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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

Case No. 5:06-cr-22-Oc-10GRJ

January 15, 2008
Ocala, Florida

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY TRENT SNIPES,
EDDIE RAY KAHN and
DOUGLAS P. ROSILE,

Defendants.

_____ /

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE WM. TERRELL HODGES,
SENIOR UNITED STATES DISTRICT JUDGE, and a Jury

Appearances of Counsel:

For the Government:

Mr. Robert E. O'Neill
Mr. M. Scotland Morris
Mr. Jeffrey A. McLellan

For Defendant Snipes:

Mr. Robert G. Bernhoft
Mr. Robert E. Barnes
Ms. Linda G. Moreno
Mr. Daniel R. Meachum
Ms. Kanan B. Henry

1 Appearances of Counsel (continued):

2 For Defendant Kahn:

3 Mr. Eddie Ray Kahn, pro se
4 Mr. Michael William Nielsen, standby counsel

5 For Defendant Rosile:

6 Mr. David Anthony Wilson

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Reported by: Dennis Miracle, Official Reporter, and
 Kelly Owen McCall, Freelance Reporter

P R O C E E D I N G S

(Prospective jury panel present.)

THE COURT: Thank you, and be seated, everyone,
please.

Good morning. I can't tell you how much I
appreciate your promptness, members of the panel. It looks as
though everyone is in their place, and I am most appreciative.

Now, we're going to begin this morning, and I hope
we can conclude this proceeding in due course today.

Let me sort these papers.

(Pause.)

THE COURT: Now, then, I'm going to call out the
names of several of your number. And if I call your name, you
have been excused and may return to your seat out in the
courtroom.

If I do not call your name, speaking to the 37 of
you who came forward yesterday as prospective jurors, then
just remain seated where you are, please. And when we have
finished, we're then going to change seats. Most of you will
move forward and take a different chair, and then we will
start again from that point, as I shall explain when we come
to that point in this proceeding.

Mr. Amodeo, you, sir, may return to your seat out in
the courtroom.

PROSPECTIVE JUROR: Thank you, sir.

1 THE COURT: Ms. Holtsclaw, Mr. Lazinsk, Mr. Sheehan,
2 Ms. Cooke-Yarborough, Ms. Tuck, Mr. Johnson, Mr. Colen,
3 Ms. Bradshaw, Ms. Stoneman, and Mr. Cannaday are all excused
4 and may return to your seats in the courtroom for a few
5 moments, if you will, please.

6 Now, then, because of the empty chairs that are
7 presently existing, I'm going to ask some of you to change
8 your position.

9 Ms. Perkins, if you will move down now and take the
10 chair next to Mr. Austin, please.

11 Let's see. Just a moment.

12 (Pause.)

13 THE COURT: Actually, let me start with the first
14 row. Ms. Martin, would you move over one chair to your right,
15 please? And if everyone else on the front row will do
16 likewise, we'll keep it straight.

17 Then that leaves a chair at the end of the front row
18 for you, Mr. Austin. If you'll move down there, please.

19 And then, Ms. Perkins, you can move over one chair.
20 And everyone on the back row up there, if you will move down
21 as far as you can to your right, please.

22 Then, Ms. Artman, if you will move up now into the
23 next vacant seat on the back row of the jury box, followed by
24 Ms. Taylor, then Ms. Kenney, then Ms. Saraceni.

25 And, Ms. Smith, you can then move down, if you will,

1 please, to as far as you can to your right here.

2 It should be Ms. Artman, then Ms. Taylor, then
3 Ms. Kenney and then Ms. Saraceni. You've got it right.

4 Now, Mr. Rossdeutscher, if you will come forward,
5 sir, and take the next seat here next to Ms. Smith, followed,
6 please, by Mr. Salisbury, then Ms. Boykin, then Ms. Bussey,
7 then Mr. Akers, then Mr. Scott and Ms. Lewis.

8 Then, Ms. Hoppe, if you will step up and take that
9 seat over there in the chairs in front of you, the one next to
10 the door, followed by Mr. Strickland, please. Thank you.

11 All right. Marshal, let's call 15 additional
12 prospective jurors, please.

13 Those of you who are now called, ladies and
14 gentlemen, I will ask you to come forward, step through the
15 gate. The first person called should fill the chair there
16 next to Mr. Strickland; the next person, the next chair. And
17 then we will begin filling the pews that are immediately
18 inside the rail.

19 And as we come to the gate, ladies and gentlemen,
20 those of you that are seated on the pew there inside the rail,
21 I'm going to ask you, if you would, please, as seats become
22 available in the audience section of the courtroom if you
23 would step into the audience section and make way there for
24 the additional prospective jurors that are being called.

25 Fifteen, please.

1 THE COURT SECURITY OFFICER: Number 5.

2 THE COURT: Andrew Batchelor. All right.

3 THE COURT SECURITY OFFICER: Number 40.

4 THE COURT: Joan Kirby. All right.

5 THE COURT SECURITY OFFICER: Number 46.

6 THE COURT: Teresa Sue Morris. All right.

7 THE COURT SECURITY OFFICER: Number 25.

8 THE COURT: Marian May Gonzalez. All right.

9 THE COURT SECURITY OFFICER: Number 72.

10 THE COURT: Amy Lynne Temples. All right.

11 THE COURT SECURITY OFFICER: Number 35.

12 THE COURT: John Hughes. All right.

13 THE COURT SECURITY OFFICER: Number 27.

14 THE COURT: Jeffery Gunn. All right.

15 THE COURT SECURITY OFFICER: Number 50.

16 THE COURT: Mary Owens. All right.

17 THE COURT SECURITY OFFICER: Number 77.

18 THE COURT: Michael Walsh. All right.

19 THE COURT SECURITY OFFICER: Number 62.

20 THE COURT: Carolyn Salzlein.

21 Ms. Salzlein, you can take the first seat to your
22 left there, if you would, please, and the others can spread
23 out a little and we'll all be more comfortable. All right.

24 THE COURT SECURITY OFFICER: Number 45.

25 THE COURT: Deborah Mintz. All right.

1 THE COURT SECURITY OFFICER: Number 6.

2 THE COURT: Bruce Blackburn. All right.

3 THE COURT SECURITY OFFICER: Number 60.

4 THE COURT: Clarice Rутtenber. All right.

5 THE COURT SECURITY OFFICER: Number 32.

6 THE COURT: Linda Hilliard. All right.

7 THE COURT SECURITY OFFICER: Number 58.

8 THE COURT: Martha Runyon.

9 And one more, please.

10 THE COURT SECURITY OFFICER: Number 48.

11 THE COURT: Daniel Odom.

12 Thank you, ladies and gentlemen.

13 Now, addressing myself first to those of you who
14 were called forward yesterday and subjected to the questioning
15 proceedings of yesterday and were then excused this morning
16 and asked to return to your seats in the courtroom, you have
17 been excused as far as this case is concerned, and it's not
18 necessary for any of you to remain present here any longer.

19 You will now be excused and discharged, and you're
20 free to go with my thanks for the service that you rendered by
21 being here yesterday and participating in these proceedings.
22 But you're now excused, and you're free to go.

23 (The prospective jurors that were excused above
24 exited the courtroom at this time.)

25 THE COURT: Now, for the next little while here this

1 morning, I'm going to be addressing myself primarily to the 16
2 of you who just came forward to take your seats this morning
3 as prospective jurors in this case, starting with
4 Mr. Batchelor and Ms. Kirby and so on, those seated in the
5 pews there.

6 Occasionally I may ask a question that affects all
7 of you, including those of you who were here yesterday and
8 subject to examination, so, again, I will ask that everyone
9 pay attention, if you will, please.

10 And, again, as I did yesterday, addressing those of
11 you still seated in the audience section who are members of
12 the jury panel who have not yet been called as prospective
13 jurors, to the extent that seats may be available to you now
14 somewhat closer to me so that you can better hear and observe
15 and see what is going on, you might move forward because it's
16 entirely possible that some of you may yet be called as
17 prospective jurors in this case, and hopefully it will
18 eliminate the need for a lot of repetition if you are fully
19 familiar with all that is said and done from this point.

20 Now, to the 16 of you who did just come forward to
21 take your seats, let me first ask whether all of you were
22 present at all times in the courtroom yesterday while I was
23 sitting on the bench and conducting yesterday's proceedings
24 involving the voir dire examination of the panel. If there's
25 anyone who for whatever reason was absent from the courtroom

1 at any time during the day while I was sitting here on the
2 bench for whatever reason, please raise your hand. Anyone?
3 Nobody? All right.

4 And you will remember, as I said to everyone else
5 yesterday, now that you've been called as prospective jurors
6 and I commence to ask you questions, that it is your solemn
7 obligation and responsibility to raise your hand clearly and
8 distinctly so that I might see it, make note of it, perhaps
9 follow it up, as I did yesterday with the others. Otherwise,
10 the record, which is being made here, will show that each of
11 you on your oath has answered negatively or "no" to my
12 question.

13 Do any of you by chance have any preconceived
14 opinion or conviction that any of the basic principles of law
15 you heard me discuss at the outset of yesterday's
16 proceedings -- an opinion against or in opposition to any of
17 those principles?

18 And, again, I refer to the concept that the
19 Indictment is not evidence of guilt -- it's nothing more than
20 an accusation -- that the defendant, as in this instance, upon
21 the entry of a plea of not guilty is presumed by the law to be
22 not guilty and has no burden or responsibility to prove
23 innocence or to produce any evidence at all; that the burden
24 of proof or burden of persuasion lies exclusively upon the
25 United States, or the prosecution, to prove the charge made in

1 the Indictment beyond any reasonable doubt before the accused
2 may be found guilty of the offense, or, indeed, to our system
3 of trial by jury itself. Do any of you oppose any of those
4 basic concepts? If so, raise your hand, please. Nobody? All
5 right.

6 I will not at length repeat the allegations of the
7 Indictment. You were here yesterday, and you heard me explain
8 that the Indictment does consist of eight separate charges.
9 The first two are brought against each of the three
10 defendants, Mr. Wesley Snipes, Mr. Eddie Ray Kahn, and
11 Mr. Douglas Rosile.

12 Counts Three through Eight name only Mr. Snipes as a
13 defendant or an accused person.

14 Count One charges a conspiracy offense in violation
15 of 18, United States Code, Section 371, to defraud the
16 United States, specifically the Internal Revenue Service.

17 Count Two charges a substantive offense, you will
18 remember, involving an alleged violation of Title 18, United
19 States Code, Section 287, the so-called false claims statute.

20 And then Counts Three through Eight involving
21 Mr. Snipes charge violations of Title 26, United States Code,
22 Section 7203, the failure to file section of the Internal
23 Revenue Code.

24 And I repeat, as you well know now, that each of the
25 defendants has entered a plea of not guilty to each and all of

1 those charges and are, therefore, presumed by the law to be
2 not guilty.

3 Now, you were also present yesterday when, first of
4 all, I asked the lead lawyers at each of the tables here to
5 introduce themselves and the other persons seated there at
6 counsel table as participants in the trial.

7 Do any of you have any reason to believe that you
8 have ever known or associated in any way with any of these
9 people presently seated in the rail at counsel table? If so,
10 raise your hand, please.

11 All right. You heard yesterday Mr. O'Neill read the
12 list of potential witnesses that might be called by the
13 United States during the trial. Did any of those names on
14 that list sound familiar to any of you as being someone that
15 you might know in some way? If so, raise your hand, please.
16 Nobody?

17 You heard Mr. Bernhoft read yesterday the list of
18 potential witnesses that might be called by Mr. Snipes,
19 although I reiterate he's not obligated to call anybody or
20 prove anything. Did any of those names sound familiar to you
21 as someone with whom you are personally acquainted in some
22 way? Anybody? All right.

23 Now, then, we've had a change in composition here.
24 I'll address this question to everyone again. How many of you
25 presently seated here -- I think we now have 42 altogether --

1 have presently known or associated with each other in the past
2 before you became acquainted here yesterday and today as
3 members of this panel together?

4 Does that apply to any of you? All right. Thank
5 you. Ms. Kirby --

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: -- whom do you know, ma'am?

8 PROSPECTIVE JUROR: Well, I know Bev Ritchey. She's
9 still in the pool, but we know her -- we know each other.

10 THE COURT: All right. She's not seated here --

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: -- forward at the moment?

13 PROSPECTIVE JUROR: Un-hun.

14 THE COURT: All right. Thank you. I'm only talking
15 about those 42 of you who are seated inside the rail at the
16 moment being subjected to this examination.

17 Is there any other hand? All right.

18 Back again to the 16 of you who just came forward to
19 take your chairs this morning, how many of you have ever
20 served on a jury before in the past in either state or Federal
21 Court on a civil or a criminal matter? If that applies to
22 you, would you raise your hands, please?

23 All right. Mr. Batchelor, I'll start with you, sir.
24 And it's difficult for me to -- thank you. When and where did
25 you serve before, sir?

1 PROSPECTIVE JUROR: It was in Dade County on the --
2 it was a criminal case of -- I think it was fraud. It was a
3 contractor that had -- was going to build a house for a man,
4 and they changed materials at the very --

5 THE COURT: We don't need to go into the details,
6 Mr. Batchelor. When -- how long ago was this?

7 PROSPECTIVE JUROR: It was after Hurricane Andrew,
8 about '93 or '94. I forget the exact date.

9 THE COURT: All right. And that was in the state
10 courts down in Miami-Dade?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: A criminal case?

13 PROSPECTIVE JUROR: Criminal case.

14 THE COURT: Pardon?

15 PROSPECTIVE JUROR: I think it was criminal, in the
16 justice building down there.

17 THE COURT: All right. Was the jury able to reach
18 agreement and return a verdict?

19 PROSPECTIVE JUROR: Yes, we did.

20 THE COURT: All right. And is that your only jury
21 experience?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: All right. Thank you.

24 There was another hand or two over there.

25 Ms. Kirby, what is your prior jury experience?

1 PROSPECTIVE JUROR: I have served on three Lake
2 County juries -- three in Lake County.

3 THE COURT: All right. When was the most recent?

4 PROSPECTIVE JUROR: Probably about six or eight
5 years ago.

6 THE COURT: All right. So all of your jury
7 experience is dated, say, before five years ago.

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And you served three times?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Were they all civil, all criminal cases,
12 or some of each?

13 PROSPECTIVE JUROR: Civil.

14 THE COURT: All civil?

15 PROSPECTIVE JUROR: Uh-huh.

16 THE COURT: Was the jury in each of those cases able
17 to reach agreement and return a verdict?

18 PROSPECTIVE JUROR: Yes, they were.

19 THE COURT: Yesterday did you hear the explanation I
20 gave about the principal difference between civil and criminal
21 cases as it relates to the burden of proof or burden of
22 persuasion?

23 PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: Specifically that in a civil case, such
25 as the ones in which you served, I'm sure you heard the judge

1 instruct that it was necessary for the plaintiff, the person
2 who initiated the case or made the claim, to prove his or her
3 claim by a preponderance of the evidence, perhaps called the
4 greater weight of the evidence, meaning that the plaintiff was
5 required to prove that what he or she was claiming was more
6 probable than not, more likely true than not true, whereas in
7 a criminal case, such as this one, there's a different
8 standard that applies, specifically the requirement that the
9 government prove its case beyond a reasonable doubt. And I'll
10 explain that more fully later at the end of the trial for the
11 benefit of the jury selected to hear the case. You follow
12 that?

13 PROSPECTIVE JUROR: I believe so.

14 THE COURT: All right. Thank you.

15 I think there were some other hands that had prior
16 jury service. Thank you, Ms. Gonzalez. When and where did
17 you serve, ma'am?

18 PROSPECTIVE JUROR: I served in Maryland in 1980.

19 THE COURT: In Maryland?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: On one case?

22 PROSPECTIVE JUROR: One case. I was an alternate
23 juror.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR: I was an alternate juror.

1 THE COURT: All right. You did not deliberate?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: Even so, was it a civil or a criminal
4 case?

5 PROSPECTIVE JUROR: Criminal.

6 THE COURT: All right. Thank you.

7 Any other hands for prior jury service? You'll have
8 to hold them up so I can see. Thank you.

9 Ms. Salzlein -- is that the right pronunciation?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Thank you.

12 PROSPECTIVE JUROR: Early nineties, San Diego
13 County. I was an alternate in a civil case, and I didn't go
14 to deliberation.

15 THE COURT: I didn't hear all that you said. Let's
16 start with where it was. In San Diego --

17 PROSPECTIVE JUROR: In San Diego County.

18 THE COURT: In California?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: A civil or a criminal case?

21 PROSPECTIVE JUROR: Civil.

22 THE COURT: Civil.

23 Was the jury able to reach agreement and return a
24 verdict?

25 PROSPECTIVE JUROR: Yes. I was an alternate.

1 THE COURT: Oh. An alternate. So you did not
2 deliberate?

3 PROSPECTIVE JUROR: No.

4 THE COURT: All right. And is that your only
5 experience on a jury?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you, ma'am.

8 Ms. Mintz, what is your jury experience?

9 PROSPECTIVE JUROR: Twenty years ago in Dutchess
10 County, New York, a civil trial and, yes, we did -- we did --

11 THE COURT: Reach a verdict?

12 PROSPECTIVE JUROR: -- reach a verdict, yes.

13 THE COURT: Civil case. And that's your only jury
14 experience?

15 PROSPECTIVE JUROR: Yes. Yes, sir.

16 THE COURT: Anyone else over there? Mr. Blackburn?

17 PROSPECTIVE JUROR: It was in Buffalo, New York,
18 probably about 15 years ago. It was a criminal case, but I
19 was excused before the deliberation began.

20 THE COURT: Not selected as a member of the jury?

21 PROSPECTIVE JUROR: Correct.

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

23 Anyone else?

24 Those of you who have served on a jury before, let
25 me ask whether by chance you may have had what you regarded as

1 a particularly unpleasant or distasteful experience of some
2 kind as a member of the jury so that you might be apprehensive
3 about serving again. It's a rare experience, I'm happy to
4 say, but sometimes if a case proves particularly difficult,
5 members of the jury have problems in participating in the
6 deliberations or making a decision. And if that was your
7 experience, please just raise your hand again. Anybody? All
8 right. Thank you.

9 How many of you, if any, have ever served on a grand
10 jury before in any court, state or federal? Any of you ever
11 had grand jury service? All right.

12 Now, then, how many of you before you came to court
13 yesterday had some prior knowledge gleaned from newscasts,
14 television, radio, newspapers or conversations with others
15 that you would now associate in some way with this case?
16 If -- have you read or seen anything about the case before?
17 If so, raise your hands, please.

18 All right. Just about everybody, I think.

19 I'll start with you, Mr. Batchelor. What is the
20 source of your prior information about the case, sir?

21 PROSPECTIVE JUROR: Watching TV.

22 THE COURT: What television station do you watch?

23 PROSPECTIVE JUROR: I watch Channel 9 in Orlando.

24 THE COURT: Do you subscribe to a newspaper?

25 PROSPECTIVE JUROR: Yes, I do, the Daily Commercial

1 out of Leesburg, but I don't -- I'm -- I'm a headlines person.

2 THE COURT: All right. So you don't remember
3 reading anything in the newspaper about the case?

4 PROSPECTIVE JUROR: No, I don't.

5 THE COURT: But you do remember seeing something on
6 television.

7 PROSPECTIVE JUROR: Yes, I do.

8 THE COURT: How many times?

9 PROSPECTIVE JUROR: Possibly one time.

10 THE COURT: How long ago was that, sir?

11 PROSPECTIVE JUROR: It's been a long time ago. It's
12 when it first came on the news.

13 THE COURT: Okay. You don't remember seeing
14 anything since then, especially the last few days?

15 PROSPECTIVE JUROR: I'm not really paying attention
16 to it because I -- I don't watch the news too much. I watch
17 cable a lot, but I don't watch the news, except in the morning
18 time as -- while I'm having my coffee.

19 THE COURT: All right. But you do remember seeing
20 something on Channel 9 quite some time ago when the case was
21 starting, apparently?

22 PROSPECTIVE JUROR: Well, not -- the case wasn't --
23 it was when he was first accused of it.

24 THE COURT: All right.

25 PROSPECTIVE JUROR: That was the first I heard of

1 it.

2 THE COURT: Do you remember, sir, anything at all
3 from what you heard on television at that time, any fact or
4 event or transaction undertaken by anybody --

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: -- that you haven't already heard about
7 here in court?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: All right. Thank you, Mr. Batchelor.
10 Ms. Kirby, you raised your hand, I believe.

11 PROSPECTIVE JUROR: Yes, I did.

12 THE COURT: What is the source, ma'am, of your prior
13 information about the case?

14 PROSPECTIVE JUROR: I heard about it when he was
15 first indicted, and I read -- I read in the newspapers, the
16 Orlando Sentinel, yesterday, today. There was headlines today
17 in the Sentinel. I take the Daily Commercial. I read both of
18 them, all of it, all of the newspaper.

19 THE COURT: All right. Let's --

20 PROSPECTIVE JUROR: And on radio.

21 THE COURT: All right. Let's break that down a bit,
22 and we'll start with the newspapers. The Sentinel and the --
23 what was the other paper?

24 PROSPECTIVE JUROR: The Daily Commercial in
25 Leesburg.

1 THE COURT: The Daily Commercial?

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: How many times have you seen articles in
4 those newspapers, would you say, that had to do with this
5 case?

6 PROSPECTIVE JUROR: Maybe four times.

7 THE COURT: Pardon?

8 PROSPECTIVE JUROR: Maybe four.

9 THE COURT: Four times?

10 PROSPECTIVE JUROR: Uh-huh.

11 THE COURT: Over what period of time, would you say?

12 PROSPECTIVE JUROR: Well, there's been a lot the
13 last week. There was -- there was some last week, and there
14 was one Sunday and there was front page today.

15 THE COURT: All right. In any -- at any time you
16 have seen something in either of those newspapers that had to
17 do with this case, did you read the articles all the way
18 through?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Carefully?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. And do you recall in any of
23 those articles some description or account or statement about
24 what somebody said or did relating to the case that you
25 haven't heard described here in court?

1 PROSPECTIVE JUROR: I believe not. I believe I
2 heard it yesterday.

3 THE COURT: All right.

4 PROSPECTIVE JUROR: What I had read I heard
5 yesterday.

6 THE COURT: I'm not sure I understand that.

7 PROSPECTIVE JUROR: I think what I have read I heard
8 yesterday.

9 THE COURT: Okay. You don't remember anything about
10 the case?

11 PROSPECTIVE JUROR: Not in particular.

12 THE COURT: Okay. Ms. Morris, did you raise your
13 hand?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: Would you mind standing? Thank you.

16 What is the source of your prior information, ma'am?

17 PROSPECTIVE JUROR: It would have been about at the
18 time of his Indictment -- about the time of his Indictment.

19 THE COURT: Television, radio, newspaper, Internet,
20 what?

21 PROSPECTIVE JUROR: Television.

22 THE COURT: What about the newspaper?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Strictly television?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: What television station do you watch?

2 PROSPECTIVE JUROR: Channel 9 out of Orlando.

3 THE COURT: How many times do you recall listening
4 to some news account concerning the case on Channel 9?

5 PROSPECTIVE JUROR: Just once.

6 THE COURT: One time?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: I think you said that was when the case
9 was starting?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Do you remember anything from that
12 newscast, Ms. Morris, any description of events, statements
13 attributed to somebody having association with the case?

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: Pardon?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: Nothing more than you've already heard
18 here in court?

19 PROSPECTIVE JUROR: No, sir. I have heard more
20 here.

21 THE COURT: All right. Thank you, Ms. Morris.
22 Ms. Gonzalez, did you raise your hand?

23 PROSPECTIVE JUROR: I heard it for the first time
24 yesterday morning.

25 THE COURT: All right.

1 PROSPECTIVE JUROR: I put two and two together since
2 I was coming here; I said, oh, is that what it was?

3 THE COURT: All right.

4 PROSPECTIVE JUROR: But I didn't hear any more about
5 it. I don't follow the news.

6 THE COURT: All right. Wait just a minute. I take
7 it what you heard coming yesterday was on your car radio?

8 PROSPECTIVE JUROR: No. I actually turned the
9 television on to WESH 2 news to get the weather report, and
10 then I heard that Mr. Snipes was coming to Ocala.

11 THE COURT: I see.

12 PROSPECTIVE JUROR: And that was --

13 THE COURT: So it was WESH 2 in Orlando?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Yesterday morning.

16 PROSPECTIVE JUROR: Yesterday morning.

17 THE COURT: And that's the only time you can recall
18 seeing any television --

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: -- hearing any radio, seeing any
21 newspaper account?

22 PROSPECTIVE JUROR: I don't have a paper. I don't
23 read the paper.

24 THE COURT: Internet?

25 PROSPECTIVE JUROR: No.

1 THE COURT: By the way, Ms. Kirby, do you go on the
2 Internet for your news?

3 PROSPECTIVE JUROR: I do.

4 THE COURT: Do you recall seeing anything on the
5 Internet about the case?

6 PROSPECTIVE JUROR: I didn't read it. If I saw it,
7 I didn't read it.

8 THE COURT: Okay. So, we're down to the TV mention
9 of the case yesterday morning with you, Ms. Gonzalez.

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Was there anything said during that
12 telecast that you can remember, anything at all, in describing
13 the nature of the case or what anybody --

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: -- has said or done that you haven't
16 already heard about here in court?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Thank you, Ms. Gonzalez.
19 Ms. Temples?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Thank you. Did you raise your hand? Do
22 you have some prior knowledge about the case, do you think?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: What is the source of that knowledge?

25 PROSPECTIVE JUROR: Internet.

1 THE COURT: No television?

2 PROSPECTIVE JUROR: Un-hun.

3 THE COURT: No newspaper?

4 PROSPECTIVE JUROR: No.

5 THE COURT: No radio?

6 PROSPECTIVE JUROR: (Shakes head from side to side.)

7 THE COURT: No conversation with friends or fellow
8 workers?

9 PROSPECTIVE JUROR: (Shakes head from side to side.)

10 THE COURT: But the Internet?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: How many times -- well, what website do
13 you go to on the Internet for your news items generally?

14 PROSPECTIVE JUROR: I'm not exactly sure. It's what
15 my husband has on the computer. But when we open it, it comes
16 up -- it's Brighthouse. I don't know what news they have on
17 that.

18 THE COURT: Okay. But you recall going on the
19 computer and seeing something about this case on the Internet.

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: How many times?

22 PROSPECTIVE JUROR: Once.

23 THE COURT: Once?

24 PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: When was that?

1 PROSPECTIVE JUROR: On Sunday.

2 THE COURT: On Sunday?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Was it an article or just a squib, would
5 you say?

6 PROSPECTIVE JUROR: It was like a -- it was a squib.
7 I didn't go into the article.

8 THE COURT: All right. Was there anything in
9 that -- you read the squib, I take it?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Was there anything in that squib, any
12 description of an event, a statement attributed to anybody or
13 anything at all that you remember from that Internet site that
14 you haven't heard here in court?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: All right. Thank you, Ms. Temples.

17 Mr. Hughes, did you raise your hand?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: What, sir, is the source of your prior
20 information?

21 PROSPECTIVE JUROR: Channel 9, Orlando, yesterday
22 morning.

23 THE COURT: All right. What was the --

24 PROSPECTIVE JUROR: All I heard was that --

25 THE COURT: Well, don't -- even so, don't tell me

1 what you heard. I didn't hear what you said the source was.

2 PROSPECTIVE JUROR: Channel 9.

3 THE COURT: Oh. Channel 9?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: All right, yesterday morning. And
6 that's the only time you can remember seeing, reading or
7 hearing anything about the case?

8 PROSPECTIVE JUROR: That's correct.

9 THE COURT: Was there anything said during that
10 telecast on Channel 9, a statement attributed to anybody, a
11 description of an asserted fact --

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: -- or event, anything at all you can
14 remember that you haven't already heard here in court?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: All right. Thank you, Mr. Hughes.

17 Mr. Gunn, did you raise your hand?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: What, sir, is the prior source of your
20 information?

21 PROSPECTIVE JUROR: The first time was this weekend,
22 on the radio a couple of times, and in the Daily Sun as of
23 yesterday. I got a phone call from my wife as I approached
24 here. She said, Guess what? This is what it's going to be.

25 THE COURT: Because she had what? Read the Daily

1 Sun or --

2 PROSPECTIVE JUROR: Read the Daily Sun and it was
3 going to be in Ocala.

4 THE COURT: All right. Let's start at the
5 beginning, Mr. Gunn. You first mentioned the radio.

6 PROSPECTIVE JUROR: Radio.

7 THE COURT: Where were you when you heard something
8 on the radio?

9 PROSPECTIVE JUROR: In the auto.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR: I was driving in the car.

12 THE COURT: Someone coughed and I still couldn't
13 hear.

14 PROSPECTIVE JUROR: I was driving in the car.

15 THE COURT: All right. And that was when?

16 PROSPECTIVE JUROR: That was Saturday and Sunday.

17 THE COURT: All right.

18 PROSPECTIVE JUROR: It was an Orlando station,
19 107.7.

20 THE COURT: Before that moment had you ever heard
21 anything about this case before, seen it on television, or
22 heard about it on radio or the Internet or any other way?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Was anything said, Mr. Gunn, that you
25 can presently remember during that radio broadcast in

1 describing the case or anything anyone associated with the
2 case might have said or done that you haven't already heard
3 here in court?

4 PROSPECTIVE JUROR: No. I also came across, as I
5 watched the Giants-Dallas game -- and after the game it came
6 across -- once of the announcers mentioned that Mr. Snipes was
7 going on trial, on an Orlando station at a friend's home.

8 THE COURT: All right.

9 PROSPECTIVE JUROR: My friend did mention a couple
10 of details that --

11 THE COURT: All right. Just a minute.

12 PROSPECTIVE JUROR: -- will be presented here but...

13 THE COURT: All right. But the details that you
14 mention relate to matters you haven't yet heard about here in
15 court?

16 PROSPECTIVE JUROR: Yes -- well, part of it, but it
17 was more detailed.

18 THE COURT: All right. But there was something that
19 you haven't yet heard about here in court, as I understand it?

20 PROSPECTIVE JUROR: I haven't heard the --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: -- that fact, but it's part of
23 the --

24 THE COURT: All right. Thank you, Mr. Gunn.

25 Ms. Owens, did you raise your hand?

1 PROSPECTIVE JUROR: Yes. Yes.

2 THE COURT: What, ma'am, is the source of your prior
3 information: newspaper, radio, television, Internet?

4 PROSPECTIVE JUROR: Television when he was first
5 indicted, that he was --

6 THE COURT: I'm sorry, I cannot hear you.

7 PROSPECTIVE JUROR: Television.

8 THE COURT: Television. What about the newspaper?

9 PROSPECTIVE JUROR: Well, the first thing I heard
10 was on television when he was first indicted, and then I
11 didn't hear anything else until last week. My sister
12 conveniently saves me the newspapers -- I don't take the
13 newspaper --

14 THE COURT: All right.

15 PROSPECTIVE JUROR: -- and I read --

16 THE COURT: What newspaper did she save for you to
17 read?

18 PROSPECTIVE JUROR: Ocala Star-Banner.

19 THE COURT: What television station were you
20 watching early on when you saw some mention of the case?

21 PROSPECTIVE JUROR: Channel 2, Entertainment
22 Tonight, I think it was.

23 THE COURT: Channel 2?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: All right. Anything else?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Any other article or telecast or radio
3 broadcast --

4 PROSPECTIVE JUROR: No.

5 THE COURT: -- or something on the Internet or
6 discussion with friends?

7 PROSPECTIVE JUROR: Nothing like --

8 THE COURT: You had some discussion with your sister
9 apparently.

10 PROSPECTIVE JUROR: Yes. She thought I might be on
11 the jury.

12 THE COURT: On this jury.

13 PROSPECTIVE JUROR: And I didn't know anything about
14 it.

15 THE COURT: All right. How many issues of the
16 Star-Banner had she saved for your review.

17 PROSPECTIVE JUROR: Four, last week.

18 THE COURT: Did you read those articles --

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: -- in all four of those issues --

21 PROSPECTIVE JUROR: Yes, I did.

22 THE COURT: -- thoroughly?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: All right. Do you remember from that
25 reading, Ms. Owens, any description or account, details,

1 statements attributed to somebody having something to do with
2 the case, anything at all that you haven't heard here in
3 court?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: All right. Thank you.

6 Mr. Walsh?

7 PROSPECTIVE JUROR: Yes, Your Honor.

8 THE COURT: Did you raise your hand, sir?

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: What is the source, sir, of your prior
11 information?

12 PROSPECTIVE JUROR: The Internet.

13 THE COURT: No newspaper articles --

14 PROSPECTIVE JUROR: No, sir.

15 THE COURT: -- that you've read?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: No recollection of anything on
18 television or radio?

19 PROSPECTIVE JUROR: No, sir.

20 THE COURT: No conversation with others?

21 PROSPECTIVE JUROR: Conversation with my wife.

22 THE COURT: All right. So you saw something on the
23 Internet, and you've had a conversation with your wife.

24 PROSPECTIVE JUROR: Yes, Your Honor.

25 THE COURT: How many times have you seen something

1 on the Internet?

2 PROSPECTIVE JUROR: One time, Your Honor.

3 THE COURT: When was that, sir?

4 PROSPECTIVE JUROR: Approximately four months ago.

5 THE COURT: All right. And that sparked the
6 conversation with your wife, or did that come later?

7 PROSPECTIVE JUROR: No, Your Honor. That sparked
8 the conversation right there.

9 THE COURT: All right. What website were you
10 looking at on the Internet, do you recall?

11 PROSPECTIVE JUROR: MSN.

12 THE COURT: Do you recall -- and there was an
13 article about it in MSN?

14 PROSPECTIVE JUROR: Yes, Your Honor.

15 THE COURT: Did you read it all the way through?

16 PROSPECTIVE JUROR: Yes, I did.

17 THE COURT: All right. Do you recall in that
18 article something being discussed or a description being made
19 of anything someone might have said or done or some asserted
20 fact having to do with this case that you haven't already
21 heard discussed here in court?

22 PROSPECTIVE JUROR: No, Your Honor.

23 THE COURT: You don't recall anything more than what
24 you learned here yesterday?

25 PROSPECTIVE JUROR: That's -- that's it, Your Honor.

1 THE COURT: All right. In your discussion with your
2 wife, what -- what was the discussion about, generally?

3 PROSPECTIVE JUROR: Just the fact that Mr. Snipes'
4 name appeared in the article. You know, we -- we have heard
5 of him.

6 THE COURT: You were familiar with Mr. Snipes?

7 PROSPECTIVE JUROR: Yes, Your Honor.

8 THE COURT: You've seen some of his movies?

9 PROSPECTIVE JUROR: Yes, Your Honor.

10 THE COURT: All right. Thank you, Mr. Walsh.

11 Let me go back and ask everyone, how many of the 16
12 of you who have just come forward to take your seats this
13 morning have not previously seen one of Mr. Snipes' many
14 movies? Hold your hands up for a moment with me while I'm
15 holding mine so that counsel may note who you are, if they
16 wish.

17 Everyone who is not holding up their hand I can
18 assume has seen one or more of Mr. Snipes' movies.

19 All right. Thank you.

20 Ms. Salzlein, did you raise your hand? The
21 question, of course, being whether or not before coming here
22 yesterday you had ever read or heard or seen anything having
23 to do with this case; does that apply to you?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: What is the source of your prior

1 information?

2 PROSPECTIVE JUROR: Star-Banner.

3 THE COURT: Pardon me?

4 PROSPECTIVE JUROR: Star-Banner.

5 THE COURT: The Star-Banner.

6 How many articles do you recall seeing in the

7 Star-Banner about the case?

8 PROSPECTIVE JUROR: Maybe three or four.

9 THE COURT: Starting when, would you say?

10 PROSPECTIVE JUROR: Before the holidays, because I
11 remember we were talking about it over the holidays with my
12 family.

13 THE COURT: All right. So it would have been within
14 the last couple of months. Up until when? When was the last
15 article that you saw?

16 PROSPECTIVE JUROR: I must have seen one this past
17 week.

18 THE COURT: Last week?

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: All right. And you've said three or
21 four articles altogether you remember seeing?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Did you read any of those articles
24 carefully all the way through?

25 PROSPECTIVE JUROR: Uh-huh.

1 THE COURT: Pardon?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: All of them?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: All right. And in those articles do you
6 presently recall, Ms. Salzlein, any description of a statement
7 made by anybody or something someone had done, some
8 description of a transaction or event relating to the case in
9 some way, anything at all that you haven't already heard here
10 in court?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: All right. Thank you.

13 Ms. Mintz?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you have -- or did you have before
16 coming here yesterday any prior information about this case?

17 PROSPECTIVE JUROR: Yes, from the Ocala --

18 THE COURT: From what source?

19 PROSPECTIVE JUROR: Excuse me. From the Ocala
20 Star-Banner and from the radio station NPR.

21 THE COURT: All right. You subscribe to the
22 Star-Banner?

23 PROSPECTIVE JUROR: Yes, I do.

24 THE COURT: How many times do you recall seeing an
25 article in the Star-Banner that had anything to do with this

1 case?

2 PROSPECTIVE JUROR: I think three that I read.

3 THE COURT: Three?

4 PROSPECTIVE JUROR: Three, yes.

5 THE COURT: Starting when, roughly?

6 PROSPECTIVE JUROR: Like, a few months ago the first
7 time, and then once last week and then one Sunday.

8 THE COURT: All right. Did you read any of those
9 articles thoroughly all the way through?

10 PROSPECTIVE JUROR: Yes, all of them.

11 THE COURT: All of them?

12 PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: All right. And do you recall from your
14 reading in the Star-Banner any description of any event or
15 statement or transaction that you haven't heard about here in
16 court?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right. Thank you, Ms. Mintz.
19 Mr. Blackburn?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: Do you have any prior information that
22 you would associate now with this case?

23 PROSPECTIVE JUROR: Yes. I have read articles in
24 the Daily Sun from the Villages and probably WESH 2 and
25 Channel 9 out of Orlando.

1 THE COURT: How many articles in the newspaper do
2 you recall reading about the case?

3 PROSPECTIVE JUROR: Probably three or four.

4 THE COURT: Over what period of time? Beginning
5 when, in other words?

6 PROSPECTIVE JUROR: The first article I read was
7 when he was indicted. I'm not quite sure when that was, but
8 that was the first time. A few since then.

9 THE COURT: All right. Did you read any of those
10 articles thoroughly all the way through?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: All of them?

13 PROSPECTIVE JUROR: Probably, yes.

14 THE COURT: All right. And additionally, you have
15 seen television broadcasts on -- what did you say? Channel 9
16 and WESH 2?

17 PROSPECTIVE JUROR: That's correct.

18 THE COURT: How many times do you recall having seen
19 some newscasts on television about the case?

20 PROSPECTIVE JUROR: Probably four times or so.

21 THE COURT: All right. In all of those articles
22 that you read, including the television broadcasts that you
23 saw and heard, do you presently recall any description of a
24 statement that somebody made, a transaction or event, anything
25 at all having to do with the case that you haven't heard

1 mentioned or described yet here in court?

2 PROSPECTIVE JUROR: Yes, sir, I have.

3 THE COURT: All right. Thank you, Mr. Blackburn.

4 Ms. Ruttenber -- would you help me with the
5 pronunciation?

6 PROSPECTIVE JUROR: Ruttenber, sir.

7 THE COURT: Ruttenber?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Is there a G on the end?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: B-E-R?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: Thank you.

14 Did you have some prior information about the case
15 when you came here yesterday?

16 PROSPECTIVE JUROR: Yes, sir, I did.

17 THE COURT: What was the source of that information?

18 PROSPECTIVE JUROR: The Ocala Star-Banner.

19 THE COURT: How many -- well, do you subscribe to
20 the Star-Banner?

21 PROSPECTIVE JUROR: My husband does.

22 THE COURT: All right. It's in the household and
23 you read it?

24 PROSPECTIVE JUROR: I don't usually read it, sir.

25 THE COURT: All right. Nevertheless, you recall

1 seeing something in the Star-Banner about this case before
2 coming here yesterday?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: How many times?

5 PROSPECTIVE JUROR: Once.

6 THE COURT: When was that?

7 PROSPECTIVE JUROR: Two to three weeks ago.

8 THE COURT: Did you read the article all the way
9 through?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: How would you describe the way in which
12 you read it?

13 PROSPECTIVE JUROR: The headline and the first
14 paragraph.

15 THE COURT: All right. From that reading,
16 Ms. Rутtenber, do you presently recall any stated fact, any
17 description of some statement that someone may have made, a
18 description of a transaction or event of some kind, anything
19 at all that you haven't already heard mentioned here in court?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: All right. Thank you.

22 Ms. Hilliard, did you raise your hand?

23 PROSPECTIVE JUROR: Yes, I did.

24 THE COURT: What is the source of your prior
25 information?

1 PROSPECTIVE JUROR: Radio and Internet.

2 THE COURT: Let's start with the Internet. How many
3 times have you seen something at a website on the Internet
4 having to do with this case, would you say?

5 PROSPECTIVE JUROR: Once.

6 THE COURT: Do you remember what website that was?

7 PROSPECTIVE JUROR: Yes, sir. When I had to call
8 Friday night to see if I was supposed to come, I Googled it to
9 see when Mr. Snipes' trial would be, and it was -- the first
10 one or two sentences said January 14, so I stopped reading
11 then.

12 THE COURT: So the only thing you knew about the
13 case was that it was going to start yesterday?

14 PROSPECTIVE JUROR: Correct.

15 THE COURT: Now, that was the Internet. Now, you
16 mentioned something else, I believe.

17 PROSPECTIVE JUROR: Radio.

18 THE COURT: Where were you when you heard something
19 on the radio?

20 PROSPECTIVE JUROR: In my car.

21 THE COURT: How many times have you heard something
22 on your car radio about the case?

23 PROSPECTIVE JUROR: Probably twice.

24 THE COURT: When was that?

25 PROSPECTIVE JUROR: Yesterday morning and probably

1 before Christmas.

2 THE COURT: Two mentions.

3 Do you recall what station you were listening to?

4 PROSPECTIVE JUROR: Yes, sir, it was 93.7, and I
5 believe that's out of Ocala.

6 THE COURT: All right. On those radio broadcasts,
7 do you recall any description of a statement that someone may
8 have made, a transaction or event, something that someone had
9 done, anything at all that you haven't heard discussed here in
10 court already?

11 PROSPECTIVE JUROR: No, sir.

12 THE COURT: No recollection at all of anything
13 beyond the fact that the case was going to be tried?

14 PROSPECTIVE JUROR: That's correct.

15 THE COURT: All right. Thank you, Ms. Blackburn.

16 Excuse me. Ms. Ruttenber -- or Ms. Hilliard. I'm
17 down -- Ms. Hilliard. I'm sorry.

18 Ms. Runyon?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Did you raise your hand?

21 PROSPECTIVE JUROR: Yes, I did.

22 THE COURT: What is the source of your prior
23 information?

24 PROSPECTIVE JUROR: The Internet and TV.

25 THE COURT: We'll start with the Internet. What --

1 how many -- how many times have you seen something on the
2 Internet about the case?

3 PROSPECTIVE JUROR: I have seen it twice.

4 THE COURT: Do you recall what website you were
5 looking at?

6 PROSPECTIVE JUROR: Comcast.net.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR: Comcast.net.

9 THE COURT: All right. And how many times have you
10 seen something at that site having to do with the case?
11 Twice, you said?

12 PROSPECTIVE JUROR: Could you repeat the question
13 again?

14 THE COURT: How many times have you seen something
15 on the Internet about the case?

16 PROSPECTIVE JUROR: Twice.

17 THE COURT: Twice. When was the first time?

18 PROSPECTIVE JUROR: Probably a couple of months ago.

19 THE COURT: All right. And the second time?

20 PROSPECTIVE JUROR: The second one was Saturday,
21 this past Saturday.

22 THE COURT: The article or the mention on the
23 Internet a couple of months ago, do you remember anything from
24 that description -- well, first of all, did you read it
25 thoroughly, all the way through?

1 PROSPECTIVE JUROR: I read the second one. The
2 first one I kind of scanned through. And the second one on
3 Saturday that I read, I read it through.

4 THE COURT: All right. Let's lump them both
5 together, and let me ask whether in any article you presently
6 recall some transaction or event, some statement that was
7 attributed to somebody, any -- or any asserted fact relating
8 to the case or someone involved in the case that you haven't
9 heard here in court.

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. Thank you, Ms. Runyon.

12 Mr. Odom?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: What is the source, sir, of your prior
15 information?

16 PROSPECTIVE JUROR: Radio.

17 THE COURT: No newspaper?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: No Internet?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: No television?

22 PROSPECTIVE JUROR: No, sir.

23 THE COURT: No conversation with anybody else?

24 PROSPECTIVE JUROR: On Friday, this past Friday,
25 when I told my secretary that I had jury duty in Ocala, she

1 asked if it was the Wesley Snipes trial, and I said, I don't
2 know.

3 THE COURT: All right. But you then heard something
4 on the radio?

5 PROSPECTIVE JUROR: I heard something on the radio a
6 while back when they announced that the trial would be here in
7 Ocala but --

8 THE COURT: That's all you remember?

9 PROSPECTIVE JUROR: I didn't pay much attention.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR: I didn't pay much attention.

12 THE COURT: Okay. Well, do you presently recall
13 anything from what you've heard a description of somebody's
14 statement about the case or something someone said or did or a
15 transaction or event, anything at all you haven't heard about
16 here in court?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: All right. Thank you, Mr. Odom.

19 Now, let me return to all of you, everyone who is
20 seated here as a prospective juror at the moment with respect
21 to this matter of pretrial publicity about the case, those of
22 you who have previously answered yesterday and this morning
23 that you have read something in the newspaper or heard about
24 it on television or radio or saw something on the Internet or
25 had conversations with friends or family members or someone

1 else about the case; how many of you, without going into what
2 it is you heard or read or saw, have had occasion -- based on
3 the information that you obtained from the source you've
4 already told us about had occasion to form an opinion or a
5 feeling, if you will, about the guilt or innocence of any of
6 the defendants in the case? Regardless of what that opinion
7 was, did you have occasion to form an opinion of any kind
8 based on what you read or saw or heard? If so, please raise
9 your hand. Anybody? All right.

10 Ms. Kirby, you did.

11 Okay. No one else? All right.

12 PROSPECTIVE JUROR OWENS: Can we ask a question?

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR OWENS: Can we ask a question?

15 THE COURT: I didn't hear.

16 PROSPECTIVE JUROR OWENS: Can I ask a question?

17 THE COURT: Ask the question?

18 PROSPECTIVE JUROR OWENS: Yes, ask a question.

19 THE COURT: Well, my question was whether --

20 PROSPECTIVE JUROR OWENS: Oh.

21 THE COURT: -- if you had seen or heard or read
22 something that you've told us about from some prior source
23 before you came here yesterday, whatever it was you read or
24 saw or heard, did it cause you to form some opinion about the
25 case one way or the other specifically relating to the guilt

1 or innocence of the accused? That was the question.

2 All right. Now, let me ask those of you who were
3 just called forward this morning -- I think there's 16 of
4 you -- how many of you or members of your immediate family
5 have ever been the victim of a serious crime or criminal act,
6 a robbery, a burglary, a physical assault of some kind? If
7 that applies to any of you, you or some member of your family,
8 would you raise your hand, please?

9 All right. Thank you. Mr. Batchelor, you raised
10 your hand. Was it yourself, sir, or some member of your
11 family?

12 PROSPECTIVE JUROR: No. It was -- my mom and dad's
13 house has been broken into four times.

14 THE COURT: All right.

15 PROSPECTIVE JUROR: And my -- go ahead.

16 THE COURT: Has anyone ever been arrested or charged
17 with any of those offenses?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: You never had occasion, then, to attend
20 a trial or give testimony or anything of that kind about it?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: All right. Thank you, Mr. Batchelor.

23 PROSPECTIVE JUROR: There was one other.

24 THE COURT: All right.

25 PROSPECTIVE JUROR: My son -- my son is also a

1 police officer in Dade County, and he was in this first
2 shootout down there, a drug shootout.

3 THE COURT: All right. Was he harmed in any way?

4 PROSPECTIVE JUROR: He was not harmed in any way,
5 but --

6 THE COURT: A scary situation.

7 PROSPECTIVE JUROR: For us it was.

8 THE COURT: Sure.

9 PROSPECTIVE JUROR: I just wanted to put that out.
10 I didn't know if you wanted --

11 THE COURT: Absolutely. Thank you, Mr. Batchelor.
12 Ms. Kirby, you raised your hand?

13 PROSPECTIVE JUROR: Yes, I did.

14 THE COURT: What is your experience in that regard?

15 PROSPECTIVE JUROR: My mother was burglarized.

16 THE COURT: When was that?

17 PROSPECTIVE JUROR: About 20 years ago.

18 THE COURT: Was anyone ever arrested or charged with
19 that offense, to your knowledge?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: All right. And there were some other
22 hands, I think, back on the pew there.

23 All right. Ms. Morris, was it yourself or some
24 member of your family?

25 PROSPECTIVE JUROR: It was my two daughters.

1 THE COURT: When was this, ma'am?

2 PROSPECTIVE JUROR: This was back in about 1981.

3 THE COURT: So whatever it is is over and done with.
4 Was anyone arrested and charged with the offense?

5 PROSPECTIVE JUROR: No. The gentleman turned
6 himself in.

7 THE COURT: Did you have occasion to give testimony
8 or attend a trial or any judicial proceedings as a result of
9 it?

10 PROSPECTIVE JUROR: Somewhat, sir. It ended up that
11 years later -- years later, a grand jury was called, and he
12 was brought in and we testified. Time had passed, and we
13 didn't want the children to testify.

14 THE COURT: All right.

15 PROSPECTIVE JUROR: That's all we did.

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

17 Ms. Gonzalez, did you raise your hand? No.

18 Were there other hands there? Thank you.

19 Ms. Temples?

20 PROSPECTIVE JUROR: Yes. It was my brother. He was
21 abducted and tortured when he was six.

22 THE COURT: How long ago was this?

23 PROSPECTIVE JUROR: Before I was born. It happened
24 before I was born.

25 THE COURT: I see. All right. Thank you,

1 Ms. Temples.

2 PROSPECTIVE JUROR: Thank you.

3 THE COURT: Mr. Hughes, you raised your hand or not?

4 No. It was Mr. Gunn. Mr. Gunn?

5 PROSPECTIVE JUROR: I have had two people -- my wife
6 for one and my brother -- my wife was in a parking lot, and
7 she had -- a fellow pulled up in a car and asked her for
8 directions. As she started telling the directions, he grabbed
9 her purse and then drove. And she ended up with bad bruises
10 and knocked down.

11 THE COURT: I understand. How long ago was that,
12 Mr. Gunn?

13 PROSPECTIVE JUROR: About 20 years ago.

14 THE COURT: I see. Was anyone ever arrested and
15 charged with that offense?

16 PROSPECTIVE JUROR: They came. She picked the
17 fellow out of a picture lineup -- not a physical lineup, but a
18 picture -- and he was caught later on up about 70 miles north
19 of where we were in Pennsylvania.

20 He was not charged formally with hers but with one
21 that he done that really hurt a woman really bad dragging her
22 down the street.

23 And he was a repeat offender, this guy. He had done
24 this before and got out of prison.

25 THE COURT: Did you have occasion to attend the

1 trial or any judicial proceedings relating to that?

2 PROSPECTIVE JUROR: No. It was all -- it was all
3 held north of us and related to the other one.

4 THE COURT: All right.

5 PROSPECTIVE JUROR: Then my brother was robbed
6 twice. Once his boathouse was cleared out on the 4th of July
7 in the middle of the night. And another time a bunch of kids
8 broke into his house and robbed him when they were away, when
9 they were visiting us in Pennsylvania.

10 THE COURT: Were any arrests made in either of
11 those --

12 PROSPECTIVE JUROR: The one --

13 THE COURT: -- events?

14 PROSPECTIVE JUROR: -- out at the boathouse, there
15 was arrests made, and there was an army full of stuff. He got
16 some of the stuff back. And, there again, they were repeat
17 offenders, been in before, done the same thing.

18 THE COURT: Did you have occasion to attend any of
19 the judicial proceedings relating to --

20 PROSPECTIVE JUROR: No.

21 THE COURT: -- either of those?

22 PROSPECTIVE JUROR: No. I was in Pennsylvania.

23 This happened in --

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

25 Thank you, Mr. Walsh. How does that question apply

1 to you or your family, sir?

2 PROSPECTIVE JUROR: It would be my father and my
3 mother.

4 THE COURT: What was the nature of the offense?

5 PROSPECTIVE JUROR: On three different occasions, my
6 father was robbed and assaulted in a business that he owned.
7 And my father was robbed another time.

8 THE COURT: How long ago was this, Mr. Walsh?

9 PROSPECTIVE JUROR: The first time was approximately
10 50 years ago, the next probably about 30 years ago, and then
11 my mother and father were both robbed in their home at
12 gunpoint.

13 THE COURT REPORTER: Repeat the last thing. Your
14 mother was what in her home?

15 PROSPECTIVE JUROR: They were -- they were robbed in
16 their home at gunpoint.

17 THE COURT: When was that?

18 PROSPECTIVE JUROR: That was approximately, I'd say,
19 20 years ago.

20 THE COURT: Was anyone ever arrested or charged with
21 any of those offenses, to your knowledge?

22 PROSPECTIVE JUROR: No, Your Honor.

23 THE COURT: All right. Thank you.

24 Ms. Salzlein?

25 PROSPECTIVE JUROR: My son was a bank teller, and he

1 was robbed at gunpoint in the early nineties.

2 THE COURT: Was anyone arrested and charged with
3 that --

4 PROSPECTIVE JUROR: No.

5 THE COURT: -- offense?

6 PROSPECTIVE JUROR: No. And my husband and I were
7 victims of identity theft.

8 THE COURT: When was that, ma'am?

9 PROSPECTIVE JUROR: Ninety. The Secret Service came
10 in and tried to find them.

11 THE COURT: Was someone arrested and charged with
12 that offense?

13 PROSPECTIVE JUROR: Somebody was arrested, the
14 woman. They found the woman. But when we went to go to
15 trial, they couldn't find her. She was in prison, but they
16 couldn't find her.

17 THE COURT: So you did have occasion to participate
18 fruitlessly in the judicial proceeding, I take it?

19 PROSPECTIVE JUROR: We went to the courthouse, and
20 they couldn't find the prisoner.

21 THE COURT: All right. Thank you, Ms. Salzlein.
22 Mr. Blackburn?

23 PROSPECTIVE JUROR: About ten years ago my
24 daughter's house was robbed. There was never any conclusion
25 to that case. A year ago -- I still own a small cottage up

1 North, and my garden shed was broken into. About 3- or \$400
2 worth of tools, et cetera, were taken. They did find that
3 fellow and put him away.

4 THE COURT: I'm sorry?

5 PROSPECTIVE JUROR: They did find the man who did
6 that and put him in jail.

7 THE COURT: Did you attend any judicial proceedings
8 as a result --

9 PROSPECTIVE JUROR: No.

10 THE COURT: -- in that case?

11 PROSPECTIVE JUROR: No.

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

13 Ms. Ruttenger?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: How does it apply to you?

16 PROSPECTIVE JUROR: My brother-in-law was killed by
17 a drunk driver in 1987, and my husband's business has been
18 robbed three times in the past 18 months.

19 THE COURT: Anyone ever arrested and charged with
20 any of those offenses?

21 PROSPECTIVE JUROR: The drunk driver was arrested
22 and he was charged. One of the robberies of my husband's
23 business was arrested. There's an active warrant out on it,
24 the most recent, and I'm not sure about the third.

25 THE COURT: Have you ever had occasion to give

1 testimony or attend any judicial proceeding relating to any of
2 those cases?

3 PROSPECTIVE JUROR: On the drunk driving charge, the
4 family wrote a letter to the judge including our
5 recommendations for the defendant. It was out of state. I
6 don't know how that ended up.

7 THE COURT: All right. Thank you, Ms. Ruttenber.
8 Anyone else?

9 Those of you, then, who did just respond to that
10 question suggesting that you or members of your family, as you
11 have described, have in the past been the victim of some
12 serious criminal act, let me ask whether or not your
13 experience on that occasion with the criminal justice system
14 generally may have caused you to form an opinion or conviction
15 one way or another that might now affect your ability to sit
16 fairly and impartially as a juror in this case if you're
17 selected considering the fact that it is a criminal proceeding
18 or a criminal prosecution. If you think you might be
19 affected, however slightly, one way or the other, by that
20 experience, please raise your hand again.

21 All right. Now, then, let me ask how many of you
22 who were just called this morning or members of your immediate
23 family have ever been formally charged in state or Federal
24 Court with the commission of a serious crime or felony
25 offense. We're not going into the details of the matter. I

1 simply need to know whether or not that you had that
2 experience either personally or in your family, and then I
3 have one or two very specific follow-up questions and that
4 will conclude it.

5 But if you or any member of your immediate family
6 has ever been formally charged in the past with a felony
7 offense, would you just raise your hands, please? Anybody?

8 All right. Ms. Gonzalez and Ms. Temples, I believe.

9 Ms. Gonzalez, was it yourself or some member of your
10 family?

11 PROSPECTIVE JUROR: Family.

12 THE COURT: What was your relationship to the
13 person?

14 PROSPECTIVE JUROR: Husband.

15 THE COURT: How long ago was this?

16 PROSPECTIVE JUROR: Four years ago.

17 THE COURT: Is it still pending in any way?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: It's all over and done with?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: All right. Can you describe,
22 Ms. Gonzalez, in a word without going into detail the nature
23 of the charge that was made?

24 PROSPECTIVE JUROR: Conspiracy, drug trafficking.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR: Conspiracy, drug trafficking.

2 THE COURT: All right. Ms. Temples, you raised your
3 hand. Was it yourself or some member of your family?

4 PROSPECTIVE JUROR: It was a member of my family.

5 THE COURT: And what was your relationship to that
6 person?

7 PROSPECTIVE JUROR: My brother-in-law.

8 THE COURT: How long ago was this?

9 PROSPECTIVE JUROR: I believe eight years ago.

10 THE COURT: It's all over and done with now?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What was the nature of the charge?

13 PROSPECTIVE JUROR: It was stealing of prescription
14 drugs.

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

16 PROSPECTIVE JUROR: Thank you.

17 THE COURT: Was there any other hand raised in
18 response to that question?

19 Do the two of you believe that your experience in
20 your family -- respective families with the criminal justice
21 system on that occasion might now affect your ability to be a
22 completely fair and impartial juror in this case considering
23 that it is a criminal prosecution? If so, just raise your
24 hand again.

25 Ms. Gonzalez, you think you might?

1 PROSPECTIVE JUROR: (Nods head up and down.)

2 THE COURT: All right.

3 MR. WILSON: Your Honor, I'm sorry. I believe
4 Mr. Scott also raised his hand, if I'm not mistaken.

5 THE COURT: Yes. I saw Mr. Scott. I appreciate it,
6 Mr. Scott. You raised your hand yesterday, and at the moment
7 I'm addressing myself to the 16 persons who just came forward
8 this morning.

9 Those of you who were called forward this morning,
10 let me ask whether or not any of you or members of your family
11 have ever held a job, occupation or employment having any kind
12 of law enforcement authority or responsibility, including the
13 work of a corrections officer, for example. If that applies
14 to any of you, will you raise your hands, please?

15 Ms. Temples, how does that apply to you?

16 PROSPECTIVE JUROR: My spouse.

17 THE COURT: What is his employment?

18 PROSPECTIVE JUROR: He is assistant supervisor of
19 education at FCC Coleman.

20 THE COURT: All right. Thank you.

21 Mr. Walsh, you raised your hand?

22 PROSPECTIVE JUROR: Yes, Your Honor.

23 THE COURT: How does the question apply to you, sir?

24 PROSPECTIVE JUROR: Approximately, I guess, 20 -- 27
25 years ago I used to work for the Florida Department of Parole

1 and Probation.

2 THE COURT: What was your position there?

3 PROSPECTIVE JUROR: I was an investigator.

4 THE COURT: And where was that, did you say?

5 PROSPECTIVE JUROR: Miami-Dade.

6 THE COURT: All right. How long did you hold that
7 job?

8 PROSPECTIVE JUROR: Two years, sir.

9 THE COURT: Thank you, Mr. Walsh.

10 PROSPECTIVE JUROR: And I also have a son who's a
11 federal agent.

12 THE COURT: For what agency?

13 PROSPECTIVE JUROR: Secret Service.

14 THE COURT: How long has he been so employed?

15 PROSPECTIVE JUROR: Approximately two years,
16 Your Honor.

17 THE COURT: Where is he stationed?

18 PROSPECTIVE JUROR: Miami.

19 THE COURT: In Miami. All right. Thank you,
20 Mr. Walsh.

21 Ms. Salzlein, you're raising your hand?

22 PROSPECTIVE JUROR: My husband retired 23 years ago
23 from law enforcement. He was a police officer in Nassau
24 County, New York.

25 THE COURT: All right.

1 PROSPECTIVE JUROR: My son is with -- retired from
2 federal law enforcement.

3 THE COURT: I'm sorry. I didn't hear that.

4 PROSPECTIVE JUROR: My son is retired from federal
5 law enforcement.

6 THE COURT: With what agency was he associated with?

7 PROSPECTIVE JUROR: He was with the Border Patrol.

8 THE COURT: Border Patrol?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: All right. Thank you.

11 Ms. Mintz?

12 PROSPECTIVE JUROR: I just have a sister-in-law who
13 works for a correctional facility in Dutchess County,
14 New York.

15 THE COURT: What's her job there?

16 PROSPECTIVE JUROR: Just administrative.

17 THE COURT: Pardon?

18 PROSPECTIVE JUROR: Just administrative.

19 THE COURT: All right. Thank you.

20 Mr. Blackburn?

21 PROSPECTIVE JUROR: My nephew is a police officer in
22 Tonawanda, New York, and my 20-year across-the-street neighbor
23 was also a 20-year veteran of the police force.

24 THE COURT REPORTER: I didn't understand you. Your
25 neighbor was what?

1 PROSPECTIVE JUROR: A 20-year veteran of the police
2 force. He retired from the city police force. Quite a few of
3 my friends are retired --

4 THE COURT: All right. Thank you, Mr. Blackburn.

5 PROSPECTIVE JUROR: -- from the same city police
6 force.

7 THE COURT: You had friends who were employed on the
8 Lakawana police force?

9 PROSPECTIVE JUROR: No. Tonawanda, sir.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR: Tonawanda, New York.

12 THE COURT: Tonawanda. All right. Thank you.

13 Was there another hand? Ms. Rутtenber?

14 PROSPECTIVE JUROR: Yes, sir. My sister is a
15 retired agent with the U.S. Treasury Department, with Customs
16 and ATF, and she now does contract work for both.

17 And my daughter was employed by the Alachua County
18 corrections system as a corrections counselor. They have both
19 resigned from that.

20 THE COURT: They both what?

21 PROSPECTIVE JUROR: Have resigned from that.

22 THE COURT: Neither are now employed?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: All right. Thank you, Ms. Rутtenber.

25 Ms. Hilliard?

1 PROSPECTIVE JUROR: My husband was a police officer
2 20 years ago in the City of Riviera Beach and Palm Beach
3 Gardens, Florida.

4 THE COURT: All right. Thank you, Ms. Hilliard.

5 Anyone else?

6 Those of you, then, who just raised your hand in
7 response to that question having to do with law enforcement
8 experience either personally or in your family, let me ask
9 whether or not that experience may have caused you or
10 presently causes you to have some preconceived inclination or
11 opinion or conviction, if you will, let's say, in favor of the
12 prosecution because of the law enforcement background or, for
13 that matter, in favor of the defense perhaps, either way.

14 If you think so, if you think that experience might
15 influence your ability to consider the case fairly and
16 objectively without bias or prejudice, please raise your hand
17 again.

18 If during the course of the trial witnesses are
19 called, one or more of whom are law enforcement officers
20 associated with some agency or another, other witnesses are
21 not so employed, do you think you might have the tendency to
22 give greater weight or credence or believability to the
23 testimony of the law enforcement officer than you would some
24 other witness solely and simply because one happens to be an
25 officer and the other is not?

1 All right. Ms. Salzlein, you think you would --

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: -- have that tendency, do you?

4 PROSPECTIVE JUROR: Uh-huh. Yes.

5 THE COURT: All right. Mr. Blackburn, you would
6 also?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: All right. How many of you ladies and
9 gentlemen, if any, those just called this morning, have ever
10 had per chance a bad or unpleasant or distasteful experience
11 with any lawyer or law firm or a court, perhaps, that might
12 make it difficult for you to serve dispassionately and
13 impartially as a juror in this case? Some people have had
14 that kind of experience. If that applies to you, would you
15 raise your hand, please?

16 All right. You have heard the nature of the charges
17 that are made in the Indictment in this case. Is there
18 anything about the nature of those alleged offenses about
19 which any of you have some particularly strong feeling one way
20 or the other -- for example, that the law is too lenient
21 regarding those offenses or, conversely, is too severe,
22 perhaps -- but in any event, you have an opinion one way or
23 the other about the nature of the offenses alleged themselves
24 such that it might be difficult for you to be a wholly
25 impartial juror in the case before you've heard any evidence,

1 or lack of evidence, simply because of the nature of the
2 offenses charged? If that applies to any of you, would you
3 raise your hand, please?

4 All right. Ms. Kirby, you do?

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: All right.

7 MR. BARNES: Your Honor, I believe also another
8 juror raised their hand.

9 THE COURT: All right. Thank you.

10 Ms. Owens?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You feel that way about the nature of
13 the charges in the case, do you?

14 PROSPECTIVE JUROR: I have a question.

15 THE COURT: All right. Thank you.

16 How many of you or members -- well, I'll limit this
17 question to you individually as members of the panel -- happen
18 to have a deep-seated religious conviction or moral scruple
19 against sitting in judgment of another person? Does that
20 apply to any of you?

21 All right. How many of you or members of your
22 immediate family have ever been audited by the Internal
23 Revenue Service?

24 All right. Mr. Batchelor, you're raising your hand.
25 How many times have you been audited, sir?

1 PROSPECTIVE JUROR: My parents were audited in 1967,
2 I believe it was --

3 THE COURT: All right.

4 PROSPECTIVE JUROR: -- through a business audit, not
5 personal.

6 THE COURT: All right. Well, I assume that's all
7 been resolved.

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Was it resolved satisfactorily?

10 PROSPECTIVE JUROR: My dad had to pay.

11 THE COURT: All right. When I say "resolved
12 satisfactorily," of course, I don't mean that you were
13 necessarily overjoyed with the outcome, but it was not a major
14 event in your life -- or perhaps it was -- such that you have
15 some hard feelings that linger on against the Internal Revenue
16 Service in particular or the government in general, and that's
17 what the question is designed to probe.

18 So how say you, Mr. Batchelor; do you have any
19 grudge against the Internal Revenue Service?

20 PROSPECTIVE JUROR: No, sir.

21 THE COURT: Okay. Thank you.

22 Ms. Kirby, you raised your hand, I believe. When
23 were you -- was it yourself that was audited?

24 PROSPECTIVE JUROR: No. It was my parents back in
25 the 1970's, I believe.

1 THE COURT: Was that resolved to your satisfaction,
2 or their satisfaction?

3 PROSPECTIVE JUROR: Yes, it was.

4 THE COURT: All right. There was another --
5 Mr. Gunn?

6 PROSPECTIVE JUROR: My mother-in-law was audited
7 around the 1970's.

8 THE COURT: Was that resolved to everyone's
9 satisfaction?

10 PROSPECTIVE JUROR: I think she was happy with how
11 it came out.

12 THE COURT: All right. Anybody else?

13 Ms. Morris?

14 PROSPECTIVE JUROR: Yes, sir. It was about 1979
15 that I was audited, and it came out very well.

16 THE COURT: You were happy with the result?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: You got money back from the government?

19 PROSPECTIVE JUROR: I gave them one dollar.

20 THE COURT: I'm sorry?

21 PROSPECTIVE JUROR: I gave them one dollar.

22 THE COURT: One dollar?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Well, we public servants appreciate
25 that.

1 There was another hand there. All right. Thank
2 you. Ms. Owens?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: You were audited, were you?

5 PROSPECTIVE JUROR: In 1980 I had bought a new car,
6 and I was audited.

7 THE COURT: All right. Was it resolved to your
8 satisfaction?

9 PROSPECTIVE JUROR: HRS (sic) had done my taxes, so
10 I just took it back to them and dumped it in their lap.

11 THE COURT: All right. Anyone else?

12 Mr. Walsh, you were audited?

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: When was that?

15 PROSPECTIVE JUROR: Sometime in the early eighties.

16 THE COURT: It's resolved now, obviously?

17 PROSPECTIVE JUROR: Yes, it is.

18 THE COURT: Was it resolved to your satisfaction?

19 PROSPECTIVE JUROR: Yes, it was, Your Honor.

20 THE COURT: All right. Thank you.

21 Ms. Salzlein?

22 PROSPECTIVE JUROR: We were audited in the seventies
23 and eighties a few times, and it was always fine.

24 THE COURT: All right. Thank you, Ms. Salzlein.

25 Mr. Blackburn?

1 PROSPECTIVE JUROR: Once in the late seventies. It
2 was resolved. It was okay.

3 THE COURT: All right. Thank you.

4 Anybody else? Ms. Hilliard?

5 PROSPECTIVE JUROR: My husband's business was
6 audited in the early nineties, and it was resolved.

7 THE COURT: To your satisfaction?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: All right. Thank you.

10 Anybody else?

11 All right. I think this would be an appropriate
12 time, ladies and gentlemen, to pause for our morning break.
13 Again, I think we're making some progress here. So we'll
14 pause in just a moment for a 15-minute break.

15 All of you -- or at least most of you are sitting in
16 a new seat or new chair now. Please note where you are
17 sitting so that you can resume that same seat at the end of
18 the break.

19 And please remember the instructions I've given you
20 which still apply -- that you should not have any
21 conversations or discussions during this recess having
22 anything to do with this case.

23 We'll pause for 15 minutes.

24 (A recess was taken.)

25 (Prospective jury panel present.)

1 THE COURT: Members of the jury, now, again I
2 appreciate your patience and your indulgence, and I am going
3 to ask if you would, please, just to sit comfortably and
4 quietly and relax for a few moments while I have some
5 conversations with the lawyers here at the bench.

6 Will counsel come to side-bar for a moment, please.

7 AT SIDE-BAR:

8 MR. NIELSEN: Excuse me, Your Honor?

9 THE COURT: Yes, Mr. Nielsen.

10 MR. NIELSEN: Mr. Nielsen, standby counsel for
11 Mr. Kahn. I did tell him that he could come up here, if he
12 wanted. He said he didn't want to come up, Your Honor.

13 THE COURT: Thank you, Mr. Nielsen. That's helpful.
14 And I appreciate your presence here, Mr. Nielsen.

15 MR. NIELSEN: Yes, sir.

16 THE COURT: We have a couple of others that I may
17 find to excuse for cause before we spend anymore time on the
18 matter.

19 Ms. Kirby, Joan Kirby in Seat Number 28, says that
20 she has an opinion about the nature of the charge and that she
21 has formed an opinion about the case. I am inclined to excuse
22 her for cause. Is there any objection?

23 MS. MORENO: No objection, Your Honor.

24 MR. O'NEILL: No objection by the government, Your
25 Honor.

1 THE COURT: Make a list of these for me, Madam
2 Clerk, and Joan Kirby will be excused.

3 Similarly, Marian Gonzalez in Position Number 30,
4 says that she would have difficulty sitting as a fair juror
5 because of her husband's prosecution sometime ago. I am
6 inclined to excuse her for cause. Is there any objection to
7 that?

8 MS. MORENO: We would object.

9 MR. O'NEILL: No objection by the government, Your
10 Honor.

11 THE COURT: Does the government move to excuse --

12 MR. O'NEILL: Yes, Your Honor; for cause.

13 THE COURT: Okay. I will grant that motion and
14 excuse her for cause.

15 Carolyn Salzlein and Bruce Blackburn in Positions 36
16 and 38, respectively, have testified on their voir dire that
17 they would tend to credit law enforcement officers over other
18 witnesses solely because one is an officer. And I think
19 that's disqualification for cause. I will excuse both of
20 them. Do I hear objection?

21 MS. MORENO: No objection, Your Honor.

22 MR. O'NEILL: No objection, Your Honor.

23 THE COURT: All right. I will excuse those two.
24 Now, then that leaves, by my count --

25 MS. MORENO: Your Honor, pardon me. Before the

1 Court moves on, I think Juror Number 34, Mary Owens, also
2 indicated she had formed an opinion. Does the Court's notes
3 reflect that?

4 THE COURT: Not quite. She said that she had some
5 strong feeling about the nature of the charge, but she also
6 read something in the Star-Banner that needs to be explored.
7 So I can cover both of those at the same time.

8 Which gets me to the point that I now have a list of
9 one, two, three, four, five -- let me see your list a minute.

10 Okay. I have nine members of the venire that I need
11 to conduct a sequestered examination concerning exposure to
12 pretrial publicity based upon the responses given thus far
13 during voir dire.

14 And the most efficient way that I think that I can
15 do that is to excuse the panel, since it is after 11:00, for a
16 lengthy lunch period today, while I ask those jurors to
17 remain, and ask the clerk to escort them down to, first of
18 all, our jury assembly room on the second floor, and we'll
19 call them up.

20 THE DEPUTY CLERK: Let me check and make sure.
21 Bankruptcy was supposed to be using that room on the second
22 floor.

23 THE COURT: Do that quickly, please, Madam Clerk.
24 Well, wait a minute. The magistrate judge's courtroom is
25 available?

1 THE DEPUTY CLERK: Correct.

2 THE COURT: All right. We can put them in there.
3 It is better still. It's on the same floor. So that's what I
4 intend to do next. Any comments?

5 MR. O'NEILL: None by the government, Your Honor.

6 MS. MORENO: Just with respect to that discreet
7 issue, Your Honor, those nine jurors --

8 THE REPORTER: Excuse me.

9 MS. MORENO: I'm sorry.

10 IN OPEN COURT:

11 THE COURT: Let's have order, please, ladies and
12 gentlemen. We can't hear ourselves up here. I appreciate the
13 fact that this is a very tedious proceeding, but if you can be
14 a little quieter, please, it will help us all get through it a
15 little quicker. Thank you.

16 AT SIDE-BAR:

17 MS. MORENO: We agree with the Court that there are
18 nine jurors who indicated that they had read more details
19 outside of what they have heard in court, and we would also
20 ask them to be sequestered and questioned individually, yes,
21 at this point.

22 I'm assuming the Court's protocol then is at some
23 point in time we're going to go into our motions with respect
24 to the selection process and the cause challenges and then the
25 peremptories? Is that the intent of the Court?

1 THE COURT: Yes and no. I will let you know when we
2 get to these various stages.

3 MS. MORENO: Thank you.

4 THE COURT: Nobody is going to be prejudiced by the
5 loss of any right in the jury selection process, I can assure
6 you.

7 MS. MORENO: We certainly appreciate that. Thank
8 you, Your Honor.

9 THE COURT: All right. Thank you, counsel. Let's
10 proceed.

11 MR. O'NEILL: Thank you, Your Honor.

12 IN OPEN COURT:

13 THE COURT: Thank you again, ladies and gentlemen.
14 We have come to a point in this proceeding at which I need to
15 conduct a brief conversation with several of your number
16 individually and privately. And especially given the
17 constraints of space in this building and to not keep you
18 waiting, all of you, unnecessarily while that's going on, I
19 think the most efficient way to proceed is to excuse most of
20 you for a lengthy lunch today, starting in just a few moments;
21 asking some of you to stand by, to remain, in other words, so
22 that I can have these conversations with you; and then we will
23 resume with everybody present, as we are at this moment, this
24 afternoon after lunch at 1:15.

25 So in just a moment, I'm going to declare a lunch

1 recess until 1:15. All of you, except for nine persons whose
2 names I will read out in just a moment, will be free to go to
3 lunch.

4 The nine people I ask to remain I want to have some
5 brief individual conversations with and then you will be
6 excused for lunch. Hopefully, the rest of us can then have
7 our lunch and we will start again in this joint configuration
8 at 1:15 this afternoon.

9 Now, as we recess for lunch, I'm going to ask if you
10 would simply remain seated where you are, please, for the
11 moment. Mr. Salisbury, Mr. Scott, Ms. Lewis, Ms. Hoppe,
12 Mr. Gunn, Ms. Owens, Ms. Mintz, Ms. Ruttenber and Mr. -- or
13 rather Ms. Runyon. Salisbury, Scott, Lewis, Hoppe, Gunn,
14 Owens, Mintz, Ruttenber and Runyon, please remain seated where
15 you are.

16 Everyone else is excused for lunch. Please return
17 at 1:15, taking up your present position, and avoid having any
18 conversations during lunch with anyone about the case.

19 (Prospective jury panel excused, except for
20 aforementioned prospective jurors.)

21 THE COURT: All right. Be seated everyone, please.
22 Are there any members of the jury panel now remaining in the
23 courtroom, other than those nine persons whose names I called?

24 All right. Mr. Salisbury, I am going to converse
25 with you first, but I am going to ask the other eight persons,

1 if you would accompany the clerk across the hall to another
2 room, and we will send for you one at a time when I wish to
3 speak to you. It will only take a few moments.

4 And, by the way, don't be nervous about this, any of
5 you. You haven't done anything wrong. There's nothing to be
6 concerned about it. I just wish to have a private
7 conversation with you for a brief period.

8 (Prospective Juror Salisbury present.)

9 THE COURT: Mr. Salisbury --

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: -- yesterday when we were discussing
12 whether you had seen or heard something about the case before
13 coming to court, you indicated that you read the St. Pete
14 Times; and that you had seen something on television from one
15 of the Tampa stations, I think you said; and that you did
16 remember some facts or circumstances or accounts from those
17 sources that you hadn't heard anything about here in court
18 yet.

19 Is that a fair statement?

20 PROSPECTIVE JUROR: Yes, Your Honor.

21 THE COURT: What was it, sir, that you remember from
22 those news accounts that you haven't heard about here in court
23 yet?

24 PROSPECTIVE JUROR: The request for change of venue
25 and that it was denied.

1 THE COURT: I'm sorry?

2 PROSPECTIVE JUROR: A request for change of venue
3 and, of course, it was denied.

4 THE COURT: All right. What -- do you remember
5 anything more about that, what the claims or contentions or
6 arguments were?

7 PROSPECTIVE JUROR: Because the racial overtones of
8 this county and such.

9 THE COURT: All right. Did your reading of that
10 material or anything else about the articles, for that matter,
11 Mr. Salisbury, cause you to form any opinion about the case in
12 any way or anybody associated with it?

13 PROSPECTIVE JUROR: None whatsoever. None
14 whatsoever.

15 THE COURT: You are satisfied that you can put aside
16 then whatever you may remember from those news accounts, that
17 you may or may not hear about hereafter in the trial, and
18 confine your consideration to the evidence or lack of evidence
19 presented?

20 PROSPECTIVE JUROR: There is no problem, Your Honor.

21 THE COURT: All right. Thank you, Mr. Salisbury.
22 You are excused for lunch. Be back at 1:15, if you please.

23 PROSPECTIVE JUROR: Thank you, Your Honor.

24 THE COURT: Marshal, ask Mr. Scott to come in,
25 please.

1 (Prospective Juror Salisbury excused. Prospective
2 Juror Scott present.)

3 THE COURT: Thank you, Mr. Scott. Just come forward
4 and, for the present -- is that your jacket in the chair
5 there?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: You may wish to get that, and come sit
8 over here in this chair nearest me so I can hear you better.
9 And as I said before, don't be concerned. You haven't done
10 anything wrong. Just have a seat. I just wanted to ask you
11 another question or two privately.

12 Yesterday, and I think again this morning, you have
13 indicated, Mr. Scott, I believe, that you had occasion to see
14 something on television, Channel 9, about this case, during
15 which something was discussed or some statement was made that
16 you haven't heard anything about here in court.

17 Is that a fair statement?

18 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

19 THE COURT: What was it that you heard?

20 PROSPECTIVE JUROR: That he wouldn't get a fair
21 trial.

22 THE COURT: Pardon me?

23 PROSPECTIVE JUROR: That he would not receive a fair
24 trial.

25 THE COURT: Mr. Snipes?

1 PROSPECTIVE JUROR: Correct.

2 THE COURT: And there was some discussion of that on
3 the television?

4 PROSPECTIVE JUROR: Correct.

5 THE COURT: Based upon that, Mr. Scott, did that
6 cause you, however slightly, to form some opinion about the
7 case or about Mr. Snipes or his lawyers or his position in the
8 case or anything of that kind?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: Pardon?

11 PROSPECTIVE JUROR: No.

12 THE COURT: You are sure of that? You could fairly
13 and impartially consider this case and decide it on the basis
14 of the evidence alone?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: All right. Thank you, Mr. Scott. You
17 are excused for lunch and come back at 1:15, if you will.

18 Ask Ms. Lewis to come in, please.

19 (Prospective Juror Scott excused. Prospective Juror
20 Lewis present.)

21 THE COURT: Thank you, Ms. Lewis. Come and take
22 this chair at the end of the row here, if you would, please,
23 and just relax. As I said before you left the courtroom a few
24 moments ago, you have nothing to be concerned about. I just
25 wish to ask you an additional question or two privately.

1 PROSPECTIVE JUROR: Okay.

2 THE COURT: You said, I believe -- and correct me if
3 I am wrong -- that you had heard something on the radio before
4 coming to court, during which some comment was made or some
5 description was given that you hadn't heard anything about
6 here yet. Is that fair?

7 PROSPECTIVE JUROR: Yes, sir. That's true, yes.

8 THE COURT: What was it that you heard?

9 PROSPECTIVE JUROR: I heard that there was some
10 concern about the location of the actual trial and whether it
11 would be held here in Florida or in California. And I am not
12 sure the context of it, but some remark was made about
13 Floridians, in general.

14 THE COURT: All right. In what respect?

15 PROSPECTIVE JUROR: That we were rednecks.

16 THE COURT: All right. You are a Floridean,
17 Ms. Lewis?

18 PROSPECTIVE JUROR: I am not. I'm a Michigander.

19 THE COURT: I see. How long have you lived in
20 Florida?

21 PROSPECTIVE JUROR: Eight years.

22 THE COURT: Okay. And before that, you lived in
23 Michigan?

24 PROSPECTIVE JUROR: My whole life.

25 THE COURT: Did that recitation and that discussion

1 about the case and where it should be tried and so on cause
2 you to form any opinion about the matter, one way or another?

3 PROSPECTIVE JUROR: I think at first, it may have.
4 But as I analyzed the information, I think that people blow
5 things out of proportion and try to grand-stand things. And
6 that even if we, as humans, make comments when things first
7 happen, it is not necessarily our point of view or exactly how
8 we may feel at that moment.

9 THE COURT: Well, let me ask you this. If you were
10 selected and seated as a member of this jury, you heard me say
11 before that the obligation of any member of the jury is to
12 decide the case fairly and impartially, without prejudice
13 or -- bias of any kind on the one hand or prejudice on the
14 other; and to confine your decision to the facts as you find
15 them from the evidence or the lack of evidence without taking
16 into account any outside information; applying the law as I
17 shall state it for the benefit of the jury as being the
18 governing law and without substituting your own emotion or
19 opinion as to what the law is, do you think you could put out
20 of your mind altogether that discussion that you heard on the
21 radio, if you were selected and approach and decide this case
22 in that manner?

23 PROSPECTIVE JUROR: I do.

24 THE COURT: You are convinced of that?

25 PROSPECTIVE JUROR: I do. Yeah, I am convinced of

1 that.

2 THE COURT: All right. Thank you, Ms. Lewis. You
3 are excused for lunch until 1:15. And I will ask you to come
4 back and take your regular seat at that time.

5 PROSPECTIVE JUROR: Okay. Thank you.

6 THE COURT: Ask Ms. Hoppe to come in, please.

7 (Prospective Juror Lewis excused. Prospective Juror
8 Hoppe present.)

9 THE COURT: Thank you, Ms. Hoppe. Just come through
10 the gate and step down, if you will, and take this first chair
11 here nearest me. And you needn't be concerned about anything.
12 You can just relax. I have one question or two that I wish to
13 ask you.

14 Yesterday we were discussing together information
15 that you had had about the case before coming here, and I
16 think you said that you didn't really remember anything about
17 any of your prior sources -- don't let me put words in your
18 mouth. Correct me quickly if I am wrong.

19 You didn't remember anything from any television or
20 radio or the like that you hadn't already heard here, except
21 the postmaster had made some remark or comment to you when you
22 said to him apparently that you were coming to court as a
23 potential juror.

24 Is that a fair statement?

25 PROSPECTIVE JUROR: Well, I mentioned I was coming

1 here. I mean, Anthony is small and people tend to know
2 everything you are doing. And if you just disappear, they get
3 worried. Even though you never speak to anybody, they all
4 know what you are doing.

5 And so I just said to him: I am going to jury duty.
6 And that's when he said: Oh. And I said: It's Federal, you
7 know. And he says: Oh, Mr. Snipes. And I said yeah. And
8 then he said what he said.

9 THE COURT: What did he say?

10 PROSPECTIVE JUROR: He said that the lawyer had
11 asked for a change of venue because of the Klu Klux Klan.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: And I just smiled because, I
14 mean, it's crazy. You know, I mean, that's -- to be perfectly
15 honest with you, a good lawyer is going to go with everything
16 he has got for you.

17 And if that's what -- and if he really feels it,
18 then he should do that. And you should do what you wanted to
19 do, what you found. That's the way I feel about it. If he
20 doesn't, he is not doing his job.

21 THE COURT: All right. Well, here is where we are,
22 Ms. Hoppe. What I need to know from you is whether any of
23 those conversations or discussions or what you read before
24 have made any kind of an impression on you, in your mind, that
25 affect your ability to fairly and impartially consider the

1 evidence or the lack of evidence and serve as a juror in this
2 case in the manner you have heard me previously describe.
3 What do you say?

4 PROSPECTIVE JUROR: It definitely would not. I
5 mean, there are racists in everything. Fortunately, and very
6 much so, I do not think that I am one. In fact, I know that I
7 am not. I have been involved with children and all kinds of
8 children for my entire life.

9 And I don't feel that there is a real problem in all
10 of Ocala. There may be in certain segments, but it won't
11 affect me because I don't go that way.

12 THE COURT: Good for you. And you are satisfied you
13 could be an impartial and an objective juror --

14 PROSPECTIVE JUROR: Yes, I am.

15 THE COURT: -- to decide the case without prejudice
16 on the one hand or sympathy on the other?

17 PROSPECTIVE JUROR: No. Because I raised six kids,
18 I have got 16 grandchildren. And what they do that's right is
19 right; and what they do that's wrong, they know it. And, I
20 mean, you know, that's all there is to it.

21 I do feel it is their parents' right to discipline
22 them, not mine, but I will tell my children what I think.

23 THE COURT: Somehow I think that is probably right,
24 Ms. Hoppe. Thank you, ma'am.

25 PROSPECTIVE JUROR: You're welcome.

1 THE COURT: You are excused for lunch until 1:15.

2 PROSPECTIVE JUROR: Thank you.

3 THE COURT: Ask Mr. Gunn to come in, please.

4 (Prospective Juror Hoppe excused. Prospective Juror
5 Gunn present.)

6 THE COURT: Mr. Gunn, just have a seat here in this
7 chair, sir. And don't be concerned about anything. I just
8 want to ask you a couple of questions.

9 (Conference between Judge Hodges and deputy clerk.)

10 THE COURT: Mr. Gunn, this morning when we were
11 talking about information that you may have seen or heard
12 about the case before coming to court, you mentioned that you
13 had heard something on the radio and had seen something on
14 television, during which there was some discussion about
15 something that you hadn't already heard here in court.

16 Is that a fair statement?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Pardon?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: All right. Would you now tell me, sir,
21 what it was you heard on the radio or television that you
22 haven't heard about here in court yet?

23 PROSPECTIVE JUROR: This was from a friend who
24 when -- I told you we were watching the Giants game, the
25 Dallas game, it was over, that came on. But this was an

1 Orlando channel I think he was on. So it didn't state it was
2 still up here at Ocala, but Mr. Snipes' name came up and the
3 case.

4 And he mentioned something that he had heard that he
5 had told people on his company, to the point of company not to
6 pay taxes. I had not heard that here. I think that's part of
7 the case, but that was something that -- you know, you did not
8 mention it, it hadn't come up, and that's why I kind of
9 alluded to it, as it is probably going to come out, but
10 it's --

11 THE COURT: All right.

12 PROSPECTIVE JUROR: So that's the point I had heard
13 and I hadn't heard that yesterday.

14 THE COURT: Precisely so. Now, the question is
15 whether or not that information or discussion that you saw or
16 read made an impression on you in such a way as to cause you
17 to form an opinion about the case or about Mr. Snipes or his
18 position or anything of that kind?

19 PROSPECTIVE JUROR: I have nothing against
20 Mr. Snipes. In fact, the one movie I saw he was in, I really
21 enjoyed.

22 THE COURT: Which one was that? Do you remember?

23 PROSPECTIVE JUROR: I think he was the one in "White
24 Man Can't Jump," would be with Woody Harrellson.

25 THE COURT: You enjoyed that one?

1 PROSPECTIVE JUROR: Oh, that's a great one, yeah.

2 THE COURT: Well, do you think you could serve in
3 the case fairly and impartially, putting aside anything you
4 may have read or heard outside of court, and concentrate
5 exclusively on the evidence or lack of evidence to be
6 presented here during trial?

7 PROSPECTIVE JUROR: Well, I have a bias. My bias
8 being that when I hear people that didn't pay taxes -- okay.
9 This is one of the issues. And I know people that -- the
10 level of the entertainers, they are surrounded by people who
11 are financial specialists. That shouldn't happen without a
12 purpose. I can't --

13 And, you know, that kind of leads you that something
14 is -- it's not like by fault or maybe his advisors didn't pay
15 them for him, like I guess Willie Nelson supposedly didn't do.
16 But, you know -- so it does leave you with that --

17 THE COURT: Okay. I appreciate that, and your
18 candor with respect to it, Mr. Gun. I notice that you have --
19 and I was not aware of the details of this, that you had
20 presented to the clerk this morning a --

21 PROSPECTIVE JUROR: Right.

22 THE COURT: Apparently -- and I haven't had a chance
23 to read it, a request to be excused, is it, because of a back
24 condition?

25 PROSPECTIVE JUROR: Right. I have a back condition.

1 Like, I am not supposed to sit for any one stretch for over an
2 hour. When I drive -- we are snowbirds. When I come down, I
3 take an extra day now. We stop an hour, maximum ten minutes.
4 And I have been told live this the rest of your life, this
5 technique that I have listed there.

6 I came here. I figure my wife had been on two
7 juries for two to three days back in Pennsylvania. Figure,
8 well, I can come and, you know, do the civic duty.

9 And then I realize yesterday that this was going to
10 be -- you mentioned in the afternoon it was going to be a
11 month or more. I can't sit for -- I am afraid to do that. I
12 will end up -- it was severe. I spent five months in physical
13 recovery, versus the operation, which was gruesome.

14 THE COURT: Thank you, Mr. Gun. And taking all of
15 these things into consideration, I will excuse you now for
16 cause, sir, and you are free to go with no need to return
17 again. And I appreciate the service that you have rendered by
18 being here.

19 PROSPECTIVE JUROR: Okay. Thank you.

20 (Prospective Juror Gunn excused.)

21 THE COURT: Anyone wish to state an objection for
22 the record to my excusing Mr. Gunn for cause?

23 MR. O'NEILL: No objection from the government, Your
24 Honor.

25 MS. MORENO: No objection from the defense, Your

1 Honor.

2 THE COURT: Ask Ms. Owens to come in, please.

3 (Prospective Juror Owens present.)

4 THE COURT: Ms. Owens, just come through the gate
5 there and, on this occasion, come and sit in this chair
6 nearest to me, if you will, please, and just relax. Nothing
7 to be concerned about. I just want to ask you a couple of
8 questions about the discussion we had this morning.

9 You said, I believe, that you had read something in
10 the Star-Banner that remains in your mind that you hadn't
11 heard about here in court yet. And also, if I recall
12 correctly, you said that you had an opinion or feeling about
13 the nature of the charge in this case that might affect your
14 ability to be a fair juror.

15 Is that an --

16 PROSPECTIVE JUROR: Right.

17 THE COURT: -- accurate recount of what you said?

18 PROSPECTIVE JUROR: Right.

19 THE COURT: Thank you. Well, let's deal with the
20 latter first.

21 PROSPECTIVE JUROR: Okay.

22 THE COURT: What is it about the nature of the
23 charge that you have some feeling about, Ms. Owens.

24 PROSPECTIVE JUROR: Well, when I was audited, like I
25 stated, I had the IRS -- I mean the H.R. Block to do my taxes.

1 And then when I had a problem, I went back to them. And I'm a
2 little bit questioned about why the three are being charged
3 together --

4 THE COURT: All right. Well --

5 PROSPECTIVE JUROR: -- on the fraud.

6 THE COURT: All right. This is a matter that would
7 be of some concern to you as you listened to the evidence, you
8 think?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: All right. What is it that you read in
11 the Star-Banner that you remember, but you haven't heard about
12 here yet?

13 PROSPECTIVE JUROR: Well, that he wouldn't get a
14 fair trial here.

15 THE COURT: I'm sorry?

16 PROSPECTIVE JUROR: That he didn't think he would
17 get a fair trial here.

18 THE COURT: Do you remember why somebody thought
19 that he couldn't get a fair trial here?

20 PROSPECTIVE JUROR: Because it was a racist town.

21 THE COURT: A race issue?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: All right. Did that cause you to form
24 any opinion about the matter, one way or the other?

25 PROSPECTIVE JUROR: No. It was just that it was in

1 there, and I don't think it's been said here in court. If it
2 has, I don't remember hearing it.

3 THE COURT: But that didn't cause you to take an
4 affront, one way or another --

5 PROSPECTIVE JUROR: No, no.

6 THE COURT: -- or cause you to have any kind of bias
7 or prejudice against anybody?

8 PROSPECTIVE JUROR: No, not at all.

9 THE COURT: Now, going back to the other matter, you
10 say you have a question about why three persons would be
11 charged together in a case of this kind. Is that basically --

12 PROSPECTIVE JUROR: If he hired someone to do his
13 tax work for him, and they were -- had credentials to do it,
14 and he trusted them to do that, wouldn't it be their crime
15 more than his?

16 THE COURT: Well, I can't answer these questions at
17 this point for you, Ms. Owens. What I need to probe is your
18 own outlook about the case. And I appreciate the information
19 that you are conveying to me.

20 And I think that covers the matter, as far as I need
21 to pursue it with you. You are excused for lunch until 1:15.
22 And when you return, if you would, please, just take the chair
23 in which you have been sitting and we will go forward.

24 PROSPECTIVE JUROR: Okay. Thank you.

25 THE COURT: Ask Ms. Mintz to come in, please.

1 (Prospective Juror Owens excused. Prospective Juror
2 Mintz present.)

3 THE COURT: Thank you, Ms. Mintz. Just come on
4 forward. As they say on some TV program, come on down. Have
5 a seat in the front chair, if you will, please. And don't be
6 concerned. It's just a matter I wish to discuss with you
7 about a conversation we had this morning.

8 You said that you read something in the Star-Banner
9 about the case and that you did remember something from the
10 article, some description or account that you hadn't heard
11 anything about here so far. Is that right?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: What is it that you remember from the
14 article or articles you read that you haven't already heard
15 here yesterday or today?

16 PROSPECTIVE JUROR: That the maximum years for the
17 crime was 16 years; just that, just about, you know, how long,
18 what the maximum sentence might be. That's all.

19 THE COURT: Okay. And that was it?

20 PROSPECTIVE JUROR: Yeah, that was it.

21 THE COURT: Well, one of the things that I will
22 instruct the jury at the end of the case, Ms. Mintz, is that
23 the jury shouldn't be concerned about punishment in
24 considering the issue of whether the government has proved or
25 has not proved the case beyond a reasonable doubt.

1 If the Defendant is convicted so that punishment is
2 imposed, under the law, that's a matter for the judge -- in
3 this instance, myself -- to determine later --

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: -- as the result of a separate
6 proceeding. Do you think you could abide by that instruction
7 if you were seated as a member of the jury?

8 PROSPECTIVE JUROR: Yes. I just -- it was just that
9 point, you asked if there was anything in there that I hadn't
10 heard. And I hadn't heard that.

11 THE COURT: Precisely so.

12 PROSPECTIVE JUROR: I wasn't making a judgment on
13 it, just --

14 THE COURT: Did it cause you to form any kind of an
15 opinion about the case, one way or another?

16 PROSPECTIVE JUROR: Just that that seemed severe,
17 the amount of time.

18 THE COURT: Do you think that you could serve as a
19 fair and impartial juror, and determine the issue of guilt or
20 innocence on the basis of the evidence or lack of evidence?

21 PROSPECTIVE JUROR: I believe so.

22 THE COURT: All right. Thank you, ma'am. You are
23 excused for lunch until 1:15.

24 PROSPECTIVE JUROR: Thank you.

25 THE COURT: Ask Ms. Rutenber to come in, please.

1 (Prospective Juror Mintz excused. Prospective Juror
2 Rutenber present.)

3 THE COURT: Ms. Rutenber, thank you. Just come and
4 be seated in the first chair here, if you would, please, and
5 just relax. I want to ask you one follow-up question about
6 something you said this morning, which was I believe that you
7 had read something in the Star-Banner that makes -- some
8 description or account about the case that you haven't heard
9 discussed here in court yet.

10 Is that roughly what you said?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: What was it that you read?

13 PROSPECTIVE JUROR: It was about your decision to --
14 whether or not to allow the motion to be approved to move the
15 trial.

16 THE COURT: All right. What was the detailed
17 discussion about that, do you remember? Or was there any?

18 PROSPECTIVE JUROR: No, not that I remember, just --
19 I was interested in whether or not it was going to be moved --
20 it didn't matter of reason -- because of my occupation.

21 THE COURT: What's your occupation?

22 PROSPECTIVE JUROR: I'm a counselor and therapist.

23 THE COURT: How did that impact your occupation?

24 PROSPECTIVE JUROR: I had to tell my boss I wouldn't
25 be coming to work for up to a month.

1 THE COURT: All right. So go over this again. You
2 remember there was discussion about the question of whether
3 the case would be tried in Ocala or moved somewhere else?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Do you remember why the request was
6 being made to move the case to somewhere else?

7 PROSPECTIVE JUROR: Yes. I believe the motion
8 was -- I am not sure of the wording, but I kind of remember
9 why.

10 THE COURT: What was that?

11 PROSPECTIVE JUROR: That it wouldn't be an impartial
12 or unbiased jury. I am not sure of the wording.

13 THE COURT: All right. Well, did that cause you to
14 form any opinion about the nature of the case or that dispute
15 or anything?

16 PROSPECTIVE JUROR: No, sir. I was more interested
17 in whether or not I had to come than why I did or didn't have
18 to come.

19 THE COURT: All right. Then do you think you could
20 put aside whatever recollection you have of a newspaper
21 article, if you were selected, and decide this case on the
22 basis of the testimony and evidence or lack of evidence here?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Thank you, Ms. Ruttenber. You are
25 excused for lunch until 1:15.

1 PROSPECTIVE JUROR: Thank you.

2 THE COURT: Ask Mr. -- or rather Ms. Runyon to come
3 in, please.

4 (Prospective Juror Ruttenber excused. Prospective
5 Juror Runyon present.)

6 THE COURT: Ms. Runyon, just come on down, if you
7 will. Take the first seat here in this front row nearest me
8 and just relax. I want to just follow up on something we were
9 talking about this morning.

10 You said, I believe, that you had seen something on
11 the Internet discussing this case.

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: And it dealt with a subject or a fact or
14 circumstance that you hadn't heard anything here about yet.
15 Is that fair?

16 PROSPECTIVE JUROR: Yes, that's correct.

17 THE COURT: What was it that you read on that
18 occasion?

19 PROSPECTIVE JUROR: It was regarding alleging that
20 could not get a fair trial in Ocala; and also the article
21 said, you know, what the sentences could possibly be.

22 THE COURT: Do you remember what that was?

23 PROSPECTIVE JUROR: Indicated that Mr. Snipes could
24 get up to 12 years, and the other two defendants could get ten
25 years. It listed out everything in the article.

1 THE COURT: All right. And with respect to whether
2 or not a fair trial was available in Ocala, do you remember
3 what the specific claim was about that?

4 PROSPECTIVE JUROR: That they wanted to move it to
5 some other location, perhaps to California. I can't recall
6 exactly. I think maybe California and somewhere else.

7 THE COURT: Do you remember why?

8 PROSPECTIVE JUROR: No, sir, I don't.

9 THE COURT: Okay. Based on what you did read on
10 this occasion -- and I think you said that was the only time
11 that you had seen anything about the case. Was that one time
12 on the Internet?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: How long ago was that?

15 PROSPECTIVE JUROR: Saturday.

16 THE COURT: Oh, Saturday. Did that cause you to
17 form any kind of opinion about the case or anybody involved in
18 the case?

19 PROSPECTIVE JUROR: Not really.

20 THE COURT: Do you think you could forget all about
21 that if you were selected as a juror, and focus on the
22 testimony and evidence presented during trial or the lack of
23 evidence, and decide this case?

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

25 THE COURT: All right. Thank you, Ms. Runyon. You

1 are excused for lunch until 1:15.

2 PROSPECTIVE JUROR: Okay.

3 (Prospective Juror Runyon excused.)

4 THE COURT: Counsel, I may need your help in
5 refreshing my memory without going back and looking at the
6 transcript. I have now excused or announced that the Court
7 would excuse Ms. Kirby, Ms. Gonzalez, Ms. Salzlein,
8 Mr. Blackburn and Mr. Gunn for cause. I think the only one of
9 those jurors that I have announced that decision to, however,
10 is Mr. Gunn.

11 Is that right?

12 MR. O'NEILL: Correct, Your Honor.

13 THE COURT: Okay. Well, I will not try to replace
14 those jurors at the moment. We will simply continue with the
15 general voir dire of the panel at 1:15 and get on with it this
16 afternoon. And we will recess now for lunch until 1:15.

17 (The luncheon recess was taken.)

18 (Prospective jury panel present.)

19 THE COURT: Thank you. Be seated, please, everyone.
20 And once again, I appreciate your promptness, ladies and
21 gentlemen.

22 For those of you who were called initially this
23 morning -- I think 16 of you -- as you heard me ask yesterday,
24 in this case Mr. Snipes, obviously, is an African-American
25 person, and the question arises whether any of you or members

1 of your immediate family have ever had any experience with an
2 African-American person that would make it difficult for you
3 to serve fairly and impartially as a juror in a case in which
4 an African-American is a defendant. If that does apply to you
5 in any way, would you simply raise your hand? Any of you?

6 All right. Do any of you believe that
7 African-Americans commit disproportionately more crimes than
8 other ethnic groups? If so, would you raise your hands,
9 please?

10 All right. Just a moment. Let me -- keep your
11 hands up, if you will, for a moment for me, please.

12 Mr. Hughes, you're raising your hand.

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: All right. And Mr. Walsh. All right.
15 Anybody else? Mr. Blackburn?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: All right.

18 All right. Ms. Salzlein, you're raising your hand.

19 All right.

20 Anyone else? Ms. Owens.

21 All right. Again, addressing those of you who first
22 came forward today as prospective jurors, have any of you ever
23 had any training or job experience relating to accounting or
24 the preparation and filing of tax returns? If that applies to
25 you, would you please raise your hands?

1 Ms. Gonzalez, what is your experience in that
2 respect?

3 PROSPECTIVE JUROR: I'm employed in finance and
4 audit.

5 THE COURT: I'm sorry?

6 PROSPECTIVE JUROR: I'm employed in finance and
7 audit. I do accounting and tax returns.

8 THE COURT: All right. Thank you.

9 There was one other hand, I believe.

10 Mr. Hughes, what is your experience in that respect,
11 sir?

12 PROSPECTIVE JUROR: I have three businesses, and I
13 do the taxes for the three businesses, and their returns, and
14 bookkeeping.

15 THE COURT: All right. Thank you.

16 Yes, Mr. Odom?

17 PROSPECTIVE JUROR: I have a business degree from
18 the University of Florida. I just had to take managerial cost
19 accounting for it.

20 THE COURT: All right. While we're on that, then,
21 Mr. Odom, what is your present job?

22 PROSPECTIVE JUROR: I'm the sales manager for
23 Culligan in Orlando, Florida.

24 THE COURT: For what?

25 PROSPECTIVE JUROR: Culligan water treatment.

1 THE COURT: I see. Okay.

2 Do you have any duties relating to accountancy in
3 that position?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Thank you.

6 Let me ask of you, as I did the others yesterday,
7 whether any of you have an opinion about actors generally or
8 persons of renown or celebrity that it might cause you to
9 treat such a person differently than you would someone else in
10 the decision-making process in a case of this kind.

11 Think about that for a moment. And if you believe
12 you might have a tendency to do that, just raise your hand,
13 please.

14 All right. Now, then, as we did yesterday afternoon
15 before recessing for the day, beginning in just a moment with
16 Mr. Batchelor, I'm going to ask each of you who have not
17 previously done so, that is to say, those who just came
18 forward today, to stand, if you would, and tell us your full
19 name, where you live, your occupation or employment, how long
20 you've lived in this area, perhaps, whether you're married,
21 the occupation of your husband or wife and the extent of your
22 education. As I said yesterday, you needn't remember all of
23 those things; I will ask the necessary questions, or will try
24 to, as we go along.

25 Mr. Batchelor, would you begin, sir? Stand, if you

1 would -- thank you -- and tell us, sir, your full name and
2 where you live.

3 PROSPECTIVE JUROR: My full name is Andrew Jackson
4 Batchelor. I live in Howie-in-the-Hills, Florida. And I've
5 lived there for five years. Previous to that I lived in
6 Miami, Florida; Hialeah, Florida.

7 THE COURT: What is your occupation, sir?

8 PROSPECTIVE JUROR: I grow orchids and sell them.

9 THE COURT: I'm sorry?

10 PROSPECTIVE JUROR: I grow orchids and sell them.

11 THE COURT: How long have you been in that business?

12 PROSPECTIVE JUROR: Total, my whole life, 42 years.

13 THE COURT: Are you married, sir?

14 PROSPECTIVE JUROR: Yes, sir, I am.

15 THE COURT: What is your wife's occupation?

16 PROSPECTIVE JUROR: She's in insurance sales. She
17 works for an insurance company.

18 THE COURT: All right. What is the extent of your
19 education, Mr. Batchelor?

20 PROSPECTIVE JUROR: Fourteen years: Twelfth grade
21 and two years of college.

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

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Ms. Kirby, please, would you tell us
25 your full name and where you live?

1 PROSPECTIVE JUROR: I'm Joan Mayfield Kirby, and I
2 live in Fruitland Park.

3 THE COURT: How long have you lived there?

4 PROSPECTIVE JUROR: About 20 years.

5 THE COURT: What is your occupation?

6 PROSPECTIVE JUROR: I'm a homemaker, retired.

7 THE COURT: You're married?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: What is your husband's occupation?

10 PROSPECTIVE JUROR: He's retired.

11 THE COURT: From what?

12 PROSPECTIVE JUROR: From IBM. He's an IBM salesman.

13 THE COURT: All right. What is the extent of your
14 education, ma'am?

15 PROSPECTIVE JUROR: Two years at the University of
16 Florida.

17 THE COURT: Thank you.

18 Ms. Morris, please, would you tell us your full
19 name, ma'am, and where you live?

20 PROSPECTIVE JUROR: My name is Teresa Sue Morris. I
21 live in the Villages. I've lived there for ten years. We
22 moved from Maryland and, prior to that, New Jersey.

23 THE COURT: Your occupation?

24 PROSPECTIVE JUROR: I'm a homemaker. I worked for
25 the United Parcel Service as a supervisor before moving down

1 here. My husband is retired. He retired from UPS also.

2 My education -- high school and Patrick Gibbs
3 Secretarial School.

4 THE COURT: Thank you, Ms. Morris.

5 Ms. Gonzalez, please, your name and where you live,
6 first.

7 PROSPECTIVE JUROR: My name is Marian May Gonzalez,
8 and I live in Lake County. I have lived there for 22 years.
9 And I work in finance and audit. I'm married --

10 THE COURT: I'm sorry. You work where?

11 PROSPECTIVE JUROR: I work in finance and audit.

12 THE COURT: For whom?

13 PROSPECTIVE JUROR: For the Clerk of the Circuit
14 Court of Lake County.

15 THE COURT: How long have you worked there?

16 PROSPECTIVE JUROR: Twenty-one years.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: And your husband's occupation is what?

20 PROSPECTIVE JUROR: He's a retired sound engineer.

21 THE COURT: What is the extent of your education,
22 ma'am?

23 PROSPECTIVE JUROR: College.

24 THE COURT: Thank you.

25 Ms. Temples, please, would you tell us, first, your

1 name and where you live?

2 PROSPECTIVE JUROR: My name is Amy Lynne Temples. I
3 live in Wildwood, Florida.

4 THE COURT: How long have you lived there?

5 PROSPECTIVE JUROR: Two years.

6 THE COURT: Before that, where did you live?

7 PROSPECTIVE JUROR: In Buckingham, West Virginia,
8 for three years.

9 THE COURT: What is your occupation?

10 PROSPECTIVE JUROR: I'm a personnel coordinator at
11 WalMart.

12 THE COURT REPORTER: At what?

13 PROSPECTIVE JUROR: At WalMart. I'm a personnel
14 coordinator.

15 THE COURT: Are you married?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What is your husband's occupation?

18 PROSPECTIVE JUROR: He is assistant supervisor of
19 education at FCC Coleman.

20 THE COURT: Thank you, Ms. -- well, what is the
21 extent of your education?

22 PROSPECTIVE JUROR: Twelfth grade.

23 THE COURT: Thank you.

24 Mr. Hughes, please.

25 PROSPECTIVE JUROR: John Alton Hughes. I live in

1 Clermont, Florida. We've lived there for 27 years.

2 I own three businesses: Two quick oil-change places
3 and a real estate company.

4 My wife is retired. She was a school teacher
5 before. She's been retired for about five years.

6 My birthday is tomorrow. Oh. You don't want to
7 know that.

8 (Laughter.)

9 THE COURT: Well, we're happy to know it,
10 Mr. Hughes. I won't ask you which one it is, unless you wish
11 to volunteer that.

12 What's the extent of your education, sir?

13 PROSPECTIVE JUROR: I have an MBA.

14 THE COURT: Thank you.

15 Ms. Owens, please, your name and where you live?

16 PROSPECTIVE JUROR: Mary Owens. I live in Ocala,
17 Florida.

18 THE COURT: For how long?

19 PROSPECTIVE JUROR: For the last three years.

20 Before that, I lived 20 years in Leesburg.

21 THE COURT: What is your occupation, Ms. Owens?

22 PROSPECTIVE JUROR: Right now, I work for a
23 utilities company here in Ocala. And before that, I retired
24 from the Postal Service in Leesburg.

25 THE COURT: I didn't hear what you did in Leesburg.

1 PROSPECTIVE JUROR: I worked for the Postal Service
2 for 26 years.

3 THE COURT: I see. Are you married?

4 PROSPECTIVE JUROR: No.

5 THE COURT: What's the extent of your education?

6 PROSPECTIVE JUROR: Twelfth grade and some college
7 classes.

8 THE COURT: Thank you, Ms. Owens.

9 Mr. Walsh, please. What is your name, and where do
10 you live, Mr. Walsh?

11 PROSPECTIVE JUROR: My name is Michael Martin Walsh,
12 and I live in Homosassa, Florida.

13 THE COURT: How long have you lived in Citrus
14 County?

15 PROSPECTIVE JUROR: I've lived in Citrus County for
16 nine years.

17 THE COURT: What is your occupation, sir?

18 PROSPECTIVE JUROR: I'm retired.

19 THE COURT: From what?

20 PROSPECTIVE JUROR: I'm a retired division chief
21 with the City of Hialeah Fire Department, which is in
22 Miami-Dade County.

23 THE COURT: All right. Are you married, sir?

24 PROSPECTIVE JUROR: Yes, I am.

25 THE COURT: What is your wife's occupation?

1 PROSPECTIVE JUROR: A homemaker.

2 THE COURT: What is the extent of your education?

3 PROSPECTIVE JUROR: Bachelor's degree.

4 THE COURT: Thank you, Mr. Walsh.

5 Ms. Salzlein, please.

6 PROSPECTIVE JUROR: I live in Ocala -- Carol
7 Salzlein. I live in Ocala, Florida, for 11 years. Before
8 that, San Diego. Retired from there as a secretary. My
9 husband is retired law enforcement.

10 THE COURT: What is the extent of your education,
11 Ms. Salzlein?

12 PROSPECTIVE JUROR: Twelfth plus some college.

13 THE COURT: Thank you.

14 Ms. Mintz, please, your full name and where you
15 live?

16 PROSPECTIVE JUROR: Deborah Ellen Mintz. I live
17 here in Ocala, for the last two years. And before that, I
18 lived in a motor home, so I kind of lived wherever. And
19 before that, I lived in Burlington, Vermont.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR: I'm a retired equipment support
22 technician for IBM.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR: I am. And my husband is also a
25 retired equipment support technician for IBM.

1 THE COURT: What is the extent of your education?

2 PROSPECTIVE JUROR: Just a two-year technical
3 degree.

4 THE COURT: Thank you, ma'am.

5 PROSPECTIVE JUROR: Thank you.

6 THE COURT: Mr. Blackburn, please, would you --

7 PROSPECTIVE JUROR: Bruce Joseph Blackburn. I live
8 in the Villages.

9 THE COURT: How long have you lived there, sir?

10 PROSPECTIVE JUROR: About two and a half years.
11 Before that, I lived in Tonawanda, New York, up near Buffalo,
12 for all my life.

13 THE COURT: What is your occupation, Mr. Blackburn?

14 PROSPECTIVE JUROR: I'm retired. I did purchasing
15 for a small company in Buffalo.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: What is your wife's occupation?

19 PROSPECTIVE JUROR: My wife is also retired. She
20 was a teaching assistant for the school system of Tonawanda.

21 THE COURT: And your education is what?

22 PROSPECTIVE JUROR: I have high school and about a
23 year and a half of college.

24 THE COURT: Thank you, sir.

25 Ms. Rутtenber, please.

1 PROSPECTIVE JUROR: Yes, sir. Clarice Victoria
2 Ruttenber. I live in Ocala, Florida. I have lived here for
3 14 years.

4 THE COURT: What is your occupation, ma'am?

5 PROSPECTIVE JUROR: I'm a therapist. I specialize
6 in substance abuse and domestic violence counseling.

7 THE COURT: Where are you employed?

8 PROSPECTIVE JUROR: Practice Network of Ocala and
9 Diversified Program Services in Gainesville, Starke, Lake
10 City --

11 THE COURT: That's an independent --

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: -- practice?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: How long have you been working there?

16 PROSPECTIVE JUROR: Three and a half years, sir.

17 THE COURT: Are you married?

18 PROSPECTIVE JUROR: Yes, sir, I am.

19 THE COURT: What is your husband's occupation?

20 PROSPECTIVE JUROR: He's the senior vice-president
21 of a local bank.

22 THE COURT: And what is the extent of your
23 education?

24 PROSPECTIVE JUROR: I have a bachelor's of science.

25 I have just finished my master's in counseling. I'm a

1 certified addiction professional and a certified batterers
2 intervention facilitator.

3 THE COURT: Thank you, Ms. Ruttenber.

4 Ms. Hilliard, please, would you tell us, ma'am, your
5 full name and where you live?

6 PROSPECTIVE JUROR: Linda Hilliard,
7 Howie-in-the-Hills.

8 THE COURT: How long have you lived there?

9 PROSPECTIVE JUROR: Fourteen years.

10 THE COURT: What is your occupation?

11 PROSPECTIVE JUROR: I'm a secretary at a school for
12 mentally and physically handicapped children.

13 THE COURT: Is that a private facility or a public
14 school?

15 PROSPECTIVE JUROR: Public.

16 THE COURT: How long have you worked there?

17 PROSPECTIVE JUROR: Fourteen years.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR: My husband's occupation?

22 THE COURT: I'm sorry. What is your husband's
23 occupation?

24 PROSPECTIVE JUROR: He furnishes wood products to
25 plant nurseries and survey sticks.

1 THE COURT: What is the extent of your education?

2 PROSPECTIVE JUROR: Almost two years of college.

3 THE COURT: Thank you.

4 Ms. Runyon, please, would you tell us your full name
5 and where you live?

6 PROSPECTIVE JUROR: My name is Martha Janet Runyon,
7 and I live in the Villages. I have lived there for two years.

8 THE COURT: Before that, where did you live?

9 PROSPECTIVE JUROR: I lived in Springfield,
10 Virginia.

11 THE COURT: What is your occupation?

12 PROSPECTIVE JUROR: Retired. I worked 30 years for
13 the Department of Defense as a computer specialist.

14 THE COURT: Are you married?

15 PROSPECTIVE JUROR: Yes, I am.

16 THE COURT: What's your husband's occupation?

17 PROSPECTIVE JUROR: He's a retired military officer.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR: Retired military officer.

20 THE COURT: What branch of the service was he in?

21 PROSPECTIVE JUROR: Army.

22 THE COURT: And what is the extent of your
23 education?

24 PROSPECTIVE JUROR: I have a business degree.

25 THE COURT: Thank you.

1 wish to confirm with counsel and with the record that I am now
2 prepared to excuse for cause of my own motion the juror in
3 position number 30, Marian Gonzalez. Mr. Gunn in position 33
4 I've already excused.

5 I would now be prepared to excuse Mary Owens in
6 position 34, Michael Walsh in position 35, Carolyn Salzlein in
7 position 36, and Bruce Blackburn in position Number 38. And I
8 should have mentioned Joan Kirby in position 28.

9 Does anyone wish to object to my excusing any of
10 those persons now for cause?

11 MR. O'NEILL: Not by the government, Your Honor.

12 MS. MORENO: No, Your Honor.

13 I think the Court also -- Juror Number 32, Mr. John
14 Hughes, raised his hand when asked the question --

15 THE COURT: You're correct.

16 MS. MORENO: -- about the disproportionate --

17 THE COURT: Yes.

18 MS. MORENO: Are you going to excuse Juror 32?

19 THE COURT: Yes, I'll excuse Mr. Hughes as well.

20 Is there any objection?

21 MR. O'NEILL: None by the government.

22 THE COURT: Okay. Let me excuse those persons, and
23 we'll replace them and go through another round.

24 IN OPEN COURT:

25 THE COURT: Here again, ladies and gentlemen, I'm

1 going to call out several of your names. If I call your name,
2 you have been excused and may return to your seat out in the
3 courtroom.

4 Ms. Kirby, you're excused. Ms. Gonzalez, you're
5 excused. Mr. Hughes, you're excused. Ms. Owens, Mr. Walsh,
6 the two of you are excused. Ms. Salzlein and Mr. Blackburn,
7 the two of you are excused.

8 Ms. Morris, you might move forward now, if you
9 would, please, and take the chair that was vacated by
10 Ms. Kirby there a moment ago.

11 And everyone seated on the pews inside the rail
12 there should move down to your right as far as you can
13 comfortably move and be seated. Thank you.

14 Give me a moment, if you would, please, to make a
15 new list here.

16 (Pause.)

17 THE COURT: Mr. Odom, do we have room for three more
18 people to your left here, did you say?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Thank you.

21 Marshal, let's call ten additional prospective
22 jurors, please.

23 THE COURT SECURITY OFFICER: Number 53.

24 THE COURT: Loretta Pennington. All right.

25 THE COURT SECURITY OFFICER: Number 65.

1 THE COURT: Charlotte Scruggs. All right.

2 THE COURT SECURITY OFFICER: Number 16.

3 THE COURT: Wendy Clary. All right.

4 THE COURT SECURITY OFFICER: Number 55.

5 THE COURT: David Reid. All right.

6 THE COURT SECURITY OFFICER: Number 38.

7 THE COURT: Biruta Kalnins. All right.

8 THE COURT SECURITY OFFICER: Number 21.

9 THE COURT: Nicholas Dibari. All right.

10 THE COURT SECURITY OFFICER: Number 37.

11 THE COURT: Judith Judd. All right.

12 THE COURT SECURITY OFFICER: Number 30.

13 THE COURT: Carmen Hardy. All right.

14 THE COURT SECURITY OFFICER: Number 15.

15 THE COURT: Coralie Clark.

16 And one more.

17 THE COURT SECURITY OFFICER: Number 26.

18 THE COURT: Danette Lynn Gragg.

19 Thank you. I will now address myself for the next
20 few moments, ladies and gentlemen, to the ten of you who just
21 now took your seats.

22 Before I do that, however, let me say that those who
23 were just excused a few moments ago and asked to return to
24 your seats in the courtroom, having previously been called
25 forward and having been examined here on voir dire selection

1 of this jury, you need not remain present any longer. You
2 have been excused, and you're now -- each of you are
3 discharged, and you're free to go with my thanks to you for
4 your attendance and readiness to serve on this jury had you
5 been selected.

6 And I hope all of you who are excused will be
7 receiving promptly through the mail from the clerk your
8 compensation and per diem or travel expense as provided for by
9 the law.

10 And with my thanks to you for your patient attention
11 and attendance, all of you are now excused and free to go,
12 that is to say, those who have previously been called forward
13 and have been excused.

14 If you -- if you're a member of the jury panel who
15 has not yet been called forward as a prospective juror, please
16 remain seated where you are; or, indeed, if there is a seat
17 nearer the front of the courtroom, you might come forward and
18 occupy that so that you might better see and hear and follow
19 the proceedings from this point because it's still possible
20 that some of you may yet be called.

21 Those excused are free to go.

22 (Pause.)

23 THE COURT: Now, the ten of you who just took your
24 seats here as prospective jurors, were any of you at any time
25 not present yesterday or today at any time when I have been

1 seated here on the bench talking about this case? Anybody?

2 All right. You were all present.

3 Let me begin, then, by asking you the same questions
4 you've heard before, the first one being whether any of you,
5 perhaps, have any preconceived opinion or conviction in
6 opposition to the basic concepts I've previously discussed as
7 being applicable in this or any other criminal case in this
8 country, the concept that an Indictment is not evidence of
9 guilt -- it's simply a formal charge -- which forms the basis
10 of a trial in the event of a plea of not guilty by the
11 accused. And if the accused, or the defendant, enters a plea
12 of not guilty, he or she is then presumed by the law to be not
13 guilty of any offense charged.

14 Indeed, the United States must then take on the
15 burden of persuasion or burden of proving beyond a reasonable
16 doubt that the defendant is, in fact, guilty of the crime
17 charged before he or she may be convicted, and it is never the
18 obligation of the defendant to testify, to call any witnesses
19 or present any evidence because of the presumption of
20 innocence, or, indeed, to our system of trial by jury itself.

21 If you have any objections to any of those
22 principles or concepts of our system for the administration of
23 justice, please raise your hand now. Anybody?

24 All right. Do any of you have any reason to believe
25 that you have ever personally met or associated with any of

1 these persons seated at counsel table as the lawyers or other
2 participants in this trial? If so, raise your hands.

3 Do any of you have any reason to believe that you
4 ever -- have ever personally known or associated with in any
5 way any of the witnesses on the government's witness list as
6 read yesterday by Mr. O'Neill? Did any of those names sound
7 familiar to any of you as being someone you might know in some
8 way? Anybody?

9 Did any of you hear a name of a person with whom you
10 may be personally acquainted on the list read by Mr. Bernhoft
11 of possible witnesses for the defense? Anyone? All right.

12 Addressing all of you who are seated here at the
13 moment as prospective jurors since we've had a change in
14 composition, have any of you now seated inside the rail as a
15 prospective juror in this case ever known or associated in any
16 way with each other before you became acquainted here perhaps
17 yesterday? If that applies to any of you, would you raise
18 your hands, please?

19 All right. How many of you, addressing myself again
20 to the ten who just came forward, have previously served on a
21 jury in state or Federal Court in the past at some point in
22 time?

23 All right. Thank you.

24 Ms. Pennington, when and where, ma'am, did you
25 previously serve on a jury?

1 PROSPECTIVE JUROR: I believe it was in the late
2 eighties. It was in Broward County, Florida. It was a civil
3 case.

4 THE COURT: A civil case?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Was the jury able to reach agreement and
7 return a verdict?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You heard me explain, Ms. Pennington,
10 two or three times over the last day and a half the difference
11 between civil and criminal cases as it relates to what we call
12 the burden of proof or burden of persuasion. You heard and
13 understood generally what I said?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: All right. Thank you. Is that your
16 only past jury experience?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Thank you.

19 Ms. Scruggs, did you raise your hand?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Thank you. When and where did you serve
22 on a jury, ma'am?

23 PROSPECTIVE JUROR: Twice here in Marion County,
24 both criminal cases.

25 THE COURT: In this courtroom or across the street?

1 PROSPECTIVE JUROR: Across the street.

2 THE COURT: When was that?

3 PROSPECTIVE JUROR: In the nineties.

4 THE COURT: Two criminal cases?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Were both juries able to reach agreement
7 and return a verdict?

8 PROSPECTIVE JUROR: One we did, and the other one I
9 was an alternate.

10 THE COURT: The other one what?

11 PROSPECTIVE JUROR: I was an alternate.

12 THE COURT: I see. All right. Thank you.

13 Ms. Clary, have you served on a jury before?

14 PROSPECTIVE JUROR: Yes, 13 months ago, Lake County,
15 a criminal case. A verdict was reached.

16 THE COURT: All right. Thank you. Is that your
17 only jury experience?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Thank you.

20 May I see the hands over on this side again?

21 Mr. Reid, what is your jury experience, sir?

22 PROSPECTIVE JUROR: First time up in Buffalo,
23 New York. It was a criminal case. A jury was selected, and
24 they reached a plea agreement.

25 THE COURT: All right. So you weren't required to

1 deliberate?

2 PROSPECTIVE JUROR: No.

3 THE COURT: And that's your only jury experience,
4 sir?

5 PROSPECTIVE JUROR: Once here in Lake County in
6 Tavares, a criminal case, but I wasn't selected on the jury.

7 THE COURT: All right. Any other jury experience?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Thank you, Mr. Reid.

10 Mr. Dibari?

11 PROSPECTIVE JUROR: I served twice in the state of
12 Maryland. One was a criminal case; one was a civil case.

13 THE COURT: How long ago was that, Mr. Dibari?

14 PROSPECTIVE JUROR: Early nineties.

15 THE COURT: Early nineties?

16 PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: Were both juries able to reach agreement
18 and return a verdict?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And you also have heard the explanation
21 I've given about the difference between civil and criminal
22 cases as it relates to what we call the burden of proof.

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Thank you, Mr. Dibari.

25 Anyone else on the pew with prior jury service

1 experience?

2 All right. How many of you, if any, have ever
3 served on a grand jury? Does that apply to any of you? No
4 one?

5 How many of you or members of your immediate family
6 have ever been the victim of some serious crime or criminal
7 act? If that applies to you, would you raise your hands,
8 please?

9 Ms. Clark?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: How does that apply -- I'm sorry. Go
12 ahead, Ms. Clark.

13 PROSPECTIVE JUROR: I'm sorry. My daughter was
14 murdered, and I had to testify at her trial.

15 THE COURT: When was that, Ms. Clark?

16 PROSPECTIVE JUROR: 1993.

17 THE COURT: All right. So you did -- someone was
18 arrested and charged?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And you testified at trial?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: All right. Thank you.

23 Ms. Judd, you raised your hand?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: How does that question apply to you or

1 your family?

2 PROSPECTIVE JUROR: Well, I charged someone with
3 sexual battery and --

4 THE COURT: When was this, Ms. Judd?

5 PROSPECTIVE JUROR: A year ago.

6 THE COURT: Was the person arrested and charged with
7 the offense?

8 PROSPECTIVE JUROR: He was arrested but...

9 THE COURT: It didn't result in any charges?

10 PROSPECTIVE JUROR: I dropped them because it was --

11 THE COURT: All right.

12 PROSPECTIVE JUROR: It was not --

13 THE COURT: So it's over and done with now,
14 apparently.

15 PROSPECTIVE JUROR: Yes, sir. Yes, sir.

16 THE COURT: All right. Thank you.

17 Mr. Dibari?

18 PROSPECTIVE JUROR: Yeah. My son was charged with
19 assault and battery back in late eighties.

20 THE COURT: In the eighties, you said?

21 PROSPECTIVE JUROR: Uh-huh.

22 THE COURT: All right. So that's something in the
23 past that's not going on now.

24 PROSPECTIVE JUROR: Right.

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

1 Ms. Hardy, did you raise your hand?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: Ms. Gragg?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: What did -- go ahead.

6 PROSPECTIVE JUROR: Okay. My house was broken into
7 25 years ago.

8 THE COURT: Was anyone arrested and charged with
9 that offense, Ms. Gragg?

10 PROSPECTIVE JUROR: No, sir. They never caught him.

11 THE COURT: All right.

12 PROSPECTIVE JUROR: And then 15 years ago I had a
13 horse stolen, and they never caught the person.

14 THE COURT: All right. So no one has ever been
15 arrested or charged with either offense?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: All right. Thank you.

18 Anybody else?

19 Those of you who did raise your hand in response to
20 that question, I would ask whether or not that interaction
21 with the criminal justice system on the occasions that you
22 have just described may for whatever reason have any effect
23 upon your ability now to serve as a fair and impartial juror
24 in this case if you should be selected. If so, raise your
25 hand again, please.

1 All right. Now, let me ask how many of you or
2 members of your immediate family have ever been charged with a
3 serious felony offense. Again, we're not going into the
4 details of the matter in any way. But if that has been your
5 experience either personally or in your family, please just
6 raise your hand. Anyone? All right. Thank you.

7 Ms. Pennington, was it yourself --

8 PROSPECTIVE JUROR: No.

9 THE COURT: -- or some member of your family, ma'am?

10 Oh. I'm sorry. It wasn't Ms. Pennington.

11 Ms. Scruggs?

12 PROSPECTIVE JUROR: Yes. It was my brother.

13 THE COURT: All right. How long ago was that?

14 PROSPECTIVE JUROR: Sixteen years ago.

15 THE COURT: So it's all over with now?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: All right. And could you describe in a
18 word what the nature of the charge was in the case?

19 PROSPECTIVE JUROR: Armed robbery and kidnapping.

20 THE COURT: All right. There was another hand, I
21 think. Ms. Clark?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Was it yourself, ma'am, or some member
24 of your family?

25 PROSPECTIVE JUROR: My brother.

1 THE COURT: Pardon?

2 PROSPECTIVE JUROR: My brother.

3 THE COURT: How long ago?

4 PROSPECTIVE JUROR: Oh. Twenty years.

5 THE COURT: Over and done with now?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: In a word, can you describe the charge
8 in that case?

9 PROSPECTIVE JUROR: Drug selling.

10 THE COURT: All right. Thank you.

11 Anyone else?

12 To those of you who just raised your hand in
13 response to that question, let me ask whether that encounter
14 in your family with the criminal justice system has had any
15 lingering effect upon your attitudes, your convictions or
16 opinions that might make it difficult for you to serve as a
17 fair and impartial juror in this case if you should be
18 selected, because it is a criminal proceeding.

19 Ms. Scruggs, you're saying no?

20 PROSPECTIVE JUROR: It won't bother me at all.

21 THE COURT: All right. Ms. Clark?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Your answer is no?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: All right. How many of you or members

1 of your immediate family have ever held any job, occupation or
2 employment having law enforcement authority or responsibility
3 including, for example, the work of a corrections officer? If
4 that applies to any of you, would you raise your hands,
5 please?

6 All right. Mr. Reid, how does that apply to you or
7 your family, sir?

8 PROSPECTIVE JUROR: For a short time up in New York
9 I worked as a state safety officer for the Office of Mental
10 Health. And then I have a brother who is retired from the
11 police force up near Buffalo.

12 THE COURT: All right. Thank you, Mr. Reid.

13 Ms. Clark, I think you raised your hand?

14 PROSPECTIVE JUROR: Yes. My son and daughter-in-law
15 are correction officers in the State of New York.

16 THE COURT: Presently so employed?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Ms. Gragg, did you raise
19 your hand?

20 PROSPECTIVE JUROR: Yes, sir. My brother-in-law
21 worked for the Calcasieu Parish Sheriff's Department in Lake
22 Charles up till eight years ago.

23 THE COURT: In Lake Charles, you said?

24 PROSPECTIVE JUROR: Yes, sir. Louisiana.

25 THE COURT: Louisiana. All right. Thank you.

1 Anyone else?

2 Those of you who answered affirmatively to that
3 question I would ask whether or not that background of law
4 enforcement in your family might have an effect upon your
5 ability to serve fairly in this case in your consideration of
6 the evidence and in deliberating upon a verdict, because it is
7 a criminal case. If you think that you might tend to favor
8 the prosecution, however slightly, or even subconsciously
9 because of the relationship you've had with law enforcement,
10 please raise your hand again now. Anybody?

11 All right. You feel, Ms. Gragg, that you might?

12 PROSPECTIVE JUROR: (Nods head up and down.)

13 THE COURT: All right. Let me ask the added
14 question whether if two groups of witnesses are called to
15 testify, one identifies itself or, let's say, a witness as a
16 law enforcement officer or agent, and another witness is not
17 so employed, whether you might tend to give to the law
18 enforcement officer greater weight or credence or
19 believability than you would the other witness solely because
20 one happens to be an officer and the other is not.

21 All right. Mr. Reid, you think you would have that
22 inclination?

23 PROSPECTIVE JUROR: Yes, sir, I do.

24 THE COURT: All right. Thank you.

25 Anybody else? Ms. Gragg?

1 PROSPECTIVE JUROR: (Nods head up and down.)

2 THE COURT: Okay. Now, then, have any of you or
3 members of your immediate family, perhaps, ever had any
4 experience with a lawyer or a law firm or a court, perhaps,
5 that you regarded as particularly unpleasant or distasteful in
6 some way so that it might make it difficult or uncomfortable
7 for you to sit here in this courtroom as a member of a jury
8 while the case is being tried by these lawyers and before this
9 Court. If that applies to any of you, would you raise your
10 hands, please?

11 All right. You have heard me describe the nature of
12 the offenses alleged in the Indictment, conspiracy to defraud
13 the United States, the Internal Revenue Service in particular,
14 violation of the false claims statute by filing an allegedly
15 false claim against the Internal Revenue Service, and several
16 counts as against Mr. Snipes individually alleging a failure
17 to file -- willful failure to file an income tax return when
18 he was required by law to do so.

19 Is there anything about the nature of those offenses
20 about which you may have some preconceived opinion or
21 conviction for some reason that might affect your ability to
22 serve fairly and objectively as a juror in the case? You may
23 feel that the law is too stern or too severe with respect to
24 those types of offenses or, the other way around, you may feel
25 that the law should deal more harshly with those kinds of

1 offenses so that you might be something less than a completely
2 impartial juror merely because of the nature of the charge and
3 before you've heard anything about the evidence or lack of
4 evidence in the case. If you think that may apply to you or
5 to your frame of mind, would you please raise your hand?

6 All right. Now, how many of you have reason to
7 believe that you read or heard or discussed something about
8 this case, acquired knowledge about some aspect of the case
9 before you came here yesterday morning as a member of the jury
10 panel? If that applies to any of you, would you raise your
11 hands, please?

12 All right. I think just about everybody on that
13 side.

14 Ms. Pennington, you did not raise your hand, I
15 believe. You had never heard of this case before yesterday?

16 PROSPECTIVE JUROR: I just heard that there was
17 going to be a case, but I wasn't paying too much attention --

18 THE COURT: I'm sorry, ma'am. I can't hear you.

19 PROSPECTIVE JUROR: I heard that there was a case
20 coming up, but I wasn't paying too much attention to what it
21 was for --

22 THE COURT: All right.

23 PROSPECTIVE JUROR: -- what it was about.

24 THE COURT: You don't recall reading anything in the
25 newspaper --

1 PROSPECTIVE JUROR: No.

2 THE COURT: -- about it?

3 PROSPECTIVE JUROR: Just a headline, but I really
4 didn't pay too much attention to it.

5 THE COURT: All right. Did anything you read or
6 saw, even though you didn't pay attention to it, cause you to
7 form any kind of an opinion about anyone --

8 PROSPECTIVE JUROR: No.

9 THE COURT: -- in the case or the case itself?

10 PROSPECTIVE JUROR: No, not really.

11 THE COURT: All right. Ms. Scruggs, you raised your
12 hand. Thank you. What was the source of your prior
13 information concerning the case?

14 PROSPECTIVE JUROR: Radio.

15 THE COURT: Radio?

16 PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: Well, let me exclude the Internet. You
18 saw nothing on the Internet?

19 PROSPECTIVE JUROR: (Shakes head from side to side.)

20 THE COURT: Nothing on television?

21 PROSPECTIVE JUROR: Un-hun.

22 THE COURT: Nothing in the newspaper?

23 PROSPECTIVE JUROR: No.

24 THE COURT: No conversations with friends --

25 PROSPECTIVE JUROR: No.

1 THE COURT: -- fellow workers or family members?

2 PROSPECTIVE JUROR: Un-hun.

3 THE COURT: But you heard something on the radio?

4 PROSPECTIVE JUROR: Right.

5 THE COURT: How many times?

6 PROSPECTIVE JUROR: Three times.

7 THE COURT: Where were you when you heard the radio
8 broadcast?

9 PROSPECTIVE JUROR: In my car.

10 THE COURT: During what period of time did you hear
11 those three comments?

12 PROSPECTIVE JUROR: A couple of months ago when the
13 initial publication came out that there was going to be
14 something at Ocala, and then twice last week stating that it
15 had actually been going to start yesterday.

16 THE COURT: All right. Do you presently recall,
17 thinking hard about the subject, as you probably have -- I
18 hope you have since you first heard the question -- do you
19 presently recall any description of a statement that may have
20 been made by someone or some feature or aspect of the case
21 that you haven't already heard me mention here in court the
22 last two days?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Based on what you did hear,
25 nevertheless, did you form any opinion about the case one way

1 or the other?

2 PROSPECTIVE JUROR: No, sir.

3 THE COURT: All right. Thank you.

4 Ms. Clary, you raised your hand, I believe.

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What was the source of your prior
7 information?

8 PROSPECTIVE JUROR: Radio, television and a
9 conversation with my boss.

10 THE COURT: Radio, television and what?

11 PROSPECTIVE JUROR: A conversation with my boss.

12 THE COURT: Conversation with your boss?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Let's start with the last one first.
15 When did you have this conversation with your boss?

16 PROSPECTIVE JUROR: Basically just showing him that
17 I had a jury summons and the coincidence of Mr. Snipes' trial
18 date; nothing else on that matter.

19 THE COURT: And when was this?

20 PROSPECTIVE JUROR: Right after the Christmas break,
21 so probably the 3rd or 4th.

22 THE COURT: All right. Did the two of you at that
23 time have any conversation about the nature of the case or
24 anything of that sort?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Did he express to you any opinion that
2 he might have had about the case?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Even so, did you form any opinion of
5 your own about the case based upon what he may have said or
6 any discussion you had with him?

7 PROSPECTIVE JUROR: No.

8 THE COURT: How many times did you hear mention made
9 on the radio?

10 PROSPECTIVE JUROR: Probably twice.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR: Probably twice.

13 THE COURT: Twice?

14 PROSPECTIVE JUROR: I think so.

15 THE COURT: When was that?

16 PROSPECTIVE JUROR: I believe both last week, the
17 radio while driving to work.

18 THE COURT: All right. Where were you when you
19 heard these radio broadcasts?

20 PROSPECTIVE JUROR: In my car.

21 THE COURT: Do you presently recall, Ms. Clary,
22 anything that may have been said on those radio broadcasts
23 describing the nature of the case, what someone may have said
24 or done that's involved in the case, any asserted fact or
25 description of a transaction or event of some kind connected

1 with the case, anything at all that you haven't heard here?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: All right. What about television; what
4 TV station did you watch?

5 PROSPECTIVE JUROR: Probably Channel 2, Orlando.

6 THE COURT: Channel what?

7 PROSPECTIVE JUROR: Channel 2.

8 THE COURT: Two?

9 PROSPECTIVE JUROR: WESH, Channel 2.

10 THE COURT: All right. Same question there: Do you
11 recall anything from the television broadcast that you saw
12 that discussed the case or some aspect of the case that you
13 haven't heard mentioned here?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Strictly what you heard on the radio,
16 then?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Thank you, Ms. Clary.

19 Mr. Reid, you raised your hand, I believe.

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: What is the source, sir, of your prior
22 information concerning this case?

23 PROSPECTIVE JUROR: TV, radio and family.

24 THE COURT: TV, radio and what?

25 PROSPECTIVE JUROR: Family.

1 THE COURT: Members of your family discussing it
2 with you?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: When did those conversations take place?

5 PROSPECTIVE JUROR: This last Sunday.

6 THE COURT: In anticipation of your coming here
7 yesterday, I take it?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: What about the -- you said TV and radio,
10 I believe?

11 PROSPECTIVE JUROR: Right.

12 THE COURT: When did you see something on
13 television?

14 PROSPECTIVE JUROR: The first time was when the
15 charges were announced, and I'm not sure -- it could have been
16 2, 9 or Fox news.

17 THE COURT: And then the second occasion was --

18 PROSPECTIVE JUROR: Then the last few, I would say,
19 weeks, different stuff on the radio that I've heard.

20 THE COURT: All right. Same question of you, sir:
21 Do you presently recall anything about the case being
22 mentioned, any feature of it, something someone might have
23 said, a described transaction or event, anything at all that
24 you remember that was associated with the case in the
25 broadcast that you haven't heard mentioned here?

1 PROSPECTIVE JUROR: No, sir.

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

3 May I see the hands again, please, so I -- well, I
4 guess it was everybody. It was everyone on the row.

5 Ms. Kalnins -- is that the right pronunciation?

6 PROSPECTIVE JUROR: Kalnins, yes. Kalnins.

7 THE COURT: How do you spell it?

8 PROSPECTIVE JUROR: Kalnins.

9 THE COURT: How do you spell your name?

10 PROSPECTIVE JUROR: K-A-L-N-I-N-S.

11 THE COURT: All right. Thank you.

12 What was the source, Ms. Kalnins, of your prior
13 information?

14 PROSPECTIVE JUROR: Well, I really -- when I walked
15 into this courtroom, I didn't know what this trial was going
16 to be about. But when you mentioned -- when you started
17 telling us about Mr. Snipes and about the case, then I think I
18 read something about it a while ago about some kind of
19 Indictment against him, so I think I did. I'm not sure.

20 THE COURT: Well --

21 PROSPECTIVE JUROR: It was in the newspaper. I
22 don't even know which one it was. My husband brings home USA
23 Today, and so it might have been in that paper.

24 THE COURT: All right. I didn't hear exactly what
25 you said. You think you read an article about it?

1 PROSPECTIVE JUROR: An article about some Indictment
2 against this gentleman.

3 THE COURT: All right. And that's all you recall
4 about it?

5 PROSPECTIVE JUROR: That's all I recall, because I
6 didn't read the article, really. It was just some headlines.

7 THE COURT: All right. Even so, based on what you
8 read, Ms. Kalnins, did you have occasion to form any kind of
9 an opinion about the case or anyone involved in the case?

10 PROSPECTIVE JUROR: No.

11 THE COURT: You think you could put aside whatever
12 you read and decide the case if you were selected as a member
13 of the jury only on the basis of the testimony and evidence
14 presented?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Thank you, Ms. Kalnins.

17 Mr. Dibari, please, what, sir, is the source of your
18 prior information about the case?

19 PROSPECTIVE JUROR: One Internet article, two
20 newspaper articles, and a conversation last week.

21 THE COURT: Let's start with the Internet. What
22 website were you looking at, do you recall?

23 PROSPECTIVE JUROR: MSN.

24 THE COURT: MSN. How long ago was that, sir?

25 PROSPECTIVE JUROR: Probably about four months ago.

1 THE COURT: All right. Do you remember anything
2 that was stated in that website that gave some description or
3 account that you haven't heard here?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: And then you -- in addition to that, you
6 said --

7 PROSPECTIVE JUROR: Two newspaper articles.

8 THE COURT: Two newspaper articles. What newspaper
9 do you read?

10 PROSPECTIVE JUROR: Orlando Sentinel.

11 THE COURT: When did you see those articles, sir?

12 PROSPECTIVE JUROR: The latest one I saw Monday
13 morning, this past -- yesterday morning. And the other one --

14 THE COURT: Yesterday or a week ago?

15 PROSPECTIVE JUROR: Yesterday.

16 THE COURT: All right.

17 PROSPECTIVE JUROR: And then the other one about two
18 months ago.

19 THE COURT: All right. Same question in that
20 regard: With respect to those two newspaper articles, as you
21 stand here today, do you remember anything from those
22 articles, a description of an event or transaction, a
23 statement that somebody made, anything at all that you haven't
24 heard here in court?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: All right. Now, you also said you had
2 conversations with your family, I believe.

3 PROSPECTIVE JUROR: Last week I was out on the golf
4 course playing golf, and one of the other guys that I was
5 playing with had jury duty down in Tavares last week. And I
6 told him that I had jury duty this week. And he said I was
7 probably going to be on the jury pool for this trial.

8 THE COURT: All right. And is that the only mention
9 that was made?

10 PROSPECTIVE JUROR: Yes. Uh-huh.

11 THE COURT: All right. Thank you, Mr. Dibari.

12 Ms. Judd, you raised your hand?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: What is the source of your prior
15 information concerning this case?

16 PROSPECTIVE JUROR: WESH 2 news. And the first time
17 was, I'm going to say, three or four months ago. And then I
18 did hear something two weeks ago. And it was just both times
19 I -- I wasn't listening that much to it, but they were just
20 saying about the trial being in Ocala for Wesley Snipes.

21 THE COURT: All right. And that occurred twice
22 while you were watching or listening to WESH 2 News?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: You haven't read anything in the
25 newspaper?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: Haven't seen anything on the Internet?

3 PROSPECTIVE JUROR: No, sir.

4 THE COURT: Haven't heard anything on the radio?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: Haven't had any conversations with

7 friends, relatives or fellow workers?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: Do you remember anything being mentioned

10 on the television broadcast that you heard of a specific

11 nature, a detail, what someone said, anything of that kind

12 that you haven't heard here in court?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Even so, did you have occasion to form

15 any kind of an opinion about the case based on what you

16 heard --

17 PROSPECTIVE JUROR: Absolutely not.

18 THE COURT: -- Ms. Judd?

19 PROSPECTIVE JUROR: Absolutely not.

20 THE COURT: All right. Thank you.

21 Ms. Hardy, please, would you tell us what the source

22 of your prior information was concerning this case?

23 PROSPECTIVE JUROR: Just Bay News 9 as -- like

24 passing through a couple of times here and there. I've seen

25 the headlines.

1 THE COURT: In what newspaper?

2 PROSPECTIVE JUROR: It's not a newspaper. TV.

3 THE COURT: TV?

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: What TV station, do you know?

6 PROSPECTIVE JUROR: Bay News 9.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR: Bay News 9.

9 THE COURT: Bay News 9.

10 How many times did you have occasion to see or
11 overhear something being broadcast on Bay News 9 that had to
12 do with this case?

13 PROSPECTIVE JUROR: About two or three times.

14 THE COURT: When was that?

15 PROSPECTIVE JUROR: Within the last couple of weeks.

16 THE COURT: And that's the extent of your prior
17 information?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Do you now recall any fact or detail or
20 recitation or assertion of any kind made during either or any
21 of those broadcasts that you haven't learned here in court?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Even so, did you have occasion to form
24 any kind of an opinion about the case or anyone involved in
25 the case one way or the other --

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: -- based on what you heard?

3 PROSPECTIVE JUROR: No.

4 THE COURT: All right. Thank you.

5 Ms. Clark, please, what was the source of your prior
6 information, ma'am?

7 PROSPECTIVE JUROR: The Star-Banner in Ocala.

8 THE COURT: How many articles did you read?

9 PROSPECTIVE JUROR: Briefly one, several weeks ago.

10 THE COURT: Did you read it carefully all the way
11 through?

12 PROSPECTIVE JUROR: No.

13 THE COURT: How would you describe the way in which
14 you did read it?

15 PROSPECTIVE JUROR: Just perused the first paragraph
16 and the headline, you know.

17 THE COURT: What was the word you used? "Perused"?

18 PROSPECTIVE JUROR: Perused.

19 THE COURT: The headline and the first paragraph?

20 PROSPECTIVE JUROR: Yeah.

21 THE COURT: And then went on to something else?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Even so, do you presently remember from
24 what you read any assertion or description involving this case
25 that you haven't heard discussed here?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Thank you, Ms. Clark.

3 Ms. Gragg, you had prior information concerning the
4 case?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: From what source?

7 PROSPECTIVE JUROR: The newspaper.

8 THE COURT: What newspaper?

9 PROSPECTIVE JUROR: Star-Banner. I have seen the
10 headlines in the paper and just read the --

11 THE COURT: The Star-Banner?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: You subscribe to the Star-Banner?

14 PROSPECTIVE JUROR: No, sir. Every once in a while
15 a co-worker brings a paper into work.

16 THE COURT: I see.

17 How many times do you believe you saw something in
18 the Star-Banner about the case?

19 PROSPECTIVE JUROR: About three or four times.

20 THE COURT: Do you remember any factual account from
21 any of those articles describing some event of some kind or
22 what somebody may have said, or the like, that you haven't
23 heard discussed here?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Thank you, Ms. Gragg.

1 All right. Again, give me a moment, if you would,
2 please, to review some of these papers.

3 (Pause.)

4 THE COURT: May I see counsel at sidebar a moment,
5 please?

6 AT SIDEBAR:

7 THE COURT: I'm prepared, counsel, to excuse of my
8 own motion for cause Mr. Reid in position number 38 and
9 Ms. Gragg, the last juror at the end of the pew, position
10 number 44.

11 Does anyone object to my excusing either of those
12 jurors for cause?

13 MR. O'NEILL: No objection by the government.

14 MS. MORENO: No objection.

15 THE COURT: And I think it will be necessary for me
16 to speak to Ms. Clary, Mr. Dibari, and Ms. Clark privately
17 with respect to what it is the three of them saw, heard or
18 read by way of pretrial publicity, and we'll see where that
19 leaves us.

20 It's almost time for a mid-afternoon break.

21 Madam Clerk, what's going on in the Magistrate
22 Judge's courtroom? Does he have a hearing this afternoon?

23 THE DEPUTY CLERK: Yes. He's in a hearing right
24 now.

25 You can use our jury room since there's just three

1 of them.

2 THE COURT: All right. Show counsel who wish to be
3 present.

4 Let's take a break here. I'll excuse the panel
5 except for these three jurors, and we'll interview them
6 privately in the jury room, and then we'll see where we are
7 after that. Thank you, counsel.

8 MR. O'NEILL: Thank you, Your Honor.

9 IN OPEN COURT:

10 THE COURT: Ladies and gentlemen, if I might have
11 your attention for a moment, please? I appreciate your
12 patient attention. We're making some progress now. And it's
13 approaching the middle of the afternoon and I think
14 appropriate that we pause for a break, and it will also give
15 me the opportunity to speak privately to three of your number
16 that I wish to have a little more conversation with, and then
17 we will reassemble here after the break and go forward from
18 there.

19 Ms. Clary, Mr. Dibari, and Ms. Clark, if the three
20 of you would simply remain seated where you are for a moment,
21 please; the remaining members of the panel may take a
22 15-minute break.

23 Again, remember, please, to the extent that there
24 have been some changes in position where you're presently
25 situated and return to that same seat in 15 minutes' time, and

1 hopefully we'll be prepared to proceed and I think perhaps go
2 forward to a conclusion this afternoon.

3 But I'll ask Ms. Clary, Mr. Dibari, Ms. Clark to
4 just remain seated where you are, and the clerk will come and
5 escort you to another room where I wish to have just a word
6 with you.

7 And don't be concerned. You haven't done anything
8 wrong. It's simply a matter I need to discuss with you
9 privately.

10 And, of course, counsel are invited to attend.

11 Set that up, Madam Clerk, during the break, please,
12 and notify me when we're ready to proceed.

13 The panel may take a 15-minute recess.

14 (The following proceedings were had in Judge Hodges'
15 jury room; prospective juror Clary present.)

16 THE COURT: Ms. Clary?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: You said when we were talking in the
19 courtroom, Ms. Clary, that you had heard something on the
20 radio about this case. Let's go over that again.

21 How many times did you hear something on the radio,
22 do you remember?

23 PROSPECTIVE JUROR: I think a couple of times. I'm
24 not a hundred percent sure.

25 THE COURT: Okay. In your car?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: When was this?

3 PROSPECTIVE JUROR: Within the last week or two.

4 THE COURT: Okay. Tell me now, if you would,
5 please, what it is you heard on the radio that you remember
6 that you haven't heard anything about here in the last couple
7 of days.

8 PROSPECTIVE JUROR: That there was a change of venue
9 request --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR: -- which was denied.

12 THE COURT: Which was denied?

13 PROSPECTIVE JUROR: Uh-huh.

14 THE COURT: Do you remember any more detailed
15 description about that aspect of the case?

16 PROSPECTIVE JUROR: That Mr. Snipes didn't think he
17 would get a fair trial here.

18 THE COURT: All right. For what reason, do you
19 remember?

20 PROSPECTIVE JUROR: I don't remember the reason.

21 THE COURT: All right. Did that cause you to form
22 any opinion about the case or --

23 PROSPECTIVE JUROR: No.

24 THE COURT: -- anybody involved in the case in any
25 way?

1 PROSPECTIVE JUROR: No. I think we're fair
2 people --

3 THE COURT: All right.

4 PROSPECTIVE JUROR: -- so...

5 THE COURT: You think you're a fair person?

6 PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: You think if you were selected as a
8 member of the jury in this case that you could put aside
9 anything you may have heard on the radio and focus on the
10 evidence or the lack of evidence and decide the case on that
11 basis alone?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: You're confident of that?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Thank you, ma'am.

16 PROSPECTIVE JUROR: Certainly.

17 THE COURT: You're excused for another ten minutes
18 or so until we reconvene in the courtroom.

19 PROSPECTIVE JUROR: Okay. Thank you.

20 (Prospective juror Clary exited the room at this
21 time; prospective juror Dibari was escorted into the room.)

22 THE COURT: Mr. Dibari, just have a seat right here,
23 sir.

24 You said a few minutes ago, sir, that you had read
25 something, I think --

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: -- in the Orlando Sentinel about --

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: -- the case.

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: Let me go over that again with you. How
7 many times did you see something in the Sentinel, do you
8 remember?

9 PROSPECTIVE JUROR: Just that one -- just that one
10 article.

11 THE COURT: One article?

12 PROSPECTIVE JUROR: Yeah.

13 THE COURT: And that was when?

14 PROSPECTIVE JUROR: It was about two months ago.

15 THE COURT: What did it say?

16 PROSPECTIVE JUROR: It just had -- it dealt with
17 whether or not Mr. Snipes could receive a fair trial in
18 Ocala --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: -- basically.

21 THE COURT: Do you remember any of the detail about
22 that, what the reasons were and so forth?

23 PROSPECTIVE JUROR: No. No, sir.

24 THE COURT: Okay. Even so, as you read that article
25 or finished reading it -- by the way, did you read it

1 carefully all the way through or just casually? How would you
2 describe --

3 PROSPECTIVE JUROR: Casually. It was a lengthy
4 article and I -- I didn't have the time to read it all. But I
5 casually went through the article. But that was one of the
6 things that I had read.

7 THE COURT: All right. When you finished, then,
8 with the newspaper and put it aside, did you form any opinion
9 about that or the case or --

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: -- Mr. Snipes or anything in it?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: Do you think if you were selected and
14 seated as a member of this jury, Mr. Dibari, that you could
15 forget whatever you did read in the newspaper and concentrate
16 only on the testimony and evidence and decide this case on
17 that basis alone?

18 PROSPECTIVE JUROR: Yes, I think I could.

19 THE COURT: Thank you, Mr. Dibari.

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Take a ten minute break, and we'll get
22 back together in the courtroom.

23 PROSPECTIVE JUROR: Okay. Thank you.

24 (Prospective juror Dibari exited the room at this
25 time.)

1 THE COURT: Ask Ms. Clark to come in, please.

2 (Prospective juror Clark was escorted into the
3 room.)

4 THE COURT: Ms. Clark, just have a seat, ma'am.

5 PROSPECTIVE JUROR: Thank you.

6 THE COURT: Thank you.

7 When we were discussing this in the courtroom, you
8 said that you had had occasion to read something about the
9 case in the Star-Banner --

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: -- and I want to go over that with you
12 again.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: You subscribe to the Star-Banner?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: How many times do you think you have
17 read something about this case in the Star-Banner?

18 PROSPECTIVE JUROR: There might have been many
19 times, but I -- I just remember the one -- the one time.

20 THE COURT: When was that? Roughly, if you don't
21 remember exactly.

22 PROSPECTIVE JUROR: Three, four weeks ago, maybe.

23 THE COURT: Okay. How would you describe the way in
24 which you read the article?

25 PROSPECTIVE JUROR: Well, I read the headlines, and

1 then I just kind of glanced down through picking at certain
2 words --

3 THE COURT: All right.

4 PROSPECTIVE JUROR: -- wondering why they said it
5 was, you know, the headline.

6 THE COURT: Okay. What was the headline, do you
7 remember?

8 PROSPECTIVE JUROR: Something about Ocala being
9 racist.

10 THE COURT: And that's what you remember about the
11 article?

12 PROSPECTIVE JUROR: That's the only thing I remember
13 about it. I don't know who said it, who -- you know,
14 anything; just that they said Ocala was racist, and I
15 thought -- I chuckled to myself, because I don't think we are.
16 I think we're a very diversified city and county.

17 THE COURT: Uh-huh. I know I've asked you this, but
18 let me cover it again. How long -- where do you presently
19 live?

20 PROSPECTIVE JUROR: I live in Ocala, in the Shores.

21 THE COURT: In the Shores?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: How long have you lived out there?

24 PROSPECTIVE JUROR: It will be nine years in June.

25 THE COURT: Before that, where did you live?

1 PROSPECTIVE JUROR: I grew up in Buffalo, New York,
2 but lived most of my life in Warsaw, New York.

3 THE COURT: Okay. When you read the Star-Banner and
4 saw that headline, Ms. Clark, did it cause you to form an
5 opinion about the case or anybody connected with the case?

6 PROSPECTIVE JUROR: No. No. I'm -- I'm -- no.

7 THE COURT: Okay. If you were selected and seated
8 as a member of this jury, are you confident that you could
9 focus exclusively upon the evidence and decide the case on
10 that basis?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Forget about anything you saw in the
13 newspaper?

14 PROSPECTIVE JUROR: Yeah. It doesn't mean anything.

15 THE COURT: All right. Thank you, Ms. Clark.

16 PROSPECTIVE JUROR: You're very welcome.

17 THE COURT: You have a few minutes left for a break.

18 PROSPECTIVE JUROR: All right.

19 THE COURT: Then we'll get together in the
20 courtroom.

21 PROSPECTIVE JUROR: Thank you.

22 (Prospective juror Clark exited the room at this
23 time.)

24 THE COURT: Well, I have some more matters to cover
25 with these newly-seated members of the venire, counsel, having

1 to do with the length of the trial, among other things. But
2 we're getting pretty close, I think, to tendering the panel to
3 you for your challenges for cause or for peremptory
4 challenges, so you can be thinking about it.

5 And let's take another five or ten minutes for
6 ourselves, and we'll go forward in the courtroom.

7 (A recess was taken.)

8 (Proceedings resumed in the courtroom.)

9 (Prospective jury panel present.)

10 THE COURT: Thank you. Be seated, please, everyone.
11 And, again, I thank you for both your promptness and your
12 patience.

13 Addressing myself now to those of you who were last
14 called forward, in fact, those of you who were called forward
15 today as prospective jurors, as you heard me say yesterday to
16 these ladies and gentlemen, we expect this case to take
17 probably a month to try. It could take that long. It could
18 conceivably take longer. It may be less.

19 I will do all that I can, as I am sure counsel will,
20 to expedite the matter consistently with our respective
21 obligations to the orderly conduct of the Court's business.
22 But it's going to be a somewhat longer case than many; not as
23 long as some others I have seen, but long enough to be
24 mentionable.

25 And as I said yesterday, because of that, it's going

1 to be an inconvenience to all of us who are associated with
2 the trial, including the Court, the lawyers, the parties, the
3 witnesses and the jurors who are selected to hear the case.

4 So I will not ask you whether or not it would be inconvenient
5 for you if you were selected as a member of the jury in this
6 case. I can already assume that.

7 The question is whether or not it would be so
8 inconvenient because of some particular encumbrance upon your
9 life or something that you have going on that, as I said
10 yesterday only halfway facetiously, that you would be able to
11 persuade the person seated next to you that they should serve
12 and you should not.

13 Because that's what it comes to in the final
14 analysis. We need to try to evaluate who among you might have
15 a claim that's better than that of your neighbor, perhaps.

16 So if you, those of you who came forward today, have
17 some particularly important matter that would cause your
18 service in this case to be unduly burdensome and your neighbor
19 should serve in your place in your view, raise your hand now.
20 Anybody?

21 All right. I see two hands. Ms. Pennington, do I
22 have it -- who is raising their hand there?

23 PROSPECTIVE JUROR: Linda Hilliard.

24 THE COURT: Ms. Hilliard. Thank you, Ms. Hilliard.

25 And Mr. Reid.

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Ms. Hilliard, what is it that you have
3 going on that would meet the description I just gave?

4 PROSPECTIVE JUROR: Well, I am a secretary at a
5 school during the day, but some evenings and some weekends I
6 take care of handicapped children. And I am their only
7 designated person. When I am not available, there is no one
8 else.

9 And I just think maybe it might be a hardship on
10 them if the trial goes a month or longer that I not be able to
11 care for them and be with them in the evenings or on weekends.

12 THE COURT: All right. And this is a function or a
13 service provided by whom?

14 PROSPECTIVE JUROR: The State of Florida. I do
15 respite work and companion for the handicapped people.

16 THE COURT: Are you employed by the State? Is it a
17 compensated position?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: And you work in what county?

20 PROSPECTIVE JUROR: Lake.

21 THE COURT: Are there others in Lake County
22 performing the same duties?

23 PROSPECTIVE JUROR: Yes, there are.

24 THE COURT: All right. Thank you, Ms. Hilliard.

25 Mr. Reid, what do you say?

1 PROSPECTIVE JUROR: Pardon, sir?

2 THE COURT: What is the basis of your request?

3 PROSPECTIVE JUROR: Mine is more physical. As you
4 can see, I am walking with a cane, and it is kind of tough
5 getting in and out every day. And just the prospect of having
6 to come back and forth for a month is a little daunting.

7 THE COURT: All right. I understand. Thank you,
8 Mr. Reid.

9 Again, let me have just a moment now to consult
10 these papers.

11 All right. Mr. Reid and Ms. Gragg, the two of you
12 are excused and you may return to your seats out in the
13 courtroom at the present time, please.

14 PROSPECTIVE JUROR: Thank you, sir.

15 THE COURT: May I see counsel at side-bar a minute
16 again, please.

17 AT SIDE-BAR:

18 THE COURT: Counsel, among those that have been
19 subjected to the voir dire, I see no further excuses that I
20 would grant of my own motion for cause. And we have 42
21 members of the venire that are available for challenge.

22 In the order that was entered subsequent to the
23 pretrial conference, I provided that the defense would have in
24 the aggregate 13 peremptory challenges and the government
25 would have 7; that we would seat 4 alternates, in addition, of

1 course, to the jury of 12; and that each side would have the
2 challenges proscribed by the rule when it comes to seating
3 alternates.

4 As far as I am concerned, we're down to the exercise
5 of challenges for cause. Does the government have any
6 additional questions you wish me to put to the panel, Mr.
7 O'Neill?

8 MR. O'NEILL: To the panel, no.

9 THE COURT: To individual members of the panel?

10 MR. O'NEILL: No, Your Honor.

11 THE COURT: Does Mr. Snipes have any additional
12 questions you want me to put to the panel?

13 MS. MORENO: Your Honor, I don't believe that the
14 Court at this latest, third round of jurors asked them the
15 question about do you believe African-Americans have a
16 propensity to commit more crimes. I don't believe the Court
17 put that question to this last group. Am I correct?

18 MR. O'NEILL: Judge, the two that were excused would
19 favor law enforcement.

20 MS. MORENO: That's correct.

21 THE COURT: Okay. Okay.

22 MR. BARNES: Yes, Judge. We also have the issues
23 yesterday from the side-bar that I never got a chance to put
24 on the record about what I was going to raise at the time of
25 the side-bar. Is it appropriate to raise that now?

1 THE COURT: Sure.

2 MR. BARNES: Okay. The issues we were going to
3 raise at the side-bar are three-fold. First, we are going to
4 move to strike the panel on grounds of taint.

5 Three jurors made comments. One juror made comment
6 that they had seen, met Mr. Rosile, and that involving a tax
7 structuring issue.

8 Several of the jurors in the jury venire, several of
9 who now are part of this group, laughed, starting laughing in
10 the jury group at that time. We believe that tainted the jury
11 venire as to Mr. Rosile and as to Mr. Snipes.

12 The second comment was made by Mr. Oliver, who said
13 that he had heard Mr. Snipes was out of the country at the
14 time of the indictment; said either that he apparently just
15 thought he could come back later and make arrangements to take
16 care of it, and now finally he is here.

17 THE COURT: I think that's a distortion, counsel.

18 MR. BARNES: That was my understanding of what he
19 said, Your Honor.

20 THE COURT: Well, I think that's a gross distortion.

21 MR. BARNES: He definitely said he was out of the
22 country.

23 THE COURT: He did.

24 MR. BARNES: And then he definitely said that he was
25 going to make arrangements.

1 THE COURT: To come and take care of it.

2 MR. BARNES: And then he definitely said now we are
3 finally -- we're here. And so I believe the combination is
4 that fact --

5 THE COURT: That is a decidedly different tenor than
6 the way it was first expressed. Go ahead.

7 MR. BARNES: All right. The third issue, Your
8 Honor, is that -- the jury taint issue is the comment by the
9 juror who said that she had been on prior juries, and that she
10 had to be escorted out by police officers because of the fear
11 of criminals causing her problems.

12 That's compounded by the jury venire has seen the
13 marshals take Mr. Kahn in and out in his custody during this
14 process.

15 So while we have a concern about that particular
16 juror for cause, we believe that also created a taint of the
17 jury, and that is why at that time we intended to make a
18 motion to strike the jury venire and substitute them with
19 jurors who had not had that process.

20 THE COURT: Okay.

21 MR. BARNES: The second issue we were going to raise
22 at that time was a motion to stay proceedings to investigate
23 why, of the 135 jurors that were summonsed, no
24 African-Americans were amongst those 135.

25 We do not know precisely what happened or why it

1 happened, but our belief was that there was something in the
2 process that somehow led to that outcome. So we were going to
3 move to stay the proceedings until we could investigate and
4 figure out exactly how that came about and why that came
5 about.

6 The third issue is that we maintain -- and my
7 understanding is that Your Honor said you were carrying over
8 our objections at one point during the second side-bar.

9 That we maintain that there should be content
10 questioning; that the content questioning should be in a
11 sequestered form, particularly as to those jurors who are
12 subscribers to the Ocala Star-Banner.

13 For example, all the jurors from Lake County talk
14 about TV or radio, or Citrus County, brought up the venue
15 issue when they were sequestered, several of them did.

16 The subscribers to the Star-Banner, the Star-Banner
17 has had over 20 articles in the last six weeks on this issue.
18 Almost all of the articles, letters to the editor and columns
19 have been about the venue issue and the race issue. In
20 particular, one headline -- if all they did was just read
21 headlines, Your Honor, they would read headlines like "Wes to
22 Us: White Men Can't Judge."

23 Those are issues that we believe are necessary to go
24 into as to how they perceive Mr. Snipes as a person for
25 raising those issues and whether they would prejudge him in

1 any way as to this case.

2 So we maintain that the individualized questions
3 that we requested and that the -- should have been inquired
4 into, but done in a sequestered manner; and more content
5 questioning, particularly of Ocala Star-Banner subscribers, as
6 to what they read, even as to just headlines, and as to
7 whether that issue could color their perception of the case
8 and the rest.

9 As to some general questions, we would like the
10 Court to follow up on now, there are four areas, Your Honor.
11 One is I don't believe the Court has asked any question about
12 how people look at the Fifth Amendment right against self
13 incrimination and right not to testify. That is a frequently
14 inquired-into area by courts because often get some jurors who
15 say --

16 THE COURT: I have asked specifically about that.

17 MR. BARNES: My understanding, Your Honor, is you
18 have asked about presumption of innocence, but I don't
19 recall -- I recall you giving an instruction about it, but I
20 don't know if you inquired into whether they would use that
21 against the person, to my knowledge.

22 The second area, Your Honor, is areas of wealth
23 prejudice in a tax case. We often run into people who believe
24 because a person is wealthy, that changes how they perceive
25 the case and changes whether they will be able to follow Your

1 Honor's instructions on the law.

2 The third subject matter area, Your Honor, is the
3 area of good faith. Over half of the people surveyed by the
4 University of North Florida survey said they would not follow
5 Your Honor's instructions on good faith and bad purpose if it
6 meant acquitting a person who didn't file returns and didn't
7 pay tax, regardless of what reason he had and regardless of
8 what they believed his reason was.

9 We believe that risk of jury nullification in favor
10 of the government is so substantial that it requires some
11 basic questions. I think we only asked for two questions on
12 that subject, Your Honor. And we would ask that the whole
13 panel be asked those two particular questions.

14 The last area, Your Honor, was just a general
15 question about -- given some of the comments the sequestered
16 jurors made, whether -- I am not sure if the jurors understood
17 Your Honor's question about: Did you hear anything or read
18 anything that you didn't hear about today? They may think
19 venue is included in what they heard about today. I think
20 some jurors understood that. I think some other jurors did
21 not.

22 So just a general question about did you hear
23 anything about issues raised about this trial being located
24 here in Ocala, I think will get a lot more jurors who will
25 say, oh -- that will jog their memory that that's what they

1 read about.

2 And we believe specific, individual, sequestered
3 inquiry into what they read about would be helpful to weed out
4 any biased jurors, Your Honor.

5 Then we have some separate cause strikes after that,
6 if you allow me to go into those issues.

7 THE COURT: Well, no. But I will deny all the
8 motions that have just been made. It seems to me all of the
9 points that have been made in that presentation, Mr. Barnes,
10 have been covered by the voir dire that I have conducted,
11 except the one that was mentioned.

12 And by the way, who speaks for the Defendant Snipes
13 at this point with respect to the selection of the jury?

14 MR. BARNES: I do, Your Honor.

15 MR. WILSON: Judge, may I be heard on behalf of
16 Mr. Rosile?

17 THE COURT: You may, indeed, Mr. Wilson.

18 MR. WILSON: Judge, Mr. Rosile would also move to
19 strike the panel based upon the comment --

20 THE COURT: Wait just a moment. Mr. Wilson, have
21 you read my order governing proceedings at trial?

22 MR. WILSON: Yes, I have, Your Honor.

23 THE COURT: You remember what it says about adopting
24 motions made by other counsel?

25 MR. WILSON: Yes, Your Honor. There are --

1 THE COURT: What does it say?

2 MR. WILSON: It says that all motions are deemed to
3 be adopted, unless counsel opts out.

4 THE COURT: Uh-huh. You are not opting out?

5 MR. WILSON: I am not opting out, Your Honor. I
6 just really wish to make a few extra points that weren't made
7 by co-counsel. However, I would adopt the motions as stated.

8 THE COURT: Okay. Let me cover this point with the
9 jurors that I last called up. That is well taken. Counsel
10 can stay right here, if they wish.

11 IN OPEN COURT:

12 THE COURT: Ladies and gentlemen, those of you who
13 were most recently called forward this afternoon, I neglected
14 to ask a question that I had asked earlier and that I now put
15 to you. And that is whether or not any of you believe or have
16 the opinion that African- Americans commit crimes at a
17 disproportionately higher rate than other ethnic groups? Do
18 any of you believe that? All right. Ms. Clary?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Anyone else?

21 Thank you.

22 AT SIDE BAR:

23 THE COURT: I will then excuse Ms. Clary on my own
24 motion for cause. Anyone object to that?

25 MR. BARNES: No objection, Your Honor.

1 MR. O'NEILL: No objection by the government, Your
2 Honor.

3 THE COURT: I note the record clearly shows that I
4 think there was 22 people that I have presently excused for
5 cause on my own motion.

6 Does the government have any excuses for cause --

7 MR. O'NEILL: Yes, Your Honor.

8 THE COURT: -- addressed to these 41 remaining
9 people, Mr. O'Neill?

10 MR. O'NEILL: Yes, Your Honor. The juror who is
11 seated in the Number 23 seat, David Scott; originally was
12 seated in the Number 32 seat.

13 THE COURT: Okay.

14 MR. O'NEILL: The Court may recall, he is the
15 individual who is self-employed as a floorer. A substantial
16 trial, he had stated that he couldn't work a couple of days,
17 but to work a substantial trial would cause him financial
18 hardship.

19 The Court had asked whether we would consent to a
20 causal challenge on that, and defense denied consent. The
21 government is raising that at this time.

22 THE COURT: Mr. Scott. Just a moment.

23 Well, what does the defense say to that? If
24 Mr. Scott had written in advance of the reporting date, he
25 would have been excused almost as a matter of course as a

1 small entrepreneur who has demonstrated a hardship to his
2 business and his employees. If I recall correctly, he said he
3 had six employees.

4 MR. BARNES: Your Honor, I believe the person you
5 are referring to is a different person. That was --

6 MR. O'NEILL: Amodeo.

7 MR. BARNES: -- Amodeo.

8 MR. O'NEILL: He was excused for cause.

9 THE COURT: How many employees did Scott say he had?

10 MR. O'NEILL: I don't think we ascertained that,
11 Judge. He said he was self-employed doing the flooring, he
12 has contracts.

13 IN OPEN COURT:

14 THE COURT: Mr. Scott, you're in the flooring
15 business?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: And you own and are operating your own
18 business?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: How would you describe your business?
21 Are you installing flooring that is sold by someone else, such
22 as Lowe's or Home Depots or so forth?

23 PROSPECTIVE JUROR: No; actually, the Laminate
24 Factory.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR: They are called the Laminate
2 Factory. I get probably 80 percent of my work out of their
3 stores.

4 THE COURT: Out of what stores?

5 PROSPECTIVE JUROR: The Laminate Factory.

6 THE COURT: Oh, I see. How many employees do you
7 have?

8 PROSPECTIVE JUROR: I only have one employee.

9 THE COURT: So you are essentially self-employed,
10 working alone with one helper?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Would that be a fair description?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: You previously said service in this case
15 would be a hardship to you. Do you think economically?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: All right. Thank you, Mr. Scott.

18 AT SIDE-BAR:

19 THE COURT: I am inclined to grant the government's
20 challenge for cause as to Mr. Scott on the grounds of economic
21 hardship.

22 MR. BARNES: We would just maintain our objection,
23 Your Honor. Our concern, Judge, is just that self- employed
24 people would be difficult to get on a jury under those
25 circumstances.

1 THE COURT: I'm sorry?

2 MR. BARNES: Your Honor, we would just sustain our
3 objection.

4 THE COURT: All right.

5 MR. BARNES: Thank you, Judge.

6 THE COURT: Does the government have any additional
7 challenges for cause?

8 MR. O'NEILL: No, Your Honor.

9 THE COURT: Does the defense have any challenges for
10 cause?

11 MR. BARNES: Yes, Judge.

12 THE COURT: Okay.

13 MR. BARNES: The objection is now Number --

14 THE COURT: Let's try to take them sequentially.

15 MR. BARNES: Okay. Yes, sir. Number 4, Mr. Oliver,
16 our concern is his access to pretrial publicity about
17 Mr. Snipes being out of the country at the time of the
18 indictment; the comment that he made about he knows statements
19 of Mr. Snipes that may or may not be admitted at trial about
20 coming back to get it resolved, and that he is here now.

21 So our concern is that access to pretrial publicity
22 leads him to access to information that may not be admissible
23 at trial; and that the comment about him being out of the
24 country was a negative comment in the way, the tone in which
25 we took it, in the way in which he put it.

1 And so we would say on those grounds, because of the
2 pretrial publicity concern, that we would move to strike him
3 for cause.

4 THE COURT: I will decline to excuse him for cause.
5 I don't see anything prejudicial or adverse at all. If the
6 parties feel otherwise, it seems to me that's the stuff for
7 which peremptory challenge is made. So I will decline to
8 excuse him for cause.

9 MR. BARNES: Next, Your Honor, is 13, Ms. Artman.
10 She is the one that said she didn't know if she could be fair
11 because of her prior experience in criminal trials, of having
12 to be escorted to her car because of the scary criminal
13 defendants involved in the case.

14 THE COURT: You heard the witness say she didn't
15 think she could be fair?

16 MR. BARNES: Yes, Your Honor. She raised her hand
17 when you asked that question.

18 THE COURT: You heard the juror say she didn't think
19 she could be fair?

20 MR. BARNES: That is my recollection, Your Honor,
21 yes.

22 THE COURT: Pardon?

23 MR. BARNES: Yes, Your Honor, that is my
24 recollection.

25 MR. O'NEILL: The government's recollection is that

1 she said something to that effect.

2 MR. BARNES: You don't remember that?

3 MR. O'NEILL: No.

4 THE COURT: I don't remember any such thing.

5 MR. O'NEILL: She said in response to the
6 question --

7 THE COURT: I asked her if she had any apprehension
8 about serving on a jury again. She raised her hand and
9 described that she served in a criminal case in which,
10 apparently, there was a crime of violence charged against the
11 defendants, and was escorted to her car.

12 She then remarked that this was an entirely
13 different kind of case, as I recall. I do not recall that she
14 said that she could not be fair. And if counsel wishes to
15 stay overtime for us to research the transcript, I would be
16 happy to do so.

17 But I urge you, Mr. Barnes, to be a little more
18 careful about your description of the record, because, quite
19 frankly, your description takes on a color or tone which is an
20 elaboration that's not justified by the words that have been
21 used in my experience.

22 MR. BARNES: I apologize, Your Honor, if I have
23 misstated anything, but that is the best of my recollection.

24 THE COURT: I will decline to excuse Ms. Artman for
25 cause, and the record will show what it will show.

1 MR. BARNES: Okay. Next, Your Honor, is Number 16,
2 Ms. Saraceni. My understanding is she said she had a hearing
3 problem, Your Honor. You had a colloquy, to my recollection,
4 in which I think ultimately determined that you were miked up
5 or amplified. And she said that her hearing goes in and out,
6 was my recollection.

7 We would move to strike for cause on those grounds,
8 because of the hearing problems during the trial.

9 THE COURT: Well, we now have a state-of-the-art
10 system installed. I don't think the juror exhibited any
11 hearing loss of such severity that rises to the level to
12 excuse her for cause, and I will decline to do so.

13 MR. BARNES: Oh, yes, Your Honor. I don't know if
14 Your Honor had ruled on this issue yet, Number 32, her
15 hardship claim. This is the woman who works for the State of
16 Florida, who does some work for handicapped kids. We are not
17 moving to strike her for cause. I just didn't know if you had
18 already decided on her.

19 THE COURT: I am disinclined to excuse her on the
20 basis of her request. As I understand it, she is one of at
21 least several who are employed by the State for the care of
22 handicapped persons. But I don't think she has demonstrated
23 that either her or those in her charge would be unduly
24 inconvenienced by her service.

25 MR. BARNES: Juror Number 37, Your Honor, I assume

1 you are going to strike her for cause because of her racial
2 statement. But if not, we would move to strike her for cause.

3 THE COURT: Wendy Clary?

4 MR. BARNES: Yes, Your Honor. She just raised her
5 hand to your question.

6 THE COURT: Yes. I thought I said that I was
7 already excusing her for cause.

8 MR. BARNES: Okay. I just was not sure, Your Honor.
9 That is all for cause, Your Honor.

10 THE COURT: Mr. Nielsen?

11 MR. NIELSEN: Yes, sir.

12 THE COURT: Have you offered, invited Mr. Kahn to
13 exercise and participate in the exercise of challenges?

14 MR. NIELSEN: No, sir. Would you like me to do
15 that?

16 THE COURT: Go and ask Mr. Kahn to come to side-bar.

17 MR. NIELSEN: Very well.

18 THE COURT: Mr. Wilson, do you have any challenges
19 for cause?

20 MR. WILSON: Your Honor, there are no additional
21 challenges for cause on behalf of Mr. Rosile.

22 THE COURT: Thank you.

23 DEFENDANT KAHN: Yes, sir.

24 THE COURT: Mr. Kahn, you have stated that you do
25 not intend to take part in these proceedings, but I want to

1 make sure that you have every opportunity to do so, if you
2 change your mind.

3 DEFENDANT KAHN: Thank you, sir.

4 THE COURT: We are in the process here of selecting
5 a jury. And we are down to the question of whether any of
6 these people you presently see seated here, except for
7 Ms. Clary, should be excused for cause. Do you wish to
8 address that subject?

9 DEFENDANT KAHN: I don't consent to these
10 proceedings, so, no, sir. Okay. I thank you for asking.

11 THE COURT: Thank you. You may return to your seat.

12 All right. Then we will move into peremptory
13 challenges, counsel. In the order that was entered subsequent
14 to the pretrial conference, I ruled that the defense would
15 have 13 peremptory challenges and the government seven. And
16 we will take them in an alternating fashion. I will take two
17 from the defense, addressed sequentially to those in the jury
18 box.

19 And I think you have all received a copy of the
20 handout that describes in precise detail how we will proceed.
21 If there is any question, then I will make sure that you
22 understand, but you are about to suffer prejudice if that's
23 what you do in terms of back-striking or the lack of it.

24 And I'll take two from the defense and one from the
25 government in an alternating fashion, back and forth, until

1 challenges are exhausted, or one side tenders those 12 to the
2 other.

3 Once you have tendered the 12 without exercising a
4 peremptory that's available to you, then there will be no
5 back-striking as to those 12. If some new person comes into
6 the jury box as the result of a peremptory exercised by an
7 opponent, then you would be permitted to challenge that person
8 and so on, until your challenges are exhausted.

9 So the question now, Mr. Barnes, is whether the
10 defense wishes to challenge any two of these first 12 in the
11 jury box.

12 MR. BARNES: Your Honor, may we request a 20- minute
13 recess to go over with joint -- with co-counsel, given that
14 these are joint requests, so that we could go through that
15 process and be prepared, Your Honor?

16 THE COURT: That's reasonable and I will grant it.
17 But work hard, because I don't intend to have any long breaks
18 once we get into the process then.

19 MR. BARNES: Yes, Judge.

20 THE COURT: Thank you.

21 IN OPEN COURT:

22 THE COURT: Members of the jury panel, once again I
23 thank you for your patience and your attention. And believe
24 it or not, I think we can finish this process now in what
25 remains of the day.

1 But it's been a long afternoon. Counsel at this
2 point in the proceedings reasonably require some time to think
3 and to confer, so we are going to take a 20- minute break.
4 You will be free to get up and move about.

5 You are still subject, please remember, to the
6 instructions I previously gave you. First of all, that you
7 should remember where it is that you are presently sitting and
8 resume that same seat at the end of 20 minutes; and that you
9 should avoid having any conversations or discussions among or
10 between yourselves or with anyone else about the case; and you
11 should prohibit anyone else from discussing the case or
12 attempting to do so in your presence for the reasons I have
13 previously explained.

14 And so we will now take a 20-minute break.

15 (Short recess taken.)

16 (Prospective jury panel present.)

17 THE COURT: Thank you. Be seated, please, ladies
18 and gentlemen.

19 It was called to my attention during the recess,
20 ladies and gentlemen, that I did not go through an exercise
21 with the last ten of you who were called forward, I think, by
22 asking you to tell us who you are and what your occupation is
23 and so forth. So let me accomplish that before I ask counsel
24 to return.

25 I believe I should start with Ms. Pennington.

1 Ms. Pennington, would you tell us, ma'am, your full name and
2 where you live.

3 PROSPECTIVE JUROR: I'm Loretta Marie Pennington and
4 I live in Sorrento.

5 THE COURT: How long have you lived there?

6 PROSPECTIVE JUROR: Almost two years.

7 THE COURT: Before that, where did you live?

8 PROSPECTIVE JUROR: I was five years in San Diego;
9 and prior to that, I lived in south Florida for many years.

10 THE COURT: What is your occupation, ma'am?

11 PROSPECTIVE JUROR: I am retired from property
12 management.

13 THE COURT: And what was the nature of property
14 management? Rental units?

15 PROSPECTIVE JUROR: All kinds; commercial,
16 residential, office building, shopping centers.

17 THE COURT: All right. Are you married, ma'am?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: What is your husband's occupation?

20 PROSPECTIVE JUROR: He is a mail carrier in Apopka.

21 THE COURT: And what is the extent of your
22 education?

23 PROSPECTIVE JUROR: High school. High school.

24 THE COURT: Thank you.

25 Ms. Scruggs, please, would you tell us, ma'am, your

1 full name and where you live.

2 PROSPECTIVE JUROR: Charlotte Mae Scruggs. I live
3 in Ocala and I have for the last 27 years.

4 THE COURT: What is your occupation?

5 PROSPECTIVE JUROR: I am a radiation therapist.

6 THE COURT: How long have you been doing that work?

7 PROSPECTIVE JUROR: The last three years.

8 THE COURT: And where do you perform those services?

9 PROSPECTIVE JUROR: In Lecanto.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: What is your husband's occupation?

13 PROSPECTIVE JUROR: He is the superintendent of a
14 power company.

15 THE COURT: Is that -- what's the name of the
16 company, ma'am?

17 PROSPECTIVE JUROR: SECO, Sumter Electric.

18 THE COURT: I see. What is the extent, ma'am, of
19 your education?

20 PROSPECTIVE JUROR: I have two years of college and
21 three years of technical school.

22 THE COURT: All right. Thank you.

23 Ms. Clary, please.

24 PROSPECTIVE JUROR: My name is Wendy Lynn Clary, and
25 I have lived in Umatilla for eight years; lived in Lake County

1 for 11 years.

2 THE COURT: I didn't hear the last part of what you
3 said.

4 PROSPECTIVE JUROR: I have lived in Umatilla for the
5 last eight years; 11 years in Lake County.

6 THE COURT: All right. And what is your occupation?

7 PROSPECTIVE JUROR: I am an audit supervisor for
8 Chrysler Financial.

9 THE COURT: Are you married?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: What's your husband's occupation?

12 PROSPECTIVE JUROR: He is self-employed.

13 THE COURT: Doing what?

14 PROSPECTIVE JUROR: Pressure washing.

15 THE COURT: All right. And what is the extent of
16 your education, ma'am?

17 PROSPECTIVE JUROR: I have a bachelor's degree.

18 THE COURT: Thank you.

19 Ms. Kalnins, please, would you tell us your full
20 name and where you live, please.

21 PROSPECTIVE JUROR: I am Biruta Kalnins. I live in
22 Oak Run here in Ocala. I am retired. Before I retired, I
23 worked for Abercrombie, Incorporated as manager. I worked
24 there for nine years. My husband is retired and he was a
25 computer programmer.

1 THE COURT: All right. What is the extent of your
2 education, ma'am?

3 PROSPECTIVE JUROR: High school.

4 THE COURT: Thank you.

5 Mr. Dibari, please.

6 PROSPECTIVE JUROR: Nicholas P. Dibari. I live in
7 Leesburg, Florida. I have been there a year-and-a-half.
8 Before that, I lived in the Washington, D. C. area. I am a
9 retired plumber with Plumbers Local 5 in Washington, D. C.
10 And I have a high school diploma.

11 THE COURT: Are you married, sir?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: What is your wife's occupation?

14 PROSPECTIVE JUROR: She is retired.

15 THE COURT: From what?

16 PROSPECTIVE JUROR: She worked for the United States
17 Department of Defense.

18 THE COURT: All right. Thank you, Mr. Dibari.

19 Ms. Judd, please.

20 PROSPECTIVE JUROR: Yes. I am retired and I did
21 have a business with my then-husband, but --

22 THE COURT: Where do you live, Ms. Judd?

23 PROSPECTIVE JUROR: I'm sorry. Ocala, Florida.

24 THE COURT: How long have you lived here?

25 PROSPECTIVE JUROR: Ten years.

1 THE COURT: And you said you retired, you did have a
2 business. What was the nature of your business?

3 PROSPECTIVE JUROR: It was a ceramic tile and carpet
4 business.

5 THE COURT: Retail business?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR: No.

9 THE COURT: All right. Thank you.

10 PROSPECTIVE JUROR: You're welcome.

11 THE COURT: Ms. Hardy, please, would you tell us
12 your full name and where you live.

13 PROSPECTIVE JUROR: Carmen Lisa Hardy in Citrus
14 County.

15 THE COURT: How long have you lived there?

16 PROSPECTIVE JUROR: Twenty-two years.

17 THE COURT: What is your occupation?

18 PROSPECTIVE JUROR: Bank teller.

19 THE COURT: How long have you worked at the bank?

20 PROSPECTIVE JUROR: Ten years.

21 THE COURT: Are you married?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: What is your husband's occupation?

24 PROSPECTIVE JUROR: Landscaper/irrigation.

25 THE COURT: And the extent of your education?

1 PROSPECTIVE JUROR: High school.

2 THE COURT: Thank you.

3 And, Ms. Clark, please.

4 PROSPECTIVE JUROR: I'm Coralie Alice Clark, Ocala,
5 Florida.

6 THE COURT: How long have you lived here, Ms. Clark?

7 PROSPECTIVE JUROR: Nine years.

8 THE COURT: What is your occupation?

9 PROSPECTIVE JUROR: Retired.

10 THE COURT: From what?

11 PROSPECTIVE JUROR: Information services. I worked
12 with computers at a hospital.

13 THE COURT: All right. Are you married?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: What is your husband's occupation?

16 PROSPECTIVE JUROR: He is retired. He worked for
17 the New York State Department of Transportation as a paving
18 and parking supervisor.

19 THE COURT: All right. What is the extent of your
20 education?

21 PROSPECTIVE JUROR: High school, with a few college
22 courses.

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

24 Will counsel rejoin me at side-bar, please.

25 AT SIDE-BAR:

1 THE COURT: Okay. Two peremptory challenges,
2 Mr. Barnes.

3 MR. BARNES: Yes, Your Honor. If I may, I haven't
4 done it this way before, so if Your Honor could just take me
5 through one time exactly when I lose back-strikes.

6 THE COURT: Okay. Well, I will tell you before that
7 happens.

8 MR. BARNES: Okay.

9 THE COURT: You are not going to lose back-strikes
10 without knowing about it.

11 MR. BARNES: Okay. Thank you, Judge.

12 THE COURT: And you don't have to excuse them in any
13 particular sequence. Any one or any two, really, of these
14 first 12 people are now available to you for a peremptory
15 challenge. You can excuse 11 and 12. I then call on
16 government counsel for one challenge. You can then excuse 5
17 and 6, et cetera.

18 MR. BARNES: Okay. Yes, Your Honor. Then, Your
19 Honor, the defense would strike Number 4 and Number 11.

20 THE COURT: Number 4, Mr. Oliver, and Number --

21 MR. BARNES: I'm sorry, Your Honor; Number 11.

22 THE COURT: Number 11, Mr. Weller excused by the
23 defendants. And that advances Ms. Artman and Mr. Taylor. And
24 it's over to you for one challenge, Mr. O'Neill.

25 MR. O'NEILL: We pass on this one, Your Honor.

1 THE COURT: You are tendering these 12?

2 MR. O'NEILL: Yes, sir.

3 THE COURT: No back-striking, you understand?

4 MR. O'NEILL: Of these 12.

5 THE COURT: Of these 12.

6 MR. O'NEILL: That's correct, Your Honor.

7 THE COURT: Okay. These 12 are tendered to the
8 defense by the government.

9 MR. BARNES: We would strike two more, Your Honor.

10 THE COURT: Sure.

11 MR. BARNES: Number 2 and Number 5.

12 THE COURT: That advances Kenney and Saraceni. And
13 it's over to the government for a challenge of either Kenney
14 or Saraceni.

15 MR. O'NEILL: Yes, Your Honor; Number 15.

16 THE COURT: Challenge Ms. Kenney?

17 MR. O'NEILL: Yes, ma'am. Yes, sir.

18 THE COURT: Government excuses Ms. Kenney. And that
19 advances Michelle Smith. And it's over to the defense for two
20 more challenges.

21 MR. BARNES: Yes, Your Honor; Number 8 and Number
22 12.

23 THE COURT: Back to the government for a challenge
24 as to Ms. Saraceni, Ms. Smith or Mr. Rossdeutscher.

25 MR. O'NEILL: Up until 18, right, Judge? Up until

1 Number 18 here?

2 THE COURT: Yes.

3 MR. O'NEILL: No challenges.

4 THE COURT: Back to the defense.

5 MR. BARNES: Number 19, Your Honor.

6 THE COURT: Defense excuses Mr. Salisbury.

7 MR. BARNES: And Number 13, Your Honor.

8 THE COURT: Ms. Artman. Boykin and Bussey. And
9 it's back to the government to challenge Rossdeutscher or
10 Boykin.

11 MR. O'NEILL: Rossdeutscher or Boykin. We're up to
12 20. The government passes again, Your Honor.

13 MR. BARNES: Number 21, Your Honor.

14 THE COURT: Defense excuses Ms. Bussey.

15 MR. BARNES: And Number 14. I'm sorry.

16 THE COURT: Number 14. I may have confused myself.
17 How many challenges has the defense exercised.

18 MR. O'NEILL: I believe it's ten.

19 THE DEPUTY CLERK: Now it's ten.

20 THE COURT: Ten. Well, now, let me count again.
21 There is something else. We are down to Lewis. The defense
22 has exercised 10 of 13 challenges, and it's back to the
23 government to challenge Akers or Lewis.

24 MR. O'NEILL: Mr. Akers we challenge, Your Honor.

25 THE COURT: The government excuses Mr. Akers, and

1 that advances Ms. Hoppe. It's back to the defense.

2 I will take from this point on, Mr. Barnes, one
3 challenge from the defense rather than two, since the
4 challenges have become disproportionate.

5 MR. BARNES: Yes, Judge. May I have one moment,
6 Judge.

7 (Conference between defense counsel.)

8 MR. BARNES: Number 6, Your Honor.

9 THE COURT: Okay. That advances Mr. Strickland.
10 Back to the government.

11 MR. O'NEILL: The Government excuses Catherine
12 Lewis, Your Honor.

13 THE COURT: The government excuses Ms. Lewis and
14 advances Andrew Batchelor. And it's back to the defense for
15 one challenge. You have two remaining, Mr. Barnes.

16 MR. BARNES: Number 26, Your Honor.

17 THE COURT: Lonnie Strickland. That advances Teresa
18 Morris. And it's back to the government, Mr. O'Neill.

19 MR. O'NEILL: Juror Number 25, Your Honor,
20 Ms. Hoppe.

21 THE COURT: Hoppe?

22 MR. O'NEILL: Yes.

23 THE COURT: That advances Amy Temples. Is that
24 correct?

25 THE DEPUTY CLERK: That is correct.

1 THE COURT: And it's back to the defense. You have
2 one challenge remaining, Mr. Barnes.

3 MR. BARNES: Number 29, Your Honor.

4 THE COURT: Amy Temples?

5 MR. BARNES: Yes, Judge.

6 THE COURT: And it's back to the government, Mr.
7 O'Neill. Temples is excused and Mintz is advanced.

8 MR. O'NEILL: Your Honor, the government would
9 excuse both Ms. Mintz, Number 30, and --

10 THE COURT: We are not down to her yet, unless I am
11 mistaken.

12 MR. O'NEILL: I think we are. Temples was their
13 last one.

14 THE COURT: You excused two, did you say? Maybe I'm
15 mistaken.

16 MR. O'NEILL: I'm sorry. They excused Ms. Temples.

17 THE COURT: They excused Ms. Temples, the defense
18 did.

19 MR. O'NEILL: Yes; correct, Judge.

20 THE COURT: Yeah. So now you wish to excuse who?

21 MR. O'NEILL: The next one would be 30.

22 THE COURT: Ms. Mintz?

23 MR. O'NEILL: Yes, Judge.

24 THE COURT: And that advances Ruttenger. What do
25 you say to Ruttenger?

1 MR. O'NEILL: We would excuse her, Judge.

2 THE COURT: Advances Hilliard. What do you say to
3 Hilliard?

4 MR. O'NEILL: We accept her.

5 THE COURT: That gives us a jury then, I think. Let
6 me count.

7 Does that give us a jury, Madam Clerk?

8 THE DEPUTY CLERK: I think so, sir.

9 THE COURT: Now, we will seat four alternates. And
10 each side will have -- let's see. I can enlarge the
11 challenges, given the number of jurors available. Each side
12 will have three challenges. We'll seat four alternates. I
13 called on the defense first before, so we will start with the
14 government now.

15 MR. O'NEILL: Yes, sir.

16 THE COURT: What does the government say to Margaret
17 Runyon as an alternate juror?

18 MR. O'NEILL: No objection.

19 THE COURT: What does the defense say to Martha
20 Runyon?

21 MR. BARNES: Strike, Your Honor.

22 THE COURT: What's the government say to Daniel Odom
23 as an alternate juror?

24 MR. O'NEILL: Government would strike him.

25 THE COURT: What's the defense say to Loretta

1 Pennington?

2 MR. BARNES: Defense would strike, Your Honor.

3 THE COURT: What's the government say to Charlotte

4 Scruggs?

5 MR. O'NEILL: No objection.

6 MR. BARNES: No objection, Judge.

7 THE COURT: What does the government say to

8 Ms. Kalnins as an alternate juror?

9 MR. O'NEILL: No objection.

10 MR. BARNES: No objection, Judge.

11 THE COURT: What's the government say to Nicholas

12 Dibari as an alternate juror?

13 MR. O'NEILL: No objection, Judge.

14 MR. BARNES: Strike him, Your Honor.

15 THE COURT: What's the government say to Judith

16 Judd?

17 MR. O'NEILL: The government would strike Ms. Judd.

18 THE COURT: What's the government say to Carmen

19 Hardy?

20 MR. O'NEILL: No objection.

21 THE COURT: I must have miscounted somewhere, but in

22 any event, what does the government say to Coralie Clarke as

23 an alternate?

24 MR. O'NEILL: No objection, sir.

25 THE COURT: All right. That gives us our jury,

1 counsel, and four alternates.

2 Let me sort the jury out and then we will have some
3 more discussions before we stop for the day.

4 MR. BARNES: Thank you, Judge.

5 IN OPEN COURT:

6 THE COURT: Thank you, ladies and gentlemen, for
7 your, again, patience and understanding. I am now going to
8 call out the names of 16 of your number. If I call your name,
9 please remain seated where you are. If I do not call your
10 name, you have been excused and may return to your seats out
11 in the courtroom.

12 Mr. Costanzi, you will please remain. Ms. Martin,
13 please remain. Mr. Lynch, please remain. Ms. Perkins should
14 please remain. Mr. Tuttle, please remain. Ms. Saraceni,
15 please remain. Ms. Smith, please remain. Mr. Rossdeutscher,
16 please remain. Ms. Boykin, please remain. Mr. Batchelor,
17 please remain. Ms. Morris, please remain. Ms. Hilliard,
18 please remain. Ms. Scruggs, Ms. Kalnins, Ms. Hardy and
19 Ms. Clark should all remain.

20 If I did not just then call your name, you are now
21 excused and may return to your seats out in the courtroom.

22 Now then, we are going to play musical chairs again,
23 ladies and gentlemen. Ms. Martin, you did just right.

24 Mr. Lynch, would you come down as far as you can to
25 your right, please, sir.

1 Then Mr. Perkins, if you will take the next chair --
2 or Ms. Perkins, Ms. Perkins, the next chair in the front row.

3 Mr. Tuttle, if you will take the next chair in the
4 front row.

5 And then Ms. Saraceni, if you will take the next
6 chair in the front row.

7 Ms. Smith, you can step up now, if you will, into
8 the jury box, and take the next available chair in the front
9 row.

10 Mr. Rossdeutscher, if you will then take the last
11 chair in the front row.

12 Ms. Boykin, if you would now take the chair nearest
13 me in the second row there against the wall.

14 Mr. Batchelor, if you would then step up, sir, and
15 take the next chair.

16 Ms. Morris, the next; Ms. Hilliard, the next;
17 Ms. Scruggs, the next; Ms. Kalnins, the next. Ms. Hardy, the
18 next; and, Ms. Clark, the last.

19 Ladies and gentlemen, those of you presently seated
20 in the jury box have been selected as the jury to hear and
21 decide this case, and I will, of course, have some other
22 things to say to you in just a moment.

23 Addressing myself now to those of you in the
24 audience section of the courtroom who aren't members of the
25 jury panel, as you have just heard me announce, these ladies

1 and gentlemen have been selected as the jury, so it will not
2 be necessary for any of you to remain any longer in connection
3 with this case; and in just a moment, all of you will be
4 excused and discharged.

5 May I discharge the panel generally by the clerk?

6 THE DEPUTY CLERK: Yes.

7 THE COURT: You will be discharged generally because
8 of the service that you have rendered in being here and making
9 yourselves available for service in this case.

10 You will have no obligation, in other words, to
11 phone in again in response to this summons, which required
12 your attendance here yesterday or for this week. You have
13 discharged your responsibility and you will be free to go.

14 I hope that your compensation that is due you under
15 the law for your per diem and your travel expenses is
16 transmitted to you promptly by the clerk through the mail.

17 I hope, also, that you have found this to have been,
18 despite its tediousness, an interesting experience. And with
19 my thanks to all of you for your service, you are now excused
20 and you are discharged and you are free to go.

21 Members of the jury, we are coming to the end of the
22 day and there are some matters that I need to take up with
23 counsel before we can proceed in your presence with the
24 commencement of the trial. So this is a convenient time for
25 us to stop for the day, and in just a moment I am going to

1 excuse you until 9:00 tomorrow morning. And, hopefully, when
2 you return in the morning, at that time we will be prepared to
3 go forward with this trial.

4 The first order of business, when we do begin again,
5 will be for me to ask the clerk to administer to you at that
6 time your formal oath as jurors in this case, so that you are
7 formally impaneled under the law and authorized to decide the
8 matter.

9 I will then have some instructions or remarks to
10 make to you by way of what we call the Court's preliminary
11 instructions to the jury, things that you should be aware of
12 as you sit and listen to the evidence during the trial of the
13 case, and we will then have what is called the opening
14 statements of counsel.

15 Each party will be given an opportunity to speak to
16 you or to address you and to make what we call an opening
17 statement in the case. And I will explain in the morning more
18 fully in my preliminary instructions what the opening
19 statements are, what their purpose is, and how you should view
20 them.

21 After the opening statements of counsel, we will
22 then go forward with the calling of witnesses and the
23 presentation of testimony and evidence, first by the United
24 States during what is commonly called the government's
25 case-in-chief. The government proceeds first because it does

1 have, of course, as you have been told several times already,
2 the burden of proof or the burden of persuasion. We will
3 accomplish all of that, hopefully, in the morning, and then
4 get started with the trial.

5 As I told you at the outset when you came yesterday,
6 it is the Court's intention to work each day during the trial
7 of this case from 9:00 in the morning until on or about 5:00
8 in the afternoon, at some convenient stopping point at the end
9 of the day, without working overtime hours or over the weekend
10 or the like.

11 Next Monday, I believe, is a holiday, is it not,
12 Madam Clerk?

13 THE DEPUTY CLERK: Yes, it is.

14 THE COURT: Martin Luther King Day, a Federal
15 holiday, which we will observe, and then we will work the
16 balance of the week next week, and the week after that, until
17 the case is completed.

18 As I said to you before, it is anticipated that the
19 case could take a month to try. We are going to do everything
20 that I can to expedite it, at the same time without requiring
21 undue speed on anyone's part, and we will get this case tried
22 fairly and expeditiously as best we can.

23 Now, all of you, I think with one or two exceptions,
24 are now seated in a different seat. Please take note of the
25 chair which you are presently seated. And this is the last

1 time that I will ask that of you because from this point on in
2 the trial, I am going to ask that when you come and go from
3 the courtroom, that you occupy the chair in which you are
4 presently situated, so that I will be able to sort you out and
5 know who you are until I come to recognize you personally as
6 the trial progresses.

7 As you leave the jury box in just a moment, I am
8 going to ask you to accompany the marshal over here through
9 that door immediately behind him and to your right, so that he
10 can escort you into the jury room across the hall that you
11 will be using as your jury room during the trial of this case.

12 That's the place that you will congregate as you
13 come and go from court, in other words. And you will see that
14 there is a hallway at the back of the courtroom and along the
15 side of the room, so that you can gain access to and egress
16 from the jury room without coming through the courtroom.

17 And I would ask of you that at any time there is a
18 recess and you are going or coming from the jury room that you
19 use the hallway and not come through the courtroom, because
20 something may be going on here that has nothing to do with
21 this case; or if it has to do with this case, it may not
22 concern you. So use the hallway as you come and go from the
23 jury room.

24 And if you will assemble there in the jury room
25 tomorrow morning just prior to 9:00, as soon as we are ready

1 to proceed here in the courtroom, the marshal will come notify
2 you to that effect, will escort you back into the courtroom,
3 so that you can take the seat in which you are presently
4 situated, and we will get started with those items of business
5 that I just described.

6 I do instruct you that from this point on, of
7 course -- and I will explain in a little more detail in the
8 morning as a part of the Court's preliminary instructions why
9 this is so -- you should not have, from this moment on, any
10 conversations or discussions, even among or between yourselves
11 concerning anything having to do with the case.

12 You should avoid having conversations with, of
13 course, with others about the case. You should prohibit
14 anyone else from approaching you and discussing with you or
15 attempting to discuss with you anything about this case until
16 it has been completed and you should avoid altogether reading
17 any newspapers, going online and looking at any news accounts
18 concerning this case. You should avoid any television
19 newscasts during which mention might be made of this case.
20 And you should avoid any radio broadcasts during which mention
21 might be made of this case.

22 Now, the reason for that is that it is your
23 obligation during the trial to keep an open mind about all of
24 the things that you will be asked to decide until you have
25 heard all of the testimony and evidence to be presented for

1 your consideration, and have also had the benefit, the aid of
2 the closing arguments or final summations of the lawyers and
3 the Court's instructions to you concerning the law.

4 And until all of that information has been presented
5 to you as a package, so to speak, you should do the best you
6 can to keep an open mind. Because things may happen that
7 would change your impression or your opinion that you had not
8 anticipated at the time you formed such an opinion. So try to
9 keep an open mind.

10 And also you are instructed not to have
11 conversations with others or expose yourselves to media
12 publicity about this case, because something might be said or
13 might be said in a certain way that tends to influence you,
14 perhaps even subconsciously, and change your view of the
15 evidence as it is presented here during the trial.

16 And as I emphasized to you several times during the
17 process of your selection, of course, it is going to be your
18 obligation ultimately to decide this case on the basis of the
19 testimony and evidence presented here during the trial,
20 without taking into account any outside or extraneous
21 information of any kind; applying to the facts, as you find
22 them from the evidence, the law that I shall state as being
23 applicable to this case; and in that process, to reach a just
24 and fair verdict, without bias or prejudice against anyone or
25 sympathy for anyone; and, as I said, reach your verdict in a

1 just manner.

2 This has been a particularly extended jury selection
3 procedure. I know you have been exceedingly patient and
4 attentive, for which I have expressed appreciation, and you
5 are now all excused until 9:00 tomorrow morning.

6 THE COURT SECURITY OFFICER: All rise.

7 (Jurors excused.)

8 THE COURT: Be seated, please.

9 Mr. Snipes has filed a motion to supplement the
10 Court's preliminary jury instructions by adding to those
11 instructions the pattern instructions of the Circuit
12 designated as Special Instruction Number 17 and Number 18,
13 having to do with good faith as a defense to the element of
14 willfulness in the charges made in the indictment.

15 What does the government say to that?

16 Who speaks for the government? Mr. Morris?

17 MR. MORRIS: Your Honor, we don't believe that
18 that's necessary as a preliminary instruction.

19 THE COURT: Who speaks for the defense on this?
20 Mr. Barnes?

21 MR. BARNES: Yes, sir, Your Honor.

22 THE COURT: Do I understand, Mr. Barnes, that it is
23 a theory, if not the principal theory of the defense for
24 Mr. Snipes that he acted in good faith?

25 MR. BARNES: Yes, Judge.

1 THE COURT: Well, I pause over this, Mr. Barnes,
2 because it seems to me -- and there may be some substantial
3 risk here, but I don't intend to influence the way in which
4 any defendant exercises his constitutional rights, especially
5 with the advice of such able counsel, but good faith is a
6 defense theory -- the defendant doesn't have to prove
7 anything, obviously, as I believe the instruction reiterates.

8 Nevertheless, the nature of the theory is such that
9 there will rarely be sufficient evidence to give the
10 instruction absent testimony from the defendant, himself,
11 concerning his own good faith.

12 I don't discount the possibility that there are
13 cases in which the good faith of the defendant can be
14 demonstrated through other witnesses, and this may be such a
15 case.

16 But what I am coming to is that if there is no
17 evidence which would support the giving of the good faith
18 instruction at the conclusion of the case, then it will not be
19 given, and the government would be free to argue that they are
20 not going to hear anything about it, although it was included
21 in the preliminary jury instructions.

22 MR. BARNES: Two points, Your Honor. First, I would
23 respectfully disagree that a defendant has to testify.

24 THE COURT: No, no, no. Now, you see, Mr. Barnes,
25 there is a spin that you just put on my remarks that I did not

1 say. I was careful not to say that the defendant had to
2 testify.

3 MR. BARNES: Yes, Your Honor.

4 THE COURT: What I said was that it was one in which
5 ordinarily he might well have to testify as a practical
6 manner, but I did not say it was required as a matter of law
7 or as a matter of fact. I understand that it is not.

8 MR. BARNES: Absolutely, Your Honor. As to what the
9 evidence will show, Your Honor, the government, itself, will
10 be introducing evidence of Mr. Snipes' correspondence to the
11 Internal Revenue Service.

12 The government, itself, will be introducing evidence
13 of correspondence either sent by him or sent on his behalf by
14 attorneys or CPAs with powers of attorney, so -- the
15 government will be introducing his entire file with the
16 American Rights Litigators.

17 So, Your Honor, those facts would be sufficient for
18 a good faith instruction.

19 THE COURT: Well, all right. I just want to point
20 out that I don't want the ruling I make in fashioning
21 preliminary instructions to be thrown back at anybody as the
22 law of the case necessarily.

23 The form of the final instructions are going to
24 depend on the evidence. What I have told the jury in the
25 preliminary instructions are just that, preliminary

1 instructions that may or may not hold through the case into
2 the final instructions.

3 So I don't want you to be caught by surprise if I
4 should rule later on -- though I have no way of knowing what
5 the evidence is going to be or is not going to be -- that even
6 though I gave the instruction preliminarily, I may be
7 disinclined to give it as a part of the final charge, you
8 understand.

9 MR. BARNES: Yes, Judge, I understand.

10 THE COURT: All right. But you represent that you
11 believe there will be evidence sufficient to support the
12 instruction at the conclusion of all the evidence and you are
13 requesting that I give it now?

14 MR. BARNES: Yes, Your Honor.

15 THE COURT: All right. On that basis then, I am
16 inclined to do so. However, if I give 17 and 18 in tandem,
17 there would be some repetition. I intend to meld those
18 together into a good faith instruction, and will include it as
19 a part of the preliminary instruction.

20 And the record will show that is being done over the
21 government's objection.

22 MR. BARNES: Yes, Judge.

23 THE COURT: Now, there is one other matter involving
24 the preliminary instructions that I caught as I was reading
25 them recently. One has to do with the redacted indictment.

1 Nowhere is the jury told that the indictment that is
2 to be included in their juror notebook is a redacted document,
3 although the preliminary instructions discussing the essential
4 elements of the conspiracy count informs the jury that the
5 government must prove at least one of the overt acts set out
6 in the indictment.

7 So somewhere along the line, I intend to inform the
8 jury, either in the preliminary instructions or as an
9 extemporaneous oral supplementation to the preliminary
10 instructions, that the indictment is a redacted document that
11 tells them all they need to know at this point; and depending
12 on what the evidence is or isn't, the full form of the
13 indictment will be available to them at the end of the case.

14 MR. BARNES: Understood, Judge.

15 THE COURT: Now, who will make opening statement for
16 the United States?

17 MR. O'NEILL: I will, Your Honor.

18 THE COURT: Mr. O'Neill.

19 MR. O'NEILL: Yes, sir.

20 THE COURT: How long will you require for your
21 opening statement, Mr. O'Neill?

22 MR. O'NEILL: Your Honor, I would think
23 approximately 45 minutes.

24 THE COURT: All right. Well, I inquire to determine
25 whether anybody wants more than an hour for an opening

1 statement.

2 MR. O'NEILL: I do not.

3 THE COURT: Who will make the opening statement for
4 Mr. Snipes?

5 MR. BERNHOFT: Thank you, Your Honor. We
6 contemplate that, as was previously discussed with Mr. Martin
7 and Mr. Meachum, that Mr. Meachum and I would share opening
8 statement. We contemplate a joint opening.

9 We anticipate that Mr. Meachum would speak first for
10 the defense for somewhere around ten minutes. I expect that
11 my part in the opening would be 35 to 45 minutes, with Your
12 Honor's permission.

13 THE COURT: All right. That would be within an
14 hour.

15 MR. BERNHOFT: Yes, sir.

16 THE COURT: That's fine.

17 Mr. Meachum, there is still open the question of
18 your admission or re-admission as counsel of record in this
19 case. When we parted with that subject last night, you said
20 that you wished to give it some thought and there might be
21 some resolution of the issues that I raised.

22 MR. MEACHUM: Good afternoon, Your Honor.
23 Mr. Barnes is going to address that issue on behalf of myself
24 concerning that, Your Honor. I think it would be wise for him
25 to talk about it, since it was their motion for us to

1 withdraw.

2 THE COURT: All right.

3 MR. MEACHUM: So he could adequately address the
4 Court on that issue.

5 THE COURT: Mr. Barnes.

6 MR. BARNES: Yes, Judge. I believe a review of the
7 motions will show that Mr. Snipes never brought any allegation
8 against Mr. Meachum for any incompetence or ineffective
9 representation.

10 THE COURT: Well, I am not going to accept that or
11 even listen to it. Otherwise, there was a fraud on the Court.
12 Because it was very clearly stated in the transcript that I
13 made reference to yesterday and quoted from that Mr. Meachum
14 viewed himself as being within the ambit of those allegations,
15 assumed responsibility for it, and joined in the motion to
16 withdraw on that ground.

17 There can't be any other interpretation of what
18 happened in this courtroom.

19 MR. BERNHOFT: Judge, may I be heard briefly?

20 THE COURT: No, you may not, Mr. Bernhoft.

21 MR. BARNES: Respectfully, Your Honor, this --

22 THE COURT: I will hear one lawyer at a time for one
23 party at a time.

24 MR. BERNHOFT: Yes, sir.

25 MR. BARNES: Respectfully, Your Honor, I disagree.

1 What the brief said, what the declaration said, every aspect
2 of what the client said was that his only concern with
3 Mr. Meachum was Mr. Meachum's health and back concerns. There
4 is no statement in there that accuses him of --

5 THE COURT: I will rely on the court of appeals and
6 any other judge in this country to read this record and make
7 that determination.

8 So let's proceed on the basis that Mr. Meachum was
9 previously granted leave to withdraw on the motion of
10 Mr. Snipes, which both parties regarded as being predicated
11 upon ineffective assistance of counsel.

12 MR. BARNES: So we --

13 THE COURT: Now.

14 MR. BARNES: You agree that I don't agree with that
15 factual characterization, but --

16 THE COURT: Of course. I understand.

17 MR. BARNES: Second to that issue, Your Honor, my
18 client has, since he has never in his belief brought any
19 allegation of incompetence against Mr. Meachum, his concern
20 was with Mr. Martin, he --

21 THE COURT: His concern what?

22 MR. BARNES: His sole concern was with Attorney
23 Martin's representation, not with Attorney Meachum's
24 representation, except for the concern with Attorney Meachum's
25 back, which was doctor certified.

1 THE COURT: Well, I just told you that -- I have
2 absolutely no patience for that argument.

3 MR. BARNES: Okay. Secondly, Your Honor, Your
4 Honor's actual order says that you were -- the basis was a
5 conflict of interest. I interpreted that order to be that the
6 conflict of interest was that Attorney Meachum's health
7 precluded his availability, in Mr. Snipes' view, and that
8 Attorney Martin had a conflict over ineffective assistance of
9 counsel.

10 The attorney -- Mr. Snipes' concern throughout has
11 only been Attorney Meachum's health. It has not --

12 THE COURT: Mr. Barnes, perhaps you did not
13 understand what I said. Let's approach this issue on the
14 basis that I have determined as a matter of law, with no
15 further argument whatsoever, that Mr. Meachum was allowed to
16 withdraw on the basis that he viewed himself as a part of the
17 defense team, the entirety of which had been accused of
18 ineffective assistance of counsel by Mr. Snipes.

19 Now then, if that is the situation, and it is, you
20 must accept it. I have so determined over your vigorous
21 objection and statement to the contrary, which I will not hear
22 again.

23 MR. BARNES: Yes, sir.

24 THE COURT: Is he entitled or not entitled to be
25 re-admitted as counsel pro hac vice under the law in this

1 case?

2 MR. BARNES: Yes, Judge, he is.

3 THE COURT: What law do you cite for that
4 proposition?

5 MR. BARNES: Sixth Amendment to the United States
6 Constitution, Your Honor. He has the right to counsel of
7 choice. As the Court knows, we requested a continuance --

8 THE COURT: All right. Let me ask this question.
9 Does Mr. Snipes waive and give up any claim that he might now
10 have or heretofore have had against any of his prior counsel
11 for ineffective assistance of counsel?

12 MR. BARNES: He only waives that claim as to
13 Attorney Meachum because he never made that claim.

14 I won't go there. He has no claim and would waive
15 any claim against Attorney Meachum for ineffective assistance.

16 THE COURT: Perhaps you didn't hear my question.

17 MR. BARNES: Not as to the other attorneys, Your
18 Honor.

19 THE COURT: Perhaps you didn't hear my question.
20 Does Mr. Snipes waive and give up any claim that he now has or
21 heretofore had against any member of his defense team,
22 including Mr. Meachum, for ineffective assistance of counsel?

23 MR. BARNES: Am I allowed to separate out the two
24 and explain which ones he isn't --

25 THE COURT: I think that you can answer it "yes" or

1 "no," and that will suffice.

2 MR. BARNES: No, Your Honor, he does not waive
3 claims against --

4 THE COURT: Mr. Meachum's application for
5 re-admission as counsel pro hac vice is denied.

6 He is free to sit in the audience section of the
7 courtroom. He is free to give any advice he wishes to any
8 client he has anywhere in the world, but he is not entitled to
9 re-enter this case on the present state of this record, given
10 the fact that he was previously granted leave to withdraw on
11 the motion of his client charging him with ineffective
12 assistance of counsel.

13 MR. BARNES: Would the Court entertain a motion for
14 reconsideration tomorrow morning?

15 THE COURT: Surely. I am always open to reconsider
16 anything, so long as it doesn't keep the jury waiting.

17 MR. BARNES: Yes, Judge. Then we would be willing
18 to be here before the jury at the Court's convenience.

19 THE COURT: Find some law on the subject. It may be
20 unique.

21 MR. BARNES: Yes, sir.

22 THE COURT: But that's my view of it. If you can
23 find some law where these peculiar circumstances have been
24 confronted by a court that has rendered a persuasive decision
25 in the matter contrary to the ruling I have made, then, of

1 course, I will reconsider and alter my ruling accordingly.

2 But in the absence of some persuasive authority,
3 that's my best judgment in the matter, and we will move on
4 with the case and the court of appeals, if necessary, can
5 review it.

6 MR. BARNES: Yes, Judge.

7 THE COURT: All right. We will recess until --

8 MR. BERNHOFT: Your Honor, we have a couple of
9 housekeeping matters to address.

10 THE COURT: All right, Mr. Bernhoft.

11 MR. BERNHOFT: Your Honor, I have spoken with Mr.
12 O'Neill regarding opening statement demonstrative exhibits.
13 The government provided the demonstratives to us. We made a
14 couple of comments that was an accommodation. Mr. O'Neill has
15 pointed out a couple of items in our three demonstrative
16 exhibits that the government objects to as being
17 argumentative.

18 Rather than doing who shot John about all that, I
19 think we can come to an accommodation with Mr. O'Neill and
20 remove some of that language and we'll be ready to go.

21 THE COURT: Wonderful.

22 MR. BERNHOFT: If we could have just a small period
23 of time prior to opening, make sure we have our easels up. We
24 would also like to test out the MO and get comfortable with
25 the equipment and those sorts of things.

1 THE COURT: Sure.

2 MR. BERNHOFT: And, Judge, I believe that the
3 defense had a motion to compel discovery pursuant to Brady and
4 Giglio, with respect to proffers, plea agreements and some
5 other items that we believe should have been provided the
6 defense in discovery, and that should be an open motion.

7 THE COURT: Well, of course. And it is an
8 unnecessary motion. That's a positive obligation of the
9 United States, as I understand the law of the subject, with or
10 without a motion from the defense.

11 Is the government -- Mr. Morris, you are rising?
12 You speak for the government on this?

13 MR. MORRIS: Yes, I do, Your Honor.

14 THE COURT: Are you satisfied you have given the
15 defense --

16 Well, wait a minute. What does the procedural order
17 say with regard to the timing of the production of
18 Brady-Giglio material and so forth?

19 MR. MORRIS: Your honor, it requires the production
20 11 days in advance, and we exceeded that.

21 THE COURT: Well, then let me ask the question I was
22 about to ask. Are you absolutely certain you have provided
23 the defense with all available exculpatory material that would
24 be required by Brady, Giglio, and that line of decisions?

25 MR. MORRIS: Yes, Your Honor, we believe we have.

1 THE COURT: Then proceed, Mr. Bernhoft. If it
2 develops that you think you can show otherwise during the
3 course of the trial, we will deal with it.

4 MR. BERNHOFT: We will proceed accordingly, Judge.
5 Thank you, sir.

6 MR. WILSON: Judge --

7 THE COURT: Mr. Wilson.

8 MR. WILSON: -- just one more matter. If the
9 government -- they probably are prepared to do so, but I have
10 not been provided with a list of the first witnesses they
11 intend to call in the case, pursuant to the order.

12 THE COURT: Well, the government ought to do that
13 now. I assume the government will be ready to call witnesses
14 tomorrow upon the completion of opening statements.

15 And that being true, Mr. Morris, now is the time to
16 deliver up tomorrow's witness list for the defendants.

17 MR. MORRIS: Yes, Your Honor. We are prepared to do
18 that. Would you like me to do that now?

19 THE COURT: Surely.

20 MR. MORRIS: After the opening statements, Your
21 Honor, the United States would expect to call the following
22 witnesses tomorrow: Brian Tucker, Raymond Thomas Coudriet --

23 THE COURT: Give counsel time to write it down.

24 MR. MORRIS: -- Paul Crowley and Michael Canter.
25 Your Honor, we are going to --

1 MR. BARNES: Who was the last one?

2 MR. MORRIS: Michael Canter.

3 Your Honor, at the conclusion of this proceeding, we
4 are going to provide the Jencks material that has not
5 previously already been turned over to defense counsel with
6 regards to those witnesses.

7 Your Honor, if I could also --

8 THE COURT: Wait a minute, Mr. Morris. I don't
9 understand that remark. I thought you told me three minutes
10 ago that the government had already done that, to the best of
11 your knowledge, with respect to its witnesses, initial
12 witnesses.

13 MR. MORRIS: Your Honor, I understood that to be
14 with regard to Brady and Giglio.

15 THE COURT: What did you just say? Maybe I
16 misunderstood you. It's late in the day.

17 MR. MORRIS: Maybe I didn't speak clearly enough,
18 Your Honor. We are going to provide Jencks material.

19 THE COURT: I see. All right.

20 MR. MORRIS: For the government's witnesses for
21 tomorrow.

22 THE COURT: Indeed, that's a different matter.

23 MR. MORRIS: There is some material that's going to
24 be Jencks that's already been turned over in our Brady-Giglio
25 production. I am sorry I confused the matter.

1 THE COURT: No, no. It was my misinterpretation of
2 what you said.

3 MR. MORRIS: Your Honor, I would like to make a
4 point for the record, that at the beginning of proceedings
5 yesterday, the United States provided an exhibit list and a
6 witness list to Mr. Kahn in court. At the lunch break, he
7 returned those items to us. We provided those items back
8 again to standby counsel, Mr. Nielsen.

9 Given the statement that Mr. Kahn previously made,
10 it appears that it might be appropriate for us to turn over
11 Jencks material on an ongoing basis to his standby counsel.

12 THE COURT: Well, I think that would be appropriate,
13 Mr. Morris.

14 Mr. Kahn, you have stated quite clearly that you do
15 not intend to participate in these proceedings. You read a
16 statement to the Court and on the record yesterday, which is
17 your statement.

18 But I want you to understand that if at any moment
19 during the course of this trial you change your mind and
20 decide that you do wish to participate, you need to let me
21 know. And the probability is that you will have an absolute
22 right to do so. Do you understand?

23 DEFENDANT KAHN: Yes, sir, I understand that. Could
24 I go to the podium just a moment?

25 THE COURT: Well, do you have some statement to make

1 now?

2 DEFENDANT KAHN: I actually have something that I
3 wanted to ask you about that you said earlier today. I just
4 wanted a clarification.

5 THE COURT: All right. Come to the lectern.

6 (Conference between the Court and Deputy Clerk.)

7 DEFENDANT KAHN: First of all, I am trying to figure
8 out how Michael Nielsen can be my standby counsel, when I can
9 afford to hire my own attorney.

10 And in the Criminal Justice Act of 1964, I don't see
11 anyplace where it says that you can give me counsel, if I can
12 afford to hire my own.

13 Is there someplace in there that does that? I
14 couldn't find it. I read it.

15 THE COURT: Probably not, Mr. Kahn, but it doesn't
16 make any difference. It doesn't concern you, anyway, because
17 you don't have to accept his counsel or advice. In fact, I
18 assume you are not. You have said you aren't.

19 Mr. Nielsen is here as an officer of the court at
20 the Court's request trying, frankly, to bend over backwards to
21 see that your rights are observed and protected so that he is
22 available should you ever change your mind.

23 I can't bring a lawyer in off the street after three
24 weeks of trial and expect that lawyer to give you effective
25 assistance of counsel with no knowledge of what's occurred

1 before. I think you understand that.

2 DEFENDANT KAHN: Yes, sir.

3 THE COURT: All right.

4 DEFENDANT KAHN: But my only concern was what you
5 had said earlier. It intimidated me, in the fact that you
6 said, well, if you make any disruptive remarks, I will just
7 remove you and have Mr. Nielsen take over.

8 And I have tried to find effective assistance of
9 counsel myself to hire them, so --

10 Anyway, I just wanted to make it clear that I really
11 don't want him or need him.

12 THE COURT: All right.

13 DEFENDANT KAHN: Okay?

14 THE COURT: He is there, if you want him.

15 DEFENDANT KAHN: Thank you.

16 THE COURT: I understand that you don't.

17 DEFENDANT KAHN: Yes, sir.

18 THE COURT: Meantime, he is sitting over there as a
19 friend of the Court.

20 DEFENDANT KAHN: Okay. One of the things that you
21 said today when you were talking to the prospective jurors is
22 that you said that all the defendants pled not guilty.

23 And I object to that statement because I never pled,
24 period. The magistrate, Gary Jones, I believe exceeded his
25 lawful authority when he pled for me, because the Federal Rule

1 of Criminal Procedure, Rule 5(C) says that the magistrate
2 can't even ask for a plea from someone who is charged with a
3 felony.

4 And so, therefore, he pled for me, and I don't
5 accept that action as being lawful or binding on me, because I
6 don't see where he had any lawful authority to do it.

7 THE COURT: Okay. That point, you have made that
8 point on the record.

9 DEFENDANT KAHN: I had already made that point?

10 THE COURT: You just did.

11 DEFENDANT KAHN: Oh, okay. Yes, sir.

12 Okay. And let me see. There was one other thing
13 here that you said today. You talked about the indictment is
14 not evidence of guilt.

15 And my question is, when I was before Magistrate
16 Jones in the first initial time that I was there, the only
17 thing that the U. S. Attorneys had as any evidence was the
18 indictment. I looked in the docket to see if there was
19 anything else, and there was nothing else.

20 So is this a judicial determination by you or an
21 opinion that there is no -- that this is not evidence of
22 guilt, this indictment?

23 THE COURT: Well, I suggest, Mr. Kahn, first of all,
24 that you either participate or not participate in the
25 proceeding. You first told me you weren't going to

1 participate. Now you are. But let's leave that aside. You
2 are entitled to.

3 But I am not here to answer your questions. Those
4 are questions that you ought to address to counsel. However,
5 in response to your last question, I suggest you go and read
6 Rule 9 of the Federal Rules of Criminal Procedure.

7 DEFENDANT KAHN: All right, sir. And you are right,
8 if it seems in any way that I am participating in these
9 proceedings, I am not, for the reasons that I listed in my
10 statement on the record, Rule 14 --

11 THE COURT: All right. But you can't it have it
12 both ways.

13 DEFENDANT KAHN: I don't want it both ways. Yes,
14 sir. Thank you.

15 MR. BERNHOFT: Your Honor, if I may, one point of
16 housekeeping business. I talked to Mr. Wilson about the
17 government's exhibit list. We have received, of course, the
18 exhibit list.

19 What we don't have is a correlation of the
20 government's Bate stamp numbers on its discovery that
21 correlates back over to the witness list. This makes it
22 extremely difficult to pull documents and drop them in the
23 banker's boxes and it's going to, frankly, interrupt the
24 smooth flow of these proceedings.

25 And I am hoping that we can get a cross list, so the

1 Bates numbers are identified to the right of the exhibit so
2 that we can prepare the documents.

3 Second, we were hoping that -- it is my
4 understanding that the government's exhibit list is not
5 identified in loose grouping of order presentation of the
6 witnesses.

7 It has been my experience, and I think it aids in
8 the smooth flow of the proceedings, if we would get an idea of
9 the groupings loosely, the loose groupings of the exhibits
10 that will be used with these first witnesses so we can set
11 those documents up first and be ready to go without
12 interruption.

13 So I am hoping we can work that out. I don't know
14 if the government agrees with that or not.

15 THE COURT: Well, I suggest that you take it up with
16 counsel. I think it is a bit early for me to intervene in
17 either of those areas, Mr. Bernhoft.

18 And with respect to the sequential numbering of the
19 exhibits and requiring that they be offered in any particular
20 sequence, if that's the essence of your second point, I don't
21 require that, because that becomes more cumbersome after a
22 while, when you change the order of witnesses and what-not,
23 then simply letting a party -- as long as the exhibit is
24 identified on the list, it can be offered in any sequence
25 appropriate to counsel.

1 MR. BERNHOFT: Yes, Judge. I do not want to try the
2 Court's patience, but I do need to confer with my client after
3 the proceedings today with respect to Mr. Meachum's pro hac
4 vice admission, and I do require a bit of clarification.

5 Was it the Court's position that under the Court's
6 current view -- and we will have an opportunity to look up
7 some case law and see if we can find analogous situations.

8 But is it the Court's present view that Mr. Snipes
9 must waive any ineffective assistance of counsel claim he may
10 or might have had against Mr. Meachum for Mr. Meachum to be
11 admitted pro hac vice? Did I understand that correctly?

12 THE COURT: You did.

13 MR. BERNHOFT: Thank you, Judge.

14 THE COURT: All right. We will recess until 9:00
15 tomorrow morning.

16 (Thereupon, the proceedings in this case for this
17 date were concluded at this time.)

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