whitfield?

24 MR. WHITFIELD: Close friend part of Live Oak police
25 department, and also have a cousin that is a correctional

1 officer for Alachua County.

2 THE COURT: Thank you. Anyone else on that front
3 row? Ms. Osteen.

4 MS. OSTEEN: Yes, sir. My father-in-law is a
5 sergeant at the Cross City Correctional Station.

6 THE COURT: Thank you, ma'am. Second row. Anyone?
7 Mr. Dickerson, III.

8 MR. DICKERSON: Yes. I have an uncle and aunt who
9 both work for the Alachua County jail.

10 THE COURT: Thank you.

11 Others on the row, anyone? Ms. Osman.

12 MS. OSMAN: I have an uncle who is a retired police
13 officer out of Orange Park. I have a cousin who is
14 an administrative supervisor out of Cross City Correctional,
15 and a cousin who is a correctional officer.

16 THE COURT: Anyone else on that second row?
17 Ms. Tillman?

18 MS. TILLMAN: Yes. I have a sister that works at GPD
19 as a supervisor in communications.

20 THE COURT: Thank you, ma'am. On the third row
21 anyone? Ms. Laine.

22 MS. LAINE: My father is retired chief of police in
23 Iowa. And I have an uncle that is retired police officer in
24 Illinois.

25 THE COURT: Others on the row?

1 On the next row, anyone? All the way down to
2 Mr. Stark.

3 MR. STARK: I had a close friend that is a uniformed
4 GPD officer, and also my father-in-law some years back was a
5 reserve ASO officer, Alachua County.

6 THE COURT: Your friend who is on the Gainesville
7 police department, is he or she in uniformed patrol or what do
8 they do?

9 MR. STARK: He is.

10 THE COURT: Uniformed patrol?

11 MR. STARK: He patrols.

12 THE COURT: And, Ms. Wyatt, was your hand up, ma'am?

13 MS. WYATT: My step-daughter is a clerk of the county
14 court in Colorado.

15 THE COURT: Anyone else on that row? Back to
16 Mr. Rockwood.

17 MR. ROCKWOOD: Did you say just relatives?

18 THE COURT: Friends.

19 MR. ROCKWOOD: Okay.

20 THE COURT: And, Ms. Garst, is that you?

21 MS. GARST: I have a nephew who is a police officer
22 in Manatee County, Florida.

23 THE COURT: Where, ma'am?

24 MS. GARST: Manatee County.

25 THE COURT: Mr. Rollings.

1 MR. ROLLINGS: I have a cousin who is an investigator
2 and a correctional officer in Lancaster.

3 THE COURT: Any others on that row? Ms. Fletcher.

4 MS. FLETCHER: My husband is an Alachua County
5 sheriff.

6 THE COURT: Anyone else on that row?

7 Ms. Jones, is it?

8 MS. JONES: I have two uncles who are police
9 officers; one in Chicago, Illinois, one in Indianapolis,
10 Indiana.

11 THE COURT: Thank you. Next row.

12 Anyone? I missed one.

13 MR. ALLDREADGE: Yes, sir. I got some friends out
14 there that work in Chiefland that I work with.

15 THE COURT: Thank you, Mr. Alldreadge.

16 Now, the next row? Anyone? Ms. Parks.

17 MS. PARKS: My father was chief of detectives for
18 metro Dade County. 29 years ago he retired and he is now
19 deceased. I have a cousin who is a public defender in Dade
20 County. He is no longer a public defender.

21 THE COURT: Thank you. Anyone else -- Ms. Andredi.

22 MS. ANDREDI: My son works for the department of
23 corrections in Sumter County, I believe as a correctional
24 officer. I have a sister-in-law that is a police officer. And
25 a brother-in-law that is a retired police officer.

1 THE COURT: Thank you.

2 Others. Ms. Carpus.

3 MS. CARPUS: Yes, I have a cousin who works for the
4 Michigan state police. I know a number of the police officers
5 in the Gainesville police department. And I roomed with a girl
6 while she went through law school and helped her study. That
7 is about it.

8 THE COURT: How about on the right side over here?
9 Anyone? Front row? Ms. Andrews.

10 MS. ANDREWS: My brother just started in the police
11 department.

12 THE COURT: Anyone else on that row? Ms. Kinney.

13 MS. KINNEY: They are both deceased now. But, my
14 ex-husband was a United States Attorney, and I had a brother
15 that retired from the Prince George police force in Maryland.

16 They are both deceased anyway.

17 THE COURT: Thank you, ma'am.

18 The second row. Mrs. Morrison.

19 MS. MORRISON: Are judges on that list?

20 THE COURT: We'll take one.

21 MS. MORRISON: I have a cousin who is a judge in
22 Dixie County.

23 THE COURT: Is he a county or a circuit judge?

24 MS. MORRISON: I don't know.

25 THE COURT: Okay. Thank you.

1 Mr. Moody?

2 MR. MOODY: My father was the deputy in Marion County
3 that worked for the correctional department. My mother was a
4 retired major from the Florida correctional office. My ex
5 brother-in-law was a prosecutor in Duval County. And my
6 daughter will be marrying a person in the district attorney's
7 office in New York City this summer.

8 THE COURT: Thank you, Mr. Moody. Others on that
9 row? All the way down to Mr. Dickerson, Jr.

10 MR. DICKERSON: Yes. I have a sister that is a
11 corrections officer, and also a brother-in-law that is a
12 correction officer with Alachua County Sheriff's Office. And a
13 brother-in-law that is a corrections officer with the
14 department of corrections. And I have a real close friend that
15 is an officer and evidence technician for the Jacksonville
16 police department.

17 THE COURT: Thank you, sir. Anyone else on that row?
18 Yes, sir. Mr. Moody.

19 MR. MOODY: I did have a cousin that was sheriff of
20 Marion County also. And his father and uncle were also
21 deputies in Marion County.

22 THE COURT: Thank you. Anyone else on that row,
23 folks? Down to Ms. Bazinet.

24 MS. BAZINET: My husband was a former patrol officer
25 in upstate New York, and my grandfather was a deputy sheriff.

1 THE COURT: Thank you. On the last row, anyone?
2 Ms. Denier?

3 MS. DENIER: Yes, I know -- I work with the
4 gentleman, Tommy sitting in the back here. I didn't see him
5 earlier.

6 THE COURT: All right. Anything about that knowledge
7 or association that you may feel may influence you in any
8 verdict that you reach.

9 MS. DENIER: No, sir.

10 THE COURT: Thank you. Others on that row?
11 Down to Ms. Hudson.

12 MS. HUDSON: I have a daughter who is a practicing
13 attorney in Dallas, Texas.

14 THE COURT: Thank you. Mr. Brown.

15 MR. BROWN: I have a brother that is a detective for
16 the county. I have a nephew that is a corrections officer at
17 the jail. I have a nephew from my brother in corrections at
18 Northwest treatment center. I have a very close friend that is
19 an attorney in Tampa and one in Tallahassee as well.

20 THE COURT: Thank you. Anyone else on that row?
21 Mr. Cosby.

22 MR. COSBY: I have a brother that is a federal --
23 well, he was a federal marshal, but now is an investigator for
24 the DEA office, DEA office in Georgia.

25 THE COURT: Anyone else? Back over here on the left

1 side? Ms. -- got to find you. Ms. Wyatt.

2 MS. WYATT: Yes, with the US Coast Guard. My
3 daughter is in the U.S. Coast Guard.

4 THE COURT: Sure. I saw another hand. Ms. Osman.

5 MS. OSMAN: Yes. Let me add something. I do work
6 with department of probation and parole which does require that
7 I have a close working contact with about 30 probation
8 officers. And I do have access to the court records and such
9 and investigative work.

10 THE COURT: Thank you, ma'am. Is that everyone now?

11 This next question is directed to everyone, not just
12 those who answered affirmatively to the last question. Is
13 there anything about a person's employment or profession or
14 occupation of being a police officer that you would, without
15 taking into account what the testimony might be, but simply
16 based upon the occupation or profession as a police officer,
17 that you would tend to give that testimony greater weight or
18 lesser weight simply because of his or her occupation or
19 profession as being a police officer? Anyone feel that way?
20 Greater or lesser weight based on occupation?

21 Ms. Latta and Robinson. Anyone else? All the --
22 third row. Ms. Laine. And I saw a hand somewhere in the back
23 row. Ms. Carpus.

24 MS. CARPUS: Yes.

25 THE COURT: Thank you. Is that everyone on this

1 side? Anyone on this side? Okay. Kowalske.

2 Anyone else on that row? Mr. Moody. Thank you.

3 Did I get -- no, I've got one more. Ms. Anghale.

4 Thank you. Is that it on both sides? All right.

5 Ladies and gentlemen, this trial, once we get
6 underway, and after -- what we are going to do today, as I've
7 already told you, I believe, is that once we pick this jury we
8 are going to recess for lunch. We are going to come back. We
9 are going to have opening statements, and regardless of what
10 time that is this afternoon, we'll quit for the day and we'll
11 start the actual testimony tomorrow morning at nine o'clock.

12 This trial is expected to last at least through this
13 month, and maybe into the first part of the first week of the
14 June. So we are talking about four to five weeks.

15 Built into that schedule, however, will be the
16 following recesses. We will not work on Thursday and Friday,
17 May the 11th and the 12th. We will not work on this case May
18 15th, which is Monday. We will not work on this case on Friday
19 May the 29th, or Memorial Day -- on Friday the 25th or Memorial
20 Day the 29th. These are built into this. That is included
21 within the time that I told you.

22 So, ladies and gentleman, do any of you have any
23 pressing business or personal problems that would prevent you
24 from sitting and giving us your very close and undivided
25 attention for the next four to five weeks? Let's take

1 Ms. Latta.

2 MS. LATTA: Yes, sir. I'm going to go ahead and
3 assume that I can speak for others in my occupation. I'm a
4 teacher, and this is our last four weeks of school. Our last
5 day is June 2nd. Two classes I teach, I'm the only one
6 teaching them at the school.

7 One is AP. The kids take an exam May 17th and get
8 college credit. This is our review time. Substitute teachers
9 cannot take that up. As to co-op, a substitute job that is
10 causing me a lot of frustration at this point worrying about
11 them and wondering what they are going to do with their last
12 week of school.

13 MR. SHAW: I'm struggling trying to have my program
14 survive as it is. If I were not there for the next three weeks
15 or more, things would fall apart. In addition to that,
16 starting on May 15th, I will be teaching Summer A, which is
17 daily teaching.

18 And it would work an extreme hardship if I had to be
19 away for that length of time. Certainly my full attention
20 would not be here.

21 THE COURT: Thank you. Others on the row. Anyone?
22 Next row. Ms. Chen.

23 MS. CHEN: We have a workshop coming up. We are --
24 in the middle of June. And June I have to do work for that
25 workshop. We have a hundred visitors.

1 THE COURT: Thank you. Others on that row?
2 Ms. Killian.

3 MS. KILLIAN: My situation is similar to the other
4 teacher. I teach French. My students will be taking an
5 international exam as well as the advanced placement exam. I
6 need to be with them to prepare them. At the present time we
7 don't have a substitute who speaks French.

8 THE COURT: Thank you. Anyone else?
9 Ms. Tillman.

10 MS. TILLMAN: Yes. As school starts May 15th, as of
11 Monday that -- I'm full time. I have enrolled as a full-time
12 student, and I need to be there.

13 THE COURT: Thank you. Anyone on the next row?
14 Ms. Laine.

15 MS. LAINE: As I said before, I'm a planning
16 assistant. I'm the sole person that does all of the grants
17 that are due the end of this month. And I just don't know how
18 I can be able to be in two places at the same time.

19 THE COURT: Thank you. Mr. Faust.

20 MR. FAUST: Yes. I'm a payroll clerk where I work.
21 And we have to do payroll time cards one week and paychecks the
22 following week. And I also have a deadline of Tuesday and
23 Fridays of every week to continue the operations.

24 THE COURT: Thank you. Down to Ms. Lorey.

25 MS. LOREY: As I said, I was the analyst for Florida

1 Rock's first cement plant in Newberry. It is a very critical
2 time for it right now getting underway. And I really need my
3 undivided attention.

4 THE COURT: Thank you.

5 Anyone else on that row? Next row anyone?

6 Mr. Alldreadge.

7 MR. ALLDREADGE: Yes. I got a deadline for the job
8 to meet by September. That is -- as a matter of fact, major
9 work, I have a timeline to get it done.

10 THE COURT: So you have got work related --

11 MR. ALLDREADGE: Yes, sir. I've got a deadline to
12 meet by September.

13 THE COURT: Anyone else? Yes. Ms. Norton?

14 MS. NORTON: My salary -- 75 percent of my salary
15 comes from commission. If I'm not on the phone working, I'm
16 losing 75 percent of my income while I'm away.

17 THE COURT: Thank you.

18 MS. MCCALL: I'm Jean McCall. I'm also a teacher.
19 But my situation is unique. I work with drop-out prevention.
20 I'm in charge of graduation. Which, the largest percent of our
21 graduating class is made up of GED people. They come from all
22 over this county and surrounding counties. And their only way
23 of getting in touch with me since they are not on site is by
24 the phone. And some of them are just finding out that they
25 graduated.

1 Our graduation is June the 7th. The representative
2 is coming May the 9th. I have seniors. It's competency-based
3 instruction, which means every student is at a different place
4 doing different things. I teach four subjects, five different
5 books, no substitutes either way.

6 THE COURT: Thank you. Anyone else? Ms. Fletcher.

7 MS. FLETCHER: Yes. I'm also a teacher, and in the
8 last month of school is very difficult for me. I have got a
9 lot of testing to do with the kids. I'm also a part-time
10 graduate student. I have a new -- which is a very condensed
11 semester six weeks, and I'm going to be real preoccupied with
12 school.

13 THE COURT: Thank you. Anyone else on that row?
14 Next row? Anyone? Mrs. Parks.

15 MS. PARKS: As a program administrator for adoptions
16 and licensing with the Department of Children and Families, I'm
17 responsible for deciding which children we terminate the
18 parental rights on and which families get to adopt children,
19 which families get to be licensed as foster parents and also
20 them there is no one else within the department that does that,
21 within the 11 county areas of our district. And I also testify
22 in court frequently which would require continuances on
23 parental rights in the 5th and the 7th Circuits.

24 THE COURT: Thank you, ma'am.

25 Ms. Andrei.

1 Ms. ANDREI: I'm the accounting department for
2 Diginet Technologies. I handle all of the sales that come
3 through, all payroll. We are getting ready to move into a new
4 office. And I've also just recently bought some new property
5 that we are moving into.

6 THE COURT: Thank you.

7 MR. LAWRENCE: Michael Lawrence. Not nearly as
8 important as those others, but I'm an independent contractor,
9 sole proprietor. I'm the only person in my company.

10 THE COURT: Thank you. Ms. Carpus was your hand up?

11 MS. CARPUS: Yes. I have to -- I have massive
12 amounts of scheduling to do for summer camp. I have teachers
13 on board that haven't been trained yet. And I have a GRE next
14 week, and all of my appointments. All of my graduate advisors
15 are going to be there within the next three weeks. So if I'm
16 going to start school in fall, it is going to be very
17 difficult. Plus, if I'm here, I have to work weekends because
18 we're not open in the evenings.

19 THE COURT: Thank you. Anyone else on that back row?
20 How about over here on my right side, folks. Mr. Westphal?

21 MR. WESTPHAL: I hope it wouldn't be a problem, but
22 if this trial goes long, I have a jury call for the county on
23 the 12th of June. I hope you can get me out of that, if they
24 decide to do something to me if I don't show up.

25 THE COURT: I'll tell you a story. When you first

1 get -- at least when I got on the bench some 18 years ago, one
2 of the first things they do is they put you and four or five
3 others like you new to the federal bench -- although I had been
4 a state judge for ten years, they put you off somewhere in the
5 country with an old senior judge who has been on the bench for
6 a long time.

7 And one of the individuals had a question similar to
8 what you had. And he asked him -- he said: What do you do if
9 you have a lawyer that is due in state court the same time he
10 is due in your court, and the state judge says: If you don't
11 come, I'm going to put you in jail. And then he didn't miss a
12 beat. He said: Well, let me put it this way. He says: If
13 the state judge puts you in jail, I can get you out.

14 MR. WESTPHAL: That's what I was hoping.

15 THE COURT: Anyone else on that row? Ms. Morrison.

16 MS. MORRISON: Yes. As I said, I'm a teacher's aide
17 at Trenton. We have four weeks of school left. I'm scheduled
18 to go on four field trips to help with kids, because I'm an
19 aide with kindergarten, 1st grade and ESE. Thank you.

20 MR. COURT: Thank you. Got you down. Anyone else on
21 that row? Mr. Moody.

22 MR. MOODY: Yes. I've accepted a temporary job with
23 the Census department. And the job may not be available when
24 this trial ends.

25 And I accepted the job with something in mind that --

1 that I did it to be able to pay for two projects that I have
2 got this summer; to help my daughter get through school and to
3 help pay for another daughter's wedding. And I -- I accepted
4 the job before I got the jury summons.

5 THE COURT: Okay.

6 MR. MOODY: I have the money earmarked already.

7 THE COURT: I hear you. Mr. Rogers.

8 MR. ROGERS: I've -- whenever I first got my jury, I
9 guess request, whatever, my employer tried writing a letter to
10 get it cancelled or whatever. And they denied my request. So
11 I'll ask again. The newspaper that I work at is a real, real
12 small business. There is only five of us in the office. And
13 I'm one of those five. I'm the only person that can do the
14 advertising. It is a weekly paper, so we have weekly deadlines
15 or daily deadlines really, but I mean, it just has to go on.

16 And just a constant cycle. And this would mess it
17 up. Actually Tuesday is our busiest day, so they are probably
18 going crazy.

19 THE COURT: Is that when you publish, on Tuesday?

20 MR. ROGERS: No. It comes out on Thursday. But our
21 deadlines are all Tuesday.

22 THE COURT: Thank you, Mr. Rogers. Anyone else on
23 that row? Back row, anyone?

24 Mr. Mahovic.

25 MR. MAHOVIC: Yes. On May 9th we have a meeting that

1 will take me out of town. The week before, being May 5th, I
2 have summer courses at the University.

3 THE COURT: Thank you.

4 Anyone else? Ms. Anghale.

5 MS. ANGHALE: I take care of my mother and she
6 doesn't speak English. I cannot find anybody to take her. She
7 is going to leave the country at the end of May. If I cannot
8 find anyone to travel with her, I have to do it myself.

9 THE COURT: Thank you, ma'am. Anyone else anywhere?

10 Do any of folks hold any sort of religious or
11 philosophical beliefs that would make it difficult or
12 impossible for you to sit as a member of a jury that determines
13 the guilt or the innocence of a person accused of a crime? No
14 one.

15 Have you, any member of your family, or any close
16 personal friend yourself been the victim of any type of a
17 crime, that is, your home broken into, car stolen, anything
18 like that? Anyone?

19 Take you a row at a time beginning with Mr. Brown.

20 MR. BROWN: Yes, sir. I had some stuff stolen from
21 my home.

22 THE COURT: I'm going to ask you this question,
23 Mr. Brown. I wish anyone who is going to respond to this
24 question to answer it without me asking: Anything about the
25 nature of the incident in which you described that you think

1 would in any way interfere with your ability to sit fairly and
2 impartially as a juror in this case?

3 MR. BROWN: No, sir.

4 THE COURT: Thank you.

5 Who else on that row? I think -- professor Shaw.

6 MR. SHAW: Yes. I had my home broken into.

7 THE COURT: Would that affect your verdict in any
8 way?

9 MR. SHAW: No.

10 THE COURT: Thank you.

11 Where is my next hand? Mr. Robinson.

12 MR. ROBINSON: My home has been broken into a couple
13 of times.

14 THE COURT: Affect your verdict?

15 MR. ROBINSON: No.

16 THE COURT: Others on that row? Anyone? Second row.

17 All the way down to Ms. Killian.

18 MS. KILLIAN: I had my home broken into.

19 THE COURT: Effect your verdict?

20 MS. KILLIAN: No.

21 Ms. Osman, was your hand up?

22 MS. OSMAN: I had an aunt that was murdered.

23 THE COURT: Affect your verdict?

24 MS. OSMAN: No, sir.

25 THE COURT: We missed one. Back to Mr. Dickerson?

1 MR. DICKERSON: My home has been broken into.

2 THE COURT: Would that affect your verdict in any
3 way, sir?

4 MR. DICKERSON: No, sir.

5 THE COURT: Thank you. Third row. Ms. Laine.

6 MS. LAINE: My car was stolen out at the airport.

7 THE COURT: Not affect your verdict?

8 MS. LAINE: No, sir.

9 THE COURT: Thank you. Mr. Faust.

10 MR. FAUST: Yes. My car was stolen. It will not
11 affect my verdict.

12 THE COURT: Thank you.

13 Down to Ms. Lore.

14 MS. LORE: Yes. My house was broken into.

15 THE COURT: Will that affect your verdict in this
16 case?

17 MS. LORE: No.

18 THE COURT: Thank you. Anyone else on that row? I
19 missed one. I'm sorry. Ms. Sanders?

20 MS. SANDERS: My father's car was stolen from his
21 driveway. And my home was broken into. But it will not affect
22 me.

23 THE COURT: Thank you, ma'am. Next row anyone? I
24 missed one. Thank you. Ms. Watson.

25 MS. WATSON: Yes. My father's truck was stolen. My

1 parent's house was broken into. Not affect my verdict.

2 THE COURT: Next row. Anyone? All the way down to
3 Mrs. Wyatt.

4 MS. WYATT: My daughter's house was broken into. But
5 that won't affect my verdict.

6 THE COURT: Thank you, ma'am. On the next -- I
7 missed one. Ms. Craig.

8 MS. CRAIG: As a student at UF I was burglarized
9 about three times; every time I went on vacation. And as a
10 child our house was broken into.

11 THE COURT: Any of those affect your verdict in this
12 case?

13 MS. CRAIG: No.

14 THE COURT: Thank you, ma'am. On the next row.
15 Anyone. Ms. Cadwallader.

16 MS. Cadwallader: I had an apartment that was broken
17 into. No.

18 THE COURT: Thank you, ma'am.

19 Anyone else on that row? How about on the back row?
20 Ms. Parks.

21 MS. PARKS: My house was broken into twice, and I was
22 attacked by a client. It would not affect my judgment.

23 THE COURT: Thank you. Who else back there?
24 Ms. Andrei.

25 MS. ANDREI: My house was broken into. I had a car

1 stolen, but it would not affect my verdict.

2 THE COURT: Thank you. Mrs. Pisano.

3 MS. PISANO: My house has been broken into. I had
4 two cars stolen. But, I don't think it would affect my
5 verdict.

6 THE COURT: Thank you. Anyone else back there on
7 that row? No one.

8 How about on the right side? Mr. Westphall?

9 MR. WESTPHALL: I had an apartment broken into. No,
10 it won't affect it.

11 THE COURT: Thank you. Down to Mr. Kowalske?

12 MR. KOWALSKE: I had a house which I had rented, and
13 the tenant used it to raise marijuana. They left it in the
14 middle of the night, trashed the house, tremendous damage.

15 THE COURT: And would that affect your verdict in
16 this case?

17 MR. KOWALSKE: I had a judgment against them.

18 THE COURT: Okay.

19 MR. KOWALSKE: But they never found them.

20 THE COURT: Ms. Kinney.

21 MS. KINNEY: My house in Palm Beach County was robbed
22 three times.

23 THE COURT: Would that affect your verdict in this
24 case?

25 MS. KINNEY: No.

1 THE COURT: Thank you.

2 Ms. Andrews.

3 MS. ANDREWS: I was robbed at gunpoint at work twice.

4 But that will not affect my verdict.

5 THE COURT: Thank you.

6 Next row. Anyone? Ms. Wallace.

7 MS. WALLACE: I've had a house burglarized three
8 weeks ago. I had a best girlfriend drugged and date raped.
9 I'm really not sure if that would affect my judgment or not.

10 THE COURT: Thank you. Others on the row?

11 Mr. Dickerson, Jr.

12 MR. DICKERSON: Yes. I had a truck that was broken
13 into and vandalized. And our children's building was broken
14 into three times.

15 THE COURT: Affect your verdict?

16 MR. DICKERSON: No, it will not affect my verdict.

17 THE COURT: Others on that row, if any?

18 Others on the last row, if any? A couple of hands
19 Ms. Anghale.

20 MS. ANGHALE: My house was broke into twice. My car
21 was stolen once.

22 THE COURT: Affect your verdict in this case?

23 MS. ANGHALE: No.

24 THE COURT: Thank you. I saw another hand back
25 there. Mr. Brown.

1 MR. BROWN: Yes. My house was broken into, but it
2 will not affect my verdict.

3 THE COURT: And Ms. Blair.

4 MS. BLAIR: Same thing.

5 THE COURT: Thank you, ma'am. Is that everyone?

6 Ladies and gentlemen, some of the witnesses
7 testifying in this case may be testifying pursuant to some sort
8 of an agreement with the government, that is, a plea agreement
9 of some type.

10 Plea bargaining, as it is called, is an area where
11 citizens of the country again tend to have some pretty firm
12 opinions. Some believe that it is okay to engage in it, others
13 think it should not be engaged in.

14 Again, we really don't care how you feel about the
15 subject of plea bargaining as long as you can assure us that
16 you would lay aside any opinion you may have as to whether such
17 should be engaged in by the government, realizing that the
18 Court will instruct you that the testimony of people who
19 testify pursuant to a plea agreement, that their testimony
20 should be more closely scrutinized than other testimony.

21 And so what we need to know from you is whether or
22 not you have feelings that are so firm and fixed that you would
23 just disregard such testimony out of hand, without hearing it
24 or about it?

25 So is there any among you who feels that you could

1 not accept the testimony and weigh the testimony and
2 credibility of a witness who testifies pursuant to plea
3 bargaining, and would just dismiss it out of hand? Is there
4 any who feel that way? No one.

5 And as I said, again, you will be instructed at the
6 close of the case that you should look at that testimony more
7 closely than others.

8 In a proceeding such as this, the burden of proof is
9 on the government to prove that a person accused of the crime
10 is guilty of the crime. They must prove a person's guilt by a
11 standard known as proof beyond a reasonable doubt.

12 Now, it's the government who must prove the defendant
13 guilty. The defendant does not have to prove or establish his
14 innocence in any proceeding. And, because of that, a defendant
15 has the right not to testify if he chooses not to testify,.

16 And if the defendant elects not to testify in the
17 proceeding, you cannot consider that in any way as indicating
18 guilt or indicating that he has something to hide.

19 You must accept it for what it is, that is, it's a
20 constitutional right guaranteed to each of us, and by
21 exercising that right, no juror can use that in any way adverse
22 to the defendant in determining the issue of guilt or
23 innocence.

24 Is there any among you who feels that if a defendant
25 here on trial does not testify, that you would use that in any

1 way in your decision in determining the guilt or innocence of
2 that individual? Is there anyone? There is no one.

3 We need to know, ladies and gentlemen, if you, any
4 member of your family, or any close personal friend have
5 yourself been charged with any type of a crime?

6 Charged with any type of a crime. Anyone? Front
7 row. Ms. Latta -- excuse me, Mr. Brown.

8 MR. BROWN: Yes, sir. I have two cousins. One of
9 them on drugs, one of them for -- I guess, fighting. The other
10 one was charged with assault.

11 THE COURT: Assault.

12 Mr. Brown, anything about the situation involving
13 your two friends and their involvement with the criminal
14 justice system that you think would in any way influence you --

15 MR. BROWN: No.

16 THE COURT: -- in any verdict that you would reach
17 here today?

18 MR. BROWN: No.

19 THE COURT: Thank you.

20 Ms. Latta, your hand I believe was up, ma'am.

21 MS. LATTA: Yes. Several years ago my son was
22 charged with breaking and entering.

23 THE COURT: Anything about that experience that you
24 think would prevent you from sitting fairly and impartially as
25 a juror in this case, ma'am?

1 MS. LATTA: No.

2 THE COURT: Thank you. Down to Mr. Robinson.

3 MR. ROBINSON: My son was charged with possession of
4 drugs.

5 THE COURT: Anything about the situation involving
6 your son, Mr. Robinson, that you feel would influence you one
7 way or the other in any verdict that you may reach in this
8 case?

9 MR. ROBINSON: No.

10 THE COURT: Thank you. Anyone else on that --
11 Mr. Whitfield?

12 MR. WHITFIELD: I had an uncle with a drug charge.

13 THE COURT: Anything about the situation involving
14 your uncle and he being charged with a violation of the drug
15 law, Mr. Whitfield, that you feel would influence you in any
16 way in any verdict that you may return in this case?

17 MR. WHITFIELD: No.

18 THE COURT: None. Thank you.

19 Professor Shaw, I passed you.

20 MR. SHAW: Yeah. I didn't know -- I had an uncle
21 back in 1926 or so who killed a man. Was charged and
22 sentenced.

23 THE COURT: Anything about that situation involving
24 your uncle back in the early '20s that you feel would influence
25 you in any way in any decision that you might reach here?

1 MR. SHAW: No, sir.

2 THE COURT: Thank you, sir. Is that everyone on the
3 front row now? How about second row? Anyone? Mr. Peoples?

4 MR. PEOPLES: My son was involved in drugs.

5 THE COURT: Mr. Peoples, the fact that your son was
6 charged with a violation of the drug laws, do you feel that
7 that would in any way influence you in the verdict that you may
8 return in this case, sir?

9 MR. PEOPLES: No, it won't.

10 THE COURT: Thank you. Others on that row, if any?
11 Down to Ms. Osmond.

12 MS. OSMAN: I had several members of my family in the
13 late '70s that were sentenced to prison for manufacturing and
14 selling drugs, and one for grand theft and escape. No effect.

15 THE COURT: It will not effect your verdict. Thank
16 you, ma'am. Ms. Tillman.

17 MS. TILLMAN: Yes. I have a brother, he was charged
18 with shoplifting. He did his time.

19 THE COURT: Would that influence you in any way in
20 any verdict that you would reach in this case, ma'am?

21 MS. TILLMAN: No.

22 THE COURT: Thank you, ma'am. Anyone on the third
23 row? Ms. Lake.

24 MS. LAKE: My son in law was charged with theft. And
25 it won't influence any verdict.

1 THE COURT: Thank you, ma'am.

2 Anyone else on that row? Down to Mr. Smith.

3 MR. SMITH: Yes, sir. My wife had some felony drug
4 convictions. Several years in prison.

5 THE COURT: Anything involving the situation with
6 your wife, sir, that you feel would influence you in any
7 verdict that you may return in this case if you sat as a juror?

8 MR. SMITH: I don't believe so.

9 THE COURT: You don't believe so. Thank you, sir.

10 Anyone else on that -- yes. Ms. Sanders.

11 MS. SANDERS: Yes. My child has had multiple arrests
12 as a juvenile for drug possession. And that is the -- whether
13 I would be fair, I have compassionate and strong feelings about
14 the whole situation.

15 THE COURT: I know what you meant now when you
16 answered it before. Thank you, ma'am.

17 Anyone else on that row? Next row. Ms. Crum.

18 MS. CRUM: My husband has a prior DUI.

19 THE COURT: Would that influence you in any verdict
20 that you may return?

21 MS. CRUM: No, sir.

22 THE COURT: Thank you, ma'am.

23 Others on the row. How about the next row? Anyone.
24 Ms. Cadwallader.

25 MS. Cadwallader: I've had a brother that has had

1 some criminal charges. Robbery is the only one that I know of.
2 It would not affect my ability to make a decision.

3 THE COURT: Thank you, ma'am. Others on the row.
4 Ms. McCall.

5 MS. MCCALL: Yes. My very good friend, her husband
6 right away from law school here, I know that he was in law
7 school, with the state attorney's office in Key West and was
8 convicted and served time for drugs.

9 THE COURT: Would that influence you in any verdict?

10 MS. MCCALL: I don't think so.

11 THE COURT: Thank you. Others on the row, if anyone?
12 How about on the back row? Ms. Parks.

13 MS. PARKS: When my son was 18, he was charged with
14 underage drinking after a football game.

15 THE COURT: Must have been the only one in town.
16 Would that influence your verdict in any way?

17 MS. PARKS: No.

18 THE COURT: Who else back there? Ms. Andrei?

19 MS. ANDREI: My brother was charged with dealing
20 drugs. And my first husband was charged with cultivation of
21 marijuana.

22 THE COURT: Anything involving either your brother or
23 your first husband, Ms. Andrei, that you feel would influence
24 you in any decision you might make in this case as a juror?

25 MS. ANDREI: No. I don't think so.

1 THE COURT: Thank you. Others on the back row, if
2 any?

3 How about on this side, if anyone? Mr. Westphal.

4 MR. WESTPHALL: I had a great uncle convicted of
5 murder in the '20s. Served his time.

6 THE COURT: Would that influence you?

7 MR. WESTPHALL: No.

8 THE COURT: Thank you.

9 Mr. Patty?

10 MR. PATTY: Yes. I have a got a nephew that got
11 caught selling drugs.

12 THE COURT: And would the -- would the matter
13 involving your nephew, Mr. Patty, influence you in any decision
14 that you might render as a juror in this case?

15 MR. PATTY: No.

16 THE COURT: Thank you. Anyone else on that row?
17 Ms. Morrison?

18 MS. MORRISON: I have a brother that was arrested for
19 possession of drugs and DUI. He served some time. That is why
20 I have my strong views.

21 THE COURT: All right. Isn't that what you just
22 said?

23 MS. MORRISON: Right.

24 MR. HANKINSON: Judge, I didn't hear all that. I
25 think she said something after that.

1 THE COURT: Did you say something further?

2 MS. MORRISON: It would affect my judgment.

3 THE COURT: Anyone else on that row? Ms. Kinney.

4 MS. KINNEY: My oldest daughter was convicted of sale
5 and possession of heroin, and she served time.

6 THE COURT: The incident involving your daughter,
7 ma'am, would that in any way influence you in any verdict that
8 you may return in this case?

9 MS. KINNEY: I don't think so.

10 THE COURT: Thank you, ma'am. Anyone else on the
11 front row? How about the second row? Anyone. Mr. Moody?

12 MR. MOODY: I had a cousin who misused some public
13 funds.

14 THE COURT: Would that incident involving your cousin
15 influence your verdict in any way in this proceeding?

16 MR. MOODY: No.

17 THE COURT: Thank you.

18 Others on that row? Mr. Dickerson, Jr.

19 MR. DICKERSON: Yes. I have a nephew that was
20 convicted for possession and sale of drugs. That won't affect
21 my decision.

22 THE COURT: Thank you. Others on that row.
23 Ms. Ward.

24 MS. WARD: Brother convicted of arson.

25 THE COURT: Thank you. Anything involving the

1 situation with your brother and his conviction, Ms. Ward, that
2 you feel would influence you in any way in any decision that
3 you reach as a juror in this case?

4 MS. WARD: No.

5 THE COURT: Thank you, ma'am. Anyone else on that
6 row? Back to Ms. Wallace.

7 MS. WALLACE: Well, I don't know if it was -- they
8 ended up dropping the charges of running a road block. But
9 they dropped the charges.

10 THE COURT: Okay. Thank you.

11 How about the back row? Mr. Mahovic.

12 MR. MAHOVIC: Yes. I had two uncles, one of them
13 multiple -- they both had charges of DUI. And that won't
14 affect my judgment.

15 THE COURT: Thank you, sir. Anyone else on the back
16 row. Ms. Denier?

17 MS. DENIER: Yes, sir. My son's father and my
18 brother were charged and convicted of trafficking.

19 THE COURT: And what particular drug, if you know?

20 MS. DENIER: Marijuana.

21 THE COURT: And would any -- the fact that it was
22 your ex-husband and --

23 MS. DENIER: My brother.

24 THE COURT: Their involvement or conviction for
25 trafficking marijuana, would that in any way influence you in

1 any verdict that you would reach in this case?

2 MS. DENIER: I should hope not.

3 THE COURT: All right. Anyone else? Mr. Brown.

4 MR. BROWN: I did have a friend that was charged with
5 fraud.

6 THE COURT: Fraud?

7 MR. BROWN: Yes.

8 THE COURT: Anything about your friend being charged
9 with fraud, Mr. Brown, that you feel would influence you in any
10 decision that you would reach?

11 MR. BROWN: No.

12 THE COURT: Anyone else? Anyone else anywhere?

13 That's it. All right.

14 Ladies and gentlemen, we have two individuals who are
15 being tried together. Each is entitled to have you consider
16 the law and the evidence as it relates to him as if he were
17 being tried separately.

18 Now, can you consider each defendant separately and
19 apply to that defendant only such law and evidence that applies
20 to that particular individual? Any problem with that?

21 MR. PATTY: I don't know if I understand.

22 THE COURT: All right. What we have -- what we
23 have --

24 MR. PATTY: They are being charged together, but they
25 are charged --

1 THE COURT: No. Sometimes evidence only applies to
2 one person. Sometimes only the law applies to one person
3 although the two are being tried together. If the evidence,
4 you are instructed applies only to one, or if the law applies
5 only to one, can you apply that only to that particular
6 individual and not let it fall over as to the other one is what
7 I'm asking?

8 MR. PATTY: Oh.

9 THE COURT: Any problem with that?

10 MR. PATTY: No.

11 THE COURT: None. Thank you.

12 And you are Mr. Patty.

13 MR. PATTY: Yes.

14 THE COURT: Okay. Anyone else on that?

15 Ladies and gentlemen, other than those who have
16 already told me about some problems they may have with the drug
17 laws, are there any more of you out there who because of the
18 nature of this, of the particular charges here involved, that
19 is the drug charges, as well as a money laundering charge, that
20 you think would make it difficult or hard for you to sit as a
21 fair and an impartial juror in this case?

22 Other than the two or three that have already told
23 me -- and I've written your names down -- no one else?

24 Both the government and each defendant on trial here
25 is entitled to have a jury decide this case who is both fair

1 and impartial.

2 Except for the few who have told me to the contrary,
3 and we've written your names down, if selected as a juror can
4 you assure this Court that you would, in fact, be fair and
5 impartial, that you would base your verdict solely upon the
6 evidence and the law that is presented here in this courtroom
7 and in the presence of all of the members of the jury, the
8 defendants, the lawyers and myself, without being influenced by
9 any other factors in arriving at your verdict? Can you do
10 that?

11 Do you know of any reason not touched upon by this
12 Court in the questioning of you that you feel would make it
13 difficult or impossible for you to sit fairly and impartially
14 as a juror in this case? I'm asking if I've not asked you any
15 question that you really think that I need to know the answer
16 to? Is there something out there you need to tell me that
17 would bear upon your ability to sit fairly and impartially as a
18 juror in this case? Anything? Nothing.

19 Ladies and gentlemen, if the law and the evidence
20 fails to convince you of the guilt of the defendants or either
21 of them beyond a reasonable doubt, is there any among you who
22 would have any hesitation or any reservation of returning to
23 this courtroom with a verdict of not guilty? Any one? No one.

24 And the converse is also true. If the law and the
25 evidence does convince you beyond a reasonable doubt of the

1 guilt of the defendant, either of them, would any of you have
2 any hesitation or reservation of returning to this courtroom
3 with a verdict of guilty? No one. All right. I'm through.

4 It doesn't mean you are through. I told the lawyers
5 before we began that if you gave an answer that they thought
6 needed further explanation -- or if there was some area that I
7 did not go into that they think is relevant and material, they
8 know the facts, they've dealt with the case, and I don't know
9 the facts -- that they are permitted to ask those questions of
10 you directly.

11 So if they have questions of you, I ask that if you
12 please be as straightforward with them in your answers as
13 you've been with me.

14 Government have any questions?

15 MR. HANKINSON: No, sir, your Honor. We don't have
16 any questions.

17 THE COURT: Thank you. Mr. Kennedy, do you have any
18 questions, sir?

19 MR. KENNEDY: A couple if I might, Your Honor.

20 THE COURT: Surely.

21 MR. KENNEDY: Ms. Latta, we respect your candor. Do
22 you feel that given the fact that you would apply greater
23 weight to the testimony of a police officer, and bearing in
24 mind that there is going to be a lot of police officers
25 testifying for the prosecution, none testifying for the

1 defense, do you feel in light of that that you, as you sit now,
2 really believe in the presumption of innocence in the drug
3 case?

4 Do you have any hesitation sitting as a juror in this
5 case in terms of your own personal views and relationship with
6 the police officers?

7 MS. LATTA: Not so much my relationship with police
8 officers, but my relationship with students that I have dealt
9 with who have been convicted and charged with drug crimes, went
10 to high school with, and I know personally.

11 MR. KENNEDY: And of course that would be -- that is
12 a real tragedy --

13 THE COURT: Let's leave Ms. Latta. She's already
14 said that she is going to give greater or lesser weight to
15 police officers.

16 MR. KENNEDY: Mr. Robinson, my concern, sir, is that
17 you also might give greater weight to the testimony of a police
18 officer. Does that cause you any pause or concern as you sit
19 here now as a prospective juror?

20 MR. ROBINSON: I think it would depend on what the
21 police officer was saying.

22 MR. KENNEDY: That is fair.

23 What is it, sir, about a police officer that would
24 cause you to tend to give greater weight?

25 THE COURT: Mr. Kennedy, let's pass him also, please.

1 MR. KENNEDY: And, Ms. Morrison, you told us that you
2 would examine your conscience. And we respect that. Have you
3 had an opportunity to do that now with reference to that,
4 because of the nature of the charges, because it involved
5 drugs; is that right?

6 MS. MORRISON: Yeah. Well, I think I'm worried about
7 being on a jury because I want to see both sides have
8 everything. But, I also -- I feel -- I tell my kids that drugs
9 is illegal. So I -- I don't have trouble.

10 MR. KENNEDY: Do you have trouble -- I'll ask the
11 question generally. Are there any of us, any of you who have
12 philosophical or religious or whatever difficulty in convicting
13 or acquitting or coming to a verdict and how would you answer
14 that if his honor asked you that question?

15 JUROR: I'm sorry? What?

16 MR. KENNEDY: Do you have any -- excuse me. You have
17 difficulties you say reaching a verdict, you might have
18 difficulty reaching a verdict?

19 JUROR: I might.

20 MR. KENNEDY: Knowing what you know about the case
21 and there is no evidence yet, it's just -- make basically what
22 His Honor has told you, do you feel that you would have
23 difficulty in reaching a verdict in this case?

24 JUROR: I can't answer that.

25 MR. KENNEDY: You can't?

1 JUROR: No.

2 MR. KENNEDY: Ms. Sanders, you said in response to
3 His Honor's inquiry that you would not have trouble applying
4 the law to the evidence. You have strong passionate feelings
5 about it. That is because of the drug issue, the charges?

6 MS. SANDERS: Absolutely.

7 THE COURT: You are the only one that could tell us
8 that. Could you be fair?

9 MS. SANDERS: I'm not sure I can. I have very strong
10 feelings that use our --

11 THE COURT: That is all right. We'll pass on that.

12 MR. KENNEDY: All right. Thank you for your answer.

13 Ms. Laine, you also responded that you thought you
14 might gave greater weight to a police officer's testimony; am I
15 right?

16 MS. LAINE: Yes.

17 MR. KENNEDY: You have heard what I have asked the
18 other jurors. You think about it. Do you have any hesitation
19 in assuring us that you will be fair to both sides considering
20 the defense to ask that question, because as I said, there will
21 be -- not likely be any police officers --

22 MS. LAINE: I believe I would be fair on both sides.

23 MR. KENNEDY: You could be fair to both sides?

24 MS. LAINE: Yes.

25 MR. KENNEDY: Thank you, ma'am.

1 One moment please, Your Honor.

2 THE COURT: Surely.

3 MR. KENNEDY: I thank you, Your Honor.

4 THE COURT: Thank you, Mr. Kennedy. Mr. Daar, do you
5 have questions?

6 MR. DAAR: Briefly, Your Honor.

7 THE COURT: Surely.

8 MR. DAAR: I apologize if I didn't hear some of the
9 answers. It is a little hard to hear sometimes in the back of
10 the room.

11 Ms. Osman, my notes indicated that you said that
12 first that you -- someone in your family was subject to
13 conviction for manufacturing.

14 MS. OSMAN: Yes, sir.

15 MR. DAAR: And what drug was that?

16 MS. OSMAN: I believe it was cocaine and marijuana.

17 MR. DAAR: That was in the '70s?

18 MS. OSMAN: It was in the late '70s in Dixie County.

19 MR. DAAR: And how close were you to those people?

20 MS. OSMAN: My great uncle on my mother's side. And
21 my first cousin. I'm sorry -- second cousin on my mother's
22 side also.

23 MR. DAAR: You were relatively young when that
24 happened?

25 MS. OSMAN: Yes.

1 MR. DAAR: Did that leave a lasting impression on
2 you?

3 MS. OSMAN: No. I didn't really know about it until
4 they were released from prison.

5 MR. DAAR: Okay. And do you think that would affect
6 at all the way you look at this case, the fact that you have
7 that experience?

8 MS. OSMAN: No, sir.

9 MR. DAAR: What we often ask jurors is if you were
10 sitting where my client were today, would you be happy with a
11 juror such as yourself judging you?

12 MS. OSMAN: Being that I was so young when it
13 happened and I don't know a lot of facts, I could be fair.

14 MR. DAAR: And obviously if you had a tremendous
15 impact on their families and their families' lives that --

16 MR. HANKINSON: Objection, Your Honor.

17 THE COURT: Sustained.

18 MR. DAAR: Have you had any feelings about the impact
19 on those families?

20 MR. HANKINSON: Objection, Your Honor.

21 THE COURT: Sustained.

22 MR. DAAR: And you also indicated that you know
23 several police officers?

24 MS. OSMAN: Yes, sir. And a lot of probation
25 officers.

1 MR. DAAR: You work on a daily basis with them?

2 MS. OSMAN: Yes.

3 MR. DAAR: We are, of course, concerned that everyone
4 starts out equal. In other words, that if one witness is
5 wearing a police uniform and another witness is in a suit,
6 absent anything else, you treat those people equally?

7 For example, if a police officer testifies: I saw
8 the vehicle run a red light, and a civilian testified saying:
9 I didn't see the vehicle run the red light, and you knew
10 nothing more, would you have a tendency to believe one more
11 than the other, honestly.

12 MS. OSMAN: If I knew nothing more?

13 MR. DAAR: Nothing more.

14 MS. OSMAN: I would probably put more weight to the
15 officer.

16 MR. DAAR: Okay. And that is because?

17 MS. OSMAN: He is sworn to uphold the law. If I had
18 nothing to discount that.

19 MR. DAAR: And the voir dire is a practice called to
20 seek the truth. So there is no right answer. The right answer
21 is to tell the truth. So I appreciate your honesty.

22 And, Mr. Peoples, you indicated that your -- I
23 believe it's your son, forgive me if I get this wrong, was
24 involved in a case involving drugs?

25 MR. PEOPLES: Yes.

1 MR. DAAR: What drug was that?

2 MR. PEOPLES: It was a case up in Georgia. I don't
3 know the details. I just know that he got caught for drugs.
4 He did some time.

5 MR. DAAR: Okay. Do you know what kind of drugs it
6 was?

7 MR. PEOPLES: Powdered cocaine.

8 MR. DAAR: And my client here is being charged with
9 importing a large amount of marijuana. Is that going to affect
10 your ability to be fair knowing that the government alleges
11 that he did that?

12 MR. PEOPLES: No. It doesn't have specifics to me
13 because drugs is drugs.

14 MR. DAAR: Okay. So what it is -- does have an
15 effect. How about the fact that he is being charged with
16 bringing drugs into this country and you might perceive it or
17 your son as a victim of that?

18 MR. PEOPLES: I don't get what you are talking about.

19 MR. DAAR: Well, your son was charged with drugs.

20 MR. PEOPLES: Right.

21 MR. DAAR: He is charged with bringing drugs into the
22 country. My concern is to get a fair trial saying, well, he
23 could have brought those drugs in and got my son in trouble?

24 MR. PEOPLES: No, I wouldn't say that. My son has
25 accepted it.

1 MR. DAAR: Ms. Sanders. You have indicated that you
2 had some strong feelings. But you haven't told us what those
3 feelings are. Could you tell me what they are?

4 MS. SANDERS: My strong feelings are that the person
5 feels that drugs are harmless, including marijuana, and I don't
6 believe it's harmless. I believe it is a gateway drug. And we
7 are a good family. In our kids sports and some of the good
8 quality contacts and people, even with the parents involved,
9 marijuana is a very heavy duty problem. My children's youth
10 association, they made a couple of arrests and counseling and
11 kept coming back to a common denominator.

12 This perception among the kids that it's harmless and
13 I just feel that it is a big money making business at the lower
14 levels for everyone, and I feel very strongly about it.

15 I feel myself as a judicious and fair person, but on
16 that I don' know right now.

17 MR. DAAR: I appreciate your honesty.

18 MR. HANKINSON: I think that we could do without the
19 editorial comments to the jurors.

20 THE COURT: Sure.

21 MR. DAAR: Do you feel that it would be fair to my
22 client to have you on the jury?

23 MR. PEOPLES: I think I would want myself in. I'm
24 having a hard time separating the personal issues with that.

25 MR. DAAR: Mr. Funderburk, you worked for many years

1 at the Department of Corrections, correct?

2 MR. FUNDERBURK: Sure did.

3 MR. DAAR: You were no doubt involved in the
4 custodial treatment of convicted prisoners?

5 MR. FUNDERBURK: That is right.

6 MR. DAAR: With a job that entails some degree of
7 risk to you physically?

8 MR. FUNDERBURK: Yes.

9 MR. DAAR: You've had a lot of experience in the
10 criminal justice system, correct?

11 MR. FUNDERBURK: I have. Yes, sir.

12 MR. DAAR: Do you think -- the same question: Do
13 you, sir, if you were sitting where my client is, would you
14 want yourself as a juror?

15 MR. FUNDERBURK: Would I want myself as a juror?

16 MR. DAAR: Yes.

17 MR. FUNDEBERG: Yes, sir.

18 MR. DAAR: So you feel that you could put behind you
19 the fact that you have worked sort of on one side of the fence
20 for so long?

21 MR. HANKINSON: I'm going to object as asked and
22 answered, Your Honor.

23 THE COURT: He can still ask it.

24 MR. DAAR: I lost my track. You've -- in the sense
25 worked on one side of the fence. This is now a process for

1 determining guilt or innocence. You dealt in your life with
2 convicted persons. Can you separate those feelings out?

3 MR. FUNDERBURK: Yes, sir. I feel like if a fellow
4 is charged with an illegal act, he should be punished for it,
5 even if it was myself.

6 MR. DAAR: If someone is charged with an illegal act,
7 they should be punished?

8 MR. FUNDERBURK: Yes.

9 MR. DAAR: That is how you feel now?

10 MR. FUNDERBURK: That is how I've felt for a long
11 time.

12 MR. DAAR: And my client is charged with an illegal
13 act in this case. Do you feel that he should be punished?

14 MR. FUNDERBURK: Yes.

15 MR. DAAR: You heard the judge instruct about the
16 presumption of innocence?

17 MR. FUNDERBURK: Yes.

18 MR. DAAR: And that as he sits there he is as
19 innocent as anyone in this room until there is any evidence.
20 Are you able to put aside your feeling that he should be
21 punished?

22 MR. FUNDERBURK: No.

23 MR. DAAR: Is that a no?

24 MR. FUNDERBURK: That is a no. You asked for the
25 truth.

1 MR. DAAR: Thank you, sir.

2 Mr. Stark, you indicated that you have someone close
3 to you working in the police department?

4 MR. STARK: Yes, I do.

5 MR. DAAR: And how might that affect your ability to
6 judge two witnesses, one a police officer, one a civilian?

7 MR. STARK: I don't think it will at all.

8 MR. DAAR: Would you -- if, for example, you voted
9 not guilty in this case on the jury, do you have any trouble
10 going back to your friend the police officer?

11 MR. STARK: Absolutely not.

12 MR. DAAR: And you would feel comfortable if you were
13 sitting over there with yourself as a juror?

14 MR. STARK: Yes, sir.

15 MR. DAAR: Thank you. Ms. McCall.

16 MS. MCCALL: Yes.

17 MR. DAAR: You had indicated that it was a friend or
18 family member -- I didn't hear -- had been convicted of a drug
19 crime?

20 MS. MCCALL: Yes, a friend. And he went to law
21 school here, worked with the state attorney's office in Key
22 West. And his father was the chief of police. But, somehow he
23 started with laundering with the drug smugglers. And he still
24 works for an attorney in Miami.

25 MR. DAAR: I see. So you were friends with his wife?

1 MS. MCCALL: Well, I was friends with him too. But
2 still friends with her; no longer his friend.

3 MR. DAAR: And seeing the impact of that case on your
4 friend and her husband, will that in any way affect your
5 ability to be a fair and neutral juror here today?

6 MS. MCCALL: I don't know. I think that he was
7 guilty as he could be. I don't know if these guys are. I know
8 how my friend was.

9 MR. DAAR: But what I'm saying is perhaps the -- the
10 impact of what he did, would that have any spillover on this
11 case?

12 MS. MCCALL: I don't think so. Really hard to say
13 until I hear the evidence.

14 MR. DAAR: I'm asking you right now, having heard
15 nothing, do you feel like it's a level playing field?

16 MS. MCCALL: Well, I would hope I could do that.

17 MR. DAAR: So it's something that you have to work
18 at, but you want to get there?

19 MS. MCCALL: Well, I think it's hard for me to make a
20 judgment about that until I've heard what is to be said.

21 MR. DAAR: Ms. Fletcher. I also wrote down that your
22 niece was a police officer, and your husband?

23 MS. FLETCHER: My husband.

24 MR. DAAR: Okay. And where does he work?

25 MS. FLETCHER: Alachua County Sheriff's Office.

1 MR. DAAR: And is that in any way going to affect how
2 you handle your duties as a juror?

3 MS. FLETCHER: No.

4 MR. DAAR: You heard my other questions about a
5 witness; one a police officer, one not. Would you think about
6 that?

7 MS. FLETCHER: I mean, I think overall I'm not that
8 close to him. I don't think the relationship -- I don't think
9 it would affect my judgment.

10 MR. DAAR: Okay. I'm just asking that you judge the
11 witnesses based on the witness and not whether he is wearing a
12 uniform. Can you do that for us?

13 MS. FLETCHER: Yes.

14 MR. DAAR: Ms. Andrei?

15 Ms. ANDREI: Yes.

16 MR. DAAR: Thank you for helping me. My notes
17 indicated that you knew a lot of police officers in the family.

18 Ms. ANDREI: Sister-in-law and brother-in-law.

19 MR. DAAR: Okay. And, again, the same question for
20 you. Because you know those police officers, you socialize
21 with them, perhaps, does that in any way make you feel that
22 police officers' testimony should be believed more?

23 Ms. ANDREI: No.

24 MR. DAAR: Now, your ex-husband was -- I don't
25 know -- convicted of cultivation of marijuana?

1 Ms. ANDREI: Yes.

2 MR. DAAR: How long ago was that?

3 MS. ANDREI: It was after we were divorced. And I'm
4 not sure how long ago it was. Within the last ten years.

5 MR. DAAR: You were not close to him when it
6 happened?

7 Ms. ANDREI: No. We have children together, but I
8 was not aware of it when it happened. I'm aware about it now.

9 MR. DAAR: And you said your son was charged in the
10 abuse of drugs?

11 Ms. ANDREI: No. My son is a correctional officer.
12 My brother was charged with selling drugs.

13 MR. DAAR: What drug was this?

14 Ms. ANDREI: I think it was a variety. I am not real
15 sure.

16 MR. DAAR: What happened after that?

17 Ms. ANDREI: He was convicted and on probation.

18 MR. DAAR: Any feelings that you have about that in
19 the criminal justice system and what happened to your brother?

20 Ms. ANDREI: No, I wasn't involved in it. But it
21 happened. I never really talked to him about what happened.
22 So I don't think it influenced me at all.

23 MR. DAAR: Thank you. Mr. Patty.

24 MR. PATTY: Yes.

25 MR. DAAR: I believe you indicated you worked for an

1 attorney's office.

2 MR. PATTY: No.

3 MR. DAAR: Was there an arrest also?

4 MR. PATTY: I don't know if he was arrested. He was
5 kicked out of school. He has to go to a special school.

6 And I think next fall they'll determine whether he
7 is -- they have given him things to do. But he has to
8 accomplish. And as I understand it, he can go back to school
9 there.

10 MR. DAAR: What kind of drugs were they?

11 MR. PATTY: I don't know.

12 MR. DAAR: Again, my concern is because this happened
13 in your family, you may have feelings about persons that are
14 charged with importing marijuana. Do you have such feelings?

15 MR. PATTY: No, not right now. I mean, if the
16 evidence turns up, then of course, yeah. But I mean not now.
17 He is not guilty until proven.

18 MR. DAAR: Okay. You said you had very strong
19 feelings. Are your views so strong that you feel like you
20 could not be a fair juror?

21 MR. PATTY: Yes.

22 MR. DAAR: Thank you for your honesty.

23 Mr. Coulsky, you suffered damage to a facility you
24 owned based on cultivating marijuana?

25 MR. COULSKY: Yes.

1 MR. DAAR: Was that a fairly shocking experience for
2 you?

3 MR. COULSKY: It sure was.

4 MR. DAAR: How long ago did that happen?

5 MR. COULSKY: About eight years ago.

6 MR. DAAR: Do you have a dollar figure on the damage?

7 MR. COULSKY: Yeah. More than 20,000 dollars.

8 MR. DAAR: Were you insured for that loss?

9 MR. COULSKY: I was insured. But part of the damage
10 was not covered by insurance. Part of it was -- the water
11 damage was not covered. They even set up a sprinkler system
12 inside in the ceiling and the second floor fell down. They
13 harvested the crop and left in the middle of the night.

14 Do you know -- my next question which is: How does
15 that experience potentially effect what has happened here?

16 MR. COULSKY: Well, I'm not exactly sympathetic to
17 anybody involved with marijuana, but I would try to be
18 objective. But I don't know. How can I answer that?

19 MR. DAAR: Well, we are asking whether you can give
20 those persons a fair shake. Everyone starts here at zero.
21 They start with the presumption of innocence.

22 MR. CLOUSKY: I would attempt to be fair, yes.

23 MR. DAAR: You think you could put this experience
24 out of your mind?

25 MR. CLOUSKY: No, I don't think I could put it out of

1 my mind. I think you are asking more than anybody can do.

2 MR. DAAR: What I meant -- would have been better to
3 say: You can put it out of your mind to the extent of the
4 facts of this case.

5 MR. CLOUSKY: I don't know how to answer that.

6 MR. DAAR: Fair to say, you are not sure whether or
7 not that is still open?

8 MR. CLOUSKY: No, I'm not sure.

9 MR. DAAR: Okay.

10 And, Ms. Call, your former husband who is now
11 deceased was in the Secret Service?

12 MS. CALL: Yes.

13 MR. DAAR: And you socialized over the years when he
14 was alive with other Secret Service people?

15 MS. CALL: When I was married to him, yes.

16 MR. DAAR: And you've heard me ask the same question.
17 Just because someone is in law enforcement, do you give that
18 person any -- more or less weight?

19 MS. CALL: No. But can I ask you --

20 MR. DAAR: Yes.

21 MS. CALL: What drug are we talking about? Only
22 marijuana?

23 MR. DAAR: Yes.

24 MS. CALL: Okay. That is it?

25 MR. DAAR: Yes. Okay. Did you ask that question

1 because of your daughter's problem?

2 MS. CALL: No. Her's was heroin. No, because I'm
3 pro-medical marijuana. Yes, I think that I could be fair.

4 MR. DAAR: So then Ms. Carpus, you had indicated that
5 you had some strong feelings but you never got a chance to
6 express them.

7 MS. CARPUS: Yeah, I do, because I would be sure
8 anything that affects children. And before we weren't saying
9 what kind of drug it was. You were saying drugs in general.
10 And statistics show one out of every twelve sixth graders have
11 experienced marijuana, and one out of five are very involved in
12 scouting and mentoring children's programs.

13 So that this doesn't -- so the ratio changes. But I
14 really don't care what adults do. But I don't feel that
15 anything that affects children that aren't capable yet to make
16 choices.

17 MR. DAAR: You feel that would affect you in this
18 case?

19 MS. CARPUS: Without knowing all of the details, I
20 couldn't say.

21 MR. DAAR: Maybe yes, maybe no?

22 MS. CARPUS: Right.

23 MR. DAAR: But your area of concern would be if -- if
24 some relationship between this marijuana show that that would
25 clearly --

1 MS. CARPUS: Yes.

2 MR. DAAR: Ms. Ward?

3 MS. WARD: Yes.

4 MR. DAAR: You're a correctional officer?

5 MS. WARD: Uh-huh.

6 MR. DAAR: At which facility do you work at?

7 MS. WARD: Lancaster.

8 MR. DAAR: And you obviously work with a lot of other
9 correctional officers; is that correct?

10 MS. WARD: Uh-huh.

11 MR. DAAR: And I ask the same question I keep asking,
12 I want to make sure that the field is level here. Would you
13 give any more weight to someone in the uniform or someone
14 without a uniform?

15 MS. WARD: No, not -- I wouldn't give more weight to
16 someone in uniform. It is, you know, how they present
17 themselves and what they say. And you have -- just because
18 they are in street clothes or just because in uniform does not
19 necessarily mean that one is truthful.

20 MR. DAAR: If my client does not testify, and the
21 judge instructs you that that is his constitutional right, and
22 that you cannot use that silence against him in any way, could
23 you do that?

24 MS. WARD: Could I not use his silence?

25 MR. DAAR: Right.

1 MS. WARD: It is his right not to testify. It has to
2 be based on the evidence presented. Just because somebody --
3 sometimes if somebody says something, they testify, they might
4 get up there and ramble all around and then, you know, and
5 without a shadow of a doubt you have to convict those people.

6 And, you know, if they don't have to testify, it is
7 entirely up to them. You know, I don't think that their
8 silence really matters one way or the other, you know, if they
9 don't want to speak.

10 MR. DAAR: Ms. Denier, you had indicated that someone
11 that you know --

12 MS. DENIER: Son's father and my brother.

13 MR. DAAR: -- were both convicted of trafficking?

14 MS. DENIER: Yes.

15 MR. DAAR: Marijuana?

16 MS. DENIER: Yes.

17 MR. DAAR: How long ago was that?

18 MS. DENIER: 1982.

19 MR. DAAR: And was that before your divorce?

20 MS. DENIER: We were never married.

21 MR. DAAR: Okay. How did that affect you?

22 MS. DENIER: I didn't really think much about it. It
23 didn't directly involve me. You know, I knew what was going on
24 with the family.

25 MR. DAAR: It doesn't have any lasting impression?

1 MS. DENIER: Oh, no.

2 MR. DAAR: Thank you.

3 Thank you, Your Honor.

4 MR. HANKINSON: Could I go back and clear up one area
5 that was asked of one of the jurors, Your Honor?

6 THE COURT: Go ahead.

7 MR. HANKINSON: Mr. Funderburk, if we could go back.
8 There was some discussion with the defense attorney -- I think
9 there was some use of legal words. I'm not sure whether we
10 were getting a little mixed up.

11 You heard the judge say that it was the government's
12 job to present the evidence and prove the case. Do you agree
13 with that?

14 MR. FUNDERBURK: Yes.

15 THE COURT: And would you hold the government to
16 their burden of proving their case?

17 MR. FUNDERBURK: Hold them to it?

18 MR. HANKINSON: Yes. Would you make us prove our
19 case, or are you going to automatically convict somebody?

20 MR. FUNDERBURK: I would like to see you do it. If
21 you say that he is guilty, I would like to see you show it.

22 MR. HANKINSON: Right. That is what the judge has
23 said, that is our job to prove it, right?

24 MR. FUNDERBURK: Yes.

25 MR. HANKINSON: Now, you said you would have -- you

1 thought anybody who is charged with a crime should be punished.
2 Did you mean anybody which it has been proven that they did it,
3 is that what you meant to say?

4 MR. FUNDERBURK: Yes.

5 MR. HANKINSON: Okay. Would you want someone
6 punished that didn't do it?

7 MR. FUNDERBURK: Oh, no. If they didn't do it, no.

8 MR. HANKINSON: Would you require us to prove that
9 they did it before coming back with a verdict of guilty?

10 MR. FUNDERBURK: Yes, I would think so.

11 MR. HANKINSON: If it wasn't proven, do you have any
12 problems saying that they were not guilty?

13 MR. FUNDERBURK: No.

14 MR. HANKINSON: You think you could be fair to both
15 sides?

16 MR. FUNDERBERG: I couldn't say honestly.

17 MR. HANKINSON: Why is that?

18 MR. FUNDERBURK: Well, after working with the
19 Department of Corrections for years and seeing -- having to
20 deal with them week after week, it would be hard. I could try.

21 MR. HANKINSON: Okay. Thank you.

22 That is all I have, Your Honor.

23 THE COURT: You folks just sit at ease. They are
24 going to talk about you, then we are going to come up here and
25 we are all going to talk about you.

1 MS. CRAIG: I just realized that I didn't say
2 something about myself. That in the discussion -- that they
3 may want to know about. I used to be a private investigator in
4 1983 to 1986 in Palm Beach County and did work on drug cases,
5 capital murder.

6 THE COURT: You are Ms. Craig?

7 MS. CRAIG: Yes.

8 THE COURT: All right. Thank you.

9 MS. WYATT: I also have something to add. The
10 question I think you asked earlier was if somebody was
11 prosecutor or something for drugs. I know I have an aunt that
12 is on drugs and her daughter that is on it. They never been
13 prosecuted, but I seen the effects of it.

14 THE COURT: Thank you, ma'am. You folks just sit at
15 ease. We'll be out of here in a short time. And then those of
16 you not selected, we are going to send you about your business.
17 The rest of you are going to go to lunch then we'll finish up
18 this afternoon.

19 Just sit at ease. If you need to go to the restroom
20 it will take us about ten minutes or so before we get back to
21 you. Do not discuss this case now among yourselves.

22 (Brief recess taken.)

23 (At the bench.)

24 THE COURT: Okay, folks. As we said at the
25 beginning, we'll take them one at a time beginning with the

1 government. If you have a cause, I would like to hear it
2 first. Brown.

3 MR. HANKINSON: Okay.

4 MR. KENNEDY: I challenge peremptorily.

5 THE COURT: Okay.

6 Latta to the defense.

7 MR. KENNEDY: We challenge her for cause.

8 THE COURT: Grant.

9 Shaw to the government.

10 MR. HANKINSON: We'd accept.

11 MR. KENNEDY: Accept.

12 MR. HANKINSON: I'm looking at my note here, Judge.
13 I'm sorry. I think we ought to remove him for cause.

14 MR. KENNEDY: That is completely unfair.

15 MR. HANKINSON: I apologize. I didn't look at my
16 note. I think I had forgotten what he said about trying to
17 preserve his program. He was teaching. If you want me to go
18 first on the next one I'll do that.

19 THE COURT: I'm not going to grant cause. So do you
20 accept him or not?

21 MR. HANKINSON: Yes, sir.

22 THE COURT: That is juror number 1.

23 Robinson to the defense.

24 MR. KENNEDY: Cause, Your Honor.

25 THE COURT: Grant. Whitfield to the government.

1 MR. HANKINSON: Accept.

2 MR. KENNEDY: Accept.

3 THE COURT: That is juror 2.

4 Ryerson to the defense.

5 MR. KENNEDY: Accept.

6 MR. HANKINSON: We would move for cause. She is the
7 one that said her conscience --

8 THE COURT: She had problems with the drug laws.

9 MR. HANKINSON: Right.

10 THE COURT: Cause.

11 Osteen to the government.

12 MR. HANKINSON: Accept.

13 MR. KENNEDY: Peremptory.

14 THE COURT: Chen to the defense.

15 MR. KENNEDY: Peremptory.

16 THE COURT: Kloeppel to the government.

17 MR. HANKINSON: Accept.

18 MR. KENNEDY: Accept.

19 THE COURT: That is number 3.

20 Peoples to the defense.

21 MR. KENNEDY: Accept.

22 MR. HANKINSON: Accept.

23 THE COURT: Number 4.

24 Dickerson III, to the defense.

25 MR. KENNEDY: Accept.

1 MR. HANKINSON: Accept.

2 THE COURT: Number 5.

3 Killian to the defense.

4 MR. KENNEDY: Accept.

5 MR. HANKINSON: We would move for cause, Your Honor.

6 This is the French teacher who says she is coming down --

7 THE COURT: That is denied.

8 MR. HANKINSON: We'll accept.

9 THE COURT: That is number 6.

10 Osman to the government.

11 MR. HANKINSON: We would accept.

12 MR. KENNEDY: Cause, Your Honor.

13 THE COURT: Denied on cause.

14 MR. KENNEDY: Peremptory.

15 THE COURT: Tillman to the defense.

16 MR. KENNEDY: Accept.

17 MR. HANKINSON: We move for cause, Judge. She is
18 starting school May 15, a full-time student.

19 THE COURT: Grant.

20 Laine to the -- I think it's the Government's turn.

21 MR. HANKINSON: I would move for cause.

22 THE COURT: You got it.

23 Faust to the defense.

24 MR. KENNEDY: Peremptory.

25 THE COURT: That is five. Smith to the -- whose

1 turn?

2 MR. HANKINSON: Strike.

3 THE COURT: Sanders to the defense.

4 MR. KENNEDY: Cause, Your Honor.

5 THE COURT: Grant.

6 Loer to the government.

7 MR. HANKINSON: She was very adamant about this job
8 situation. I would move for cause.

9 THE COURT: What is your position on cause?

10 MR. KENNEDY: Insufficient basis, Judge.

11 THE COURT: Denied.

12 MR. HANKINSON: We would accept her.

13 MR. KENNEDY: Accept. That is juror number 7.

14 THE COURT: Scrivener to the defense.

15 MR. KENNEDY: I believe that is the -- we accept,
16 Your Honor.

17 MR. HANKINSON: We would strike.

18 THE COURT: Government on Watson?

19 MR. HANKINSON: We accept.

20 THE COURT: They accept Watson.

21 MR. KENNEDY: Accept, Your Honor.

22 THE COURT: That is number 8.

23 Funderburk to defense.

24 MR. KENNEDY: Cause.

25 THE COURT: Grant.

1 Crum, government.

2 MR. HANKINSON: We accept.

3 MR. KENNEDY: Accept.

4 THE COURT: Number 9.

5 Garst to the defense.

6 MR. KENNEDY: Accept.

7 MR. HANKINSON: Accept.

8 THE COURT: That is juror 10.

9 Rockwood to the government.

10 MR. HANKINSON: Accept.

11 MR. KENNEDY: Peremptory.

12 THE COURT: Artist to the defense, or the government,

13 whoever it is.

14 MR. KENNEDY: I need just a minute, Your Honor.

15 THE COURT: Surely.

16 MR. KENNEDY: I'm sorry. We've used six; is that

17 correct?

18 THE COURT: You have used six.

19 MR. KENNEDY: Peremptory.

20 THE COURT: Craig to the defense -- Craig to the

21 government.

22 MR. HANKINSON: We would accept.

23 MR. KENNEDY: We would accept.

24 THE COURT: Stark to whoever. Defense.

25 MR. KENNEDY: With all respect, cause, Your Honor.

1 THE COURT: Government?
2 MR. HANKINSON: I don't think there is any cause.
3 THE COURT: No cause.
4 MR. KENNEDY: Peremptory, Judge.
5 THE COURT: Wyatt to the defense.
6 MR. KENNEDY: Accept.
7 MR. HANKINSON: Okay.
8 THE COURT: We'll pick four alternates. You have two
9 challenges each.
10 Alldreadge to the government.
11 MR. HANKINSON: He explained a big work problem.
12 We've got plenty of jurors.
13 MR. KENNEDY: I join.
14 THE COURT: Only because we've got -- we have a lot.
15 MR. KENNEDY: Yes.
16 THE COURT: Cadwallader.
17 MR. KENNEDY: Accept, Your Honor.
18 MR. HANKINSON: We would accept.
19 THE COURT: Norton over here.
20 MR. HANKINSON: She is the one that was on 75 percent
21 commission.
22 THE COURT: Is that cause?
23 MR. KENNEDY: That is a hardship.
24 THE COURT: Cause. Rolling.
25 MR. KENNEDY: Peremptory.

1 THE COURT: McCall.

2 MR. HANKINSON: We had discussed the ground rules
3 that we each have two.

4 THE COURT: McCall for the government.

5 MR. HANKINSON: I would move for cause, Your Honor.

6 THE COURT: That is cause. Fletcher to the defense.

7 MR. KENNEDY: Accept.

8 MR. HANKINSON: We would move for cause again. She
9 is a teacher. She is also starting graduate school as of May
10 15, which could be a real blow.

11 MR. KENNEDY: I didn't have that sense of hardship
12 about it, Judge.

13 THE COURT: She starts part time graduate student at
14 five clock Monday and Wednesday evenings.

15 What is your position on cause?

16 MR. KENNEDY: I don't think she is reasonable on
17 cause.

18 THE COURT: I will grant it.

19 Melvin to whoever.

20 MR. HANKINSON: We would accept.

21 MR. KENNEDY: I think we have got to get her off. To
22 let her off for cause, because of the pregnancy. I think she
23 is basically a fine human being, but I really worry about that
24 at six months.

25 MR. HANKINSON: I don't object to that, Your Honor.

1 THE COURT: You don't object. Cause.

2 Christy Jones.

3 MR. KENNEDY: Accept.

4 MR. HANKINSON: Accept.

5 THE COURT: Juror 14.

6 Parks to the government.

7 MR. HANKINSON: I would strike for cause. She is the
8 one that said that she is making all of the decisions. She is
9 the only one that can do it.

10 MR. KENNEDY: I don't think that we'd keep her judge.

11 THE COURT: Then you agree with cause?

12 MR. KENNEDY: I do.

13 THE COURT: Andrei over here.

14 MR. KENNEDY: Accept.

15 MR. HANKINSON: I move for cause on her based on her
16 work situation. She says she is the only payroll person. It
17 will be screwed up.

18 THE COURT: And your position?

19 MR. KENNEDY: Again, I don't think that rises to the
20 level of cause in this circumstance.

21 THE COURT: Cause denied.

22 MR. HANKINSON: We would accept her.

23 THE COURT: Juror 15.

24 Pisano to defense.

25 MR. KENNEDY: Peremptory.

1 THE COURT: That is yours. Carpus, government.

2 MR. HANKINSON: I would move for cause on that.

3 THE COURT: Cause is granted.

4 McCormick to the government.

5 MR. HANKINSON: Accept.

6 MR. KENNEDY: Accept.

7 THE COURT: Okay. Here is our jury. I'll read the
8 numbers in the left-hand column.

9 3, 6, 10, 11, 12, 13, 22, 24, 26, 27, 30, 32, 34, 40,
10 42, and the last one is 45.

11 Everyone agree?

12 MR. HANKINSON: Yes, sir.

13 MR. KENNEDY: We are in accord.

14 THE COURT: Okay. We are going to feed them, send
15 them to lunch. Three o'clock. Give you all about an hour. Is
16 that enough time to eat and then get back here?

17 MR. HANKINSON: Yes, sir.

18 THE COURT: Three o'clock.

19 (Back in open court.)

20 THE COURT: Ladies and gentlemen, if I call your name
21 would you please come forward, have a seat in the jury box.

22 Larry Shaw. Fill up the front row first.

23 Ernest Whitfield.

24 Elizabeth Kloeppel. George Peoples. Dickerson the
25 Third.

1 Patricia Killian. Linda Lore. Patricia Watson.
2 June Crum. Janette Garst. Diane Craig. Carol Wyatt. Natalie
3 Cadwallader. Christy Lawrence Jones. Wendy Andrei. Lori
4 McCormick.

5 The rest of you are excused with the thanks of the
6 Court.

7 Ladies and gentlemen, we are going to break for lunch
8 until three o'clock. It is important that even now you not
9 discuss this matter in any manner among yourselves or with
10 anyone or permit them to discuss it in your presence. Do not
11 read, listen to or watch any news accounts.

12 When you come back this afternoon, we are going to
13 have the opening statements. When we conclude the opening
14 statements, then we are going to go home for the day and we
15 will reconvene at nine o'clock tomorrow morning.

16 Before you go to lunch, if you would exit through
17 this door into the jury room, that is where you should report
18 back after lunch and that is where you should report each
19 morning when we come back to work.

20 They have some information they want to give you
21 about parking and so forth. And we will be in recess until
22 three o'clock p.m. You all have a good lunch.

23 (Jury out.)

24 (Recess taken.)

25 THE COURT: Be seated, please.

1 My law clerk said you all wished to speak.

2 MR. KENNEDY: I have to raise a couple of matters,
3 Your Honor.

4 THE COURT: Sure.

5 MR. KENNEDY: I feel obligated to say this as an
6 officer of the Court. We went over to Harry's, this restaurant
7 not far from here. And we were seated having our lunch. And
8 there was a woman carrying on. I didn't even look at her. I
9 didn't hear her. The manager came and said: Are you in
10 litigation? She said maybe we ought to move our table away
11 because there is a juror here.

12 And I said: That is fine. And they moved us into a
13 back room. And then that assistant manager and the waitress
14 reported that -- and identified as Ms. Lore that she was
15 banging her head on the table and was crying, terribly visibly
16 upset about having been selected.

17 They said: Won't you take something from the menu?
18 And they said, about this or that or the other thing. Finally
19 said: How about fried drug dealers. Apparently she is very
20 upset. I witnessed none of this. I can attest to none of
21 this. I'm merely reporting it. It was reported to me. The
22 juror is Ms. Lore. Her name is L-O-R-E.

23 THE COURT: Government.

24 MR. HANKINSON: Judge, I -- I have observed that
25 Ms. Lore was very perturbed by being on the jury. I came into

1 the courtroom. She was out pacing up and down the hall.

2 Obviously disturbed. I think it's only going to
3 infect the rest of the jurors to have somebody on there that is
4 in that kind of state of mind. You know, I'm at the Court's
5 pleasure. I think it may be better to just send her home.

6 THE COURT: Mr. Kennedy?

7 MR. KENNEDY: Again, I defer to the Court's
8 discretion on this. But, it seems to me that that is the best
9 to do if she is that upset and that out of control.

10 I think Mr. Hankinson has a very good point. She may
11 very well contaminate the balance of the jury.

12 THE COURT: Mr. Daar.

13 MR. DAAR: I would agree with Mr. Kennedy's comments,
14 Your Honor.

15 THE COURT: Your clients are in accord?

16 MR. KENNEDY: They are, Your Honor.

17 I suppose, Your Honor, it might be appropriate for
18 Your Honor to consider asking her whether or not she has
19 expressed this displeasure to any of the other jurors.

20 I don' know that she has, but hopefully she has not.
21 An in camera inquiry by Your Honor could satisfy us for the
22 purpose of that.

23 MR. HANKINSON: I don't have any problem with the
24 Court meeting with her in camera. You will have a better sense
25 for how to proceed with it. To have someone in the jury that

1 is really angry, I think is not beneficial to anyone.

2 MR. DAAR: I'm sorry. I couldn't hear the comments.

3 THE COURT: He said they had no objection to an in
4 camera.

5 MR. DAAR: I have no objection.

6 THE COURT: Clients object?

7 MR. DAAR: No, Your Honor.

8 MR. KENNEDY: No, Your Honor.

9 THE COURT: Take a short break.

10 (In camera interview of the juror.)

11 THE COURT: All right. Just have a seat, please.

12 It was brought to our attention that during the lunch
13 hour you had some problems and manifest those problems about
14 being selected as a juror.

15 THE WITNESS: Yes, I cried. I'm worried about my
16 job.

17 THE COURT: And have you discussed this with the
18 other jurors?

19 JUROR: No.

20 THE COURT: With anyone?

21 JUROR: No. My dad.

22 THE COURT: Okay.

23 And none of the other jurors were with you at lunch
24 time?

25 JUROR: No.

1 THE COURT: Okay. You are excused.

2 JUROR: You are kidding?

3 THE COURT: Do you want to stay?

4 JUROR: Are you going to be mad at me?

5 THE COURT: Who is going to be mad at you?

6 JUROR: Thank you. Somebody needs to get my dad out
7 of the courtroom.

8 THE COURT: You didn't talk with anyone about this?

9 JUROR: No. I ate dinner.

10 THE COURT: That is all right.

11 He'll meet you out in the front of the courtroom.

12 (Back in open court)

13 THE COURT: She did cry. She didn't discuss it with
14 other jurors. But she discussed with her father who is in the
15 courtroom or somewhere.

16 I excused her. She is gone. As soon as we pick up
17 her -- they are getting her pocketbook for her.

18 Anything else before we bring them in?

19 MR. KENNEDY: Yes, Your Honor. We cannot from where
20 we sit over here see the screen.

21 The only way we will be able to see the screen in its
22 present position is if we locate seats over there. That is
23 going to be difficult for us with our notes and all of the
24 rest.

25 I asked Mr. Hankinson. He understands the problem.

1 If he can move -- if you move the screen, then the jurors can't
2 see it well. I don't know what the decision is then, Your
3 Honor. But I thought if we tried to move that projector, moved
4 the screen back over into that corner everybody could see.

5 THE COURT: Try whatever you can.

6 MR. HANKINSON: We've tried different
7 configurations. If we move that that much that would be about
8 double the distance from the jury, they are not going to be
9 able to read what is on the screen. Maybe -- we had this
10 configuration for four weeks ago in the last trial.

11 THE COURT: What if you put our projector there sort
12 of to the back of the screen?

13 MR. HANKINSON: I wanted to leave it where you could
14 see it.

15 THE COURT: I can slide over here. If you give me an
16 angle.

17 MR. HANKINSON: If we could have just a moment to
18 experiment with it.

19 THE COURT: Sure.

20 We are in the process of getting the courtroom
21 equipped, but we don't have it yet. Just get your clients
22 where they can see without moving. Just have him move down the
23 table somewhere.

24 Marshals don't want him wandering around the
25 courtroom.

1 (Brief recess taken.)

2 Are we ready?

3 MR. HANKINSON: Yes, sir.

4 THE COURT: Are we ready, Mr. Kennedy?

5 MR. KENNEDY: We are.

6 MR. DAAR: Yes, Your Honor.

7 THE COURT: All right. Jury in.

8 (Jury in.)

9 (Panel sworn.)

10 THE COURT: Be seated, please.

11 Ladies and gentlemen, you have been sworn as the jury
12 to try this case. You will by your verdict decide all disputed
13 issues of fact. I will decide all questions of law that arise
14 during the course of this trial. And before you retire to
15 deliberate at the close of the case, I will instruct you on the
16 rules of law which you must follow and apply in deciding upon
17 your verdict.

18 Now, you should each give careful attention, you
19 know, to the law and the evidence that is presented for your
20 consideration during the course of the trial. But you should
21 not form or express any opinion about this case one way or the
22 other until you have had the -- or have heard all of the
23 evidence, had the benefit of the closing arguments of the
24 lawyers, as well as my instructions to you on the applicable
25 law.

1 But, during the trial you must not discuss this case
2 in any manner among yourselves or with anyone nor permit them
3 to discuss it in your presence.

4 Also, as far as the lawyers are concerned as well as
5 others with whom you may come to recognize as having some
6 connection with this case, you are further instructed that in
7 order to avoid even the appearance of impropriety, that you
8 should have no contact or conversation whatever with those
9 persons while you are serving as a member of this jury.

10 You should also avoid reading, listening to or
11 watching any news accounts of this trial if any there may be
12 while this trial is in progress.

13 The reasons for all of those cautions lies in the
14 fact that it will be your duty to decide this case. You must
15 base that decision solely on the basis of the testimony and
16 evidence that is presented here during the course of the trial,
17 in the presence of all members of the jury, the defendants, the
18 lawyers and myself, without consideration of any other matters
19 whatsoever in arriving at that decision.

20 Now, from time to time during the trial I may be
21 called upon to make rulings of law on motions or objections
22 made by the lawyers.

23 Now, you should never infer or conclude from any
24 ruling that I make that I have any opinions on the merits of
25 this case which do favor one side or the other.

1 And if I sustain an objection to a question and that
2 question goes unanswered by the witness, you must not speculate
3 on what answer might have been given. Neither should you draw
4 any inferences or conclusions the asking of the question
5 itself.

6 Also during the trial it may be necessary for me to
7 confer with the lawyers from time to time out of your hearing
8 concerning questions of law or procedure that requires
9 consideration by the Court alone and does not immediately
10 involve this jury.

11 On some of those occasions I may ask you to step into
12 the jury room so you can be a little more relaxed while we are
13 talking out here.

14 At other times we will handle it in sort of a
15 whispered fashion here at the bench.

16 Now, I will try to limit those interruptions as much
17 as possible. But, you should each remember at all times the
18 importance of the matters that you are here to determine, and
19 you should be patient with us even though you may think that we
20 are going slowly.

21 The next step in this proceeding is the opportunity
22 for the lawyers on each side to address you and to make their
23 opening statement.

24 In this opening statement, they may explain to you
25 the issues in the case, and they may summarize to you the facts

1 that they expect the evidence will show.

2 After all of the testimony and evidence has been
3 presented, the lawyers will then be given another opportunity
4 to address you and to make their final or closing argument.

5 I tell you now, and I'll remind you later. That the
6 statements the lawyers do now make, as well as the arguments
7 that they will present to you at the close of this trial are
8 not to be considered by you either as evidence in the case,
9 because the evidence comes only from the sworn testimony of the
10 witnesses, the exhibits and any stipulation of the parties or
11 as your instructions on the law.

12 Because that will come only from me at the close of
13 the trial. Nevertheless, these statements and arguments are
14 intended to help you understand the issues and the evidence as
15 it comes in, as well as the position that is being taken by
16 both sides.

17 So when given the opportunity, I ask that you pay the
18 same close attention to the lawyers that you have paid
19 throughout this jury selection process.

20 A couple of other matters and we'll proceed. I do
21 permit note-taking. I think you probably have got pads and
22 pencils by now. I ask only that you not allow your note-taking
23 to interfere with your ability to always see and hear what is
24 going on in this courtroom.

25 And I would remind you that those notes are personal

1 for you. When the trial is over, we don't want them just left
2 around. You can take them home with you, tear them up, do
3 whatever it is that you wish to do.

4 Also, if you would somehow identify that note pad as
5 belonging to you, it will help us, because each evening we will
6 pick them up, we store them with the evidence. Each morning we
7 take them out, and they'll then give them back to you.

8 The matter of our scheduling. We will start each
9 morning at 9 o'clock.

10 Somewhere during the morning hours we'll take about a
11 15 minute break just to let you get out of the courtroom, go
12 stretch your legs have a cup of coffee. Around noon time, we
13 will break an hour for lunch. That has generally proven to be
14 sufficient, you know, sufficient time for you to find something
15 to eat.

16 If it turns into a problem let me know and we can
17 adjust that. Again in the mid afternoon we are going to take
18 another break, about 15 or 20 minute duration, this again just
19 to get you out of the courtroom. Let you relax, stretch your
20 legs. Around five o'clock we'll quit for the day. I won't
21 just quit at five if there is a need to proceed, but I
22 generally won't start another witness near five o'clock either.

23 If at any time during the course of this trial, you
24 need to take a break for whatever reason, if you would just let
25 me know, catch my eye, someone's eye up here, let us know. We

1 need take a break, and we'll stop the proceeding. We'll take a
2 break, no questions asked. So don't just sit there. You know,
3 if you want to break, tell me. And we'll take care of it.

4 Told you the next stage of the proceedings was the
5 opportunity for the lawyers on each side to address you and to
6 make their opening statement.

7 In a case such as this the government gets to go
8 first, the government gets to go last. In the opening
9 statements they get to go first. So government ready?

10 Okay. Mr. Hankinson.

11 MR. HANKINSON: Good afternoon. As I said -- the
12 judge introduced us at the beginning of the trial. Let me go
13 back and do that since people sometimes aren't too focused at
14 that time. I'm Jimmy Hankinson. I'm an Assistant United
15 States Attorney, and I will be representing the government in
16 this case, along with Robert Davies who is another Assistant
17 United States Attorney that will be taking turns on the
18 witnesses.

19 Our case agents are Mike Lee with the Drug
20 Enforcement Administration, and Carl Lilley, also with the Drug
21 Enforcement Administration. That will be the prosecution team
22 that will be presenting this case, hopefully presenting it in a
23 logical fashion so you can follow what goes on.

24 I know as you came in here and started into the jury
25 selection, you probably had some questions. It would be pretty

1 typical for jurors coming in of the some questions in your mind
2 about what is going on. I think probably when you came in, you
3 were sitting there thinking: Who are these defendants? What
4 did they do? What is this case about? The kind of typical
5 things that you were probably thinking of as you come in to
6 begin this trial, and probably also hoping you don't get
7 picked.

8 But, you know, we kind of grab people off the street
9 and require a lot of them. But we find that jurors generally
10 will take that and do their duty and listen and do their best.
11 And we do appreciate that.

12 This opening statement is designed to answer some of
13 those questions. We have found that you can better follow the
14 presentation of the evidence and understand what is going on if
15 we give you a little bit of introduction as to what to expect.

16 Let me quickly say that it is not a substitute for
17 the evidence. You will hear the evidence from the witness
18 stand, sworn testimony, or from evidence that is actually put
19 into evidence. It's simply intended to help you understand
20 what you later hear.

21 We are also going to talk about the law a little bit.
22 Again, what the lawyers say about the law is not a substitute
23 for what the judge is going to give you, mainly at the end of
24 the case. He'll probably give you some instructions as we go
25 along on certain specific things, but mainly at the end he will

1 give you your instructions.

2 And ultimately whatever the judge says the law is in
3 this case, that is what as a jury you're left with. But we do
4 find that talking about it a little bit helps.

5 Let me tell you a little bit about how I'm going to
6 make this presentation to you. First, I'm going to give you
7 just kind of a nutshell version of the answers to those
8 questions I posed that most jurors have when they come in;
9 those three questions I posed.

10 And then I'm going to talk a little bit about some of
11 the more important legal provisions that you are going to come
12 into contact with in this case. And then I'm going to tell you
13 something about the facts of the case.

14 Now, let me be quick to tell you I'm not going to try
15 to summarize all of the facts that you are going to hear over
16 the next few weeks here in this courtroom. First, I suspect
17 that you would probably lose me long before I finish. And it's
18 not necessarily going to be that helpful to you. But I'm going
19 to summarize to you some of the highlights.

20 Let me talk about just the nutshell answers, just a
21 little blurb, then we are going to talk more about how we are
22 going to prove it. Who are these people, John Knock and Albert
23 Madrid? You are going to learn from the evidence during the
24 course of this case that John Knock was one of the biggest
25 marijuana-hashish smugglers in the world until he was arrested

1 in this case. That is who John Knock is.

2 You will find from the evidence presented that Albert
3 Madrid was his close lieutenant, close assistant, and even
4 though in a subservient role in this case, a major drug
5 smuggler in his own right. That is who John Knock and Albert
6 Madrid are.

7 Based on the evidence that they are going to present,
8 what did they do? Well, that is not real hard to figure based
9 on my introduction. They smuggled tons and tons of marijuana
10 and hashish, mainly into the United States and Canada, but also
11 you will hear testimony, I suspect, of smuggles into Holland,
12 the Netherlands and Australia over a long period of time. We
13 are talking about tons and tons.

14 And what is this case about? The third question I
15 posed. Again, probably a present observation. It is about
16 lots of drugs and lots of money.

17 If I could pull -- just to kind of give you a little
18 sense for what we are talking about, and we'll come back to
19 this chart and talk about it a little later.

20 But you will see that we start out with a series of
21 drug smuggles that these people were involved in through the
22 years. Let's scroll on down through the -- each of them
23 involving tons and tons of marijuana into the U.S., Canada, as
24 I said, Australia and the Netherlands, culminating with the
25 last load that was actually smuggled in that we know about in

1 the fall of 1993.

2 We've totaled those figures out. And let me say
3 something about those figures. The witnesses will differ
4 somewhat on what those figures are. When you are talking about
5 20 tons of marijuana or 20 tons of hashish, there isn't going
6 to be absolute consistency among them as to exactly how big
7 these loads are. But, the point is, we are not talking about
8 street level dealers.

9 We are not talking about pound dealers. We are not
10 talking about hundred pound dealers, we are talking about
11 people smuggling shiploads of marijuana and hashish to put on
12 the streets of the United States, Canada, and places in the
13 rest of the world.

14 And we've come up with a figure of roughly how much
15 money was generated in a gross sense for those various
16 smuggles. And, yes, it says two billion. It is not million.
17 Two billion dollars. We are talking about lots and lots of
18 drugs and lots and lots of money.

19 I show that to you to see what we are talking about
20 is quite significant, and therefore I ask you to look at this
21 and listen to what we have to say. Let me tell you a little
22 bit about the law that is going to be involved in this case.
23 It is a complicated case factually. But legally it's really
24 quite simple. There are three charges against Mr. Madrid and
25 Mr. Knock, same charges as to each one. We call them counts.

1 That means separate charges in the indictment, the charging
2 document against those people. The first count is a conspiracy
3 to possess with intent to distribute marijuana.

4 The second count is conspiracy to import marijuana.
5 And the third count is a conspiracy to money launder. Those
6 are the three charges against those defendants. And they will
7 encompass all of those various loads that I have showed to you
8 over a long period of time, almost a ten-year period of time.
9 But it's those three basic charges will be what has to be
10 proven.

11 You probably noted they are all conspiracy charges.
12 Now, I don't know how much contact you've had or discussion
13 you've had about what a conspiracy charge is. Probably none.

14 But basically what the judge will tell you is that a
15 conspiracy is simply an agreement to carry out criminal
16 activity. The conspiracy is the agreement. In other words, if
17 you -- you can view it as a partnership in crime.

18 Congress has seen fit to make special laws that are
19 involved when more than one person is involved in criminal
20 activity. And Congress made the determination that crimes that
21 involve groups of people had the potential to be more serious
22 and dangerous to us than crimes committed by simply an
23 individual. So they came up with the conspiracy charges. And
24 that is what is going to be involved in this case.

25 There is some important things to note about a

1 conspiracy. First, it doesn't have to succeed. The agreement
2 to do the criminal activity is the crime. Now, you've seen
3 already this -- this organization succeeded in, you know, in
4 great -- had great success. But that really doesn't matter.
5 If they had never smuggled a pound, if there was the agreement
6 to do so, that would be the crime.

7 There doesn't have to be any formal agreement. Now,
8 we are talking about criminals. We are not talking about
9 General Motors or, you know, your purchase of a house. It
10 isn't generally set out on paper. It's not generally in a real
11 formal sense. A lot of times those agreements just kind of
12 come to be: 'Hey, would you like to get involved in smuggling a
13 load of marijuana into the country? Would you like to get
14 involved in distributing? And that is the kind of agreement
15 that we'll be involved with.

16 Another important aspect of the conspiracy, and it's
17 particularly important in a huge conspiracy like we are
18 involved in here, is that the conspirators don't have to know
19 all of the rest of the people involved in the conspiracy.

20 There are many people involved in this conspiracy.
21 And, frankly, the nature of the drug dealer is to try to keep
22 as few people knowing about them as possible.

23 So the fact that John Knock may not be known to the
24 little man at the other end buying the marijuana, they are all
25 still part of that conspiracy. And that doesn't matter that

1 they may not be known directly to each other.

2 Another important aspect of it is that the person may
3 be guilty of the conspiracy if they only participated on one
4 occasion. It may be a huge conspiracy. And they only helped
5 once. That is not the facts that you are going to hear about
6 in this case, but legally that would be sufficient if they
7 helped one time knowing that they were helping this huge
8 organization, then they would be guilty of the conspiracy.

9 The essence of the conspiracy is that the
10 co-conspirators are responsible for the actions of the other
11 persons involved in their conspiracy, their fellow
12 conspirators, even though they may not even specifically know
13 that they are doing it, if they have joined into this agreement
14 with knowledge of what is going on.

15 So, you know, that sounds like a lot of legal talk.
16 Maybe to put it in more concrete terms: If the person out on
17 the West Coast agrees to help bring in a shipload of marijuana,
18 obviously that person knows that somewhere that marijuana is
19 going to be sold, and they are not doing it for fun. They are
20 doing it to make money.

21 And all of those people down the line that are
22 helping in the distribution of that money, of that marijuana,
23 and making that money are all part of the conspiracy, and they
24 are all responsible for each other.

25 The judge at the end will tell you that there are

1 elements of those crimes. The elements are what the government
2 must prove beyond a reasonable doubt for the charge to be found
3 guilty by you.

4 The elements are pretty simple. There are two
5 elements to a conspiracy: That two or more persons came to a
6 mutual understanding to do something illegal. In other words,
7 two or more persons agreed to do something illegal, and that
8 the -- the defendant under consideration, in this instance,
9 Knock or Madrid, willfully agreed to join in.

10 That is what a conspiracy is. In other words, two or
11 more people agreed to do something illegal, and the defendants
12 here -- individually or collectively -- agreed to participate.
13 That is what a conspiracy charge is.

14 In this instance what they are agreeing to
15 participate in are the three things that I talked about. One,
16 that they were going to possess with intent to distribute
17 marijuana, which is the first count.

18 That they agreed to be involved in the importation of
19 marijuana, the second count. They agreed to be involved in
20 laundering money. And the laundering of money in this essence
21 is the movement of money from the United States out of the
22 United States in order to keep the drug business going.

23 And I think you will hear about millions and millions
24 of dollars that were being taken from the United States to
25 outside the United States to keep this drug business going.

1 We talked about people being responsible for what
2 their co-conspirators do, what the other people in the group
3 do, and that comes into May in a couple of instances that are
4 important.

5 One, it comes into May -- the judge at the end of the
6 case will probably tell you something about a term called
7 venue. In other words, where is the case properly presented to
8 a jury? You have to have venue. And he will tell you that
9 this is one instance where the Government's burden is only a
10 preponderance of the evidence.

11 In other words, we have to show that it's more likely
12 than not. But all it requires is that somebody in this
13 conspiracy has done some act in this district that was intended
14 to help the conspiracy. It doesn't have to have helped it, but
15 it had to have been intended to help. So someone did it.

16 It doesn't matter that those defendants have never
17 been to the Northern District of Florida before. If somebody
18 in their group, somebody in this conspiracy, did some act in
19 this district that was intended to facilitate this conspiracy.

20 Another important feature of the conspiracy is what
21 we've talked about, a withdrawal. A person's responsibility --
22 they set this conspiracy in motion -- doesn't end just because
23 they quit being actively involved. Just walking away doesn't
24 cease their responsibility. If the organization is continuing
25 to be active, to escape responsibility for what their

1 conspirators are doing, they must take some action to make the
2 conspiracy stop. So just quitting doesn't get them out of it.

3 And one last thing. And this is a real simple thing.
4 But, somebody suggested you might be confused. We talked about
5 marijuana and hashish. You will hear from the witness stand
6 hashish is just a concentrated form of marijuana. It is all
7 marijuana under the law. Hashish is just a condensed down
8 version of marijuana.

9 The charging document, the indictment, will talk
10 about marijuana. But when we are talking about marijuana in
11 the indictment, it's referring to marijuana and hashish. They
12 are all marijuana under the law.

13 Those are probably the legal things that we need to
14 talk about. Let me talk a little bit about what the factual
15 presentation is going to be during the course of this case.

16 The -- let me first tell you how -- the types of
17 evidence that we are going to hear. You are going to hear
18 three types of evidence, and this is kind of generalized but
19 maybe it will help you to think about it in this way.

20 You are going to hear from some accomplices,
21 co-conspirators, people involved in the criminal activity.
22 That is going to be one type of proof you are going to hear.

23 And then you are also going to hear what the police
24 have done. The police investigative work, what they have done
25 to try to prove that, you know, what those co-conspirators say

1 is true. And then you are going to be presented with some
2 documentary type evidence, you know, things that are generated
3 in the normal course of business.

4 You know, bank records, credit card records, phone
5 records, those kind of things. So you're going to hear really
6 three different kinds of proof. You're going to have
7 accomplices, you are going to hear what the police discovered,
8 and you are going to hear -- then you are going to see the
9 evidence that is generated from the business records and so
10 forth.

11 Let me talk just a little bit. Let's talk about this
12 organization. Let's show this. If there is anyone that can't
13 see that screen, raise your hand and let me know that.

14 We are trying to find a configuration that works for
15 all of the jurors and the lawyers so that everybody can see.
16 This is kind of a schematic or org chart of the Duboc
17 organization.

18 As I said, it's not General Motors. Kind of the
19 nature of the beast that drug dealers, they are going to do
20 their own thing to a certain extent. But generally in this
21 organization, there was a recognized chain of command.

22 Now, like I say, it's loose. There is -- drug
23 dealers, they are criminals. They are not necessarily the ones
24 that are going to be working eight to five and doing the things
25 that normal people would do. But they do have somewhat of a

1 chain of command.

2 You are going to hear -- we'll start on this
3 organization -- that the two people at the top of this
4 organization, John Knock, Claude Duboc. I think you will hear
5 from the testimony Mr. Knock was generally involved in the
6 logistical arrangements in the coordination of the case.

7 Then on the other hand, Mr. Duboc, Claude Duboc, was
8 more or less the money man who arranged the laundering of the
9 money, the millions and millions of dollars. And you will hear
10 that Mr. Duboc was caught long before John Knock, a couple of
11 years before him. And, you know, just to show that, you know,
12 I am talking about a billion dollars, you are saying: Oh, that
13 is -- that can't be.

14 You will hear testimony that to date we have 50
15 million dollars in the bank that was seized from Claude Duboc,
16 50 million dollars. That was put in the bank. That is in the
17 Treasury of -- the U.S. Treasury, money that was taken from
18 Claude Duboc.

19 There is another eighteen million dollars sitting in
20 a bank in Austria. That is money that was generated by this
21 organization. Now, whether it was all Claude Duboc's money or
22 he was given money of other people in the organization, we are
23 not sure. You'll see pictures of a house on the Mediterranean
24 in France looking out over the Mediterranean, multi-million
25 dollar palaces, that's the kind of things generated with the

1 millions and millions of dollars those drug dealers consumed.

2 You will also hear in a more limited fashion, you
3 know, money that we'll trace to Mr. Knock. But, you know, be
4 sure, and I'll tell you up front, we haven't found all of
5 Mr. Knock's money. We haven't found the kind of money that we
6 found of Claude Duboc's. But these were the two people that
7 ran that organization for about a 10-year period of time that
8 we are talking about now, when you get to that. It changes
9 from year to year and load to load to some extent.

10 But there are some people that are consistently
11 involved. One of the major people you are going to hear a lot
12 about is a fellow named Richard Buxton. Richard Buxton is one
13 of the distributors of the marijuana. You will hear Mr. Buxton
14 is a fugitive. But he was one of the main distributors of this
15 marijuana. And he had a group of people largely working for
16 him, and those are the people listed under him.

17 Ken Cowles was kind of the lieutenant to Richard
18 Buxton. John Bredin who worked for Cowles and Georgio Farina,
19 each of those three people will come in here and will testify
20 to you about their involvement with the distribution of this
21 marijuana and hashish that they were receiving at Buxton's
22 direction from the Knock-Duboc organization.

23 Well, of course, you will hear about the defendant --
24 other co-defendants in this case, Albert Madrid. And I think
25 you will hear from the testimony presented, as I said, that

1 Mr. Madrid is largely a lieutenant to John Knock, helped in the
2 logistical operation of the organization, and he was assisted
3 by a couple of people, Lori Burdin, John Hanson who helped in
4 the offloads.

5 When we are talking about offloads, that just simply
6 means the moving of the marijuana and the hashish from
7 ocean-going ships to ships or smaller boats to be taken on to
8 land so it can be distributed.

9 So you will hear about those individuals. And you
10 will hear that Madrid and Burdin, along with Cowles, are
11 arrested together with about six tons of marijuana in the
12 summer of 1992.

13 And you will hear testimony and you will hear about a
14 person named Julie Roberts. At one point she was Julie Beattie
15 Roberts. But, Julie Roberts, you will hear testimony from her
16 and you will hear that she was involved in organizing offloads
17 and also to some extent organizing distribution of marijuana
18 and hashish on a couple of occasions.

19 She is first involved in 1987 through her current
20 husband at the time, a fellow named Gary Vance. And she comes
21 back involved in it again in '91, '92, and '93, and is finally
22 arrested or turned herself in in February of '96. And she will
23 tell about her dealings with Knock-Duboc and her work for the
24 organization.

25 You will also hear about a fellow named Marshall Way

1 who was a distributor of the marijuana and hashish after it
2 came largely into the United States. And he was distributing
3 to a couple of different places. One of the persons he's
4 distributing to is a fellow named David Kaplan. You will hear
5 that that marijuana and hashish, some hashish, mainly
6 marijuana, was going largely to the New York area.

7 And Kaplan was assisted by a couple of other people
8 that you will hear about in the course of this case, a fellow
9 named Howard Rosen, Paul Parnells, Robert Singer, other persons
10 involved in the organization.

11 You will also hear about a fellow named Robert Berger
12 who is now deceased who was the captain of the boat that
13 brought the marijuana from offshore to the oceangoing ship on
14 to shore who worked with Julie Roberts in a couple of these
15 importations.

16 A couple of other people that will be involved in
17 that kind of chain of command that aren't up there is the
18 guide, Tom Vance, and his brother, Dan Vance. Their father was
19 Gary Vance, married to Julie Roberts. They got involved just
20 as kids assisting in the distribution of this marijuana.

21 You will also hear some testimony about some people
22 named the Nelsons; Douglas and Dallas Nelson. Their name is
23 not up -- they were involved, they were truckers moving the
24 marijuana around.

25 All right. Let's go over to the right-hand side of

1 the chart here. And when we get over here, we are talking more
2 about the money. Now, Roger Darmon is basically Claude Duboc's
3 number one lieutenant. Darmon is still a fugitive, was
4 indicted in this case with Knock and Duboc and is still a
5 fugitive.

6 Darmon is a boat captain. So on occasion he does
7 ship -- or skipper the boats on the ocean, but he is also very
8 involved in the distribution of the money. Because, as you can
9 imagine, one of the -- really, you know, it's almost hard to
10 imagine. But one of the real problems in a drug organization
11 is what to do with all of the cash they get.

12 It is a real logistical nightmare. Now, that is --
13 as we sit here, you think: Well, that is the kind of a
14 nightmare that, you know, perhaps would be nice to have. But
15 that is a problem of these drug organizations is how to deal
16 with the cash.

17 And so what they have to set up is a whole system of
18 how to deal with the cash. And that is kind of where Duboc got
19 real involved and Roger Darmon, and they had people that would
20 actually pick up the money. And they would carry it to the
21 offshore banks where they were depositing this cash so it could
22 be put into a banking system, so that it can be turned into
23 checks, in some way it can be used. In some way, I mean
24 obviously they can't just go in every place carrying hundred
25 dollar bills and spending the money in that way.

1 And working for Roger Darmon, one of the main money
2 couriers that we have talked about is a lady named Sonia Vacca,
3 one of the main couriers. And she would take -- and she had a
4 team of people working for her. She would pick up suitcases
5 containing millions of dollars. And initially they were taking
6 the money to Luxembourg in Europe. But later started taking
7 the money mainly to Singapore where Duboc had arranged for bank
8 accounts for this money to be put into.

9 So there are a number of money couriers involved with
10 Sonia Vacca. It doesn't serve any useful purpose to list them
11 all, but you will hear from Sonia Vacca, one of the money
12 couriers. She was arrested in San Francisco with a lawyer
13 named Matthew Martenyi who will be one of the witnesses in this
14 case.

15 So that is kind of an idea of, you know, the
16 organization that we are talking about. As I said, I mean, we
17 are talking about tons and tons of marijuana. And those people
18 aren't all going to agree on exactly when this load took place
19 and exactly how much was distributed, or how much was imported.

20 But, I think you will hear from these witnesses
21 consistently. They'll tell you that John Knock, Claude Duboc
22 were the leaders of this organization. That Albert Madrid was
23 an important lieutenant involved in this.

24 What you are going to have to decide where there is
25 some discrepancy in the witnesses is: Is it just normal that,

1 you know, someone doesn't necessarily remember eight years ago
2 exactly what happened, or are they intentionally lying to you?
3 And that is, as a jury, what you are going to have to decide.

4 All right. I said that there would be three methods
5 of proof. And, again, I'm not going to go over it all. But I
6 told you the first thing that we are going to have are the
7 accomplices.

8 Now, I'm aware that when you have someone come in
9 here and testify to you, and their source of information is
10 their involvement as a drug dealer, you know, that is a little
11 controversial.

12 You know, you don't really like to hear from people
13 like that. They are generally not very likable. They are drug
14 dealers. That is what they are. That is why they are, a
15 witness. And, of course, as the judge is going to tell you,
16 you want to think about with caution what they are telling you.

17 But what I asked you, and what I think all of you
18 agreed to in voir dire, is that you will listen to those
19 people. You will compare it with the other testimony that is
20 presented, the other types of evidence you are going to be
21 presented with, and decide for yourself whether to believe them
22 or not. That is your job, and that is what you're asked to do.

23 And in doing that, you want to consider what is their
24 motive? What are their biases? I mean, with every witness you
25 want to think about why do they have a bias here? Do they have

1 some motive here to lie to us?

2 This case is a little unusual with -- with the
3 accomplices that are going to be testifying in that many of
4 those people, you know -- and I didn't sit down and count how
5 many there were -- probably ten or twelve accomplice-type
6 people were involved, many of them were prosecuted or made
7 agreements with some other district.

8 We never -- this, the Northern District of Florida
9 never had anything to do with the agreement reached with them.
10 And I think you will find that many of them, whatever agreement
11 was made, has been executed, is done, and whatever was going to
12 happen to these people is over with.

13 Some of them, frankly, we would like to think had it
14 happened -- that the prosecution happened in the Northern
15 District of Florida, maybe they would have been prosecuted a
16 little bit differently.

17 Some of them got some great breaks. You are going to
18 hear Julie Roberts, who is a major player in this case, was
19 prosecuted in San Francisco, and walked away from it with
20 probation and six months of house arrest.

21 You know, we like to think that perhaps had that been
22 done in the Northern District of Florida, maybe there would be
23 a little stronger result in that. But that is the situation.
24 But what you are going to have to decide is not whether you
25 like what happened to them or don't like what happened to them,

1 it's whether they have a motive to lie because of that.

2 I submit to you, you are going to find out that it's
3 over and done with. And most of those people don't have any
4 real motive to lie.

5 Also, a little unusual in this instance, because you
6 are going to find, and I think that you are going to see that a
7 lot of those people, for one reason or another, would like to
8 help John Knock.

9 Now, is this because they like him or feel loyal to
10 him or because he has millions of dollars out there? We don't
11 really know. But you are going to see some people that are
12 more -- would like to help him. And I'm hoping they are going
13 to come in here and they are going to tell the truth, and it's
14 going to explain it to you.

15 But you need to, when you are listening to someone,
16 you -- I mean, you are going to hear them and give them -- as
17 an example, Sonia Vacca, when she was first arrested back in
18 the fall of '93, and then when she started talking to us early
19 in January of '94, first she lied about John Knock. She left
20 him totally out. The first day when she talked to us, she told
21 about Claude Duboc. She told about a lot of the rest of those
22 people, but she didn't talk about John Knock.

23 Now, the next day she came back she admitted, yes,
24 John Knock is Claude Duboc's partner. Well: Why did you lie
25 to us? Well, because he was a friend of mine. He has been a

1 friend for years and years, and I didn't want to talk about
2 him. And I think that you are going to hear that from a number
3 of the witnesses here.

4 You are going to have to listen to them and decide
5 for yourself. However, let me say with these caveats, I'm
6 saying these are the bad things about, you know, a lot of those
7 witnesses, things you need to think about and listen to them.

8 I think you will find that they can give you
9 invaluable insight into the workings of this international drug
10 organization, because frankly they are the ones that know --
11 they are the only ones who know who was doing what.

12 Now, I say there are other methods of proof. We are
13 going to help you with what the police did and what the other
14 evidence is, but to some extent those probably are the ones
15 that can tell us what went on inside.

16 Let me talk a little bit about how this case got
17 started in this district. In the summer of 1993, a fellow
18 named C. J. Brown came to this district. He had been
19 previously indicted and was a fugitive in this district. And
20 he came into this district and turned himself in to Agent
21 Lilley. And he told us -- the prosecutors that were involved
22 at that time and Agent Lilley -- that he had been enlisted to
23 help a group bring a huge load of marijuana into the United
24 States, and that this was ongoing.

25 Now, C. J. Brown did this because he felt like he

1 could help get himself out of trouble to some extent by telling
2 about this organization, but, you know, that is his motive.

3 So he tells about this ongoing deal. That is in the
4 formative discussion in terms of this 60 tons of hashish and
5 marijuana into the United States.

6 Agent Lilley gets involved and Agent Lilley begins to
7 meet undercover with these people and discuss this plan for the
8 offload. And what you will hear, and it will fit in with some
9 of the other testimony that you are going to hear, that in that
10 point in time, in 1993, Knock and Duboc had a problem.

11 They had a problem because they didn't have their
12 offload crew. Remember, I talked about Albert Madrid and Lori
13 Burdin and Ken Cowles getting arrested in the summer of '92.
14 Their offload crew had been busted and were under scrutiny and
15 so they were hunting for an offload crew.

16 And what they were attempting to do was arrange an
17 offload crew. And as I said, Agent Lilley met undercover with
18 those people. He met with Matthew Martenyi, one of the
19 witnesses I told you about. He talked with Sonia Vacca on the
20 phone. He met with another fellow, a fellow named Nicholas
21 Grenhagen, and dealt with those people and met with Grenhagen
22 and Martenyi right here in Gainesville, Florida, and discussed
23 arrangements to bring in this huge load of marijuana.

24 And basically what the -- Martenyi and Vacca and
25 through them Duboc thought that they were doing was hiring

1 Agent Lilley to provide an offload crew to deliver the goods,
2 the drugs, into the United States and Canada.

3 Now, as things happened, the load in October of '93,
4 those people had to be arrested because some other events had
5 fixed it so we could not proceed with the drug smuggle. In
6 October of '93 Vacca, Martenyi and Grenhagen were arrested.

7 You will hear testimony that Mr. Knock delivered or
8 arranged for the delivery of checks from Singapore, a large
9 number -- large amount of checks from Singapore to pay for
10 Martenyi and Vacca's lawyers. I don't think -- the lawyer's a
11 little vague on how much exactly it was, but somewhere in the
12 neighborhood of three to four hundred thousand dollars.
13 Mr. Knock arranged to be paid the lawyers of Vacca and Martenyi
14 in the prosecution.

15 Despite the fact that Knock is funding the defense in
16 January of '94, Sonia Vacca decides to plead guilty and tell
17 the government what she has been involved in. And she does
18 that. And that is when we first find out about this huge
19 organization.

20 In March of '94, based on the testimony from Vacca
21 and some of the others, indictments are returned against Knock
22 and Duboc. And in March of '94, Duboc is arrested in
23 Hong-Kong.

24 Now, let's go back to the load chart a little bit.
25 From this we are able to go back and piece together that over a

1 long period of time, the -- this organization had -- remember
2 as I said, had been bringing loads into the country.

3 Now, there are some of those that we know a lot more
4 about than others.. And that is where I said we were going to
5 get into the police work in this case. The first one that we
6 know about or that is a -- not the first one we know about, but
7 one that law enforcement was able to seize, and there were
8 three loads that were seized, at least partially in May of
9 1988, and that is the bottom one here, a load into San
10 Francisco was seized with -- a huge load into San Francisco --
11 multi tons of hashish and marijuana was seized by law
12 enforcement.

13 I think we actually have the hashish and the
14 marijuana listed there on the amounts. But it was 43 tons of
15 hashish, 14 tons of marijuana seized in the San Francisco area.
16 A load arranged by Knock and Duboc brought in on a tugboat or
17 brought in by a tugboat pulling a barge captained by a guy
18 named Calvin Robinson.

19 Now, I mean, again, you probably are sitting there
20 thinking: Golly, you know, tons and tons and tons. That is
21 fantasy land. We'll show you the marijuana, at least the
22 pictures. We are not going to bring tons of it into the
23 courtroom, but we'll show you the tons of marijuana and hashish
24 that were seized in 1988 aboard the INTREPID VENTURE, that is
25 the name of the tugboat that was pulling this into San

1 Francisco Harbor.

2 The police sat up there and watched it be brought in.
3 So you will hear a fair amount about that. And you will hear
4 that Albert Madrid and John Knock were both actively involved
5 in this load.

6 The next one that you will hear that law enforcement
7 actually seized is in the summer of 1992, the hashish load that
8 went into Vancouver, British Columbia.

9 Now, it was actually bigger than this. But law
10 enforcement did seize six tons of that hashish. And present
11 when the hashish was seized was this defendant, Madrid. Albert
12 Madrid, Ken Cowles, and Lori Burdin were arrested there at the
13 warehouse with the drugs.

14 You will find from the testimony that there are tally
15 sheets, what we call tally sheets, just recordkeeping of the
16 drugs that would show that there had actually been a lot more
17 than the six tons originally, but a large portion of it has
18 been distributed. So that will be the second seizure.

19 And you will hear that after this -- let's go to the
20 next -- the next one that was seized was the -- was in the
21 summer of 1993.

22 You will find out this load went into Seattle,
23 Washington, on July 4th of 1993. It was actually not seized
24 until October of that year when approximately 11 tons of
25 marijuana was seized in the San Francisco area. Eventually

1 there was also close to three million dollars cash money, some
2 of that being in Canadian currency, seized in connection with
3 that.

4 Now, by the summer of '93, the load into Seattle, you
5 will hear testimony from the witnesses, as far as they know,
6 they didn't know that John Knock was actively involved in
7 bringing that load into the country. But, you will hear
8 testimony that after Duboc is -- gets on the run in March of
9 '94, that Knock gets back involved trying to collect the money
10 for the load, and he gets involved with Mr. Madrid, he gets
11 involved with Julie Roberts, and is helping to try to collect
12 the millions of dollars from that load.

13 Now, let's talk about some other significant police
14 activity. And I probably am running out of your memory cells
15 at this point, so let me run through a couple of those things
16 just to -- some other important events.

17 In April of '91, you are going to hear that RCMP was
18 doing surveillance on some of these guys. You will hear that
19 there is surveillance where John Hanson is seen with Madrid,
20 and Hanson is also seen with Roger Darmon. Because of that an
21 April of '91 load is postponed until the fall of '91.

22 You will also hear that in March of '94, Agent Lilley
23 and other agents with DEA searched John Knock's house in
24 Hawaii. Seized in that search warrant were many incriminating
25 things. I won't try to list them, but to give you a little

1 taste of some of the things, there was equipment in there for
2 sending coded message, electronic equipment, very sophisticated
3 electronic equipment for sending coded messages. There were
4 brochures on bug detectors, there is a book on how to use mail
5 drops.

6 And then there are also letters in there,
7 incriminating letters that will be presented to you. The next
8 event was March 25th of '94 as Duboc was arrested in Hong-Kong.
9 Now, at that point he is traveling under a phony Irish passport
10 in the name of Anthony Larkin, which this Larkin that -- you
11 are going to hear, that is the name that he was using during
12 the undercover operation with Agent Lilley.

13 And then you are going to hear that in May of '94,
14 the RCMP, known as the Mounties, Royal Canadian Mounted Police,
15 did searches of a number of the houses that had been used by
16 the drug organization in Vancouver.

17 In one of the houses they found things with John
18 Knock's name on it. They also found other things in the name
19 of Patrick Osborne, which I believe you will hear testimony was
20 an alias used by Mr. Knock.

21 You will also hear from experts that Knock and
22 Madrid's fingerprints were in that stash house. An RCMP expert
23 will come and testify to you about that. Now, let me alert
24 you: He is going to have to come in a little early just
25 because of scheduling problems.

1 So some of these are going to be taken a little bit
2 out of order. I don't think that will be a problem for you to
3 follow. Again, there was electronic equipment in this house
4 identical to what was in Knock's house in Hawaii for sending
5 the secret coded messages.

6 They did a search on another stash house there where
7 they had a secret compartment. And they had rollers in there
8 for moving the drugs. And then they did a search on a third
9 stash house there where they found the fingerprints of Ken
10 Cowles and Albert Madrid together, night vision glasses, motion
11 detectors, those kind of things that you would expect to find
12 from sophisticated drug dealers.

13 In February of '96, Roberts -- Julie Roberts turned
14 herself in and began cooperating and took part in some
15 undercover meetings and provided information on Knock, Madrid,
16 and the Nelsons.

17 Based on her information, on April 17th of 1996, this
18 defendant was arrested in France in conjunction with work of
19 the DEA where Mr. Lee was present. At that point, Mr. Knock
20 was traveling under a false Irish passport in the name of
21 Charles Mileau. I believe you will hear from French police
22 officers that over a fairly extended period of time Mr. Knock
23 continued to insist that he was this person named Charles
24 Mileau on his phony passport.

25 Then you will hear that in May of '96, Mr. Madrid was

1 arrested in Mexico, again based on information provided by
2 Julie Roberts. And then in June of '96, you will hear about a
3 seizure of money that was made in Southern California when
4 Julie Roberts met with a lady named Carol Nelson. Law
5 enforcement seized \$900,000 Canadian when Ms. Nelson came and
6 met with Ms. Roberts, ostensibly to change this drug money, the
7 Canadian drug money, into U.S. money. And the money was
8 seized.

9 So that will be some of the police activity that we
10 are talking about. The last area of proof we will talk about,
11 I know that I'm running out of time, and let me just run
12 through this real quickly. You will hear that we've been
13 unable to establish any gainful employment for either of these
14 defendants. And we will present in evidence tax returns
15 showing essentially they've claimed to have made almost nothing
16 through the years.

17 s t a r t

18 But, in contrast to that, you will hear testimony
19 that Mr. Knock on one occasion or over a period of time, over
20 one period, invested over two million dollars for a development
21 in California, that he paid about 6 -- roughly \$600,000 for
22 three lots in Hawaii that he bought through a foreign
23 corporation a house in Hawaii, that -- for two million dollars.
24 That he owned a sailboat, that he traveled all over the world.

25 And that would be in conjunction with hearing that

1 there was no legitimate source of income, and he was not
2 claiming any income. We are going to present some other
3 routine type business records that will help you track them
4 around the world as to various of those loads.

5 But, basically I've run out of time here, and I think
6 we've dumped all we can on you. Factually it's a complicated
7 case. You are going of the to pay careful attention. I can
8 tell from your attention here that you will work at it.

9 I think that you will probably find it interesting.
10 I know that you've kind of gotten the shock treatment today.
11 Here you are. But I think as you settle in, and as you listen,
12 I think you will find it interesting. You will probably find
13 it maddening. It will probably make you mad that those kind of
14 people are out there making millions and millions of dollars
15 that, you know, at the expense of our society. But that is
16 what you're going to hear about.

17 I ask you to pay close attention. I believe at the
18 end of this case you will find, based on the evidence
19 presented, that these defendants are guilty of the charges as
20 presented. Thank you.

21 THE COURT: Mr. Kennedy.

22 MR. KENNEDY: Thank you, Your Honor.

23 May it please the Court.

24 Ladies and gentlemen of the jury, good afternoon. I
25 won't keep you very long. You have been blessedly patient with

1 us here this day, and I want to get you out.

2 But, boy, did you hear what the government had to
3 say? It sounds overwhelming. My goodness. And that is the
4 reason we have trials. Because what the government says
5 doesn't mean that is what happened.

6 One of the ironies of this case is going to be that
7 the drug laws here in the United States, and remember His Honor
8 told you it doesn't matter whether we like it, we are obligated
9 to apply it, we are all involved in law enforcement here.

10 We've taken an oath to apply the law His Honor gives
11 us. I'm bound to follow the law. My colleagues at the
12 government table are. So this is about law enforcement and
13 enforcing these laws.

14 But what is interesting about this case is it is
15 really going to prove to you that the law -- the drug laws of
16 the United States work. Because, what you have here is not one
17 huge massive conspiracy, which is the Government's burden --
18 that is what they said they are going to prove to you. I
19 suggest to you that the evidence will not fulfill that promise
20 by the government.

21 In fact, the evidence is going to show several
22 conspiracies, multiple conspiracies, separate conspiracies.
23 Not just one, but several. And the most interesting one is one
24 that we will be referring to as the Canada-only conspiracy.
25 Why a Canada-only conspiracy? The evidence is going to show

1 that John Knock refused to participate in any criminality with
2 reference to the United States.

3 And the evidence is going to show why. Because, if
4 you import marijuana or hashish into the United States, you can
5 face life in prison. If you import hashish into Canada, you
6 can face five or six years in jail, which is exactly what
7 happened to Mr. Madrid when he was arrested in the summer of
8 '92 for importing hashish into Canada.

9 Why Canada only? To avoid the United States' drug
10 laws. That is one of the ironies. So you will see that there
11 was a very concerted effort, I'm saying to you, that my client,
12 John Knock, this evidence will show, has a lot of unfinished
13 business with reference to Canada. The allegations that the
14 Canadian authorities can rightfully make against him, that is a
15 separate problem. That is not here.

16 Because those charges are all conspiracy to possess
17 with the intent to distribute marijuana and hashish in the
18 United States. Conspiracy to import marijuana and hashish into
19 the United States.

20 Conspiracy to take money that is made,
21 illegally-gotten money made in the United States, and take that
22 money out of the United States for purposes of laundering.

23 But the evidence is going to show with reference to
24 Mr. Knock, and your job is to overcome the bias that you might
25 have about someone who is breaking foreign laws, because we are

1 here to enforce American law not Canadian law.

2 So if you think that just because John Knock is
3 guilty of breaking Canada's laws, he is necessarily guilty of
4 breaking American laws, most respectfully, ladies and
5 gentlemen, you are wrong. But you are not going to take the
6 law from me, you are going to take the law from His Honor as he
7 lays it out. So importing hashish into Canada is not a United
8 States crime. It is not part of a United States conspiracy.

9 Taking Canadian dollars out of Canada and putting
10 them in banks is not a violation of U.S. law. And let me tell
11 you how the Canada conspiracy worked. It began in the '80s.
12 And the grand finale, remember those words, the grand finale,
13 was in the summer of 1992.

14 One of the reasons you will be hearing that referred
15 to as the grand finale is because the evidence is going to show
16 that the hashish that was being smuggled into Canada in the
17 summer of '92 had markings on the packaging surrounding the
18 hashish that was stamped: grand finale. Because that was to
19 be the end. It turned out that that was the end of it for most
20 of it.

21 When the -- when the hash would be taken into British
22 Columbia for the most part in the early '80s, mid '80s and the
23 late '80s. And by the way, let me just digress for a moment.
24 90 percent -- sort of making that figure up -- it's a round up,
25 but almost 90 percent of the presentation that my colleagues

1 for the government are going to make here we are not going to
2 contest or quarrel about or quibble with, because it involves
3 that Canadian conspiracy that this trial has -- really has
4 nothing to do about, because that Canadian conspiracy is not a
5 violation of U.S. law.

6 The things that are going to matter here is how in
7 heavens name does this come to Gainesville? What happened in
8 Gainesville? What caused this massive conspiracy which has
9 nothing whatsoever to do with Florida, nothing whatsoever to do
10 with the United States, to come to Gainesville?

11 That is going to be a very important question,
12 because that question is going to form your attitudes about the
13 decision you have to make with reference to venue, because
14 venue is very important.

15 So we've got hash coming into Canada. We have that
16 hash being sold in Canada. The money that is made from that
17 hash is Canadian dollars. And for the early part, for the
18 middle part, to the latter part of the '80s, excuse me, the
19 middle part of the '80s, those Canadian dollars are being
20 transported by couriers out of Canada into Europe and deposited
21 there in banks in Europe.

22 What is significant about that, and we want you to
23 watch? That is -- again, that is no U.S. crime. Importation
24 into Canada, money out of Canada, no impact on the United
25 States. No entry into the United States, no U.S. crime.

1 The European banking people changed their rules, and
2 it becomes important because the couriers no longer are
3 beginning to courier the money out of Canada into Europe, but,
4 in fact, they are couriering the money out across the Pacific
5 to southeast Asia, particularly into Singapore and into
6 Hong-Kong.

7 Canadian dollars going out of Canada for Canadian
8 hashish, down to Singapore and Hong-Kong. Again, no U.S.
9 involvement. There comes a time, and you will hear evidence of
10 this, when John Knock and the principles that he was imposing
11 with reference to being a Canadian-only operation didn't sit
12 well with other people. It didn't sit with Claude Duboc. So
13 Claude Duboc began one of the separate conspiracies.

14 And now, as a matter of fact, you are going to hear
15 testimony that Mr. Duboc says to Sonia Vacca, and indeed to
16 other people: For heavens sake, don't say anything to
17 Mr. Knock about this plan of ours to bring some marijuana and
18 hashish into the United States. Mr. Knock wouldn't approve.
19 Don't tell him.

20 So when you have a conspiracy as this evidence will
21 show that has as its lynch pin, that has as its moment of
22 critical mass this Canada-only concept to deliberately avoid
23 our extraordinarily harsh and effective drug laws, you have got
24 to bear that in mind, because the crime is an agreement, that
25 is, a meeting of the minds.

1 And what did the minds meet on? Canada. Canada
2 only. Heavens, don't come and break the U.S. laws. Go to jail
3 for life. Canada three, four. I'm not saying that is right,
4 I'm not saying that somebody should be crowing about that or be
5 proud about it, but the evidence is going to show that that is
6 a fact -- those are the facts.

7 Going back to summer of 1992 for just a moment now.
8 The evidence is going to show that Mr. Madrid gets arrested,
9 Mr. Cowles get arrested. Again, you are going to see us not
10 disagree with our colleagues from the government, and that
11 creates a problem for Mr. Duboc.

12 Because Mr. Duboc in his separate conspiracy wants to
13 bring marijuana, particularly marijuana as opposed to the
14 hashish, into the United States.

15 He needs an offload crew to do that. He can't
16 involve John Knock, he can't involve the people up in Canada.
17 So he attempts to recruit a new team.

18 And he gives that job to someone who has never done
19 anything with reference to drugs but has only been a courier,
20 Canada to Singapore, Canada to Europe, Sonia Vacca. And Sonia
21 Vacca can be recruited as a courier to courier money, again
22 Canada to Singapore, with a lawyer named Matthew Martenyi.

23 Matthew Martenyi has a law office out in San
24 Francisco. That is where Sonia Vacca also lives is San
25 Francisco. And their plan is to try to figure out if they can

1 organize for Mr. Duboc an offload crew that will bring this
2 marijuana into somewhere on the West Coast, somewhere up north
3 on the West Coast, but somewhere into the United States. That
4 is the specific plan.

5 Well, as you will see, they're amateurs. In
6 Mr. Martenyi's office there is a gentleman by the name of
7 Brown, Clifford Brown.

8 Mr. Brown, on behest of Martenyi -- actually he has a
9 prior cocaine conviction down here in Florida. Sonia Vacca
10 talks to Mr. Brown and says to Mr. Brown: You know, we could
11 make some money here. We can import for Mr. Larkin, Claude
12 Duboc, some marijuana into the west coast of California.
13 Matthew Martenyi is interested. He says: Let's look at this.
14 You will also have to distinguish as the evidence comes in the
15 difference between an agreement and preparation.

16 Fixing to get ready is not the same as an actual
17 agreement. So they are preparing to try to organize an
18 offloading crew.

19 In the process they recruit or talk to C. J. Brown.
20 C. J. Brown says: I'm interested in that. I'm interested in
21 that. Tell me more. And they have some conversations. And
22 you will hear the testimony of Mr. Brown. And he'll testify
23 that Ms. Vacca, Mr. Brown, decides that he can help himself,
24 because as I said, he's got this preexisting cocaine problem
25 down here in Florida.

1 And it involved DEA Agent Carl Lilley who was the law
2 enforcement officer working against Mr. Brown. So C. J. Brown
3 calls Carl Lilley. Now, Mr. Lilley has a very interesting
4 problem as the evidence is going to show, because he is in an
5 office of the Drug Enforcement Administration, DEA, here in
6 Gainesville. And that office, because it hasn't had enough
7 work, or because of budgetary restrictions, or some details
8 that the evidence hopefully will flesh out for us, that office
9 is going to be shut down unless some activity is begun there,
10 unless some cases are made.

11 So Mr. Lilley is very interested in bringing whatever
12 he can to Gainesville. Bear in mind this is all a California
13 operation. So Mr. Lilley meets with Clifford Brown and gets
14 Clifford Brown to agree: We've got to get them here to
15 Gainesville somehow. How can we do it? How can we get Matthew
16 Martenyi or Sonia Vacca or a gentleman by the name of
17 Grenhagen, how do we get them to Gainesville?

18 Because Carl Lilley is interested in getting the case
19 into Gainesville, luring them into Gainesville, creating a
20 venue in Gainesville, manufacturing a case in Gainesville so
21 that he can save this office. That is what the evidence is
22 going to show. And sure enough Matthew Martenyi comes -- in
23 1993 -- comes to Gainesville.

24 And they have a meeting. That meeting is recorded.
25 You will hear testimony from Mr. Martenyi about it. That --

1 nobody knows that meeting didn't happen. We are going to hear
2 testimony from Agent Lilley about it. They met here.

3 There was never a plan, as you will see, to ever
4 commit a crime in Gainesville. There was never a plan to bring
5 any marijuana into Gainesville. Never a plan to bring any
6 money into Gainesville.

7 They were still talking about trying to organize.
8 Fixing to get ready of the a crew out in California bring in
9 some marijuana for Mr. Larkin, Mr. Duboc into California.

10 And they went forth in those efforts, and you will
11 see that. But nothing ever happened here. And actually no
12 crime or even a conspiracy was even accomplished in that
13 regard, the evidence will show, because for reasons over which
14 no one had any control, not the government, not Agent Lilley,
15 Mr. Grenhagen was involved in other criminality. And the other
16 criminality had nothing to do with the drugs, it had to do with
17 his effort to try to pawn off some phony bombs, he was a scam
18 artist was Mr. Grenhagen.

19 And he was so close to ripping off some people with
20 reference to those bombs that the agents had to move in and had
21 to arrest Mr. Grenhagen.

22 They arrested Mr. Grenhagen. That meant that Sonia
23 Vacca and Matthew Martenyi out on the west coast would be
24 mindful of this and find out about this.

25 So they said: We've got to drop the hammer on them.

1 As well as we've got to go arrest Martenyi and Vacca. And they
2 did. They brought them down here to trial in Gainesville. And
3 Mr. Grenhagen ultimately went to trial. Mr. Martenyi pled
4 guilty, and you will hear them. Sonia Vacca pled guilty.

5 Now, the point of my taking that time, forgive me for
6 doing it, because I know you must be exhausted already, is to
7 show you how important it is that we not -- do not just accept
8 that, you keep an open mind, that you not just accept these
9 statements that this is one monstrous, massive conspiracy.

10 But, in fact, be open to the defense and be open to
11 those possibilities. You may reject us in the end if you don't
12 like the proof. That is your right. That is your duty. You
13 will do what you think is right based upon the evidence and
14 proof beyond a reasonable doubt.

15 And the proof beyond a reasonable doubt ultimately is
16 going to show you there is no real connection to Gainesville.
17 There is no real connection to Florida. These conspiracies
18 don't look to me beyond a reasonable doubt to be one. In fact,
19 there are several, several of those conspiracies.

20 There will be no police officers who come in here and
21 say: John Knock broke the law. People are going to come in
22 here and try to persuade you that John Knock broke U.S. law as
23 opposed to Canada law, broke U.S. law.

24 Those are the accomplices. Those are the ones that
25 Your Honor will tell you, as he earlier said, look at their

1 testimony carefully, because it is -- it deserves special
2 scrutiny, it's suspect. And the reason it's suspect is because
3 they have got so much at stake.

4 If they don't try to make a case against someone
5 else, the evidence will demonstrate this to you, they can face
6 life in prison themselves. So they are fighting for their
7 lives. And when people fight for their lives, pardon me, they
8 will do desperate things.

9 They will destroy the truth and twist things. They
10 will connive. So when you are hearing the evidence, and
11 suddenly John Knock, after systematically doing nothing but
12 Canadian bad deeds suddenly involves himself in the United
13 States, you have got to ask yourself: What is the source of
14 that?

15 Well, that is one of those accomplices. That is one
16 of those people who is admittedly a criminal, who is trying to
17 help himself in going to jail for life, who has got a real
18 reason to lie. And you weigh that, you weigh that in that
19 context.

20 False passport. John Knock was picked up with it.
21 He has that. He was picked up with an Irish passport in the
22 name of Charles Mileau. It wasn't his. It was a phony
23 passport. He was traveling in Europe hiding, as the evidence
24 will show, from the Canadian authorities, whose laws he had
25 systematically violated for several years.

1 So in closing, just to wrap this up, the evidence is
2 going to show not one gigantic conspiracy but several
3 conspiracies. The Canadian conspiracy, some California
4 importation conspiracies that do not involve John Knock, and
5 this attempted conspiracy, this try-to-be a conspiracy here in
6 Gainesville.

7 And you have got to keep them separate in your own
8 mind, because that is what the law requires. That is what His
9 Honor will instruct you in talking to you about multiple and
10 separate conspiracies.

11 And when you have done all of that, and I know you
12 will do it fairly, and you have -- when you've done all of
13 that, I believe that you will have a reasonable doubt, a
14 reasonable doubt about whether or not John Knock ever intended
15 to break the laws of the United States.

16 He broke the Canadian laws. Whether he ever took
17 money out of the United States to launder it, and whether he
18 ever possessed in the United States marijuana with the
19 intention to distribute it, or whether he ever agreed with
20 anyone else, this is the key: Did John Knock ever agree, the
21 agreement -- the meeting of the minds -- with anyone else to
22 violate our drug laws? He did not. Our drug laws worked in
23 this case.

24 Thank you for your patience, and I look forward to
25 the presentation.

1 THE COURT: Thank you, Mr. Kennedy. Mr. Daar.

2 MR. DAAR: Your Honor, I would like to reserve my
3 opening to the close of the prosecution's case.

4 THE COURT: Ladies and gentlemen, the attorneys have
5 the opportunity to reserve opening, which means that they can
6 wait until the government rests their case before making an
7 opening statement. That is what Mr. Daar has just indicated
8 that he wishes to do.

9 That is it for the day. We are going to quit. You
10 can go about your business. We will start at nine o'clock in
11 the morning. We will begin with testimony.

12 Remember not to discuss the case among yourselves or
13 with anyone, nor permit them to discuss it in your presence.

14 Do not read, listen to, or watch any news accounts.
15 When you come in in the morning, report directly to the jury
16 room, please. I'll see you all in the morning. Have a good
17 evening.

18 (Jury out.)

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C E R T I F I C A T E

STATE OF FLORIDA)

COUNTY OF ALACHUA)

I, Mark N. Stuart, RPR, United States Court Reporter
in Gainesville, Florida, do hereby certify as follows:

THAT I correctly reported in computer-aided machine
shorthand the foregoing transcript of proceedings at the time
and place stated in the caption thereof;

THAT I later reduced my shorthand notes to
computer-aided transcription, or under my supervision, and that
the foregoing pages numbered 1 through 202, both inclusive,
contain a full, true and correct transcript of the proceedings
on said occasion;

THAT I am neither of kin nor of counsel to any party
involved in this matter, nor in any manner interested in the
results thereof.

DATED THIS 2nd DAY OF June, 2001.

Mark N. Stuart, RPR
United States Court Reporter