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1 THE COURT: You may be seated.

2 We are on the record, and I'm having Mr. Martinez call
3 the courtroom -- I'm sorry, the jury deputy. But as you, I'm
4 sure, probably heard this morning, we had some problems with
5 electricity in the courthouse and getting jurors, et cetera.
6 And so the reason I asked everyone to be here this morning is
7 to talk about -- instead of doing jury selection this
8 afternoon, doing it on Tuesday.

9 What's the Government's position?

10 MR. LEACHMAN: We have no objection to that. Or
11 however the Court wants to proceed, we would be fine with
12 Tuesday or this afternoon.

13 THE COURT: Counsel for the defense?

14 MR. PETERS: We don't have a problem with it, Judge.
15 Whatever you think is appropriate.

16 MR. LEACHMAN: And --

17 MS. RAMIREZ: Maria Ramirez on behalf of Mr. Compean,
18 and we don't have any objection.

19 THE COURT: All right. So the plan is, and the reason
20 I have Mr. Martinez on the phone, is that normally what we
21 would do is have them here and try to -- and what we would try
22 to do is actually start picking the jury at 8:30. My only
23 concern is, if you've ever seen the jury room, it only holds
24 about 60 people. And if Judge Briones, Judge Martinez, and
25 Judge Montalvo all are bringing in juries on Tuesday, it's

1 going to be crowded. So we might actually start jury selection
2 in the afternoon. But he's checking that right now. All
3 right? So give me just a minute.

4 THE CLERK: There would not be a problem. We're the
5 only ones picking a jury.

6 THE COURT: Okay. That's great. Okay. So since we
7 are the only ones that's going to need a jury on Monday -- I
8 mean Tuesday -- what my plan then is to have the jury in here
9 and ready for jury selection on Tuesday at around -- between
10 8:30 and 9:00. I need everybody here at 8:30, and probably
11 won't start till 9:00, just so that you can have a chance to
12 look at those jury lists.

13 All right? Is any -- is that agreeable with everyone?

14 MR. LEACHMAN: Yes, for the Government, Your Honor.

15 MS. RAMIREZ: Yes, Your Honor.

16 MR. PETERS: Yes, for Mr. Ramos.

17 THE COURT: Okay. Now, anything else we need to take
18 up? I just have one other matter. But is there anything
19 anybody needs from the Court, then, regarding this whole issue?

20 MR. ANTCLIFF: For the record, Judge, I am Chris
21 Antcliff, and I entered my appearance on behalf of Mr. Compean,
22 along with Ms. Ramirez, this morning.

23 THE COURT: All right. So you will be co-counsel in
24 the case?

25 MR. ANTCLIFF: I will.

1 THE COURT: Who is going to be lead? Are you,
2 Ms. Ramirez, going to be lead counsel?

3 MS. RAMIREZ: Yes, Judge.

4 THE COURT: Okay. All right. Now, the only other
5 thing I do want to mention, and this is just primarily directed
6 at defense counsel. We did receive, although I think some late
7 filed, but we do have the proposed jury instructions. From our
8 review of those jury instructions, which we don't normally do a
9 whole lot with them until we're in trial. But, given the
10 nature of this case and the number of counts, and some of the
11 jury instructions not even being patterned, we note -- and I
12 have noted, and my clerk is concerned -- to make sure that I --
13 I think from Mr. Ramos we have two proposed jury instructions.

14 And, Ms. Ramirez, I haven't looked through all of
15 yours. There's a few. I just want to make sure that these are
16 all the jury instructions you're proposing, because my concern
17 is, I don't want to trying to be dealing with proposed jury
18 instructions at the last minute.

19 MR. PETERS: We may have some other proposed jury
20 instructions. Ms. Stillinger worked on those, so I'm not
21 exactly sure. But, in looking at them, we may ask the Court
22 for other instructions. I don't know.

23 MS. RAMIREZ: Judge, I don't know what the testimony
24 is going to be during the trial, and I might have some other
25 proposed instructions. I know for the deprivation of civil

1 rights, I know that that was a particularly difficult jury
2 instruction, because of the way the indictment was written out,
3 or the way the bill was returned. The indictment was returned
4 by the Grand Jury. So that -- and I might have some objections
5 to the jury instructions or proposed jury instructions by the
6 Government. So I can't say that I'm not going to ask the Court
7 for some other instructions.

8 THE COURT: We're going to be working on this all
9 weekend. So I would only tell you that if you can, get them to
10 us this afternoon by 5:00. If not, first thing on Tuesday
11 morning. Because I will tell you, it's going to be -- I
12 certainly am aware -- and that's why we don't talk about jury
13 instructions until it's time to charge the jury. I'm aware
14 things may come up that might affect those instructions with
15 you, especially for those counts. We know we have --
16 especially for the ones that are not pattern jury instructions.
17 The more I have from you, the better we're going to be able to
18 frame them. I don't want complaints last minute that you don't
19 get language you want, when you haven't given it to me. So I
20 need you to get those to us by 5:00 this afternoon. All right?

21 Anything else?

22 MS. RAMIREZ: No, Judge.

23 THE COURT: All right. The Court stands in recess in
24 this case until Tuesday morning at 8:30.

25 MS. RAMIREZ: Thank you, Judge.

1 (Transcript continues in Volume VI.)

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I certify that the foregoing is a correct transcript
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further certify that the transcript fees and format comply with
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Signature: _____ Date: _____
David A. Perez, CSR, RPR

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