

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF HAWAII

3 UNITED STATES OF AMERICA,) CR 17-00101 LEK
 4)
 Plaintiff,) Honolulu, Hawaii
 5) February 10, 2020
 vs.)
 6) (833-1) MOTION TO QUASH
 (1) ANTHONY T. WILLIAMS,) (834-1) MOTION TO QUASH
 7)
 Defendant.)
 8 _____)

9
 10 TRANSCRIPT OF TRIAL PROCEEDINGS
 BEFORE THE HONORABLE LESLIE E. KOBAYASHI
 11 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

12 For the Government: KENNETH M. SORENSON, AUSA
 13 GREGG PARIS YATES, AUSA
 Office of the United States Attorney
 14 300 Ala Moana Boulevard, Suite 6100
 Honolulu, Hawaii 96850

15 Also Present: MEGAN CRAWLEY, FBI Special Agent

16 For the Defendant (1) ANTHONY T. WILLIAMS, *Pro Se*
 17 Anthony T. Williams: 05963-122
 Federal Detention Center Honolulu
 18 Inmate Mail/Parcels
 P.O. Box 30080
 19 Honolulu, Hawaii 96820

20 Standby Counsel: LARS ROBERT ISAACSON, ESQ.
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 United States District Court
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1 MONDAY, FEBRUARY 10, 2020 2:32 P.M.

2 THE COURTROOM MANAGER: This is Criminal Case
3 CR 17-00101 LEK, United States of America versus Anthony T.
4 Williams.

5 The matter is called for two motions for -- to quash.

6 Counsel, your appearances for the record, please.

7 MR. SORENSON: Your Honor, good afternoon.

8 Assistant U.S. Attorneys Ken Sorenson and Gregg Yates. We
9 also have FBI Special Agent Megan Crawley.

10 THE COURT: Good afternoon to all of you.

11 Mr. Williams.

12 THE DEFENDANT: Good afternoon.

13 Private attorney general Anthony Williams.

14 MR. ISAACSON: Lars Isaacson, standby counsel, with
15 Claire Beecher and Ivy Yeung as paralegals.

16 THE COURT: All right. Good afternoon to you. You
17 all may be seated.

18 And by telephone we have two individuals. If you could
19 speak clearly and tell us your names.

20 MS. NEEDELMAN: Jacquelyn Plasner Needelman.

21 THE COURT: All right. Good afternoon.

22 MS. NEEDELMAN: Thank you, and thank you for letting
23 me appear by phone.

24 THE COURT: You're welcome. And we also have?

25 MR. BAHN: Hi. This is Bruce Bahn.

1 THE COURT: All right. Good afternoon to you as
2 well.

3 All right. So we are here with regard to our first issue
4 which is going to be the motions to quash subpoenas for Bruce
5 Bahn and Jacquelyn Plasner Needelman. These are based on a
6 letter that I received dated -- or it was at least filed
7 January 29, 2020, in the form of a letter. That's found at
8 Docket No. 834 regarding a letter from Bruce Bahn, B-a-h-n,
9 requesting the court's assistance as to a subpoena in this
10 case. And also with regard to the motion filed by Jacquelyn
11 Plasner Needelman, and this is Document No. 833 filed
12 January 29, 2020, wherein she also seeks to quash the subpoena
13 with regard to this case.

14 So I'm going to first give an opportunity, Mr. Bahn and
15 Ms. Needelman, to Mr. Williams to explain to the court the
16 reason for the subpoena and to respond to what you've put forth
17 in your pleadings. Then I'm going to give Mr. Sorenson or
18 Mr. Yates, who are Assistant United States Attorneys, for their
19 position as to your folks' request. And I'll hear from each of
20 you, give you an opportunity to speak.

21 All right. Mr. Williams?

22 THE DEFENDANT: In reference to Ms. Needelman?

23 THE COURT: With regard -- you want to start with
24 Ms. Needelman? If you're going to address the court, you need
25 to stand up. With regard to Ms. Needelman, you need to start

1 first, yes.

2 THE DEFENDANT: Yes. I mean, she was a witness at
3 my trial in Florida and she testified that the bar association
4 is not a part of the Florida state government; that it is a
5 private corporation whose authority is only over its members.

6 And so I wanted to have her come and testify what she
7 testified at my trial, that the bar association only has
8 authority over its members.

9 THE COURT: All right. So this would be a trial
10 regarding criminal charges or civil lawsuit?

11 THE DEFENDANT: Well, it really was civil, but they
12 turned into a criminal matter.

13 THE COURT: All right. Was this the matter that was
14 referred to in that one document having to do with a sentencing
15 hearing?

16 THE DEFENDANT: With a unlicensed practice of law.

17 THE COURT: Okay. All right. And would it be fair
18 to say that the subject of that trial did not involve any
19 mortgages or clients that you serviced in the state of Hawaii?

20 THE DEFENDANT: No, not in the state of Hawaii, but
21 it had to do with one of the clients that became an employee
22 that actually assisted me in the state of Hawaii.

23 THE COURT: Okay. All right. So anything else with
24 regard to Ms. Needelman's request to quash the subpoena?

25 THE DEFENDANT: No.

1 THE COURT: All right. Mr. Sorenson, or Mr. Yates,
2 who will be addressing this on behalf of the government?

3 MR. SORENSON: I will, Your Honor. Thank you.

4 I think the unauthorized practice of law may come up in
5 the context of cross-examination in this case, Your Honor,
6 because of some of the representations obviously we've heard.
7 If indeed Mr. Williams does testify, we're probably likely to
8 go into that matter. But at this juncture --

9 THE COURT: So with regard to his actions in Hawaii
10 or the subject matter that apparently Ms. Needelman testified
11 in court regarding Mr. Williams in the state of Florida?

12 MR. SORENSON: I'm not sure where she testified or
13 when she testified, what it was related to. So I'm -- I'm at a
14 loss at this moment, really, Your Honor. Was it in a criminal
15 procedure, may I ask?

16 THE DEFENDANT: Yes.

17 THE COURT: That's what Mr. Williams has stated.

18 MR. SORENSON: Okay.

19 THE COURT: Yeah. So you're not opposing her motion
20 to quash -- I mean, you are -- you're -- you're in agreement
21 with Mr. Williams that she should testify?

22 MR. SORENSON: Well, I think it has -- it could
23 potentially have some relevance, Your Honor. And she wouldn't
24 be somebody we would put on during our case, but --

25 THE COURT: Right. He has subpoenaed her to testify

1 in his case.

2 MR. SORENSON: And it could become more relevant
3 depending on what the evidence that does come out during his
4 case, Your Honor, with respect to the unauthorized practice of
5 law.

6 THE COURT: Okay. All right. So, Ms. Needelman, I
7 looked at your motion. I do note that you have indicated you
8 have no knowledge material to the matters at issue in the case.

9 MS. NEEDELMAN: Yes. I have no knowledge of the
10 charges against Mr. Williams in Hawaii. I work for the Florida
11 bar. I had some unlicensed practice of law complaints against
12 him for conduct that happened in Florida that did not pertain
13 to mortgages.

14 I was called as a witness by the state attorney's office
15 when they brought criminal unlicensed practice of law charges,
16 but none of it had anything to do with Hawaii. I have no
17 knowledge of the charges in Hawaii.

18 And just to correct something Mr. Williams said, I never
19 said the Florida bar is a private corporation. I said it's an
20 arm of the Supreme Court of Florida.

21 But bringing me to Hawaii -- I have no material relevant
22 information. I don't have any information as to -- to any
23 mortgage charges against him in Hawaii.

24 THE COURT: All right.

25 MS. NEEDELMAN: My knowledge was limited as to

1 Florida. And my knowledge was based on complaints that were
2 filed on information given to us. I didn't have personal
3 knowledge.

4 THE COURT: All right. And would it be fair to say
5 that you are not licensed to practice in the state of Hawaii?

6 MS. NEEDELMAN: Oh, I'm definitely not. I'm only
7 licensed in Florida.

8 THE COURT: And would it be fair to say that you
9 don't know what requirements are necessary to practice law in
10 the state of Hawaii?

11 MS. NEEDELMAN: Yes, that's correct.

12 THE COURT: All right. And do you have any contact
13 with or do you consult with the Hawaii State Bar Association?

14 MS. NEEDELMAN: I have not. I may have sometime
15 seen someone at a bar convention, but I really don't remember
16 and I never would have discussed anything about Mr. Williams.

17 THE COURT: And then let me ask you in your motion
18 at paragraph No. 3, you indicate that your attendance in Hawaii
19 would be very burdensome to you personally and to your office.
20 Could you explain to me what kind of burden it would be for you
21 to travel to Hawaii and to testify?

22 MS. NEEDELMAN: It would be a long -- it's at least
23 12 to 14 hours just flying there each way. And my
24 office -- I'd be away from the office, I'd be away from my
25 family, and I have no knowledge of the facts.

1 THE COURT: All right. Thank you.

2 Is there anything anyone wishes to address further before
3 I rule with regard to Ms. Needelman?

4 MR. SORENSON: Your Honor, if we could get an idea
5 of what the proffered testimony is from Mr. Williams of this
6 witness?

7 THE COURT: He did. He stated his proffer. He's
8 going to call her to testify what she testified at his criminal
9 trial.

10 MR. SORENSON: I don't know what that was, though.

11 THE COURT: Yeah, with regard to unlicensed practice
12 of law.

13 MR. SORENSON: And was it that he was unlicensed to
14 practice law? Was that the testimony?

15 THE COURT: I'm assuming so.

16 MS. NEEDELMAN: That was the testimony. But my
17 testimony only pertained to the case law in the state of
18 Florida.

19 MR. SORENSON: Right. And I think it was related to
20 his representation of mortgage fraud defendants or a defendant
21 in that jurisdiction, Your Honor. So that could be --

22 MS. NEEDELMAN: I don't know that it was --

23 MR. SORENSON: Go ahead. I'm sorry.

24 MS. NEEDELMAN: I don't think -- I'm sorry. I don't
25 know that it involved anyone to do with mortgage fraud. It had

1 to do with different -- somebody was being evicted and there
2 were different actions and then there was something to do with
3 traffic tickets and how he held himself out. There were
4 different allegations coming to us, but then we didn't continue
5 on the cases when criminal charges were filed by the state
6 attorney's office.

7 And, Your Honor, I would state I really don't have any
8 information on these charges or what the requirements are in
9 Hawaii, but if you felt that it was necessary for me to
10 testify, I would ask to be able to do so by videoconference.

11 THE COURT: All right. Thank you.

12 Okay. Anything further, Mr. Williams, with regard to why
13 her testimony in particular would be relevant to the issues in
14 this case?

15 THE DEFENDANT: Well, because she did state -- she
16 just said she didn't state on the record that bar association
17 wasn't a private corporation. She actually did. We can get
18 the trial transcripts of what she actually stated under oath.

19 THE COURT: Okay. So assuming that's correct for
20 purposes of this motion, how is that relevant to any of the
21 issues in this case involving your actions that are alleged by
22 the government in the Indictment?

23 THE DEFENDANT: Well, because you don't have to be a
24 bar member to assist people in drafting documents or assisting
25 them in court because the U.S. Supreme Court *NAACP v. Button*,

1 *Schware v. Board of Examiners, Gideon v. Wainwright* says that
2 laymen can assist other people in court without being charged
3 with the unauthorized practice of law.

4 THE COURT: All right. But she can only talk about
5 Florida which has nothing to do with the allegation in the
6 Indictment. Therefore, the court is granting her motion to
7 quash finding that pursuant to Federal Rules of Criminal
8 Procedure 17(c)(2), a subpoena for documents and objects can be
9 quashed or modified if compliance would be unreasonable or
10 oppressive. And I can also apply Rule 17(c)(2) to subpoenas
11 for testimony at a hearing or trial in light of the minimal
12 relevance, if any, that Ms. Needelman's testimony that you have
13 proffered has to the issues before the court both in the
14 Indictment as well as the defense that you've raised, and I
15 find it's likely that her testimony would be excluded under
16 Rule 403 of the Federal Rules of Evidence.

17 Therefore, compelling her to testify in this case is
18 unreasonable and oppressive and would be a waste of time and
19 may cause jury confusion.

20 So, Ms. Needelman, I'm granting your motion to quash your
21 subpoena, so you do not have to appear to testify in Hawaii.

22 MS. NEEDELMAN: Thank you.

23 THE COURT: All right. Now let's turn to --

24 MS. NEEDELMAN: Do I hang up or stay on?

25 THE COURT: Yeah, if you're separate from Mr. Bahn,

1 you're excused and you can hang up.

2 MS. NEEDELMAN: I just didn't want to mess up the
3 phone call with him.

4 THE COURT: Is that okay? Yeah, I'm told it will
5 not. Thank you so much.

6 MS. NEEDELMAN: Thank you.

7 THE COURT: All right. So now, Mr. Williams, with
8 regard to Mr. Bahn, what's his relevance? Like, why do you
9 need to call him?

10 THE DEFENDANT: 'Cause he was a client in California
11 that was scammed by Edna Franco. I think she took about \$7,000
12 from him using the fraudulent company that they made naming it
13 similar to mine. He's one of her victims and he can testify
14 what she did, the documents that she gave him which says
15 Mortgage Enterprise and not Mortgage Enterprise Investments,
16 and that they were the one -- her, Henry, Rowena were the ones
17 that actually defrauded him and scammed him.

18 THE COURT: And that's involving real property
19 located in the state of California?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Mr. Sorenson, or Mr. Yates, who's
22 going to address this?

23 MR. SORENSON: I will, Your Honor.

24 I do believe this is nonrelevant to this case, Your Honor.
25 Edna Franco is not one of our witnesses. It seems like he

1 wants to impeach Edna Franco through this gentleman, but that's
2 completely nonrelevant.

3 THE COURT: Right. I mean, I think his defense is
4 that others, you know, used his -- the general name or
5 something similar.

6 THE DEFENDANT: Right.

7 MR. SORENSON: The defense is nonsense, I believe,
8 because he's arguing that somebody else used his scam to scam
9 other people and therefore he wants to call them to say that
10 these other people scammed him.

11 THE COURT: Right. But I guess the essential issue
12 is you don't intend to call Edna Franco in your case in chief?

13 MR. SORENSON: We do not.

14 THE COURT: So, Mr. Williams, I understand what
15 you're saying why you want to offer Mr. Bahn and it's relevant
16 to Edna Franco's bad acts, but she is not going to be part of
17 the government's case. So you would use that information to
18 discredit her or to impeach her, so I find that there's very
19 little relevance then with regard to her actions towards
20 Mr. Bahn. So there's not really relevant information that he
21 would be able to provide to the jury.

22 THE DEFENDANT: Well, then that -- then we should go
23 ahead and dismiss the case right now 'cause all the clients was
24 scammed by Edna, Henry, and Rowena, not me. There's no
25 complaints against me at all. That's the whole point, that

1 there was no complaints against me; it was against these
2 people. I didn't scam anybody. My office, my process is not a
3 scam.

4 THE COURT: Okay.

5 THE DEFENDANT: It was approved already.

6 THE COURT: All right. So I understand that. And
7 that's, you know, your defense in response to the claims in the
8 Indictment. But I'm just talking about Mr. Bahn, and then
9 we'll go witness by witness on the list that we provided to
10 you.

11 So, Mr. Bahn, with regard to your motion, it is granted.
12 I am going to quash the subpoena, making the same findings,
13 that pursuant to Rule 17(c)(2) of the Federal Rules of Criminal
14 Procedure, compliance with the subpoena would be unreasonable
15 or oppressive for you. I find minimal if any relevance that
16 your testimony would be related to either the charges in the
17 Indictment or the defenses that Mr. Williams has indicated. So
18 I would exclude your testimony under a Rule 403 Federal Rules
19 of Evidence analysis. Compelling you to testify, the court
20 concludes, would be unreasonable and oppressive.

21 So, Mr. Bahn, you do not have to appear at trial to
22 testify.

23 Any questions?

24 MR. BAHN: Thank you, Your Honor. I really
25 appreciate it. And just for further clarification, I believe

1 this is mistaken identity anyhow. I've never taken a mortgage
2 in California and I think Mr. Williams has my name mixed up
3 with somebody else.

4 THE COURT: Oh, well, thank you very much for that
5 clarification. All right. I wish you a very good day. You
6 can hang up now.

7 MR. BAHN: Thanks so much.

8 THE COURT: Thank you.

9 All right. So what I want to do is go over the list
10 of -- which we have provided to you folks. So the record will
11 reflect that the -- our chambers has prepared a chart of
12 defense witnesses and I want to go through each of them to ask
13 sort of what the proffer is and for those that it's been
14 indicated been unexecuted, where we stand.

15 All right. So you should have that before you. You can
16 remain seated, but please have a microphone close by for any
17 response.

18 All right. So number 1 is Evelyn Tulaga, T-u-l-a-g-a,
19 Acorda, A-c-o-r-d-a.

20 Okay. So who is Ms. Acorda, and what's your offer as to
21 why you need to call her as a witness? What would she testify
22 to?

23 THE DEFENDANT: She'll testify that I'm not the one
24 that scammed anybody in Maui, that it was Edna Franco, Henry
25 Malinay, and Rowena Valdez; that I'm the one that actually

1 helped the people there.

2 THE COURT: Okay. Mr. Sorenson?

3 MR. SORENSON: Well, I think once again, we're
4 talking about another scam that occurred and --

5 THE COURT: Okay. So I just want to know are
6 these -- any of these individuals as we go through them serve
7 as a basis for any of the counts against Mr. Williams that the
8 government has brought?

9 MR. SORENSON: Henry Malinay is a witness for the
10 government, Your Honor, and he pled guilty earlier.

11 THE COURT: Right.

12 MR. SORENSON: He will be here for
13 cross-examination. Certainly we'll expect he'll admit his role
14 in this other scam, so to speak.

15 THE COURT: Okay.

16 THE DEFENDANT: The only scam.

17 THE COURT: So you're saying he'll have the
18 opportunity to confront Mr. Malinay?

19 MR. SORENSON: He certainly will.

20 THE COURT: Okay. So it may render Ms. Acorda's
21 testimony minimally relevant.

22 MR. SORENSON: I would think so. I just don't know
23 that it's a defense to say that somebody else doing the same
24 thing you did is somehow a defense for you.

25 THE DEFENDANT: But they're not doing the same thing

1 I'm doing.

2 THE COURT: Well, you can -- you can -- all right.
3 So with regard to Ms. Acorda, if you're given the opportunity
4 to confront Mr. Malinay on cross-examination with his bad
5 acts -- right? -- because fraud is always a basis or can be a
6 basis to question a witness's ability to be truthful, so I'll
7 let you, you know, pursue that line of questioning.

8 I'm not sure I would call Ms. Acorda, but I'm going to
9 reserve ruling on that based on how Mr. Malinay testifies.

10 THE DEFENDANT: But she --

11 THE COURT: For instance, if he should deny knowing
12 her or denying things, it may become relevant because he's
13 going to be a government's witness.

14 But in general, Mr. Williams, my rulings are going to be
15 that it's -- the analogy would be if you are charged with
16 running a red light in Hawaii, I'm not going to have you bring
17 in all these witnesses to say that you only would enter an
18 intersection on a green light and never on a red light in, you
19 know, Georgia, Tennessee, Florida, all these other places,
20 because that's not really relevant as to whether or not you ran
21 the red light on a certain day at a certain time in the state
22 of Hawaii. All right? So that's just my general overall
23 approach with regard to these witnesses.

24 Now, Ms. Acorda is a different category because
25 Mr. Malinay is going to be called by the government and you may

1 confront him with it and she may -- he may deny things, so you
2 may have to bring in Ms. Acorda. So I'm not going to say I'm
3 going to quash her subpoena right now.

4 THE DEFENDANT: But --

5 THE COURT: But I may if he admits to certain things
6 and it really renders her testimony minimally relevant.

7 THE DEFENDANT: Well, no, 'cause she's still a
8 client of mine. I mean, she's a client of mine, but she can
9 testify that they scammed a lot of people in Maui, that I
10 wasn't the one. She's still a client of mine.

11 THE COURT: But those are not part of the counts
12 against you.

13 THE DEFENDANT: No, it is. They got -- in the
14 Indictment they said I have over 200 victims.

15 THE COURT: Anyway, all right. So I've ruled with
16 regard to that. So she's likely not to testify in your case
17 unless Mr. Malinay denies with regard to her and then we'll put
18 that on the record.

19 Okay. Julita Asuncion, she already testified, right?

20 THE DEFENDANT: She already testified.

21 THE COURT: Okay. So you got to be able to do that.

22 All right. Catherine P. Awakuni Colon.

23 THE DEFENDANT: She works at the DCCA.

24 THE COURT: Are you folks calling her to testify,
25 Mr. Sorenson?

1 MR. SORENSON: No, Your Honor, we are not.

2 THE COURT: Okay. So why are you calling
3 Ms. Awakuni Colon?

4 THE DEFENDANT: Well, the same reason they calling
5 James Evers, 'cause she has firsthand knowledge of the
6 complaints that were filed and none was filed against me. They
7 were filed against Henry Malinay, Edna Franco, and Mortgage
8 Enterprise.

9 THE COURT: So you can cover that with Mr. Evers?

10 THE DEFENDANT: Well, not only that, but her too
11 'cause I sent letters to her too. I sent letters to her, to
12 Wat- -- Collette Watanabe, Bruce Kim, and James Evers. That's
13 why I wanted all of them subpoenaed because they have firsthand
14 knowledge that I made a complaint against these charlatans for
15 doing what they did to me and my company and to these innocent
16 homeowners.

17 THE COURT: Well, she works for the State of Hawaii.
18 If they want to move to quash it, they can do ahead and I'm not
19 going to touch that.

20 Senait -- is it Beiene?

21 THE DEFENDANT: Senait Beiene.

22 THE COURT: Yeah, B-e-i-e-n-e. And then what's your
23 offer as to what she's going to testify?

24 THE DEFENDANT: She's a client that can testify that
25 I did the same thing, filed the same mortgages, did the exact

1 same thing, went to court with my clients, never lied to them,
2 never told them I was going to get their house free and clear,
3 especially if they were in foreclosure. She can testify the
4 same thing, the things I did for her as a client.

5 THE COURT: And where was her mortgage filed? Where
6 is this?

7 THE DEFENDANT: She's in Florida.

8 THE COURT: Okay. So I'm not going to permit her to
9 testify. Again, it has nothing to do with the Hawaii charges.

10 THE DEFENDANT: It's relevant.

11 THE COURT: Okay. So I find that it's not relevant
12 or minimally relevant and it's outweighed under a Rule 403
13 analysis. So that subpoena is quashed.

14 All right. Joyce Benoist, B-e-n-o-i-s-t.

15 THE DEFENDANT: She's a client here.

16 THE COURT: And that's unexecuted, so she has not
17 received the subpoena, so that can't be enforced. So I don't
18 think she -- she's not compelled by subpoena anyway with regard
19 to that.

20 So Dr. Michael Brannon, that's your expert. You've
21 already made an offer of proof with regard to him.

22 How about Cynthia Brown?

23 THE DEFENDANT: Same thing. She's the one that I
24 filed the mortgage that it was scrutinized by the district
25 attorney before we could file the same mortgage that I filed

1 here.

2 THE COURT: Okay. Where's that filed?

3 THE DEFENDANT: That's in California.

4 THE COURT: Okay. So that subpoena is quashed under
5 a Rule 403 analysis; any minimal relevance is outweighed by the
6 potential prejudice and confusion and waste of time.

7 Anabel Cabebe is going to be a government's witness, so
8 I'll give you an opportunity to do your cross and direct as --

9 MR. SORENSON: Your Honor, I should disclose to the
10 Court we don't intend to call Ms. Cabebe.

11 THE COURT: Okay. All right. So then your subpoena
12 will remain in effect with regard to her.

13 Remie Carlos.

14 THE DEFENDANT: A client here.

15 THE COURT: Okay. So who's in Hawaii?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. So that's going to remain -- who
18 had a mortgage.

19 Mary Jean Castillo, she already testified, so that's done.

20 Milagro Castro.

21 THE DEFENDANT: Client here.

22 MR. ISAACSON: Your Honor, if I may?

23 THE COURT: Yes.

24 MR. ISAACSON: I've asked Ms. Yeung who has been
25 helping us to maybe make this revised a little bit. Our

1 indication is she was served on -- he was served on
2 January 3rd, 2020. It was blank here, but our records indicate
3 she has been served -- or he has been served.

4 THE COURT: Okay. Well, I wasn't going to inquire
5 about that. So what's the relevance? He was a client here and
6 so what? The mortgage was issued and everything went fine?
7 That's why you want to call him? Castro, Milagros Castro?

8 THE DEFENDANT: Yes.

9 THE COURT: What about David Cooper, Esquire?

10 THE DEFENDANT: He's the standby attorney for me in
11 Georgia.

12 MR. ISAACSON: You've already denied.

13 THE COURT: Oh, with regard to Mr. Cooper? Okay.
14 That he's been quashed?

15 MR. ISAACSON: Yes. I think -- no, I'm sorry. I'll
16 back off. You did not -- you denied the *ex parte* application,
17 Judge.

18 THE COURT: Oh, on his subpoena?

19 MR. ISAACSON: Yes.

20 THE COURT: Okay. All right. Yeah. And so I'll
21 just place it on the record, under a Rule 403 analysis minimal
22 relevance is outweighed by prejudice, irrelevant material, and
23 potential jury confusion.

24 All right. Let's go to Denise Cross.

25 THE DEFENDANT: Same thing, client in Florida.

1 THE COURT: Client from Florida. Okay. So that is
2 quashed for the same reason as Bruce Bahn and the other Florida
3 clients.

4 All right. Jeanette Currie?

5 THE DEFENDANT: She's a client also in Tennessee
6 that actually went with me to the FBI office when they claimed
7 that I was committing mortgage fraud and verified that I didn't
8 commit mortgage fraud.

9 THE COURT: Mortgage fraud in Hawaii?

10 THE DEFENDANT: In Tennessee. The FBI --

11 THE COURT: Okay. So that's quashed as well for the
12 same reasons stated with regard to Bruce Bahn.

13 Anthony Daley, that appears to be unexecuted. But who is
14 Anthony Daley?

15 THE DEFENDANT: That's a client in Florida.

16 THE COURT: All right. So for the same reasons as
17 Bruce Bahn that I've stated on the record, that subpoena is
18 quashed.

19 How about Ronnie Davis?

20 THE DEFENDANT: Client in Florida.

21 THE COURT: Okay. For same reasons as Mr. Bahn,
22 Ronnie Davis's subpoena is quashed.

23 How about Rudy Davis?

24 THE DEFENDANT: He can verify the videos that I took
25 in court. He saw all my YouTube videos of me in Hawaii and

1 other states representing clients without being charged with
2 unlicensed practice of law.

3 THE COURT: Okay. So you want to call him in order
4 to put these videos in evidence?

5 THE DEFENDANT: Yeah, 'cause he can testify to 'em.

6 THE COURT: Okay. He testified that he actually saw
7 them?

8 THE DEFENDANT: Yes.

9 THE COURT: But you're going to -- well, I'm not
10 going to assume you're going to testify.

11 Okay. So if you choose not to testify, then you're saying
12 that you need somebody to be able to verify it?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And these videos are publicly
15 filed so you can find them on YouTube?

16 THE DEFENDANT: Yes. The videos appear of me going
17 to the Kona police office, me going to the circuit court,
18 district court here, me going to Hawaii Police Department here,
19 probably about five or six courts here.

20 THE COURT: Okay. But they're all on YouTube?

21 THE DEFENDANT: Yeah, they all on YouTube. That's
22 all of them.

23 THE COURT: So if that's all Mr. Davis is going to
24 testify about in order to say that he saw them, then, you know,
25 I don't think you need him.

1 THE DEFENDANT: Well, not only that. That's just
2 one of the things that he can testify.

3 THE COURT: Okay. What else is he going to testify
4 about?

5 THE DEFENDANT: He can also testify that people like
6 me gets targeted by the government for exposing the corruption
7 that I've been exposing.

8 THE COURT: Okay. So what's his qualification to
9 give an opinion on that?

10 THE DEFENDANT: He's actually a part of the media.

11 THE COURT: Okay. So again, so what's his expertise
12 to give an opinion that people like you are being set up with
13 criminal charges?

14 THE DEFENDANT: Well, he's been doing it for over
15 20-something years. He has his own media company that they
16 basically look for people that's been wrongfully accused like
17 myself that are political prisoners for exposing the government
18 and the government goes after them like they've done.

19 THE COURT: Okay. All right. Anything else he's
20 going to be offered to testify about?

21 THE DEFENDANT: The clients of mine from Hawaii that
22 called him, let him know that I didn't do anything wrong, that
23 I actually helped them with their foreclosure. There's
24 actually audio -- he records all the audios of people that
25 call, so he has probably about four or five audio calls from

1 some of the actual clients that are actually coming where
2 they --

3 THE COURT: Those clients are going to testify at
4 trial?

5 THE DEFENDANT: Well, hopefully.

6 THE COURT: Okay. And those clients are located in
7 Hawaii?

8 THE DEFENDANT: Yeah, in Hawaii.

9 THE COURT: Okay. So I'm going to quash that
10 subpoena. On the videos, if they're on YouTube, there's -- you
11 know, we can go through that evidentiary aspect, but I don't
12 think he offers anything just saying he saw them on YouTube and
13 that's going to then have them received into evidence.

14 On his opinions with regard to political prisoners and
15 retribution by the government against others like yourself who
16 have exposed corruption and conspiracy, I'm going to make a
17 Rule 403 analysis and find that minimal relevance is clearly
18 outweighed by prejudice, speculation, and misleading or
19 confusing the jury.

20 As the third aspect of the recorded phone conversations,
21 has that been disclosed to the government? Do you guys have
22 that?

23 THE DEFENDANT: Yes.

24 MR. SORENSON: I'm not aware that we have that.

25 THE DEFENDANT: Yes, they have it.

1 THE COURT: Okay. Well -- okay. So I have that
2 issue if they have the recordings.

3 THE DEFENDANT: Yes.

4 THE COURT: But secondly, if those people are going
5 to come and testify, then they can verify those recordings
6 themselves and -- or testify with regard to the substance.

7 So on that basis, same Rule 403 analysis. I think it's
8 minimal relevance and I don't think he's needed with regard to
9 that. So Rudy Davis's subpoena is quashed.

10 The next one would be Marissel, M-a-r-i-s-s-e-l,
11 Descalzo --

12 MR. ISAACSON: Your Honor --

13 THE COURT: -- Esquire.

14 MR. ISAACSON: -- may I make an inquiry, if I may?

15 THE COURT: Yes.

16 MR. ISAACSON: Your Honor, you are making rulings to
17 quash these subpoenas. Are you also, for the record, making
18 that you will not permit them to testify as well?

19 THE COURT: Correct.

20 MR. ISAACSON: Okay.

21 THE COURT: Correct, yeah. So when I mean quash
22 their subpoenas, meaning I'm not going to order them via court
23 order compelling them to come and testify, and then I'm also
24 making a Rule 403 analysis with regard to even if they came
25 voluntarily or what have you, their relevancy, whether I would

1 permit them to testify because their testimony isn't relevant
2 or minimally relevant and it's outweighed by a prejudice
3 analysis.

4 THE DEFENDANT: I object that the relevance because
5 they can testify to my character.

6 THE COURT: Well --

7 THE DEFENDANT: Character evidence is part of the
8 Federal Rules of Evidence.

9 THE COURT: It can only be permitted under certain
10 circumstances. I'm not going to have 20 people come in and
11 say --

12 THE DEFENDANT: The routine practice of my business,
13 that's one of the evidence.

14 THE COURT: Right, in Hawaii would be relevant.

15 Okay. So Marissel Descalzo, Esquire, what's the proffer
16 as to that witness?

17 THE DEFENDANT: She's a former attorney of mine in
18 Florida.

19 THE COURT: Okay. And she's going to testify about
20 your prosecutions in civil cases in Florida?

21 THE DEFENDANT: No, in criminal cases.

22 THE COURT: Criminal cases. So defending you?

23 THE DEFENDANT: Yes.

24 THE COURT: On the criminal charges brought by the
25 State of Florida?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Anything else that she's going to
3 testify for?

4 THE DEFENDANT: Well, that the charges were bogus,
5 that they targeted me because of the YouTube videos I put up
6 and because of the judges I sued and removed.

7 THE COURT: All right. So I'm going to quash that
8 subpoena too. And I'm also making a Rule 403 analysis that any
9 minimal relevance is outweighed by prejudice, jury confusion,
10 because the Florida, you know, charges against you are not
11 relevant to the charges against you in this Indictment.

12 MR. SORENSON: Your Honor, just to make sure the
13 record's clear and the Court's clear on this point,
14 Mr. Williams was convicted in Florida of grand theft for
15 operating this very same scheme down there.

16 Just so the Court knows, if he testifies, we intend to go
17 into that just so the Court's fully aware of what that was
18 because he was convicted of running that -- the same mortgage
19 fraud operation down there.

20 THE COURT: Right.

21 THE DEFENDANT: And I need all those witnesses to
22 come and testify.

23 THE COURT: So what I'm asking you, though, in your
24 case-in-chief what you have to prove with regard to the
25 Indictment --

1 MR. SORENSON: Yes, Your Honor.

2 THE COURT: -- are you using the fact that he was
3 prosecuted in Florida? I'm not going to permit you to say,
4 "Well, he did this in Florida and therefore he's guilty of the
5 offenses in Hawaii."

6 MR. SORENSON: Well, we'll certainly --

7 THE COURT: You're using that as an impeachment --

8 MR. SORENSON: Yeah, exactly.

9 THE COURT: -- as to his credibility.

10 MR. SORENSON: That's what I'm saying. I just want
11 the Court to know it may become relevant later, but it would
12 have minimal relevance certainly. But I think he wants to have
13 somebody testify that he was unlawfully convicted, so...

14 THE COURT: Right. So --

15 MR. SORENSON: But not in our case-in-chief.

16 THE COURT: Right. So you're going to use that to
17 impeach him on -- for credibility and for his capacity to tell
18 the truth with regard to his mortgage business which is
19 different than proving whether or not you can prove beyond a
20 reasonable doubt that he committed wire and mail fraud as
21 alleged in the Indictment.

22 MR. SORENSON: That's right.

23 THE COURT: Yeah. Okay. All right. Anyway, so my
24 ruling stands with regard to Ms. Descalzo.

25 Rosy Soto Es- --

1 THE DEFENDANT: I'm not clear on your ruling on him
2 about what he just said. I'm not clear on that. Because if he
3 gets to bring that up, then I need all those clients here.

4 THE COURT: Well, you can certainly raise that at
5 the time. I'm not going to -- because you have a
6 constitutional right to testify or remain silent and not
7 testify. You need to make your decision at that time.

8 During -- before you take the stand or really after the
9 close of the government's case, I will go over with you your
10 constitutional right to testify or not testify. In that dialog
11 with you, I'm going to go over the risks of taking the stand
12 and testifying. In particular, in this case, one of the risks
13 is that you will open the door to the government confronting
14 you and trying to impeach you with the fact that you have been
15 convicted in the state of Florida for fraud related to your
16 mortgage business.

17 At that point, I'm not ruling that they can do that, but
18 if you then take the stand, that's a risk that you face that
19 you open the door to them being able to question you and
20 impeach you on the -- by using those convictions, and they have
21 to be convictions, and they have to show me that it's been
22 convicted and what the specific convictions are. So there's
23 certain rules that they have to follow in order to
24 cross-examine and impeach you on that.

25 Now, there's going to be a limitation on that 'cause I'm

1 not going to retry the whole Florida fraud claims with regard
2 to that.

3 THE DEFENDANT: There was no Florida fraud claims.

4 THE COURT: Whatever the claims were. I don't know
5 what it involves. So we haven't crossed that bridge with
6 regard to that, and based on what's presented, you may ask the
7 court then, "I want to call these witnesses" and give me a
8 reason why and then I'll rule on it.

9 But at this point, because none of that is part of the
10 government's case, there's no reason to bring in all of these
11 Florida clients, Tennessee clients, and what about did or did
12 not happen in the Florida state prosecution.

13 Okay. Rosy Soto Esprecion, E-s-p-r-e-c-i-o-n, what's your
14 offer of proof as to that witness?

15 THE DEFENDANT: Well, she's a client that they're
16 saying is a victim of mine, and she will testify she's not a
17 victim, neither is anybody else here a victim, and she can
18 testify who the real culprits were: Edna Franco, Henry
19 Malinay, Rowena Valdez, Hep Guinn.

20 THE COURT: Okay. Is she in Hawaii?

21 THE DEFENDANT: Yeah, she's in Hawaii.

22 THE COURT: If you tell me she's in Hawaii, involves
23 the Hawaii charges, so I'm not going to quash that.

24 Anna Marie Evans.

25 THE DEFENDANT: She can testify -- she's from

1 California. She can testify that my mortgage was approved by
2 the district attorneys.

3 THE COURT: In California?

4 THE DEFENDANT: In California to be filed, that
5 there's nothing fraudulent about it.

6 THE COURT: So her subpoena is quashed. She -- like
7 my ruling with regard to Mr. Bahn, minimal relevance outweighed
8 under a Rule 403 analysis, and therefore it's quashed.

9 Mr. Evers is going to be called by the government, so
10 you'll have an opportunity --

11 MR. SORENSON: Your Honor, I do not believe we are
12 going to call him any more. But he is here and I think under
13 the same theory you just stated with the other DCCA employee.
14 I mean, he's here.

15 THE COURT: Okay. Then I'm going to sign the
16 subpoena with regard to him. I think I held it up because I
17 wasn't sure what you were going to do with regard to that.
18 Okay. So I'll sign that with regard to Mr. Evers and you can
19 call him in your case.

20 Okay. Elevia Giles, E-l-e-v-i-a, last name G-i-l-e-s.
21 Yes.

22 THE DEFENDANT: She's a client here that can testify
23 that I did everything I said I was gonna do and the scam
24 artists are Edna Franco, Henry Malinay, Rowena Valdez.

25 THE COURT: So she's a client here, so I won't quash

1 that.

2 Maria Hammond.

3 THE DEFENDANT: She's a client in New York.

4 THE COURT: Okay. That -- all right. So based on
5 your same proffer, it's her experience in New York, not Hawaii,
6 correct?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. So I'm going to quash that
9 subpoena based on my analysis with regard to Mr. Bahn for the
10 same reasons stated under a Rule 403 analysis.

11 Lashante Powell Hatchett.

12 THE DEFENDANT: Client in Florida.

13 THE COURT: Okay. For the same reason as to
14 Mr. Bahn, that subpoena is quashed.

15 Nancy Maxwell Hatchett, same?

16 THE DEFENDANT: Client on the Big Island.

17 THE COURT: Okay. So that's a Hawaii client?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. Then that will be permitted.

20 William Hatchett?

21 THE DEFENDANT: He's a defendant in the Florida case
22 they want to bring up that lied on the stand.

23 THE COURT: Okay. For now I'm quashing his
24 subpoena. That's one of the ones you can revisit if they
25 should confront you with that should you take the stand for the

1 same reasons as the analysis I've stated on the record of
2 Mr. Bahn under a Rule 403 analysis.

3 Michael Henry-Bey.

4 THE DEFENDANT: Client and employee in Florida.

5 THE COURT: Right. No connection with the Hawaii
6 operation?

7 THE DEFENDANT: No.

8 THE COURT: Okay. So his subpoena is quashed based
9 on the analysis I set forth with regard to Mr. Bey[sic] under a
10 Rule 403 analysis, minimal relevance being outweighed by
11 prejudice and jury confusion.

12 Donna Hickenbottom.

13 THE DEFENDANT: She assist me with Hawaii clients
14 and Florida clients. She was an employee.

15 THE COURT: Okay. So she did do work with regard to
16 Hawaii?

17 THE DEFENDANT: Yes. She flew here to help me
18 assist with clients here and in Florida.

19 THE COURT: So I'm not going to quash her subpoena,
20 but I am going to limit her testimony to the Hawaii experience
21 and not Florida because -- unless you can show some sort of
22 relevance with regard to her experience and knowledge of the
23 Florida operation.

24 Mel Horner.

25 THE DEFENDANT: He's a client here, Hawaii.

1 THE COURT: Okay. Dr. Leonard Horowitz is an
2 expert.

3 THE DEFENDANT: Expert witness. He lives here.

4 THE COURT: What area?

5 THE DEFENDANT: Fraud, government corruption, and he
6 also is a client.

7 THE COURT: Okay.

8 MR. SORENSON: Your Honor, we'd move to quash these
9 two experts that we've heard so far, Dr. Banner[sic] and also
10 Dr. Horowitz.

11 THE COURT: Oh, you have a motion pending?

12 MR. SORENSON: We do.

13 THE COURT: Okay.

14 MR. SORENSON: I know the Court's indicated that
15 it's holding those in abeyance for now so --

16 THE COURT: Right.

17 MR. SORENSON: -- I don't know if the Court wants to
18 address it today, but --

19 THE COURT: No, not today. I'm going to give him an
20 opportunity to respond.

21 MR. SORENSON: Right.

22 THE COURT: Do we have -- okay. His response is due
23 the 12th. So once we get the response, we'll set that.

24 MR. ISAACSON: Your Honor, I'm sorry. I don't know
25 if you heard, he's also a fact witness, I believe.

1 THE DEFENDANT: Yes.

2 MR. ISAACSON: I don't know if you caught that.

3 THE COURT: Right, I did. Oh, Sherri Kane or Kane?
4 What's your proffer as to that witness?

5 THE DEFENDANT: The same as Dr. Leonard Horowitz.

6 THE COURT: She's a Hawaii client?

7 THE DEFENDANT: Yes, and a fact witness.

8 THE COURT: Robyn Kelly?

9 THE DEFENDANT: She's a client and employee in the
10 state of Arkansas.

11 THE COURT: Arkansas? Okay. So her subpoena is
12 quashed.

13 THE DEFENDANT: Well, she dealt with the Hawaii
14 clients when I was locked up. She was the one that had to deal
15 with mailing a lot of the things to the Hawaii clients and
16 letters and things like that.

17 THE COURT: All right. I haven't seen her name on
18 any of the documents. Is that --

19 THE DEFENDANT: Oh, yeah, she's on there.

20 THE COURT: Mr. Sorenson?

21 MR. SORENSON: I don't know if all of a sudden we're
22 seeing some witnesses backdoored in on some minimal contacts to
23 Hawaii or not, Your Honor, but we haven't seen -- have you seen
24 her name? I'm not familiar with that name at all.

25 THE COURT: All right. Again --

1 THE DEFENDANT: I'll show you the document.

2 THE COURT: -- you can ask for it in your case and
3 I'll revisit it if you can show me documentation that she had
4 substantive contact with regard to the clients, not that just
5 her name appears on some mailing. So -- but until then, her
6 subpoena is quashed, same analysis as Dr. Bahn[sic] under
7 Rule 403 analysis, minimal relevance is outweighed by prejudice
8 and waste of time.

9 Kevin Kirby.

10 THE DEFENDANT: Client in Florida.

11 THE COURT: All right. His subpoena is quashed for
12 the same analysis as to -- I stated on the record as to
13 Mr. Bahn under Rule 403.

14 Bruce Kim, DCCA. That's one of the DCCA witnesses you're
15 going to call?

16 THE DEFENDANT: Yes.

17 THE COURT: That'll be permitted.

18 Robbin Krakauer.

19 THE DEFENDANT: She's a client and former employee
20 on Big Island.

21 THE COURT: She's on Hawaii, all right.

22 So Charles Lewis.

23 THE DEFENDANT: Client in Atlanta, Georgia.

24 THE COURT: All right. So his is quashed for the
25 same reasons stated on the record with regard to Mr. Bahn under

1 a Rule 403 analysis having to do with minimal relevance being
2 outweighed by prejudice and waste of time.

3 Okay. Valerie Lopez.

4 THE DEFENDANT: Client in California.

5 THE COURT: All right. Hers is quashed as well for
6 the same reasons stated with regard to Mr. Bahn under a
7 Rule 403 analysis, minimal relevance being outweighed by
8 prejudice and waste of time.

9 Howard K.K. Luke, Esquire?

10 THE DEFENDANT: He can testify that the bar
11 association is a private corporation and not a part of the
12 Hawaii State Bar.

13 THE COURT: Okay. So I'm going to quash his
14 subpoena as seems duplicative of Pat Mau-Shimizu's and
15 marginally relevant. So under a Rule 403 analysis, minimal
16 relevance being outweighed by waste of time and prejudice.

17 Caridad Marquez.

18 THE DEFENDANT: Client in Florida.

19 THE COURT: So that's quashed as the same reason as
20 Mr. Bahn under Rule 403 analysis.

21 Kellen Martz, M-a-r-t-z.

22 THE DEFENDANT: Works for the California State Bar
23 to show that I didn't have to have a license to practice law in
24 the state of California. She had a letter sent to me.

25 THE COURT: All right. So that subpoena is quashed

1 for same reasons as Mr. Bahn, Rule 403 analysis, minimal
2 relevance, if any, outweighed by prejudice, jury confusion, and
3 waste of time.

4 Sherri Moody, M-o-o-d-y.

5 THE DEFENDANT: Client in California.

6 THE COURT: All right. Hers is quashed as well for
7 the same reasons as Mr. Bahn under Rule 403 analysis.

8 Paul Murray.

9 THE DEFENDANT: Employee in Florida.

10 THE COURT: All right. That is quashed, same
11 analysis as Mr. Bahn under a Rule 403 analysis.

12 Violet C. Natividad.

13 THE DEFENDANT: A client here.

14 THE COURT: Okay. That'll be permitted.

15 We already ruled on Jacquelyn Plasner Needelman.

16 Angelita Pasion.

17 THE DEFENDANT: Client here.

18 THE COURT: Okay. Rene Powers?

19 THE DEFENDANT: She's an employee that helped me
20 assist clients here and in California. She follow-up back and
21 forth from here to California to help me and Florida to help
22 sign up clients here, in California, and Florida.

23 THE COURT: All right. Is her name on any documents
24 or --

25 THE DEFENDANT: Yes, she's on there.

1 THE COURT: Mr. Sorenson?

2 MR. SORENSON: Your Honor, I think the Court should
3 probably use the same procedure as the last one because we have
4 no connection with her to Hawaii from what we've seen.

5 THE COURT: All right. So the same thing, I'm going
6 to quash her subpoena for the time being. You can raise it in
7 your case-in-chief, but you're going to have to proffer like
8 documents or something more than saying that she flew back and
9 forth. All right? So unless that can be shown, then I'm not
10 going to permit her to testify. On her subpoena, quashing it
11 now is based on the fact of what I stated with regard to
12 Mr. Bahn and a Rule 403 analysis.

13 Nora Rimando.

14 THE DEFENDANT: She's in the hospital here, but she
15 can't -- we excused her 'cause she's in the hospital.

16 THE COURT: All right. So you withdraw the subpoena
17 with regard to Ms. Rimando, R-i-m-a-n-d-o?

18 MR. ISAACSON: Your Honor, if I may --

19 THE COURT: Yes.

20 MR. ISAACSON: -- with Mr. Williams?

21 We're going to let her know she's not going to have to
22 testify.

23 THE COURT: Please advise her. Thank you.

24 Shirley Ann Stewart?

25 THE DEFENDANT: Employee in Washington, D.C.

1 THE COURT: All right. So same basis, I'm quashing
2 the subpoena based on what the court stated on the record with
3 regard to Mr. Bahn under a Rule 403 analysis, minimal relevance
4 outweighed by prejudice and potential for jury confusion.

5 Arnold Subia?

6 MR. SORENSON: Your Honor, Arnold and Evelyn Subia
7 are witnesses on our list that we'd be calling.

8 THE COURT: Okay. So you can do their examination
9 at that time.

10 MR. SORENSON: Oh, I'm sorry, Your Honor, not
11 Arnold. Evelyn. So we will not be calling Arnold.

12 THE COURT: Okay. So was Arnold a client too?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Then I'm not going to quash
15 his subpoena.

16 We've already handled Loreen Troxel.

17 Brenda Turville.

18 THE DEFENDANT: A client here.

19 THE COURT: Melvyn Ventura.

20 THE DEFENDANT: Client here.

21 THE COURT: Insolada Vincent.

22 THE DEFENDANT: A client here.

23 THE COURT: William Wagner.

24 THE DEFENDANT: He's a media that followed me very
25 closely, followed all my work that I did in the courts. He

1 videotaped my seminars, he visited me in Florida when I was
2 locked up, so he knows the ins and out of the charges here and
3 everywhere else.

4 THE COURT: Okay. So I'm quashing his subpoena
5 based on a Rule 403 analysis that his testimony's not relevant
6 and it's improper opinion testimony.

7 So Collette Watanabe already testified, right? Do we have
8 her testimony? No, you guys are going to call her as a
9 witness? She's from DCCA.

10 MR. SORENSON: She's not one of our witnesses, Your
11 Honor.

12 THE COURT: All right. So she's here. All right.

13 Barbara Williams, is she being called in the government's
14 case?

15 MR. SORENSON: No, Your Honor.

16 THE COURT: And so you have her under subpoena?

17 MR. ISAACSON: Your Honor, we -- the subpoena has
18 been issued and I have contacted both counsels and they've
19 agreed they will accept the subpoena, so...

20 THE COURT: Okay. Robert Young. So you
21 guys -- that's another witness that you have, Mr. Sorenson,
22 under the motion to quash?

23 MR. SORENSON: Yes, Your Honor.

24 THE COURT: Okay? So we'll deal with it at that
25 time.

1 MR. SORENSON: Yes.

2 THE COURT: Okay. And then the rest are I guess
3 documents? Or are these for the custodian of records? What
4 are these subpoenas, 68A and 68B, et cetera?

5 MR. ISAACSON: One moment, Your Honor, if I may?

6 THE COURT: Yes.

7 MR. ISAACSON: Your Honor, these are custodian of
8 records. We're trying to get documents, Judge.

9 THE COURT: Okay. All right. So I won't address
10 them unless the parties want me to.

11 All right. So we will set forth in our minutes who the
12 court has ruled as to quashed and has ruled not to quash, and
13 those that the defense may raise after the government rests.

14 All right. Any questions or clarifi -- yes, Mr. Williams.

15 THE DEFENDANT: Yes, I have a question. How is it
16 that my witnesses from out of state are not relevant, but when
17 the government want to call their FBI agents from out of state,
18 they're somehow relevant when they had nothing to do with the
19 Hawaii case or anything in the Indictment?

20 THE COURT: So I think that's where you failed to
21 see is that they did offer relevant testimony. It's not where
22 the people are located; it's what testimony they're going to
23 offer.

24 All right. So if nothing further, we'll see you tomorrow
25 morning. We start again at 8:30, and I wish all of you a very

1 good evening.

2 MR. ISAACSON: May I make one inquiry, Judge, if I
3 may?

4 THE COURT: Yes.

5 MR. ISAACSON: Your Honor, I'm curious how we stand
6 in terms of the government's timing of the case, if they have
7 any -- 11 -- I think 10 days. I'm just curious where we stand.

8 MR. SORENSON: Your Honor, I think until today we
9 felt we were pretty far ahead.

10 Your Honor, we think we may still finish by the end of
11 this week, not sure. Depends on how long these crosses go,
12 but, yeah, maybe by the end of the week if not Tuesday of next
13 week.

14 THE COURT: All right. So Wednesday perhaps we
15 could check in again on the timing?

16 MR. ISAACSON: I just want to -- we're trying to get
17 our witnesses so there's no big gap. I assume Mr. Williams
18 will make a motion, you know,
19 judgment-notwithstanding-the-verdict-type motion, and then we
20 will go right into -- I just want to be ready.

21 THE COURT: Yes. So I would say be prepared to
22 present a witness on Tuesday, next week Tuesday.

23 MR. ISAACSON: So there's -- holiday's Monday.

24 THE COURT: Yes.

25 MR. SORENSON: Yep.

1 MR. ISAACSON: Okay. So that's the instructions
2 from the Court?

3 THE COURT: Correct.

4 MR. ISAACSON: Next Tuesday, yes, Your Honor. Thank
5 you.

6 THE COURT: All right. Good day, everyone.

7 MR. SORENSON: Thank you, Your Honor.

8 THE COURT: Mr. Williams, you're remanded back to
9 the custody of the U.S. Marshals Services.

10 MR. ISAACSON: Your Honor, could we have 10 more
11 minutes with Mr. Williams?

12 THE COURT: Yeah, you may.

13 (Proceedings concluded at 3:26 P.M.)

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COURT REPORTER'S CERTIFICATE

I, DEBRA READ, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a complete, true, and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, March 31, 2020.

/s/ Debra Read

DEBRA READ, CSR CRR RMR RDR