



1 (FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; JANUARY 10, 2013,  
2 IN OPEN COURT.)

3 THE COURT: ALL RIGHT. WE WERE GOING TO LET YOU  
4 APPEAR BY PHONE.

5 MS. MITRANI: I KNOW, YOUR HONOR. BUT THANK YOU FOR  
6 THE COURTESY.

7 THE COURT: NO PROBLEM.

8 MS. MITRANI: I THINK I MADE IT BY A MINUTE.

9 THE COURT: YOU'RE GOOD. ALL RIGHT. LET'S GO AHEAD  
10 AND START.

11 MS. MITRANI: AND I APOLOGIZE IF I HAVE KEPT THE COURT  
12 WAITING.

13 THE COURT: NO. NO. NO. THAT'S NO PROBLEM. WE WILL  
14 JUST GET STARTED.

15 ALL RIGHT. THIS IS CASE NUMBER 12-60049, UNITED  
16 STATES VERSUS ROGERIO CHAVES SCOTTON.

17 WOULD COUNSEL PLEASE STATE THEIR APPEARANCES FOR THE  
18 RECORD.

19 MS. MITRANI: GOOD MORNING, YOUR HONOR. BERTHA  
20 MITRANI ON BEHALF OF THE UNITED STATES.

21 THE COURT: GOOD MORNING.

22 MR. ADELSTEIN: GOOD MORNING, YOUR HONOR. STU  
23 ADELSTEIN ON BEHALF OF MR. SCOTTON WHO IS PRESENT.

24 THE COURT: GOOD MORNING.

25 I WANTED TO GO AHEAD AND SET THIS CONFERENCE BECAUSE I

1 WANT TO SEE ABOUT HOW MUCH TIME MR. ADELSTEIN THINKS HE NEEDS  
2 IN ORDER TO PREPARE THIS CASE FOR TRIAL SO WE CAN GET THIS  
3 THING ON TRACK AND SET IT FOR A TRIAL.

4 MR. ADELSTEIN: YES, JUDGE. I DID IN FACT RECEIVE  
5 THREE BANKER BOXES YESTERDAY FROM MR. ARMSTRONG'S OFFICE LATE  
6 YESTERDAY.

7 I DID SPEAK TO THE GOVERNMENT CONCERNING THE DISCOVERY  
8 AND I AM LED TO BELIEVE IT IS NOT ONLY THE BANKER BOXES OF  
9 MATERIALS THAT HAVE ALREADY BEEN PRINTED OUT BUT THERE IS SOME  
10 ADDITIONAL DISCOVERY IN CD'S OR --

11 THE COURT: WELL, YES. THE BANKER BOXES INCLUDES  
12 ELECTRONIC MEDIA. SO, IT'S DECEPTIVE IF YOU ARE MEASURING IN  
13 TERMS OF BANKER BOXES. THERE IS ALSO PHYSICAL EVIDENCE TO  
14 REVIEW. SO, IT'S -- YOU KNOW, THERE IS SIGNIFICANT DISCOVERY.  
15 I UNDERSTAND.

16 MR. ADELSTEIN: I UNDERSTAND IT'S A RATHER OLD CASE IN  
17 THE FEDERAL STANDARDS AND HE HAS BEEN IN CUSTODY ALMOST A YEAR.

18 I DID TALK TO THE GOVERNMENT ABOUT MY SCHEDULE AND I  
19 AM GOING TO BY REQUESTING THAT THE MATTER BE SET DOWN SOMETIME  
20 IN SEPTEMBER.

21 THE COURT: OH, MY GOODNESS.

22 MR. ADELSTEIN: AND THE REASON I SAY THAT IS SO THE  
23 COURT KNOWS, I AM RIGHT NOW SPECIALLY SET TO START A TRIAL  
24 JANUARY 29TH BEFORE JUDGE LENARD.

25 NOW, WE DO HAVE AN EMERGENCY MOTION TO POSTPONE THAT

1 CASE FOR UP TO 90 DAYS BECAUSE WE WERE SCHEDULED TO FLY TO  
2 HAITI BUT THE STATE DEPARTMENT HAS ISSUES A WARNING THAT NO  
3 AMERICANS SHOULD --

4 THE COURT: GO TO HAITI.

5 MR. ADELSTEIN: -- TRAVEL TO HAITI.

6 THE COURT: YES.

7 MR. ADELSTEIN: AND WE ARE WAITING TO SEE IF IN FACT  
8 JUDGE LENARD IS GOING TO POSTPONE IT TO GIVE US AN OPPORTUNITY  
9 TO GET TO HAITI TO TALK TO SOME WITNESSES, AND WHAT HAVE YOU,  
10 BECAUSE MOST OF THE WITNESSES DEAL WITH HAITIAN CITIZENS.

11 IF THAT CASE IS NOT POSTPONED THAT TRIAL IS ESTIMATED  
12 TO TAKE ANYWHERE FROM THREE TO FIVE WEEKS. IF IT IS POSTPONED  
13 I DON'T THINK IT IS GOING TO BE POSTPONE MUCH MORE THAN  
14 PROBABLY MARCH OR APRIL.

15 I DO ALSO HAVE A MARCH -- END OF MARCH STATE FIRST  
16 DEGREE CAPITAL CASE SCHEDULED THAT IS APPROXIMATELY FIVE YEARS  
17 OLD THAT THE COURT OVER THERE HAS SAID THAT WE ARE GOING  
18 BARRING I'M IN TRIAL OBVIOUSLY BEFORE JUDGE LENARD.

19 I ALSO HAVE A CASE BEFORE YOUR HONOR SCHEDULED FOR  
20 5-13 --

21 THE COURT: YES.

22 MR. ADELSTEIN: THE TORRIANO JOHNSON, ET AL, THAT THE  
23 U.S. ATTORNEY'S OFFICE HAS NOT ADVISED ME WHETHER OR NOT THEY  
24 ARE AUTHORIZING OR NOT GOING TO SEEK --

25 THE COURT: THE DEATH PENALTY.

1 MR. ADELSTEIN: -- THE DEATH PENALTY.

2 THE COURT: I YES. I KNOW.

3 LET ME ASK YOU SOMETHING.

4 MR. ADELSTEIN: YES.

5 THE COURT: YOU OBVIOUSLY CAN'T TALK TOO MUCH ABOUT  
6 THAT CASE EXCEPT TO ASK, DO YOU KNOW WHEN WE ARE GOING TO FIND  
7 OUT ABOUT THAT?

8 MR. ADELSTEIN: I EXPECTED AN ANSWER FROM MY  
9 COMMUNICATIONS BY NOW. I THINK PROBABLY BY THE END OF THE  
10 MONTH --

11 THE COURT: ALL RIGHT.

12 MR. ADELSTEIN: -- I ANTICIPATE. ALTHOUGH I AM HOPING  
13 IT'S FAVORABLE TO US. OBVIOUSLY I'M STILL DOING SOME WORK ON  
14 THAT. SO IF THAT CASE GOES SOMEWHERE IN THAT AREA THAT'S WHY  
15 I'M ASKING FOR SEPTEMBER AS A REALISTIC DATE.

16 THERE IS A VOLUME OF MATERIALS THAT I NEED TO GO OVER.  
17 I DO BELIEVE THAT THERE MAY REQUIRE SOME WITNESSES, OR POSSIBLE  
18 WITNESSES FOR THE DEFENSE THAT RESIDE OUTSIDE THIS COUNTRY ON  
19 BEHALF OF MR. SCOTTON.

20 THE COURT: WHERE DO THEY RESIDE BECAUSE OBVIOUSLY  
21 SOME COUNTRIES ARE MORE CHALLENGING THAN OTHERS.

22 MR. ADELSTEIN: THIS I DON'T BELIEVE IS CHALLENGING AS  
23 THE HAITI TRIP. BRAZIL POSSIBLY.

24 THE COURT: ALL RIGHT.

25 MR. ADELSTEIN: I DON'T FORESEE ANY PROBLEMS. BUT

1 IT'S -- I'M WAY AT THE EARLY STAGES TO EVEN SUGGEST THAT I MAY  
2 HAVE TO SEND SOMEONE DOWN THERE OR GO DOWN THERE TO TALK TO  
3 POTENTIAL WITNESSES.

4 I KNOW THAT THOSE WITNESSES, IF THEY DO EXIST, WILL  
5 NOT BE COMING HERE BECAUSE THEY --

6 THE COURT: ARE THEY CONCERNED THERE MIGHT BE A  
7 WARRANT?

8 MR. ADELSTEIN: YES.

9 THE COURT: ALL RIGHT. I UNDERSTAND.

10 MR. ADELSTEIN: OKAY. SO, IT WOULD REQUIRE THAT. SO,  
11 REALISTICALLY THAT'S WHY I WOULD BE ASKING FOR SEPTEMBER. I  
12 KNOW THAT'S A LENGTHY TIME.

13 THE COURT: WELL, LET ME ASK YOU THIS.

14 MR. ADELSTEIN: YES.

15 THE COURT: I'M SURE YOU HAVE SPOKEN WITH MR. SCOTTON  
16 ABOUT THIS.

17 MR. ADELSTEIN: YES. I MET WITH HIM MONDAY. I MET  
18 WITH HIM TO INTRODUCE HIM ALSO TO MY INVESTIGATOR SO THAT WE  
19 COULD SPEED SOME THINGS UP REALIZING THE LENGTH OF THE CASE.

20 THE COURT: AND WHAT IS MR. SCOTTON'S POSITION?

21 MR. ADELSTEIN: HE IS IN AGREEMENT. HE IS NOT HAPPY  
22 ABOUT IT, BUT HE UNDERSTANDS THE WORK THAT NEEDS TO BE DONE.  
23 HE UNDERSTANDS -- BECAUSE I EXPLAINED MY SCHEDULE TO HIM ON  
24 MONDAY AND MY AVAILABILITY AS IT EXISTS RIGHT NOW, AND I THINK  
25 HE IS IN AGREEMENT WITH IT, CORRECT?

1 THE COURT: ALL RIGHT. AND CAN YOU JUST STATE INTO  
2 THE MICROPHONE FOR, PLEASE, SO I CAN HEAR IT, MR. SCOTTON?

3 THE DEFENDANT: YES, I DO.

4 THE COURT: OKAY. THANK YOU, MR. SCOTTON.

5 ALL RIGHT. ALL RIGHT. WELL, LET'S SEE IF WE CAN SET  
6 IT FOR THE VERY BEGINNING OF SEPTEMBER THEN.

7 MR. ADELSTEIN: YES, MA'AM.

8 THE COURT: WHAT'S THE VERY FIRST SETTING WE HAVE  
9 IN -- OH, LET ME JUST CHECK.

10 MISS MITRANI WHAT'S YOUR POSITION? I APOLOGIZE.

11 MS. MITRANI: NO. NO. NO. IF YOU WERE GOING TO SET  
12 IT IN SEPTEMBER I WAS JUST GOING TO ADVISE THAT THE WEEK OF  
13 SEPTEMBER 2ND WOULD NOT BE A GOOD WEEK. IT'S LABOR DAY AND IT  
14 IS ROSH HASHANAN. BUT BEYOND THAT -- YEAH. I SPOKE WITH  
15 MR. ADELSTEIN. AND IT'S AN EXTRAORDINARILY LONG CONTINUANCE.  
16 MY PREFERENCE WOULD BE TO START IT BEFORE THE START OF THE  
17 SCHOOL YEAR --

18 THE COURT: LET ME ASK THIS. CAN WE DO IT -- HOW  
19 ABOUT MIDWAY THROUGH AUGUST, WOULD THAT WORK?

20 MS. MITRANI: I'M SORRY TO INTERJECT. I APOLOGIZE,  
21 YOUR HONOR.

22 BUT I SPOKE ABOUT THIS WITH MR. ADELSTEIN. I WAS  
23 TRYING TO FIND OUT WHEN SCHOOL STARTS. IT'S EITHER THE WEEK OF  
24 THE 19TH OR 26TH, AND IT WOULD BE EXTRAORDINARILY DIFFICULT FOR  
25 ME TO SORT OF MANAGE THE TRANSITION BACK TO SCHOOL WITH THE

1 TRIAL.

2 SO, MY PREFERENCE WOULD BE EITHER -- IF IT'S GOING TO  
3 BE IN SEPTEMBER THE WEEK OF THE 9TH, OR IF IT'S GOING TO BE  
4 BEFORE SEPTEMBER LIKE THE WEEK OF AUGUST 5TH OR THE WEEK OF  
5 JULY 29TH. BUT LIKE I SAID, I MEAN, I -- AS A COURTESY TO  
6 COUNSEL IF HE WANTS IT IN SEPTEMBER I AM NOT GOING TO SAY NO,  
7 BUT I THINK THE FIRST WEEK IN SEPTEMBER IS NOT REALISTIC.

8 THE COURT: WHAT'S YOUR POSITION ON JULY 29TH?

9 MR. ADELSTEIN: JUDGE, ASSUMING THAT AT LEAST TWO OUT  
10 OF THREE TRIALS GO, WITH THE AMOUNT OF DISCOVERY THAT EVERYONE  
11 HAS TOLD ME ABOUT THAT'S PUSHING IT. OBVIOUSLY IF YOU SAY SO,  
12 I WOULD DO THE BEST I CAN. BUT --

13 THE COURT: WELL, I MEAN, WE ARE GOING TO CONTINUE IT  
14 SO THAT YOU WILL HAVE TIME TO BE PREPARED AND I WOULD LIKE TO  
15 DO IT AS SOON AS WE CAN WITHIN THAT TIME BECAUSE I KNOW  
16 MR. SCOTTON HAS BEEN IN DETENTION FOR AN EXTENDED PERIOD.

17 MS. MITRANI: WELL, THE WEEK OF THE 5TH.

18 I DON'T THINK THE 5TH WILL WORK ON MY SCHEDULE.

19 MS. MITRANI: OKAY.

20 THE COURT: HOW LONG IS THE TRIAL SUPPOSED TO LAST?

21 MS. MITRANI: I THINK ROUGHLY A WEEK. YOU KNOW, YOUR  
22 HONOR, YOU KNOW HOW THESE THINGS GO. I MEAN, IT'S CERTAINLY  
23 NOT A MONTHS, AND IT'S CERTAINLY NOT TWO DAYS. SO I WOULD  
24 SAY --

25 THE COURT: WELL, IT'S GOING TO HAVE TO THEN BE THE

1 WEEK OF THE -- IS THERE A WAY TO CHECK WHEN SCHOOL BEGINS?

2 MS. MITRANI: I DID A WHOLE BUNCH OF GOOGLE SEARCHES  
3 AND I COULDN'T COME UP WITH IT. SO, MY BEST, JUST BASED ON  
4 PAST EXPERIENCE, IT USUALLY STARTS EITHER THE SECOND TO THE  
5 LAST WEEK OF AUGUST OR THE LAST WEEK. SO, IT'S EITHER THE 19TH  
6 OR THE 26TH. BUT I DID, YOUR HONOR, DO SOME SEARCHES YESTERDAY  
7 AND COULDN'T COME UP WITH --

8 THE COURT: OKAY. WHAT IF THEY DO THIS.

9 WHAT IF WE SET IT FOR THE WEEK OF THE 26TH, AND IF  
10 SCHOOL STARTS THEN WE WILL RESET IT FOR THE 9TH OF SEPTEMBER.  
11 BUT I WOULD LIKE TO TRY TO GET IT AS SOON AS WE CAN. SO, I AM  
12 SORT OF ROLLING THE DICE THAT HOPEFULLY SCHOOL STARTS THE WEEK  
13 OF THE 19TH. IF IT STARTS THE WEEK OF THE 26TH YOU NEED TO LET  
14 US KNOW IMMEDIATELY AND WE WILL RESET IT FOR THE 9TH.

15 MS. MITRANI: OKAY.

16 THE COURT: WILL THAT WORK?

17 MS. MITRANI: SURE, YOUR HONOR. YES. YES, YOUR  
18 HONOR.

19 THE COURT: I MEAN, MR. SCOTTON HAS BEEN IN PRISON FOR  
20 QUITE SOME TIME.

21 MS. MITRANI: NO. NO. I SAW THAT AND THAT'S WHY I  
22 WAS GOING TOWARDS JULY. IT'S NOT -- IT'S NOT THAT I WANT THE  
23 DELAY BUT I UNDERSTAND THE REASON FOR THE DELAY.

24 THE COURT: I KNOW. I AM JUST -- I KNOW.

25 MS. MITRANI: JUGGLING LIKE EVERY PROSECUTOR.

1 THE COURT: I COMPLETELY UNDERSTAND. I KNOW EVERYBODY  
2 HAS GOT A LOT OF DIFFERENT THINGS WE ARE ALL TRYING TO FIT IN,  
3 IN A TIMELY WAY. SO I UNDERSTAND WHAT YOU'RE SAYING.

4 ALL RIGHT. AND, MR. ADELSTEIN, IF YOU FIND WHEN YOU  
5 START GOING THROUGH THE DISCOVERY THAT YOU CAN BY READY BY THE  
6 29TH --

7 MR. ADELSTEIN: YES, MA'AM.

8 THE COURT: -- IF YOU LET ME KNOW THAT AS SOON AS  
9 POSSIBLE BECAUSE OBVIOUSLY WE DON'T WANT TO SPRING THAT ON THE  
10 GOVERNMENT ON THE 28TH --

11 MR. ADELSTEIN: NO.

12 THE COURT: -- I WILL MOVE IT UP --

13 MR. ADELSTEIN: YES, MA'AM.

14 THE COURT: TO THE 29TH. I AM GOING TO PRIORITIZE  
15 THIS CASE SO WE CAN GET IT IN.

16 MR. ADELSTEIN: YES, MA'AM.

17 THE COURT: ALL RIGHT. IS THERE ANYTHING ELSE WE NEED  
18 TO ADDRESS THEN?

19 MR. ADELSTEIN: NO, YOUR HONOR.

20 MS. MITRANI: NO, YOUR HONOR, NOT -- WAIT. EXCUSE ME,  
21 YOUR HONOR.

22 MR. ADELSTEIN: ACTUALLY THERE IS ONE OTHER THING.

23 THE COURT: ALL RIGHT.

24 MR. ADELSTEIN: AND THAT IS MR. SCOTTON WAS AT FDC.  
25 HE WAS BROUGHT UP I KNOW FOR THE HEARINGS. I AM HOPING HE WILL

1 BE BROUGHT BACK DOWN TO FDC.

2 THE COURT: RIGHT. I DON'T TELL --

3 MR. ADELSTEIN: I KNOW.

4 THE COURT: -- THEM WHAT TO DO, BUT I WILL REQUEST  
5 THAT IF THE MARSHAL SERVICE CAN SEND HIM BACK TO FDC THAT WOULD  
6 BE GREAT. IT WOULD FACILITATE MR. ADELSTEIN'S BEING ABLE TO  
7 CONFER WITH HIS CLIENT AND SPEED THINGS ALONG. SO IF YOU COULD  
8 POSSIBLY COULD, MY PERSONAL THANKS.

9 MR. ADELSTEIN: THANK YOU.

10 MS. MITRANI: I GUESS TWO OTHER THINGS FROM THE  
11 GOVERNMENT.

12 ONE, I ASSUME THAT WHEN THE JUDGE ISSUES AN ORDER IT  
13 WILL WAIVE SPEEDY TRIAL.

14 THE COURT: YES. ABSOLUTELY I WILL DO THAT ON THE  
15 RECORD.

16 ALL RIGHT. FOR THE REASONS THAT HAVE PREVIOUSLY BEEN  
17 DISCUSSED IN PRIOR HEARINGS AND THE NEED FOR THE FIFTH COUNSEL  
18 TO COME INTO THIS CASE AT THIS TIME, AS WELL AS THE PREPARATION  
19 THAT IS REQUIRED IN ORDER FOR COUNSEL TO BE SUFFICIENTLY READY  
20 FOR TRIAL, AND WITH THE APPROVAL -- I UNDERSTAND IT IS NOT THE  
21 HAPPY APPROVAL, BUT WITH THE APPROVAL OF MR. SCOTTON AND THE  
22 STRATEGY OF GOING FORWARD I AM GOING TO FIND THAT THE ENDS OF  
23 JUSTICE OUTWEIGH THE INTEREST INTERESTS OF THE PUBLIC AND THE  
24 DEFENDANT IN A SPEEDY TRIAL AND JUSTIFY THE CONTINUANCE FROM  
25 NOW UNTIL THE START OF TRIAL, AS LATE AS THE TRIAL PERIOD OF

1 SEPTEMBER -- THE TWO WEEK TRIAL PERIOD BEGINNING SEPTEMBER THE  
2 9TH. IF WE CAN START EARLIER WE WILL.

3 AS I SAID, MR. ADELSTEIN, ONCE YOU TAKE A LOOK AT THE  
4 DISCOVERY IF THERE IS ANY WAY YOU THINK YOU CAN BE READY BY THE  
5 29TH, JUST GIVE MR. BARRY A CALL AND MAKE SURE OBVIOUSLY THAT  
6 YOU GIVE MISS MITRANI A CALL AS WELL AND WE WILL MOVE IT RIGHT  
7 UP TO THE 29TH.

8 MR. ADELSTEIN: YES, MA'AM.

9 THE COURT: OKAY.

10 MR. ADELSTEIN: THANK YOU, YOUR HONOR.

11 MS. MITRANI: I AM SO SORRY. WE HAVE BEEN HASHING THE  
12 DATES OUT. DOES THE WEEK OF AUGUST 12TH WORK FOR THE COURT, OR  
13 THAT DOESN'T WORK FOR THE COURT.

14 THE COURT: THAT DOESN'T WORK EITHER. I'M SORRY.

15 MS. MITRANI: NO PROBLEM. I JUST FIGURED I WOULD ASK.

16 THE COURT: NO PROBLEM.

17 MS. MITRANI: THANK YOU, YOUR HONOR.

18 THE COURT: ALL RIGHT. THANK YOU.

19 YOU ALL HAVE A NICE DAY.

20 MS. MITRANI: YOU TOO, YOUR HONOR.

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C E R T I F I C A T E

UNITED STATES OF AMERICA  
SOUTHERN DISTRICT OF FLORIDA

I, CARL SCHANZLEH, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING 12 PAGES CONSTITUTE A TRUE TRANSCRIPT OF THE PROCEEDINGS HAD BEFORE THE SAID COURT HELD IN THE CITY OF FORT LAUDERDALE, FLORIDA, IN THE MATTER THEREIN STATED.

IN TESTIMONY WHEREOF, I HEREUNTO SET MY HAND ON THIS 20TH DAY OF JULY 2014.

/S/CARL SCHANZLEH  
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