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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

12-60049-CR-RSR/MATTHEWMAN

THE UNITED STATES OF AMERICA,)
)
PLAINTIFF,)
)
VS.)
)
ROGERIO CHAVES SCOTTON,)
)
DEFENDANT.)
-----)

(TRANSCRIPT BY DIGITAL RECORDING)

TRANSCRIPT OF CALENDAR CALL HAD BEFORE THE HONORABLE
ROBIN S. ROSENBAUM, IN FORT LAUDERDALE, BROWARD COUNTY,
FLORIDA, ON JANUARY 15, 2014, IN THE ABOVE-STYLED MATTER.

APPEARANCES:

FOR THE GOVERNMENT: BERTHA R. MITRANI, A.U.S.A.
500 E. BROWARD BLVD., 7TH FLOOR
FORT LAUDERDALE, FL 33301 - 954 356-7255

FOR THE DEFENDANT: JASON W. KREISS, ESQ.
1824 SE 4TH AVENUE
FORT LAUDERDALE, FL 33316 - 954 525-1971

CARL SCHANZLEH RPR - CM
CERTIFIED COURT REPORTER
9960 SW 4TH STREET
PLANTATION, FLORIDA 33324
954 424-6723

1 (FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; JANUARY 15, 2014,
2 IN OPEN COURT.)

3 THE COURT: JUST ONE MINUTE, PLEASE.

4 OKAY. LET'S GO AHEAD WITH CASE NUMBER 12-60049, THE
5 UNITED STATES VERSUS ROGERIO CHAVES SCOTTON.

6 WOULD COUNSEL PLEASE STATE THEIR APPEARANCES FOR THE
7 RECORD.

8 MS. MITRANI: GOOD AFTERNOON, YOUR HONOR. BERTHA
9 MITRANI ON BEHALF OF THE UNITED STATES. WITH ME AT COUNSEL
10 TABLE IS SPECIAL AGENT ROY VAN BRUNT WITH THE FBI.

11 THE COURT: GOOD AFTERNOON.

12 THE DEFENDANT: GOOD AFTERNOON, YOUR HONOR.

13 THE COURT: GOOD AFTERNOON, MR. SCOTTON.

14 WOULD YOU PLEASE MAKE YOUR APPEARANCE FOR THE RECORD.

15 THE DEFENDANT: YES, YOUR HONOR.

16 GOOD AFTERNOON. ROGERIO SCOTTON.

17 THE COURT: THANK YOU VERY MUCH.

18 AND GO AHEAD, MR. KREISS.

19 MR. KREISS GOOD AFTERNOON, YOUR HONOR. JASON KREISS,
20 STANDBY COUNSEL FOR MR. SCOTTON.

21 THE COURT: OKAY. THANK YOU.

22 THIS CASE IS SET FOR TRIAL FOR NEXT WEEK. THERE ARE A
23 VARIETY OF MOTIONS, MANY OF WHICH HAVE EITHER BEEN DECIDED OR
24 FOR WHICH THERE IS A PENDING REPORT AND RECOMMENDATION THAT
25 JUDGE MATTHEWMAN ISSUED AND SOME OF WHICH FOR WHICH THERE ARE

1 NOT.

2 LET ME JUST -- I THINK I'M GOING TO NEED A LITTLE BIT
3 MORE TIME THAN I PROBABLY HAVE AT THE CALENDAR CALL TO ADDRESS
4 ALL OF THESE MOTIONS, BUT LET ME ADDRESS A FEW OF THEM. SO
5 THAT I CAN AT LEAST MAKE SURE THAT WE CAN PROCEED.

6 FIRST -- LET'S SEE IF I CAN FIND IT.

7 ALL RIGHT. THERE IS A SEALED MOTION THAT MR. SCOTTON
8 FILED. IT IS DOCKET ENTRY NUMBER 287. BECAUSE IT IS SEALED I
9 DON'T WANT TO ADDRESS IT IN FRONT OF EVERYONE EXCEPT TO SAY
10 THAT WHEN I REVIEWED THAT MOTION IT APPEARS TO ME THAT
11 MR. SCOTTON IS UNDER THE IMPRESSION THAT HE DOES NOT HAVE
12 COUNSEL IN THIS CASE AS A PUNISHMENT OR BECAUSE THE COURT IS
13 UNHAPPY WITH HIM.

14 I WANT TO MAKE IT VERY CLEAR THAT THAT IS NOT THE CASE
15 AT ALL, AND THAT THE COURT DOESN'T GET INVOLVED IN THOSE KINDS
16 OF THINGS.

17 THE REASON THAT YOU DON'T HAVE COUNSEL, MR. SCOTTON,
18 AS WE'VE PREVIOUSLY DISCUSSED, BUT I JUST -- I SENSE THAT YOU
19 MAY NOT UNDERSTAND THIS BASED THE WAY THIS MOTION IS, AND I
20 WANT TO MAKE SURE YOU DO, BECAUSE THERE HAVE BEEN SIX PRIOR
21 ATTORNEYS IN THIS CASE INCLUDING THREE THAT THE COURT HAS PAID
22 TO COME UP TO SPEED IN THIS CASE AND YOU HAVEN'T BEEN ABLE TO
23 GET ALONG WITH ANY OF THEM.

24 YOU WERE INSTRUCTED AT THE TIME THAT YOU FIRED EACH OF
25 THE THREE COURT APPOINTED ATTORNEYS THAT IF YOU COULD NOT GET

1 ALONG WITH YOUR ATTORNEYS THAT EVENTUALLY THERE WOULD COME A
2 POINT WHERE YOU WOULD HAVE TO REPRESENT YOURSELF.

3 THE PROBLEM IS THAT THE COURT CANNOT CONTINUE TO PAY
4 PEOPLE TO LEARN THE EXACT SAME THING THAT THREE OTHER ATTORNEYS
5 HAVE ALREADY BEEN PAID TO LEARN IN THIS CASE WHEN YOU HAVE NOT
6 DEMONSTRATED THAT YOU ARE WILLING TO COOPERATE WITH THEM. THE
7 COURT JUST DOESN'T HAVE THE MONEY TO KEEP PAYING NEW PEOPLE TO
8 DO THAT.

9 PLUS IT RESULTS IN DELAYS, AS THE COURT HAS ALSO
10 ADVISED YOU, MR. SCOTTON, AND THERE COMES A POINT WHEN THE CASE
11 JUST REALLY NEEDS TO GO TO TRIAL.

12 SO, JUST TO BE CLEAR, NONE OF THIS IS BEING DONE AS A
13 PUNISHMENT OR BECAUSE THE COURT IS SOMEHOW UNHAPPY WITH YOU.
14 IT'S BEING DONE BECAUSE THE CASE NEEDS TO GET TO TRIAL AND
15 BECAUSE YOU HAVEN'T BEEN ABLE TO WORK WITH ANY OF THE
16 ATTORNEYS. IN FACT, YOU HAVE USED ONE OF THEM AND YOU HAVE
17 THREATENED TO SUE ANOTHER ONE. AND ULTIMATELY I THINK AFTER
18 YOU HAVE GO THROUGH SIX ATTORNEYS, THREE OF WHOM THE COURT PAYS
19 FOR THAT UNDER UNITED STATES VERSUS GARY, WHICH IS AN ELEVENTH
20 CIRCUIT CASE WHICH I HAVE PREVIOUSLY CITED, THAT YOU
21 DEMONSTRATE THROUGH YOUR CONDUCT THAT YOU ARE WAIVING YOUR
22 RIGHT TO BE REPRESENTED BY COUNSEL.

23 SO, I APPRECIATE WHAT WAS SAID IN THE MOTION BUT I'M
24 SORRY WE ARE PAST THAT POINT AND WE NEED TO GET THIS CASE TO
25 TRIAL. SO, I CAN ADDRESS THE OTHER ASPECTS OF IT OUTSIDE OF

1 EVERYBODY ELSE'S PRESENCE BUT I DID WANT TO LET YOU KNOW THAT
2 PART ON THE RECORD IN FRONT OF EVERYBODY ELSE BECAUSE I DON'T
3 WANT YOU GOING BACK THINKING THAT FOR SOME REASON THE COURT HAS
4 RULED THE WAY THAT IT IS BECAUSE THE COURT DOESN'T LIKE YOU OR
5 SOME OTHER REASON THAT YOU HAVE SUGGESTED IN THAT MOTION.

6 NOW, AS TO THE MOTIONS THAT ARE PENDING. THERE
7 ARE A FEW REPORTS AND RECOMMENDATIONS THAT WERE ISSUED EITHER
8 YESTERDAY OR TODAY. AND USUALLY YOU WOULD HAVE 14 DAYS TO FILE
9 ANY OBJECTIONS THAT YOU MIGHT HAVE TO THOSE REPORTS AND
10 RECOMMENDATIONS. BUT BECAUSE WE ARE STARTING TRIAL NEXT WEEK
11 THAT IS NOT GOING TO BE POSSIBLE.

12 BUT I DO WANT TO GIVE YOU AN OPPORTUNITY TO ADVISE ME
13 OF ANY OBJECTIONS THAT YOU MIGHT HAVE TO THOSE REPORTS AND
14 RECOMMENDATIONS BUT I DON'T EXPECT YOU TO BE READY AS YOU SIT
15 HERE TODAY SINCE I HAVEN'T PREVIOUSLY GIVEN YOU NOTICE OF IT.
16 SO, WHAT I WOULD LIKE TO DO IS SET A MOTIONS DATE IN THIS
17 PARTICULAR CASE FOR MONDAY MORNING -- I AM SORRY, NOT MONDAY
18 MORNING. FRIDAY MORNING, TWO DAYS FROM NOW -- YES
19 MISS MITRANI?

20 MS. MITRANI: I'M SORRY, YOUR HONOR. THE GOVERNMENT
21 HAS A -- WELL, I DON'T KNOW WHAT TIME THE COURT IS PLANNING TO
22 DO IT BUT THE GOVERNMENT HAS A CONTESTED SENTENCING IN FRONT OF
23 JUDGE ZLOCH FRIDAY MORNING.

24 THE COURT: WHAT TIME?

25 MS. MITRANI: AT 10:30.

1 THE COURT: OKAY. WE COULD DO IT -- WELL, COULD WE DO
2 IT AT NINE?

3 MS. MITRANI: IF I CAN BE IN COURT BY 10:30 IN FRONT
4 OF JUDGE ZLOCH.

5 THE COURT: I UNDERSTAND YOU NEED TO BE IN FRONT OF
6 JUDGE ZLOCH AND I WON'T KEEP YOU. I DON'T -- I DON'T WANT TO
7 DO THAT EITHER. SO --

8 MS. MITRANI: NINE A.M. IS FINE. I HAVE NO CONFLICT
9 AT NINE A.M.

10 THE COURT: ALL RIGHT. I MEAN, ALTERNATIVELY WE CAN
11 DO IT TOMORROW. WILL THAT GIVE YOU ENOUGH TIME TO GET READY
12 FOR THE HEARING, MR. SCOTTON, OR WOULD YOU RATHER DO IT FRIDAY
13 AT NINE?

14 THE DEFENDANT: FRIDAY WOULD BE BETTER FOR ME.

15 THE COURT: ALL RIGHT. SO LET'S DO IT FRIDAY AT NINE.
16 IF WE ARE NOT DONE BY 10:30 WE WILL BREAK AT 10:30 AND WE WILL
17 COME BACK AND FINISH WHEN YOU ARE DONE WITH YOUR SENTENCING.

18 MS. MITRANI: THANK YOU, YOUR HONOR.

19 THE COURT: ALL RIGHT. SO, WE WILL ADDRESS -- SO, AT
20 THAT TIME, MR. SCOTTON, IF YOU HAVE ANY OBJECTIONS TO ANY OF
21 THE PENDING REPORTS AND RECOMMENDATIONS, OR YOU ARE TAKING
22 ISSUE WITH ANY OF THE ORDERS THAT JUDGE MATTHEWMAN HAS ENTERED
23 THAT WOULD BE THE TIME TO BE PREPARED TO ADDRESS THOSE.

24 DO YOU UNDERSTAND, MR. SCOTTON?

25 THE DEFENDANT: WHEN I'M GOING TO HAVE THE ORDERS

1 BECAUSE I DON'T HAVE ANY OF THOSE --

2 THE COURT: WE CAN PRINT OUT COPIES FOR YOU.

3 MR. PERRY, WOULD YOU MIND PRINTING OUT COPIES OF
4 EVERYTHING THAT'S BEEN POSTED TO DOCKET SHEET IN THE LAST WEEK
5 AS FAR AS ORDERS AND REPORTS AND RECOMMENDATIONS GO. ONLY
6 ORDERS, REPORTS, AND RECOMMENDATIONS.

7 ALL RIGHT. AND WE WILL PROVIDE THEM TO YOU.

8 WHAT I WOULD LIKE TO DO IS GO TO THE OTHER MATTERS ON
9 MY CALENDAR AND COME BACK SO I DON'T MAKE EVERYBODY SIT THROUGH
10 THE REST OF THIS. SO THAT'S WHAT I'M GOING TO DO.

11 I JUST WANTED TO CONFIRM THAT I INTEND TO TRY THIS
12 CASE BEGINNING NEXT -- WHAT WILL WORK OUT TO BE NEXT WEDNESDAY
13 BECAUSE MONDAY IS A HOLIDAY, TUESDAY I HAVE MOTIONS AND
14 SENTENCINGS AND CHANGES OF PLEA ALL DAY. SO, WEDNESDAY WE
15 WOULD START TO TRY THIS CASE.

16 I NEEDED TO JUST DO THAT BECAUSE THE OTHER TWO TRIALS
17 ON THE CALENDAR I THINK ARE MAYBE ALSO READY TO GO TO TRIAL.
18 SO I JUST WANTED TO MAKE SURE THAT I CONFIRM THAT BEFORE I MOVE
19 ON TO THE NEXT ONE.

20 WHAT DO WE THINK THIS IS GOING TO TAKE AS FAR AS HOW
21 MANY DAYS TO TRY THIS CASE?

22 MS. MITRANI: I WOULD SAY UNDER THE CIRCUMSTANCES -- I
23 MEAN, A LONG ESTIMATE? FIFTEEN TO 18 TRIAL DAYS. MAYBE 15 TO
24 20 TRIAL DAYS. IT'S -- I'M SURE THE COURT UNDERSTANDS IT'S
25 HARD FOR ME TO ESTIMATE CERTAIN MATTERS. I COULD SAY I THINK

1 UNDER A NORMAL CIRCUMSTANCES THE GOVERNMENT CASE WOULD BE
2 APPROXIMATELY 10 TRIAL DAYS.

3 THE COURT: OKAY. THANK YOU.

4 MR. SCOTTON, WHAT DO YOU THINK ABOUT HOW MUCH TIME YOU
5 THINK THAT -- AND, YOU KNOW, YOU DON'T HAVE TO TELL US WHETHER
6 YOU ARE PUTTING ON A CASE OR ANYTHING. I DON'T WANT YOU TO
7 FEEL THAT YOU NEED TO DO THAT AT THIS POINT. BUT AS FAR AS
8 CROSS-EXAMINATION AND THINGS OF THAT NATURE CAN YOU GIVE ME A
9 ROUND ABOUT FIGURE ABOUT -- OF HOW MANY DAYS YOU THINK THAT
10 THIS CASE IS GOING TO REQUIRE TO TRY?

11 THE DEFENDANT: IT'S DEPENDING WHETHER I WILL BE ABLE
12 TO CALL -- I'M GOING TO BE ALLOWED TO CALL MY WITNESS.

13 THE COURT: WELL, YOU CAN -- OF COURSE, YOU HAVE A
14 RIGHT TO COMPEL WITNESSES TO TESTIFY IF THEY OTHERWISE MEET THE
15 STANDARDS UNDER THE STATUTE FOR THE COURT TO PAY FOR THEM TO BE
16 SUBPOENAED. AND THOSE ISSUES HAVE BEEN ADDRESSED IN LARGE PART
17 BY JUDGE MATTHEWMAN WHICH WE WILL FURTHER ADDRESS ON FRIDAY.
18 SO, MAYBE IT IS BETTER IF I FIGURE OUT THE TIMING OF THIS ON
19 FRIDAY AFTER THE HEARING.

20 THE DEFENDANT: OKAY.

21 THE COURT: ALL RIGHT. SO LET ME PUT THIS ON RECALL
22 FOR JUST A FEW MINUTES WHILE I ADDRESS THE OTHER MATTERS THAT
23 ARE ON MY CALENDAR.

24 ALL RIGHT, SIR. SO THE NEXT ONE IS --

25 ARE WE CALLING FOR MR. SHOHAT? YES?

1 THE CLERK: THEY ARE ON SPEAKER PHONE.

2 THE COURT: SO LET'S CALL THEM ON THE PHONE AND ASK
3 THEM TO TAKE IT OFF SPEAKER PHONE AND THEN WE WILL CALL THEM
4 BACK.

5 THANK YOU SO MUCH.

6 EVERYBODY AWAKE NOW?

7 MS. MITRANI: YES.

8 THE COURT: COUNSEL?

9 MR. SHOHAT: YES, JUDGE.

10 THE COURT: ALL RIGHT. CAN COUNSEL FOR BOTH PARTIES
11 HEAR ME?

12 MR. SHOHAT: I CAN HEAR YOU. THIS IS ED SHOHAT.

13 THE COURT: TERRIFIC.

14 AND HOW ABOUT COUNSEL FOR THE GOVERNMENT?

15 MR. COATS: THIS IS BEN COATS. YES, YOUR HONOR, I CAN
16 HEAR YOU.

17 THE COURT: OKAY. VERY GOOD.

18 THIS IS CASE NUMBER 12-20157, UNITED STATES OF AMERICA
19 VERSUS RAMONE ENRICA ACOSTA.

20 ARE WE READY FOR TRIAL?

21 MR. COATS: YES, YOUR HONOR.

22 MR. SHOHAT: YOUR HONOR, YOU JUST ANNOUNCED ACOSTA.
23 YOU DIDN'T ANNOUNCE ROWINSKY. SO, AS I THINK YOU MAY KNOW BY
24 NOW MR. ROWINSKY ENTERED A GUILTY PLEA THIS MORNING IN FRONT OF
25 JUDGE MORENO.

1 THE COURT: YES.

2 MR. SHOHAT: IS THAT (UNINTELLIGIBLE) GETTING ON THE
3 LINE?

4 THE COURT: NO.

5 MR. SHOHAT: BECAUSE HE WAS ON THE LINE WITH ME WHILE
6 WE WERE WAITING. HE (UNINTELLIGIBLE) BEN COATS WHEN WE CALLED
7 BACK. BUT MR. ROWINSKY'S GUILTY PLEA HAS A CONDITION IN IT
8 THAT THE CASE IN FRONT OF YOUR HONOR WILL BE DISMISSED.

9 THE COURT: OKAY. AND, SO LET'S FOCUS FOR A MOMENT ON
10 ACOSTA. ARE WE READY TO TRY MR. ACOSTA'S CASE?

11 MR. COATS: THE GOVERNMENT IS, YOUR HONOR.

12 THE COURT: IS MR. ACOSTA READY?

13 THE CLERK: (INAUDIBLE) RESPONDED TO MY E-MAIL.

14 THE COURT: OH, I APOLOGIZE. I APOLOGIZE. I SEE
15 WHY -- OKAY. MR. SHOHAT YOU ARE TALKING ABOUT MR. ROWINSKY.

16 MR. SHOHAT: YES.

17 THE COURT: ALL RIGHT. LET'S TALK ABOUT MR. ROWINSKY
18 THEN.

19 WITH RESPECT TO MR. ROWINSKY LET ME ASK THE
20 GOVERNMENT, WILL THE GOVERNMENT BE DISMISSING THE CASE AGAINST
21 MR. ROWINSKY?

22 MR. COATS: WE WILL ONCE HE IS SENTENCED IN THE JUDGE
23 MORENO'S CASE, YOUR HONOR. SO WHAT I THINK WHAT I CAN DO IS
24 CONTINUE THE CASE AGAINST MR. ROWINSKY WITH THE UNDERSTANDING
25 THAT ONCE HE IS SENTENCE INDUSTRY THE OTHER CASE WE WILL

1 DISMISS THE CHARGES IN FRONT OF THIS COURT.

2 THE COURT: OKAY. IS MR. ROWINSKY ON THE PHONE?

3 MR. SHOHAT: NO, JUDGE, HE IS NOT. BUT I CAN GET A
4 WRITTEN STATEMENT FROM HIM THAT HE HAS NO OBJECTION TO THAT.

5 THE COURT: OKAY. AND WHEN IS --

6 MR. SHOHAT: AND FILE IT WITH THE COURT.

7 THE COURT: THANK YOU. WHEN IS SENTENCING SET FOR?

8 MR. SHOHAT: MARCH 25TH.

9 THE COURT: OKAY. SO, WHAT DAY OF THE WEEK IS THAT,
10 DO YOU KNOW?

11 MR. SHOHAT: I THINK IT IS A TUESDAY, YOUR HONOR.

12 THE COURT: SO LET'S SAY THAT --

13 MR. SHOHAT: LET ME JUST DOUBLE-CHECK THAT FOR YOU.
14 MARCH 25TH -- NO. THAT'S APRIL. MARCH 25TH IS -- YES, A
15 TUESDAY.

16 THE COURT: ALL RIGHT. SO WHAT I WANT TO DO THEN IS
17 RESET HIS TRIAL FOR THE TRIAL PERIOD BEGINNING MARCH 31ST, AND
18 I NEED HIM -- I NEED TO FIND OUT IF THAT'S OKAY WITH HIM SINCE
19 I COULD START HIS TRIAL IMMEDIATELY AFTER THE OTHER TRIAL THAT
20 I'M STARTING NEXT WEEK.

21 MR. SHOHAT: IT'S OKAY WITH HIM AND I WILL FILE THE
22 PLEADINGS THAT COVERS ALL OF THAT.

23 THE COURT: ALL RIGHT. WOULD YOU MIND DOING THAT THIS
24 WEEK, PLEASE?

25 MR. SHOHAT: YES. I WILL GET IT IN TO YOU, JUDGE.

1 THE COURT: ALL RIGHT. TERRIFIC. THANK YOU.

2 AND LET ME -- SO, MR. SHOHAT, I THINK THAT'S ALL WE
3 NEED FROM YOU.

4 IS THERE ANYTHING ELSE WE NEED TO ADDRESS WHILE
5 MR. SHOHAT IS ON THE LINE?

6 MR. COATS: NO, JUDGE.

7 THE COURT: ALL RIGHT. THEN THANK YOU, MR. SHOHAT.
8 HAVE A GREAT REST OF YOUR WEEK.

9 MR. SHOHAT: THANK YOU, JUDGE.

10 THE COURT: AND WE HAVE MR. --

11 THE CLERK: (INAUDIBLE)

12 THE COURT: I AM SORRY. CAN YOU SPEAK INTO A
13 MICROPHONE AND LET ME TELL YOU WHY.

14 NUMBER ONE, OTHERWISE THE GOVERNMENT CAN'T HEAR YOU;
15 AND, NUMBER TWO, YOU HAVE TO TURN IT ON.

16 (END OF TAPE)

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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
CARL SCHANZLEH, RPR-CM
CERTIFIED COURT REPORTER
9960 SW 4TH STREET
PLANTATION, FL 33324
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