

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 12-60049-CR-FAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROGERIO CHAVES SCOTTON,

Defendant.

DECEMBER 10, 2013

WEST PALM BEACH, FLORIDA

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TRANSCRIPT OF EX PARTE HEARING  
BEFORE THE HONORABLE WILLIAM MATTHEWMAN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE DEFENDANT:

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Friday, December 13, 2013

P-R-O-C-E-E-D-I-N-G-S

1  
2 THE COURT: All right. Good afternoon, everybody.  
3 Let's go ahead and call the case, please.

4 THE COURTROOM DEPUTY: Calling United States of  
5 America versus Rogerio Chaves Scotton, case number  
6 12-60049-CR-Rosenbaum/Matthewman, second superceding.

7 THE COURT: All right. And let's get appearances,  
8 please.

9 We have Mr. Scotton here, proceeding pro se.

10 Good afternoon, Mr. Scotton.

11 Who else do we have?

12 MR. KREISS: Good afternoon, Your Honor. Jason  
13 Kreiss, Standby Counsel for Mr. Scotton. This is Felipe  
14 Jaramillo, who's an attorney in my office.

15 THE COURT: All right.

16 MR. JARAMILLO: Good afternoon, Judge.

17 THE COURT: Mr. Jaramillo, how are you this  
18 afternoon?

19 MR. JARAMILLO: Fine, thank you, Your Honor.

20 THE COURT: Great.

21 This matter is down today for an in camera ex parte  
22 hearing on the Defendant's motion to compel various procedural  
23 matters, Docket Entry 207, and I believe that's what it's set  
24 down for, and I know there were some other motions that were  
25 filed, we may start to address those.

1           There are certain issues that need to be addressed  
2 today, so why don't we first start, I think, with the first  
3 issue here.

4           And just for the record, the hearing is sealed. It's  
5 being held ex parte, and the only people that are present are  
6 my staff, courtroom security officers, marshals, Mr. Scotton,  
7 and his Standby Counsel.

8           The Government is not present because this deals with  
9 Defense matters, such as service of subpoenas and potentially  
10 expert matters.

11           And also, before we get started, let me -- well, I'll  
12 get to that in a minute. Let's see if we can't go through one  
13 thing at a time, I'll get to that shortly.

14           As far as the subpoenas, I know one of the reasons we  
15 set the hearing down this afternoon was because the Defendant  
16 had made a request for Rule 17(b) subpoenas, and obviously,  
17 under Rule 17(b), there has to be a good faith basis for the  
18 subpoenas, they have to be relevant to the matter, and the  
19 motion that had been filed did not specify any addresses or  
20 any justification for the Rule 17(b) subpoena request.

21           So I think it was set down today so that Mr. Scotton  
22 could have the time to go through and make a reasonable list  
23 of witnesses, with addresses and the reasons that he needs  
24 them subpoenaed.

25           So Mr. Scotton, I'll turn to you on that. Have you

1 made any headway on that?

2 DEFENDANT SCOTTON: Yes, Your Honor.

3 THE COURT: All right. And where are we?

4 DEFENDANT SCOTTON: I got some other witnesses and  
5 I've also put together some address and some -- some of  
6 them --

7 THE COURT: You're going to have to speak into the  
8 microphone, and you're going to have to speak up clearly and  
9 slowly, so the court reporter can get down what you're having  
10 to say.

11 Now, you indicated that you had some witnesses --

12 DEFENDANT SCOTTON: Some of them, I do have.

13 THE COURT: Hold on.

14 You've indicated that you had some witnesses that  
15 you've gotten addresses for?

16 DEFENDANT SCOTTON: Yes, sir.

17 THE COURT: All right. You want to first -- do you  
18 have a list that's been typed up or that's written?

19 DEFENDANT SCOTTON: No, it is write by -- you know, I  
20 just write by pencil.

21 THE COURT: All right. Do you want to start then and  
22 tell me who's your first witness that you wish to have  
23 subpoenaed.

24 DEFENDANT SCOTTON: Yes, Robert Abreu.

25 THE COURT: Robert --

1 DEFENDANT SCOTTON: Abreu.

2 THE COURT: How do you spell that.

3 DEFENDANT SCOTTON: Last name, A-B-R-E-U.

4 THE COURT: And Mr. Abreu, is this for the trial that  
5 you need him subpoenaed?

6 DEFENDANT SCOTTON: Yes.

7 THE COURT: All right. And what's the basis for  
8 Mr. Abreu, that you need to have him subpoenaed at the trial?

9 DEFENDANT SCOTTON: He has knowledge about the  
10 Federal Express drug scam and it's for use of the best  
11 evidence rule as well, and some of the files was destroyed,  
12 some of my personal files. He's one of my second lawyers on  
13 the case.

14 THE COURT: Okay, let me get it straight. Mr. Abreu  
15 was one of your prior defense lawyers in this case?

16 DEFENDANT SCOTTON: Yes, sir.

17 THE COURT: And he's an attorney in Miami; is that  
18 right?

19 DEFENDANT SCOTTON: That's correct.

20 THE COURT: All right. So how would Mr. Abreu have  
21 any relevance to your trial defense?

22 DEFENDANT SCOTTON: He has all the paperwork that has  
23 been handed to him and he transferred the paperwork to other  
24 lawyers and that paperwork is gone.

25 THE COURT: He had your prior paperwork, he handed it

1 to another lawyer, and now the paperwork is gone.

2 What type of paperwork are you talking about?

3 DEFENDANT SCOTTON: Confession letter of the person  
4 that did this fraud that you guys are accusing me for.

5 THE COURT: The what?

6 DEFENDANT SCOTTON: The confession letter that  
7 Rosenbaum already has a copy of.

8 THE COURT: Well, if you already have a copy of  
9 the -- is this the Duarte letter?

10 DEFENDANT SCOTTON: Yes, sir.

11 THE COURT: If you already have a copy of the Duarte  
12 letter that you say that you provided to Judge Rosenbaum, then  
13 why do you need to have Mr. Abreu to have a copy of the Duarte  
14 letter?

15 DEFENDANT SCOTTON: It's not just him, Your Honor.  
16 He has the knowledge about the drug scam, there are report  
17 many times, and that's the reason we believe that's why I'm in  
18 jail now.

19 THE COURT: Okay. He has knowledge of what type of a  
20 drug scheme?

21 DEFENDANT SCOTTON: The Federal Express is  
22 investigated by California United States Attorney's Office  
23 right now for drug scam.

24 THE COURT: All right. And what type of knowledge  
25 does Mr. Abreu have of this alleged drug scam, firsthand

1 knowledge or just something he's read about?

2 DEFENDANT SCOTTON: No, he's got some evidence that  
3 my family has given to him.

4 THE COURT: What evidence does he have?

5 DEFENDANT SCOTTON: Something we're going to go ahead  
6 and talk in trial.

7 THE COURT: All right. The request for a subpoena to  
8 Mr. Abreu is denied. Under Rule 17(b), the Defendant has not  
9 made a sufficient showing that Mr. Abreu's testimony is  
10 necessary, and let me just cite a case --

11 DEFENDANT SCOTTON: Can I have a moment with the  
12 standby lawyer?

13 THE COURT: Let me just cite a case. You can talk to  
14 your lawyer in just a -- your standby lawyer in just a second.

15 The case is *United States versus Schaller*,  
16 S-C-H-A-L-L-E-R, which is 401 Fed.Appx.419. It's also 2010  
17 Westlaw, 413-7369, it's Eleventh Circuit, 2010.

18 And what that case states is that, "A defendant  
19 making a Rule 17(b) motion bears the burden of articulating  
20 specific facts that show that a requested witness's testimony  
21 is relevant and necessary.

22 "Once the defendant asserts facts which, if true,  
23 would be relevant to any issue, the motion for a subpoena must  
24 be granted, unless the assertions are facially incredible or  
25 unless the Government can show that they are untrue or that

1 the request is frivolous."

2           And I don't see any relevance of Mr. Abreu at the  
3 trial of this case, I don't believe it's relevant testimony, I  
4 don't believe it's necessary testimony. It appears to be  
5 frivolous to the Court, so I'm going to deny the request for a  
6 subpoena to Mr. Abreu.

7           Did you want time to talk to Mr. Kreiss?

8           DEFENDANT SCOTTON: Yes, Your Honor.

9           THE COURT: All right. Put the background noise on,  
10 and you can go ahead and consult --

11           MR. KREISS: Could I have that cite one more time.

12           THE COURT: Yes, sir, Mr. Kreiss. It's *U.S. versus*  
13 *Schaller*, S-C-H-A-L-L-E-R. It's 401 Fed.Appx.419, or 2010  
14 Westlaw, 413-7369, Eleventh Circuit, 2010.

15           MR. KREISS: Thank you.

16           THE COURT: And we'll go ahead and give Mr. Scotton a  
17 chance to speak to you. Take just a moment to do that.

18           (Discussion off the record between Defendant and  
19 counsel.)

20           THE COURT: All right, Mr. Scotton. You've had a  
21 chance to speak with your Standby Counsel for the last several  
22 minutes. Did you have anything else you wanted to add about  
23 Mr. Abreu?

24           DEFENDANT SCOTTON: The thing about Mr. Abreu, Your  
25 Honor, is I guess more -- the subpoena is more for the

1 evidentiary hearing than for the trial.

2 THE COURT: Okay. The evidentiary hearing is only on  
3 some limited issues regarding the -- as we specified at the  
4 last hearing, one of the main issues is basically the issues  
5 regarding the affidavits that were filed by Mr. Colon and your  
6 mother, or the one affidavit that was signed by both of them  
7 filed by, I believe, Mr. Colon.

8 I don't see where Mr. Abreu talking about documents  
9 that may have been lost or misplaced, allegedly, would have  
10 any relevance to the evidentiary hearing.

11 DEFENDANT SCOTTON: He spoke to the private  
12 investigator a couple days ago and he confirmed that, you  
13 know, a lot of documents had disappeared. So this is coming  
14 from the prosecutor misconducted, and maybe some of the other  
15 lawyers there, the last two lawyers.

16 THE COURT: Well, does he have any firsthand  
17 knowledge that it was the prosecutor or the agent who made the  
18 documents disappear?

19 DEFENDANT SCOTTON: Your Honor, the documentation has  
20 been -- he explained to the investigator that he -- the last  
21 one that has give, that he gave to Chantel. So every single  
22 lawyer now ping pong my documents to somebody else.

23 So the bottom line is that at one point, all the  
24 documents that clear my name has disappeared.

25 THE COURT: Well, what other documents clear your

1 name, other than the so-called Duarte letter that you've  
2 referenced?

3 DEFENDANT SCOTTON: The letter comes together with  
4 the video, the video's gone.

5 THE COURT: What video is gone?

6 DEFENDANT SCOTTON: From Duarte, confession. Duarte  
7 went in front of the court in Brazil. As a matter of fact --  
8 and I don't know if Rosenbaum, Judge Rosenbaum has showed the  
9 letter, the letter was signed in front of the court in Brazil.  
10 Duarte write a letter in front of the court in Brazil.

11 THE COURT: But you've indicated you already gave a  
12 copy of the letter to Judge Rosenbaum.

13 DEFENDANT SCOTTON: Well, it is the original, Your  
14 Honor.

15 THE COURT: I don't know, sir.

16 Okay. I'm going to deny the request for a subpoena  
17 to Mr. Abreu. I don't find his testimony relevant to either  
18 the trial or the upcoming evidentiary hearing, which is a very  
19 limited evidentiary hearing.

20 All right. Who would be your next witness,  
21 Mr. Scotton, that you wish to subpoena?

22 DEFENDANT SCOTTON: Mr. Lacey Miao.

23 THE COURT: All right. Could you spell that, please.

24 DEFENDANT SCOTTON: Last name, M-I-A-O.

25 THE COURT: M-I --

1 DEFENDANT SCOTTON: First name, L-A-C-E-Y.

2 THE COURT: Okay. So Mr. Lacey, L-A-C-E-Y, Miao,  
3 M-I-A-O.

4 DEFENDANT SCOTTON: Yes, sir.

5 THE COURT: And can you tell the Court what relevance  
6 that Mr. Lacey Miao has to your trial in this case.

7 DEFENDANT SCOTTON: This is related to my bank  
8 accounts.

9 THE COURT: All right. And can you tell me what  
10 about your bank accounts that you need to call Mr. Miao in  
11 order to either refute the Government's case or support a  
12 defense that you have.

13 DEFENDANT SCOTTON: Your Honor, he testified that I  
14 have not done nothing wrong with my opened my accounts, as the  
15 Government claimed that I have too much open accounts, check  
16 accounts. So I want him to testify if there is something  
17 wrong opening more than three, four accounts.

18 THE COURT: Sorry. And where is Mr. Miao located?

19 DEFENDANT SCOTTON: Deerfield Beach, Florida.

20 THE COURT: I'm sorry?

21 DEFENDANT SCOTTON: Deerfield.

22 THE COURT: Al right. And do you have an address for  
23 Mr. Miao?

24 DEFENDANT SCOTTON: I have the branch, it is down on  
25 Hillsborough and Military, and I have the phone number here

1 for him.

2 THE COURT: What bank is it?

3 DEFENDANT SCOTTON: It's a Bank of America.

4 THE COURT: Bank of America, and where did you say  
5 it's located?

6 DEFENDANT SCOTTON: It was Hillsborough Boulevard and  
7 Military, Military Trail.

8 THE COURT: And you say that's in Deerfield Beach,  
9 Florida.

10 DEFENDANT SCOTTON: Yes, sir. I have his number  
11 here.

12 THE COURT: What's the phone number?

13 DEFENDANT SCOTTON: (954) 725-6854.

14 THE COURT: (954) 725-6854.

15 DEFENDANT SCOTTON: Yes, Your Honor.

16 THE COURT: And you're saying that Mr. Miao was --  
17 was he the account representative for your bank accounts?

18 DEFENDANT SCOTTON: Yes, sir.

19 THE COURT: And you're saying that he will testify as  
20 to the matter in which you opened the accounts and the fact  
21 that they were all what, legitimate and legal?

22 DEFENDANT SCOTTON: They're legitimate, there's  
23 nothing wrong.

24 THE COURT: All right. I'm going to go ahead and  
25 authorize a subpoena to be served for trial on Mr. Lacey Miao

1 at the Bank of America, Hillsborough Boulevard and Military  
2 Trail, Deerfield Beach, Florida. And if the -- if either  
3 Standby Counsel or Defendant can get an address, then that  
4 would be helpful.

5 Of course, you'll have to put that in the subpoena  
6 anyway and that would be obviously a trial subpoena, for the  
7 trial that I believe is set, at this point, in January.

8 MR. KREISS: Judge, my intention is after this  
9 hearing, I'm going to keep a list of all the witnesses that  
10 you approve, and I will produce subpoenas, hopefully by the  
11 end of the week.

12 THE COURT: All right. Thank you, Mr. Kreiss.

13 MR. KREISS: And Judge, I have an address, I believe,  
14 at 1701 West Hillsborough Boulevard, Deerfield Beach.

15 THE COURT: 1701 West Hillsborough Boulevard, and  
16 that's --

17 MR. KREISS: Deerfield Beach.

18 THE COURT: Deerfield Beach, Florida.

19 MR. KREISS: Correct.

20 THE COURT: All right. Excellent.

21 All right. Who's your next witness that you'd like  
22 to have subpoenaed, Mr. Scotton.

23 DEFENDANT SCOTTON: Last name is spelled  
24 C-O-L-U-M-B-A, Columba, first name Julio, J-U-L-I-O.

25 THE COURT: Julio Columba?

1 DEFENDANT SCOTTON: Yes.

2 THE COURT: And is it C-O-L-U-M-B-A or O?

3 DEFENDANT SCOTTON: C-O-L-U-M-B-A.

4 THE COURT: B-A, Columba.

5 All right. And what would Mr. Columba testify to,  
6 what would he be relevant to at your trial?

7 DEFENDANT SCOTTON: He's the vice-president of South  
8 America for DHL. Many times, I have a call him myself for the  
9 problem with the shipments they have arrived in Brazil, with  
10 some of them.

11 THE COURT: And where is he located?

12 DEFENDANT SCOTTON: He's in Plantation, from the  
13 corporate office.

14 THE COURT: All right. What's his address?

15 DEFENDANT SCOTTON: Sorry, I don't know the address  
16 for the corporate office of DHL.

17 THE COURT: All right. So you're saying that he's  
18 the vice-president for South America of DHL?

19 DEFENDANT SCOTTON: Yes, sir.

20 THE COURT: And you contacted him personally in order  
21 to complain about delivery problems or something of that  
22 nature?

23 DEFENDANT SCOTTON: That's correct, also.

24 THE COURT: And what else -- is there anything else  
25 he could testify to as to the alleged legitimacy of your use

1 of DHL, or what?

2 DEFENDANT SCOTTON: Well, Your Honor, as a matter of  
3 fact, some of the -- on the times that I contact him, some  
4 problems with some packages be hold over there in Brazil, and  
5 I call him, I explain to him who I am.

6 He has knowledge who I am because all the race that I  
7 done, also partial with some sponsorship from the company. He  
8 resolved the problem. So if was some kind of problem of me  
9 fraudulently using accounts, I mean, he should have told me  
10 right there on the phone right there, so they release my  
11 package and my package was delivered to Brazil.

12 THE COURT: Okay. I'm going to go ahead and  
13 authorize a subpoena, trial subpoena to be issued to Julio  
14 Columba. I'll need an address for him.

15 I don't know if you have that now, Mr. Kreiss.

16 MR. KREISS: We do, Your Honor. It's 1200 South Pine  
17 Island Road, Plantation.

18 THE COURT: All right, thank you.

19 Now, keep in mind, Mr. Scotton, that when I authorize  
20 a subpoena for a witness, that means I'm authorizing it under  
21 Rule 17(b) because you've made a sufficient showing for the  
22 Court to authorize the expenditure of funds to serve the  
23 subpoena on an indigent basis.

24 However, the final ruling as to whether any of these  
25 witnesses are permitted to testify at trial is up to Judge

1 Rosenbaum at the time of trial. I'm merely authorizing you  
2 either to be or not be allowed, under 17(b), to serve  
3 subpoenas on them.

4 All right. So what would be the next witness that  
5 you would seek to subpoena under 17(b)?

6 DEFENDANT SCOTTON: First name is Linda, and last  
7 name is O-S-B-E-R -- O-S-B-E-R-J.

8 THE COURT: Linda O-S-B-E-R-J?

9 DEFENDANT SCOTTON: G, yeah, Osberg.

10 THE COURT: Linda Osberg, okay. And what is her  
11 position?

12 DEFENDANT SCOTTON: She's immigration lawyer.

13 THE COURT: All right. And what is she going to  
14 testify to at the trial?

15 DEFENDANT SCOTTON: As far as she explain to my  
16 family, to myself in jail, she said that pretty much  
17 immigration has committed a fraud against me.

18 THE COURT: That what?

19 DEFENDANT SCOTTON: Immigration has committed a fraud  
20 against me.

21 THE COURT: Immigration has committed a fraud against  
22 you in which way?

23 DEFENDANT SCOTTON: Denial of my paperwork, denial of  
24 saying my marriage is a sham. There's some other litigation  
25 that she mentioned in court -- I mean in jail to me about my

1 case with immigration.

2 She pretty much going to testify that I was not here  
3 illegally, I was not here doing any crime, I have not break  
4 any rule with immigration. Immigration has knowledge that I  
5 was here the whole time.

6 THE COURT: Okay. That would be a legal opinion on  
7 her behalf, right, which might be relevant to some immigration  
8 proceeding, but I don't see the relevance of that in this  
9 criminal proceeding.

10 DEFENDANT SCOTTON: I've been charged also with a  
11 sham marriage, Your Honor. I've been charged with giving  
12 false statement to immigration.

13 THE COURT: Right. But she can't testify as to  
14 whether or not it was a sham marriage or not. That's not for  
15 her to decide, that's for the jury to decide, so I'm  
16 struggling to find any relevance for Ms. Osberg to be  
17 subpoenaed to testify at your trial.

18 DEFENDANT SCOTTON: The fact that she used to work  
19 many years to immigration. If she brought the paperworks,  
20 even the letter that I keep saying is a fake letter, she  
21 stated the letter was fake. The letter never come up at  
22 immigration's office.

23 THE COURT: That letter was primarily used for your  
24 detention hearing, not necessarily for trial. So again, I  
25 don't see what the relevance is for the trial phase of this

1 case.

2 DEFENDANT SCOTTON: Your Honor, I'm being accused of  
3 committing fraud, okay. This Government has accused me of  
4 shipping packages to Brazil and not paying the shipping  
5 companies for the shipping costs by using somebody else  
6 accounts.

7 I'm trying to understand, and I don't want to be rude  
8 to anybody or disrespect, but as far as I understand it, even  
9 a guilty person has the right to -- they got a right, right,  
10 to defend themselves, to do whatever is by the book.

11 So I'm asking the Court to not only have a patient,  
12 but give me my rights to defend myself. If the Prosecutor  
13 wave a fake letter in court, this is a crime, Your Honor. You  
14 know, we cannot just blind ourselves over this.

15 You know, I'm trying to show points to the Court here  
16 that a lot of paperwork that I have flash in my face. I have  
17 a whole folder here of paperwork that has been present to the  
18 grand jury that has nothing to do with me, I have no idea who  
19 this person is. But, of course, to try incriminate me, all  
20 this paperwork has been present to the grand jury.

21 So I'm trying to understand the law here, how far  
22 we're going to get it to stretch here because it does not make  
23 sense. I know that your court probably already tired of me  
24 here. Maybe, Your Honor, you think I don't respect, you know,  
25 you too much by seeing my motions. But understand, at this

1 point, Your Honor, it's just, I got to try to get his life  
2 back. For whatever reason, someone's doing this to me, and  
3 I'm just trying to prove here that I am innocent of the  
4 charges. It is right there on the wall right now.

5           So all these people that I've spoke to, even, you  
6 know, the immigration lawyer, she told me what they been doing  
7 to me is disgraceful, and I agree with her, and that's why I'm  
8 trying to fight this case. So I want to have the opportunity  
9 to do that, Your Honor.

10           THE COURT: Well, you'll have the opportunity to do  
11 that, that's what a trial's all about.

12           But let me explain to you, just like any other  
13 defendant, a defendant in a case has an opportunity to fight  
14 the case, they have an opportunity to have a fair trial;  
15 however, they don't have an opportunity to call frivolous  
16 witnesses or witnesses that are irrelevant to the case.

17           You can't call a witness to give an opinion that  
18 you're innocent. That's just not the way things work.

19           She doesn't have any -- from what I can see and heard  
20 from your proffer, she doesn't have any firsthand testimony  
21 that would be admissible at a criminal trial, plus there may  
22 also be attorney-client issues that would be raised, but I  
23 don't really see where there's any relevance to why Ms. Osberg  
24 would be called to testify about the charges in this case,  
25 which are alleged fraudulent DHL shipping and false

1 statements.

2 DEFENDANT SCOTTON: Well, she's not my lawyer, Your  
3 Honor, I never retain her.

4 THE COURT: If she's not your lawyer, why is she  
5 giving you legal opinion?

6 DEFENDANT SCOTTON: She came over there because I --  
7 you know, someone introduced me to her, and I just want to ask  
8 her opinion, what's going on with my immigration case, why  
9 this nonsense is happen now.

10 And she explained to me, she went to immigration,  
11 yes, she spoke to people at immigration. She say that someone  
12 is doing something wrong to you, this is a personal matter,  
13 you know.

14 THE COURT: Okay, I'm going to deny your request for  
15 a subpoena to Ms. Osberg.

16 Who would be your next witness that you would propose  
17 to subpoena.

18 DEFENDANT SCOTTON: My current immigration lawyer.

19 THE COURT: And who is that?

20 DEFENDANT SCOTTON: First name is Grant, last name,  
21 K-A-P-L-A-N, Kaplan.

22 THE COURT: All right, so the first name is Grant,  
23 G-R-A-N-T?

24 DEFENDANT SCOTTON: Yes, sir.

25 THE COURT: Second name, Kaplan, K-A-P-L-A-N. He's

1 your current immigration lawyer.

2 DEFENDANT SCOTTON: That's correct.

3 THE COURT: What would he testify to at trial? Is it  
4 similar to Ms. Osberg?

5 DEFENDANT SCOTTON: No, it's facts of my marriage not  
6 being a sham.

7 THE COURT: He has facts about your marriage not  
8 being a sham?

9 DEFENDANT SCOTTON: Yeah.

10 THE COURT: Such as what?

11 DEFENDANT SCOTTON: Video pictures, interviews, many  
12 interviews that we had together in his office.

13 THE COURT: Oh, interviews with you?

14 DEFENDANT SCOTTON: No, with me and my wife.

15 THE COURT: All right. So did Mr. Kaplan interview  
16 your wife?

17 DEFENDANT SCOTTON: Yes.

18 THE COURT: And are you planning on calling your wife  
19 as a witness?

20 DEFENDANT SCOTTON: Yes, sir.

21 THE COURT: All right. Then if you're calling your  
22 wife as a witness, why would you need to have Mr. Kaplan talk  
23 about interviews with your wife because that would be hearsay,  
24 of him talking about interviews with your wife.

25 And if you're calling your wife, she would be the one

1 that would testify about the information, so what would  
2 Mr. Kaplan in any way add to your defense of the case?

3 DEFENDANT SCOTTON: He know the case, also he did my  
4 appealing.

5 THE COURT: He did what?

6 DEFENDANT SCOTTON: He did my appealing, he filed my  
7 appealing of the denial.

8 THE COURT: Okay. So he appealed your -- so he's  
9 your immigration lawyer, who's tried to appeal and handle your  
10 immigration matter.

11 DEFENDANT SCOTTON: Right. I guess now I've been  
12 charged with giving false statement to immigration, so he's  
13 the person involved. He's got all the paperwork, so he need  
14 to, you know -- as much as the Government is going to go ahead  
15 and testify that I did false statements, he's going to testify  
16 that -- he's going to reject it because it's not real.

17 THE COURT: Okay. So you're saying he can testify  
18 that the statements that you made to immigration were not  
19 false.

20 DEFENDANT SCOTTON: Well, he can prove that with the  
21 evidence.

22 THE COURT: All right. What is his address?

23 DEFENDANT SCOTTON: 700 West Camino Real, Suite  
24 Number 100.

25 THE COURT: That's in Boca?

1           DEFENDANT SCOTTON: Yes, sir.

2           THE COURT: All right. So it's 700 West Camino Real  
3 Boulevard, Suite 100, in Boca Raton, Florida.

4           DEFENDANT SCOTTON: Yes.

5           THE COURT: All right. I don't know if it will  
6 ultimately be relevant at trial, but I'm going to allow a Rule  
7 17(b) subpoena to be served on Grant Kaplan.

8           Who's your next witness?

9           DEFENDANT SCOTTON: I have a -- it used to be a  
10 detective, I think he's been promoted to sergeant, it's David  
11 Conklin from the Palm Beach Sheriff's Department.

12          THE COURT: David?

13          DEFENDANT SCOTTON: Yeah, David, last name spelled  
14 C-O-N --

15          THE COURT: K-L-I-N?

16          DEFENDANT SCOTTON: Yes, sir.

17          THE COURT: All right. And what would Detective  
18 Conklin have to say about your trial that would help you  
19 defend your case?

20          DEFENDANT SCOTTON: Well, in this case here, it's two  
21 things. He's going to be one of my character witness, but  
22 also he saw me, times I report this behavior of this company  
23 with package, you know, shipping and getting lost, and opium,  
24 you know, the drug scam from those companies.

25          THE COURT: All right. So he's your character

1 witness, first of all.

2 DEFENDANT SCOTTON: Yes, Mr. David used to live with  
3 me for two months when he had some marriage problem.

4 THE COURT: All right. So he's your character  
5 witness and also supposedly -- or you claim that you reported  
6 what to him; the DHL drug scam that you allege?

7 DEFENDANT SCOTTON: He used to follow some of my race  
8 events, so he knows my relationship with those companies  
9 before.

10 THE COURT: All right. I'm going to allow you to  
11 subpoena Mr. Conklin. Do you have an address for him, is it  
12 Palm Beach Sheriff's Office?

13 DEFENDANT SCOTTON: Yes, but I don't have the address  
14 for him.

15 THE COURT: All right. I'm sure Mr. Kreiss can  
16 locate that.

17 All right. Who would your next witness be that you  
18 propose to subpoena?

19 DEFENDANT SCOTTON: His last name, and it's spelled,  
20 Tersakyan, T-E-R-S-A-K-Y-A-N, first name, Daron.

21 THE COURT: What's the first name?

22 DEFENDANT SCOTTON: D-A-R-O-N.

23 THE COURT: Okay. So it's D-A-R-O-N, and let me see  
24 if I have the last name right. T, as in Tom, E-R-S-A-K-Y-A-N.

25 DEFENDANT SCOTTON: That's correct, sir.

1 THE COURT: All right. And what would you have him  
2 testify to at your trial?

3 DEFENDANT SCOTTON: He worked for a company called  
4 Invest Limit (sic), it's the company that --

5 THE COURT: He worked for -- what's the name of the  
6 company?

7 DEFENDANT SCOTTON: Investment Limit.

8 THE COURT: Investment Limited?

9 DEFENDANT SCOTTON: Yes, sir.

10 THE COURT: All right, go ahead.

11 DEFENDANT SCOTTON: They are right off of Palmetto  
12 Park and Federal Highway in Boca Raton. They the ones that  
13 was -- hold the contract of the store that I had, the Federal  
14 Express store that I had in Boca.

15 THE COURT: All right. So you're saying that  
16 Mr. Tersakyan worked for Investments Limited and that  
17 Investments Limited had the contract for your UPS store.

18 DEFENDANT SCOTTON: Yes, my Federal Express store.

19 THE COURT: Your Federal Express store.

20 DEFENDANT SCOTTON: Yes.

21 THE COURT: All right. And what relevance is that to  
22 your case, if, in fact international -- Investments Limited,  
23 you're saying that they were the landlord for your Federal  
24 Express store?

25 DEFENDANT SCOTTON: That's correct, sir.

1 THE COURT: What relevance does that have?

2 DEFENDANT SCOTTON: One of the reports of the FBI has  
3 a false statement from him, so he need to come and testify on  
4 that respect of the statement he give to the FBI.

5 THE COURT: You say that he gave a false statement to  
6 the FBI. Can you just elaborate on what the alleged false  
7 statement was.

8 DEFENDANT SCOTTON: I guess the FBI claimed that the  
9 contract that I have with his company, you know, something was  
10 not right, I guess he suggested it's some modification on a  
11 contract.

12 THE COURT: All right. Do you have an address?

13 DEFENDANT SCOTTON: No, sir. I have the number here,  
14 the phone number. I know they're right there by Palmetto Park  
15 and Federal Highway. It's a huge company, they pretty much  
16 own Boca Raton.

17 THE COURT: Palmetto Park Road and Federal Highway,  
18 and what's the phone number?

19 DEFENDANT SCOTTON: (561)392-8920.

20 THE COURT: (561)292-8920 (sic), okay. I'm going to  
21 authorize a subpoena for -- I'm going to authorize a subpoena  
22 for Mr. Tersakyan.

23 DEFENDANT SCOTTON: We have the address, Your Honor.

24 THE COURT: All right, go ahead.

25 DEFENDANT SCOTTON: It is 215 North Federal Highway,

1 Number 1.

2 THE COURT: Boca Raton.

3 DEFENDANT SCOTTON: Yes, sir.

4 THE COURT: All right. That's been authorized.

5 What's your next witness that you wish to subpoena  
6 for trial?

7 DEFENDANT SCOTTON: I have Ivor, last name, L-E-V-Y.

8 THE COURT: And what's the first name?

9 DEFENDANT SCOTTON: I-V-O-R.

10 THE COURT: Ivor, okay, Ivor Levy. What would  
11 Mr. Levy testify about that would be relevant to your defense  
12 at trial?

13 DEFENDANT SCOTTON: The FBI claim in his report that,  
14 a photo lineup, he point me, that he used to come to my place  
15 and deliver package, and pick up package, and he claim some  
16 kind of nonsense reports or so. So I need him to come to  
17 testify in reference some of the statements that he has made  
18 to the FBI agent.

19 THE COURT: All right. So he made statements to the  
20 FBI and you wish to --

21 DEFENDANT SCOTTON: Cross-examine him, yes.

22 THE COURT: At your trial, okay. What's his address?

23 DEFENDANT SCOTTON: Your Honor, as I understand, the  
24 hub that he work for, it is in Deerfield Beach by Hillsborough  
25 Boulevard also and --

1 THE COURT: I'm not -- you have to slow down with  
2 your speaking, we're not getting you 100 percent.

3 DEFENDANT SCOTTON: Okay.

4 THE COURT: You say you believe he works in Deerfield  
5 Beach.

6 DEFENDANT SCOTTON: Oh, no, I'm pretty much sure of  
7 the location.

8 THE COURT: Okay. What was Mr. Levy's role, was he a  
9 UPS employee?

10 DEFENDANT SCOTTON: Yeah, he a UPS driver.

11 THE COURT: A UPS driver.

12 DEFENDANT SCOTTON: Yes, sir.

13 THE COURT: All right. So Mr Levy's a UPS driver and  
14 you believe he still works for UPS.

15 DEFENDANT SCOTTON: Yes, sir.

16 THE COURT: Do you know which UPS facility he works  
17 at?

18 DEFENDANT SCOTTON: Yes, it's the one at Deerfield  
19 Beach, Florida. It's -- hold on one second, Your Honor.

20 We got the address, Your Honor.

21 THE COURT: All right. What is it?

22 DEFENDANT SCOTTON: It's 1332 Northwest -- what is  
23 that, Third Street?

24 MR. KREISS: Third Street.

25 DEFENDANT SCOTTON: Third Street.

1 THE COURT: 1332 Northwest Third Street?

2 DEFENDANT SCOTTON: Yes, sir.

3 THE COURT: All right. And what city?

4 DEFENDANT SCOTTON: Deerfield Beach.

5 THE COURT: Is that a UPS facility?

6 DEFENDANT SCOTTON: Yes, it is.

7 MR. KREISS: It's a customer service center.

8 THE COURT: All right. We got the -- it's a UPS  
9 customer service center.

10 All right. I'm going to go ahead and authorize a  
11 subpoena to that gentleman, Mr. Levy.

12 Who's your next proposed subpoena witness?

13 DEFENDANT SCOTTON: Last name is Scotton,  
14 S-C-O-T-T-O-N.

15 THE COURT: First name?

16 DEFENDANT SCOTTON: Claudia, C-L-A-U-D-I-A.

17 THE COURT: All right. And who is -- is she related  
18 to you?

19 DEFENDANT SCOTTON: She's married to my brother.

20 THE COURT: Sister-in-law.

21 DEFENDANT SCOTTON: Yes, sir.

22 THE COURT: All right. And what would Ms. Scotton  
23 testify to?

24 DEFENDANT SCOTTON: Seems to be some packages were  
25 shipping through her and the person claimed that she used to

1 work for me, and also is a check that was handed to her,  
2 deposit into an account, so it's part of discovery.

3 THE COURT: All right. I'm going to authorize that  
4 witness. Where is she located?

5 DEFENDANT SCOTTON: She's in Coral Spring, I guess we  
6 can -- I don't know if you'd be able to go ahead and give the  
7 same address of my brother because they're, right now,  
8 separated. My brother's living at my mother's house.

9 THE COURT: Where is Claudia Scotton residing right  
10 now?

11 DEFENDANT SCOTTON: She's somewhere in Coral Spring,  
12 Your Honor.

13 The only way that I can probably get ahold is through  
14 my brother, so if I --

15 THE COURT: Well, why don't you do this: Why don't  
16 you give me the address of -- do you think if you put down the  
17 address of your mother --

18 DEFENDANT SCOTTON: My brother can hand it to her,  
19 yeah.

20 THE COURT: Or the address of your brother, is your  
21 brother living with your mother now?

22 DEFENDANT SCOTTON: Yeah, right now, he's staying  
23 with her.

24 THE COURT: All right. What address, then, would  
25 that be?

1 DEFENDANT SCOTTON: 7797 --

2 THE COURT: 7797 --

3 DEFENDANT SCOTTON: Golf Circle Drive.

4 THE COURT: Gulf or Golf?

5 DEFENDANT SCOTTON: No, Golf, like the game golf.

6 THE COURT: Okay. Golf, G-O-L-F, Circle Drive.

7 DEFENDANT SCOTTON: Apartment Number 204.

8 THE COURT: Number 204, coral Springs?

9 DEFENDANT SCOTTON: No, Margate.

10 THE COURT: Oh, I'm sorry, Margate, Florida. All  
11 right.

12 And then if you obtain a better address for her, that  
13 can be listed on the subpoena. I'm going to go ahead and  
14 allow you and grant your request to serve a subpoena on  
15 Claudia Scotton.

16 Who would your next proposed witness be?

17 DEFENDANT SCOTTON: Then I have a Fred Books.

18 THE COURT: Fred, how do you spell the last name?

19 DEFENDANT SCOTTON: B-O-O-K-S.

20 THE COURT: That's B, as in boy?

21 DEFENDANT SCOTTON: Yes, sir.

22 THE COURT: B-O-O-K-S, all right. And where's he  
23 located, is he in South Florida?

24 DEFENDANT SCOTTON: Yes, 4451 Northwest 31st Avenue.

25 THE COURT: And what city is that?

1           DEFENDANT SCOTTON: Oakland Park, Florida.

2           THE COURT: Is that a house?

3           DEFENDANT SCOTTON: No, this is an immigration office  
4 building.

5           THE COURT: Fred Books, B-O-O-K-S.

6           DEFENDANT SCOTTON: Yes.

7           THE COURT: Is that at the immigration facility?

8           DEFENDANT SCOTTON: Yes, sir.

9           THE COURT: All right. And what would Mr. Books  
10 testify about?

11           DEFENDANT SCOTTON: A lot of statement that I saw on  
12 the reports from the FBI that don't make any sense for Fred  
13 Books to be saying that on reports.

14           THE COURT: So he's a fact witness about some of the  
15 allegations against --

16           DEFENDANT SCOTTON: Yeah, a lot of allegations. As a  
17 matter of fact, you know, the letter that we talk about so  
18 much, the FBI claim that he brought the letter, you know, he  
19 the one that has made the letter.

20           THE COURT: All right. I'll go ahead and allow you  
21 to subpoena -- and you're sure it's Fred Books and not Fred  
22 Brooks?

23           DEFENDANT SCOTTON: No, sir. Let me make sure,  
24 because I have a letter from him here.

25           THE COURT: Why don't you look at it because if you

1 send it to a Fred Books and it's really Fred Brooks, it's not  
2 going to be effective.

3 I thought I heard his name at a prior hearing and as  
4 I recall, it was Brooks, but --

5 DEFENDANT SCOTTON: Well, I got it here B-R-O-O-K-S.

6 THE COURT: All right. So it's Fred Brooks,  
7 Immigration and Nationalization Service, and we have the  
8 address. All right, I'm going to go ahead and authorize that  
9 subpoena.

10 Who would be next?

11 DEFENDANT SCOTTON: Last name is B-O-R-R-O-T-O.

12 THE COURT: B, as in boy?

13 DEFENDANT SCOTTON: Yes, sir.

14 THE COURT: O --

15 DEFENDANT SCOTTON: Double R, O-T-O.

16 THE COURT: Borroto, okay. And what's the first  
17 name?

18 DEFENDANT SCOTTON: First name is Jose.

19 THE COURT: Jose, all right. And what would  
20 Mr. Borroto have to testify about?

21 DEFENDANT SCOTTON: Well, FBI claim that he's the  
22 landlord of the place that my -- my wife lived there for many  
23 years.

24 THE COURT: I didn't understand.

25 DEFENDANT SCOTTON: Okay. On one of the reports of

1 the FBI, the FBI claim that he's the landlord --

2 THE COURT: The landlord.

3 DEFENDANT SCOTTON: Yeah, for my wife, and that my  
4 wife live on his property for many years.

5 THE COURT: Okay.

6 DEFENDANT SCOTTON: As I understand from my  
7 investigator, this man doesn't speak English and my wife  
8 doesn't live there for many years, so he need to come testify  
9 on what has been said on the FBI reports.

10 THE COURT: All right. He gave a statement to the  
11 FBI.

12 DEFENDANT SCOTTON: Yes.

13 THE COURT: All right. What's his address?

14 DEFENDANT SCOTTON: The address, I think I have that  
15 address, he live in Hialeah, Your Honor. The address might be  
16 on my other files in FDC, because on the FBI report, it has  
17 his address.

18 THE COURT: All right. So you'll need to get that  
19 specific address and give it to Mr. Kreiss.

20 DEFENDANT SCOTTON: Okay.

21 THE COURT: But I'm going to go ahead and authorize  
22 Mr. Borroto to be subpoenaed, subject to a proper address.

23 All right. Your next witness.

24 DEFENDANT SCOTTON: Also I have my second lawyer,  
25 immigration lawyer.

1 THE COURT: Who's that?

2 DEFENDANT SCOTTON: Her last name is H-A-M-A-D-E.

3 THE COURT: H-A-M-A-D-E, and the first name?

4 DEFENDANT SCOTTON: R-I-H-A-B.

5 THE COURT: Rihab, all right. Rihab Hamade, he was  
6 your first immigration lawyer?

7 DEFENDANT SCOTTON: Yes, Your Honor.

8 THE COURT: He's no longer your attorney now?

9 DEFENDANT SCOTTON: No.

10 THE COURT: All right. And why would he be relevant;  
11 same reasons as the prior immigration attorney?

12 DEFENDANT SCOTTON: Yes.

13 THE COURT: What specifically?

14 DEFENDANT SCOTTON: Well, she spent a lot of time  
15 with my wife, Your Honor. As a matter of fact, when I was not  
16 driving my race, she has called me and some papers or whatever  
17 things that she need to speak to us, my wife was in the  
18 office, spoke to her, so she will be able to testify that, you  
19 know, we live together, we married, you know, we have a life  
20 together. The allegations that say my marriage is a sham is  
21 complete wrong.

22 THE COURT: All right. So she's discussed these  
23 matters with your wife?

24 DEFENDANT SCOTTON: Yes.

25 THE COURT: And your wife's going to be a witness,

1 you said, right?

2 DEFENDANT SCOTTON: Yes.

3 THE COURT: All right. What's your wife's name, by  
4 the way.

5 DEFENDANT SCOTTON: Ailyn.

6 THE COURT: Last name?

7 DEFENDANT SCOTTON: Mollinedo.

8 THE COURT: How do you spell that?

9 DEFENDANT SCOTTON: Is that M-O, double L, I --  
10 Mollinedo -- D-O, Your Honor.

11 THE COURT: M-O-L-L-I --

12 DEFENDANT SCOTTON: Yeah. M-O, double L, I-N-E-D-O,  
13 Mollinedo.

14 THE COURT: All right. So you're saying that  
15 Ms. Hamade was your first immigration lawyer, she interviewed  
16 your wife, Ms. Mollinedo.

17 Anything else she would testify to or any other  
18 matters that she would testify to?

19 DEFENDANT SCOTTON: No, she just going to testify on  
20 the matter of this marriage, Your Honor, it being a sham.

21 THE COURT: Again, I'll authorize a subpoena to her;  
22 however, I don't know if it will ultimately be admissible at  
23 trial, that will be up to Judge Rosenbaum and the way in which  
24 the trial develops.

25 But there is the potential that perhaps she might be

1 relevant, so I'll give the Defendant authorization to serve  
2 that witness.

3 Who else, who's your next one?

4 DEFENDANT SCOTTON: Do you need the address for her,  
5 Your Honor?

6 THE COURT: I do, that's correct.

7 DEFENDANT SCOTTON: She's at 300 North Federal  
8 Highway.

9 THE COURT: Suite number?

10 DEFENDANT SCOTTON: Number 100, in Boca Raton as  
11 well.

12 THE COURT: Okay. Who's your next witness?

13 DEFENDANT SCOTTON: I have a Carla Felini.

14 THE COURT: Spell the first name.

15 DEFENDANT SCOTTON: C-A-R-L-A.

16 THE COURT: And spell the last name.

17 DEFENDANT SCOTTON: F-E-L-I-N-I.

18 THE COURT: Carla Felini, what would Ms. Felini  
19 testify to.

20 DEFENDANT SCOTTON: She's the one that opened the  
21 store together, the Federal Express store in Boca Raton.

22 THE COURT: Do you have an address for her?

23 DEFENDANT SCOTTON: Can you switch?

24 I got the address here.

25 THE COURT: All right, go ahead.

1 DEFENDANT SCOTTON: It is 3907 North Federal Highway.

2 THE COURT: Any suite number?

3 DEFENDANT SCOTTON: No.

4 THE COURT: And that's Boca Raton?

5 DEFENDANT SCOTTON: No, it is in Pompano Beach.

6 THE COURT: Pompano Beach. 3907 North Federal  
7 Highway, Pompano Beach?

8 DEFENDANT SCOTTON: That's correct, Your Honor.

9 THE COURT: All right. I'm going to go ahead and  
10 authorize the subpoena to Ms. Felini.

11 Who's your next witness?

12 DEFENDANT SCOTTON: I got her sister as well, Your  
13 Honor.

14 THE COURT: Her sister?

15 DEFENDANT SCOTTON: Yes.

16 THE COURT: And what would her sister -- what is her  
17 sister's name?

18 DEFENDANT SCOTTON: Cristiane.

19 THE COURT: How do you spell that.

20 DEFENDANT SCOTTON: C-R-I-S-T-I-A-N-E.

21 THE COURT: C-R-I-S-T-I-A-N-E, and her last name?

22 DEFENDANT SCOTTON: Now she's married, I'm pretty  
23 much sure it's F-O-N-S-E-C-A, Fonseca.

24 THE COURT: Cristiane Fonseca, and what would she  
25 testify to?

1           DEFENDANT SCOTTON: Well, she worked for me as well,  
2 Your Honor, for a couple of weeks.

3           THE COURT: At the UPS store?

4           DEFENDANT SCOTTON: Yes.

5           THE COURT: All right. You have an address?

6           DEFENDANT SCOTTON: The same address, they pretty  
7 much work together.

8           THE COURT: Same as Ms. Felini?

9           DEFENDANT SCOTTON: Yes, Your Honor.

10          THE COURT: All right, that's authorized. We'll  
11 authorize a subpoena to Ms. Felini and to Ms. Fonseca.

12          Who's the next witness?

13          DEFENDANT SCOTTON: Your Honor, I have another member  
14 of her family, her father.

15          THE COURT: Okay. The name?

16          DEFENDANT SCOTTON: The first name spells S-A-D-Y.

17          THE COURT: S, as in Sam?

18          DEFENDANT SCOTTON: Yes.

19          THE COURT: A-D-Y, okay.

20          DEFENDANT SCOTTON: And last name is Felini.

21 F-E-L-I-N-E.

22          THE COURT: Okay. F-E-L-I-N-E, or I?

23          DEFENDANT SCOTTON: I, Your Honor, I'm sorry.

24          THE COURT: I, okay. And similar --

25          DEFENDANT SCOTTON: The same address, yeah.

1 THE COURT: All right. And did Mr. Sady Felini work  
2 for you?

3 DEFENDANT SCOTTON: Yeah, he worked in the store,  
4 also during the construction in our store. When I was in  
5 jail, he was the one who closed the store.

6 THE COURT: All right. So he worked for you at your  
7 UPS store.

8 DEFENDANT SCOTTON: Yes, Your Honor.

9 THE COURT: All right. That is authorized, same  
10 address as Carla Felini, right?

11 DEFENDANT SCOTTON: Yes, sir.

12 THE COURT: All right. That's authorized.

13 Next witness that you have?

14 DEFENDANT SCOTTON: I have a Daniel, D-A-N-E -- I'm  
15 sorry, Your Honor, D-A-N-I-E-L, last name, Fonseca,  
16 F-O-N-S-E-C-A.

17 THE COURT: All right. And what would Mr. Daniel  
18 Fonseca have to testify about, did he work for you, also?

19 DEFENDANT SCOTTON: Yes, he did a lot of work at the  
20 stores with the computers.

21 THE COURT: All right. I'm going to authorize that  
22 one, and that's the same address as Carla Felini, Sady Felini?

23 DEFENDANT SCOTTON: Yes.

24 THE COURT: All right. Go ahead, who's your next?

25 DEFENDANT SCOTTON: We got my wife already, right,

1 Your Honor?

2 THE COURT: You mentioned your wife's name, but you  
3 did not say you wanted her subpoenaed. Do you want her  
4 subpoenaed?

5 DEFENDANT SCOTTON: Yes, Your Honor.

6 THE COURT: Okay. And that's Ailyn, E-I-L --

7 DEFENDANT SCOTTON: No, no, it's A-I-L-Y-N.

8 THE COURT: A-I-L-Y-N?

9 DEFENDANT SCOTTON: Yes, sir.

10 THE COURT: And that's M-O-L-L-I-N-E-D-O?

11 DEFENDANT SCOTTON: Yes, Your Honor.

12 THE COURT: Okay. A-I-L-Y-N, M-O-L-L-I-N-E-D-O.

13 And she's your wife and she'll testify, according to  
14 you, that there was no sham marriage.

15 DEFENDANT SCOTTON: Well, I don't know about that  
16 anymore, Your Honor, but she's going to have to come testify.

17 THE COURT: Okay. And an address for her?

18 DEFENDANT SCOTTON: I have to be honest with the  
19 Court, Your Honor.

20 THE COURT: Well, I don't -- I have no idea.

21 DEFENDANT SCOTTON: Well, I got two reports. One  
22 report say that we're married, and now she's come up with a  
23 report saying we're not married, so --

24 THE COURT: All right. Well, that's what a trial's  
25 all about.

1           DEFENDANT SCOTTON: Exactly.

2           THE COURT: What's her address?

3           DEFENDANT SCOTTON: Your Honor, I have the driver's  
4 license and I have phone number. As I understand, she's in  
5 Hialeah somewhere right now.

6           THE COURT: All right. What address do you have off  
7 the driver's license?

8           DEFENDANT SCOTTON: I just got the driver's license  
9 number, I don't know if that help the marshals.

10          THE COURT: No, you need to have an address, so what  
11 you'll need to do is --

12          DEFENDANT SCOTTON: Address, Your Honor, everything  
13 still -- because I just received a couple of evidence in here,  
14 from my family, I mean everything still come to my address, so  
15 she never even change the address.

16          THE COURT: I'm sorry?

17          DEFENDANT SCOTTON: She never even changed the  
18 address, everything still come to our old address as a couple.

19          THE COURT: But she's not living there?

20          DEFENDANT SCOTTON: No.

21          THE COURT: Okay. What I will do is I'm going to  
22 grant a subpoena to Ms. Ailyn, A-I-L-Y-N, Mollinedo; however,  
23 you'll need to supply a correct address.

24          You have a private investigator --

25          DEFENDANT SCOTTON: Yes.

1 THE COURT: -- that person could find it.

2 DEFENDANT SCOTTON: Okay.

3 THE COURT: But I will grant a subpoena to her, to  
4 your wife, subject to a correct address being supplied.

5 All right. And do you have any other witnesses that  
6 you want to subpoena or have the Court consider ordering  
7 subpoenas to be issued to at this time?

8 DEFENDANT SCOTTON: Yes, Your Honor.

9 THE COURT: All right. Go ahead.

10 DEFENDANT SCOTTON: My employee, Renata.

11 THE COURT: R-E-N --

12 DEFENDANT SCOTTON: R-E-N-A-T-A.

13 THE COURT: And the last name?

14 DEFENDANT SCOTTON: Her name used to be -- the last  
15 name used to be Moura, I don't if it change.

16 THE COURT: All right. What is it?

17 DEFENDANT SCOTTON: M-O-U-R-A.

18 THE COURT: M-O-U-R-A, and you said she's an  
19 employee. Is this another allegation that she was an employee  
20 of yours at the UPS store?

21 DEFENDANT SCOTTON: Well, she worked for me to the  
22 entire company.

23 THE COURT: What, I didn't get that?

24 DEFENDANT SCOTTON: The company that is involved in  
25 the fraud, the sham fraud, whatever they call it.

1 THE COURT: What's the name of the company?

2 DEFENDANT SCOTTON: Sky Air.

3 THE COURT: Sky Air.

4 DEFENDANT SCOTTON: Yeah, she worked for Sky Air, but  
5 she used to work in the store as well.

6 THE COURT: And was Sky Air your company?

7 DEFENDANT SCOTTON: Yes, sir.

8 THE COURT: And what would she testify to about Sky  
9 Air, being an employee of Sky Air?

10 DEFENDANT SCOTTON: Well, Your Honor, you know,  
11 basically seeing two different reports now from FBI, she said  
12 one thing, and now she change her story as well, and I'm  
13 pretty much sure -- I already got an idea why she has lied on  
14 her reports, and I guess she's going to have to come up and  
15 testify of those allegations now.

16 THE COURT: Okay. So she's given statements to the  
17 FBI --

18 DEFENDANT SCOTTON: That is not true.

19 THE COURT: -- about factual allegations underlying  
20 the indictment.

21 DEFENDANT SCOTTON: And I believe that she doing  
22 this, because she's the one has committed sham marriage and  
23 they pretty much know now.

24 THE COURT: All right. What's her address?

25 DEFENDANT SCOTTON: I have her number. I think the

1 investigator might be able to get the address as well, Your  
2 Honor.

3 THE COURT: All right. I'm going to go ahead and  
4 grant that subpoena to be issued, again, subject to the  
5 Defendant providing a correct address or a current address.

6 DEFENDANT SCOTTON: Right.

7 The next witness, Your Honor, if you are ready --

8 THE COURT: Yes.

9 DEFENDANT SCOTTON: -- is my brother, same last name  
10 --

11 THE COURT: First name?

12 DEFENDANT SCOTTON: -- Scotton, S-C-O-T-T-O-N.

13 THE COURT: All right.

14 DEFENDANT SCOTTON: First name, Flavio, F-L-A-V-I-O.

15 THE COURT: Where's he located?

16 DEFENDANT SCOTTON: We're going to use my family's  
17 address, my mother's address, 7797 Golf Circle Drive, Suite  
18 Number 204 -- apartment number, not suite number.

19 THE COURT: Margate.

20 DEFENDANT SCOTTON: Margate, sir.

21 THE COURT: All right. And what would Mr. Flavio  
22 Scotton testify about?

23 DEFENDANT SCOTTON: Threats by the FBI and the  
24 allegations on some of the reports of the FBI that, I guess  
25 someone who's going to come testify claims that my brother

1 used to work for me, and I have no -- I have no relationship  
2 with my brother over four years, so this is false allegation  
3 here and he need to come testify on that matter.

4 THE COURT: When you say threats by the FBI, are you  
5 talking about that Mr. Flavio Scotton was threatened by the  
6 FBI?

7 DEFENDANT SCOTTON: That's what I understand from him  
8 and his wife. The message that I got is that he has threat  
9 that if I don't plea out, the whole family look for trouble.  
10 So in one way to another, the FBI agent told him that he's  
11 going to find a way to get me deported out of this country.

12 THE COURT: All right. And are you seeking to have  
13 him testify at the trial or the evidentiary hearing?

14 DEFENDANT SCOTTON: Both of them.

15 THE COURT: All right. And are you saying that he's  
16 a witness that will testify that the government agent or  
17 prosecutor threatened him directly in order to intimidate him  
18 or somehow prevent him from being a favorable witness for you?

19 DEFENDANT SCOTTON: Your Honor, if the prosecutor  
20 wants to gather at the time, I don't know, but as far as we  
21 understand, FBI keeps popping the door over there, and  
22 intimidating the whole family and they say, you know, they  
23 need to present some files, some evidence to the prosecutor  
24 and testify on the prosecutor's behalf.

25 THE COURT: Was he threatened? You indicated he was

1 threatened, how was he threatened?

2 DEFENDANT SCOTTON: Look for trouble, if no -- you  
3 know, they say, If you don't testify on behalf of the  
4 prosecutor, they look to get a charge against him.

5 THE COURT: Okay. What's his address?

6 You're saying you already gave it --

7 DEFENDANT SCOTTON: The same one, Your Honor.

8 THE COURT: The one in Margate.

9 DEFENDANT SCOTTON: Yes, sir.

10 THE COURT: All right. Now, I'll authorize that  
11 witness for the evidentiary hearing, so you'll have to get  
12 that together very quickly.

13 Once we're done with this hearing, I'll have an order  
14 get out very quickly, authorizing whatever subpoenas are being  
15 authorized. But if you're going to want him for the  
16 evidentiary hearing that we scheduled for the 19th, he'll need  
17 to get subpoenaed right away. Or, if he's -- he's your  
18 brother, you said?

19 DEFENDANT SCOTTON: I want to get --

20 THE COURT: He may voluntarily show up.

21 DEFENDANT SCOTTON: Well, I don't know, Your Honor,  
22 because at this point, everybody is so concerned about this  
23 whole situation of like fabrication of charge and everything  
24 else.

25 THE COURT: All right. Well, I'm going to authorize

1 to subpoena him for the evidentiary hearing, but what  
2 relevance would he have to the trial?

3 DEFENDANT SCOTTON: Impeachment.

4 THE COURT: Impeachment of what, what he said to the  
5 agents?

6 DEFENDANT SCOTTON: Not only what he said to the  
7 agent, Your Honor, the reports that the agent claimed that my  
8 brother used to work for me, that some guy claimed that my  
9 brother shipped some eight to ten packages through him to  
10 Brazil, and the claim that he worked for me and never even  
11 worked for me.

12 THE COURT: Okay. I'm going to authorize him for  
13 both evidentiary hearing and trial.

14 Who's your next witness?

15 DEFENDANT SCOTTON: I've got Junior Silva.

16 THE COURT: Junior?

17 DEFENDANT SCOTTON: Yeah, Silva.

18 THE COURT: Silva, S-I-L-V-A?

19 DEFENDANT SCOTTON: That's correct.

20 THE COURT: All right. Is he local?

21 DEFENDANT SCOTTON: Yes, Your Honor. I have the  
22 number here, the phone number that I have for him, but he live  
23 now in Deerfield Beach. There's going to be an address that  
24 the private investigator is going to have to provide us.

25 THE COURT: Well, what's his relevance to trial?

1           DEFENDANT SCOTTON: Your Honor, I know this man,  
2 since 1992. He has a girl who is married to his wife -- or to  
3 his sister. We have a race together. The FBI has show up on  
4 his door not long ago.

5           Also, by look at the FBI reports, there's a lot of  
6 false statements made. As a matter of fact, Junior has used  
7 my company to ship packages to Brazil as well. So the fact  
8 that he know my business, that we been involved together as  
9 pretty much a family, and a lot of the things that has been  
10 said in the FBI report, it's outrageous and, you know, he need  
11 to come testify.

12           THE COURT: All right. So he's a trial witness for  
13 you. Do you have an address?

14           DEFENDANT SCOTTON: Well, the investigator going to  
15 have to get that for us, Your Honor.

16           THE COURT: All right. That's authorized, subject to  
17 Defendant getting a current address.

18           DEFENDANT SCOTTON: Yes, yes.

19           THE COURT: All right. Who's your next --

20           DEFENDANT SCOTTON: Your Honor, how many character  
21 witness is the Court going to allow me to bring in?

22           THE COURT: Well, again, that's going to be up to  
23 Judge Rosenbaum, and that's what I tried to explain to you  
24 earlier.

25           All I'm doing is trying to go through to see if you

1 meet the Rule 17(b) standard and the case law from the  
2 Eleventh Circuit to issue a subpoena.

3           It's up to Judge Rosenbaum, at the time of trial, if,  
4 first of all, any character witnesses are going to be  
5 admitted, and that all depends on the number of evidentiary  
6 findings; and secondly, if any character witnesses are going  
7 to be admitted, how many. And that goes to cumulative,  
8 duplicitous testimony.

9           It may or may not be, I don't know, but again, that's  
10 going to be Judge Rosenbaum's decision. So are you saying  
11 that Mr. Silva will be a character witness or -- no, I'm  
12 sorry, and your next witness will be a character witness?

13           DEFENDANT SCOTTON: Well, he's going to be both of  
14 them, because also he know -- as a matter of fact, one time, I  
15 was in a police department and I was report some of the  
16 behavior of DHL and --

17           THE COURT: Are you talking about Mr. Silva or  
18 someone else?

19           DEFENDANT SCOTTON: No. Let me give you the next  
20 name.

21           THE COURT: Go ahead.

22           DEFENDANT SCOTTON: The last name spelled C-A-V-A-L,  
23 as in Larry, C-A-N, as in Nancy, T as in Tom.

24           THE COURT: Wait, I didn't get you. C-A-V-A --

25           DEFENDANT SCOTTON: L.

1 THE COURT: Okay.

2 DEFENDANT SCOTTON: C-A-N-T.

3 THE COURT: C-A-V-A-L-C-A-N-T, Cavalcant?

4 DEFENDANT SCOTTON: Yeah, N-T-E, Cavalcante.

5 THE COURT: Cavalcante, and the first name?

6 DEFENDANT SCOTTON: Francisco, that's

7 F-R-A-N-C-I-S-C-O.

8 THE COURT: All right. So he would be a character  
9 witness?

10 DEFENDANT SCOTTON: Also, he has the knowledge about  
11 Mr. Junior Silva and --

12 THE COURT: What's his address?

13 DEFENDANT SCOTTON: The investigator going to have to  
14 get it, he's in Revere, Massachusetts.

15 THE COURT: All right. I'm going to go ahead and  
16 grant that, subject to you getting a current address.

17 DEFENDANT SCOTTON: Okay.

18 THE COURT: Who's your next witness, if anybody?

19 DEFENDANT SCOTTON: Your Honor, I have one here that  
20 he's located in Brazil, he used to be a client of the company.

21 THE COURT: Well, you're going to have to determine  
22 how you get a Brazilian witness here, because the marshals  
23 aren't going to go to Brazil to serve a subpoena, number one.

24 Number two, subpoenas are valid in the United States,  
25 so you're going to have to determine if there's any legal way

1 that you can force the next witness from -- now, were you  
2 saying Mr. Cavalcante was in Brazil?

3 DEFENDANT SCOTTON: No, no, no, the next one here.  
4 Well, the family already spoke to this next one, he say he  
5 willing to come.

6 THE COURT: What's the name?

7 DEFENDANT SCOTTON: It's Ivan, I-V-A-N, last name, S,  
8 as in Sam, E-R-R-A-O.

9 THE COURT: S-E-R --

10 DEFENDANT SCOTTON: R-A-O, Serrao.

11 THE COURT: S-E-R-R-A-O?

12 DEFENDANT SCOTTON: Yes, sir.

13 THE COURT: All right. Now, he's in Brazil.

14 DEFENDANT SCOTTON: Yes, yes.

15 THE COURT: All right. You said that the family  
16 spoke to him and he wants to voluntarily come?

17 DEFENDANT SCOTTON: His concern is the time frame  
18 because he need to -- he's going to try to figure out how can  
19 he afford to come here, because I told him I can -- I can't do  
20 anything on that.

21 THE COURT: Right. Well, I can't authorize a  
22 subpoena to be served by the marshals under Rule 17(b) for  
23 someone in Brazil. You'll have to research the matter and see  
24 if there's any other way that you can try and get him here, if  
25 you think he's relevant.

1           What would his testimony be, even if you were to try  
2 and call him?

3           DEFENDANT SCOTTON: Your Honor, he has used my  
4 company for probably a year and a half.

5           THE COURT: Which company?

6           DEFENDANT SCOTTON: Sky Air.

7           THE COURT: Okay.

8           DEFENDANT SCOTTON: And some of the products that he  
9 bought on my shop now line were shipped to him, and was a  
10 problem of getting to Brazil.

11           the one in specific I shipped to him was a Dell  
12 computer, and was delivered in Brazil and was confiscated by  
13 the Brazilian Government.

14           THE COURT: All right. Well, I can't authorize -- I  
15 cannot authorize a 17(b) subpoena for a person in Brazil, so  
16 I'm going to deny that request under 17(b).

17           Who would be your next witness?

18           DEFENDANT SCOTTON: I have Steven --

19           THE COURT: Is that with a V or PH?

20           DEFENDANT SCOTTON: S-T-E-V-E-N.

21           THE COURT: Last name?

22           DEFENDANT SCOTTON: C-H-R-I-S-T-E-N-S-E-N.

23           THE COURT: Steven Christensen.

24           DEFENDANT SCOTTON: Yes, sir.

25           THE COURT: Where is he located?

1           DEFENDANT SCOTTON: He's down in Miami, Your Honor.

2           THE COURT: All right. What would his relevance be  
3 to your trial?

4           DEFENDANT SCOTTON: He has followed my race career  
5 for many years, he has a talk show on IM radio.

6           THE COURT: Character witness?

7           DEFENDANT SCOTTON: Not only that, also I have report  
8 to him all of this drug scam before.

9           THE COURT: All right. I'll go ahead and authorize  
10 him as a character witness. Again, I don't know if the drug  
11 scam aspect, how that's going to develop at trial, and I don't  
12 know how Judge Rosenbaum's going to rule on that. But if  
13 you're alleging he's a character witness, then under 17(b), I  
14 will go ahead and authorize that.

15           Do you have an address for him?

16           DEFENDANT SCOTTON: Your Honor, the private  
17 investigator will have to get that as well.

18           THE COURT: All right. So the subpoena to Steven  
19 Christensen is granted, subject to the Defendant getting a  
20 current address.

21           DEFENDANT SCOTTON: Your Honor, I don't know if you  
22 have an understanding what the drug scam is all about. If you  
23 want me to clarify that with you, I'll be glad to.

24           THE COURT: If you can do it in just a minute or two,  
25 because we have a lot of matters to handle this afternoon. I

1 have an idea what I think you're arguing, but if you want to  
2 just very briefly explain it.

3 DEFENDANT SCOTTON: I think that's the motivation of  
4 this charges against me, Your Honor. For many times, I have  
5 to -- I have even reports here that I have a file with Boca  
6 Police Department of some of my package involved with some  
7 drugs, and I know some of the employees from those companies  
8 involvements on this. So I'm pretty much sure that it has to  
9 be the reason why I've been indicted with this.

10 THE COURT: So what you're trying to tell me is that  
11 UPS and Federal Express were involved in some drug scam; and  
12 therefore, they made false allegations against you.

13 DEFENDANT SCOTTON: It has to be, Your Honor. UPS  
14 already paid \$40,000,000 this year to the Government to settle  
15 their case.

16 THE COURT: All right. Again, I don't know if that's  
17 going to be relevant to a defense in this case, but I  
18 appreciate you telling me that, at least I understand your  
19 position.

20 Who would your next witness be?

21 DEFENDANT SCOTTON: Thank you.

22 I got a last name, Sacramento, S-A-C-R-A-M-E-N-T-O.  
23 First name, Paulo.

24 THE COURT: P-A-U --

25 DEFENDANT SCOTTON: L-O.

1 THE COURT: -- L-O.

2 DEFENDANT SCOTTON: Yes, Your Honor.

3 THE COURT: All right. And where is he located?

4 DEFENDANT SCOTTON: He's in Coconut Creek.

5 THE COURT: And what would his testimony be?

6 DEFENDANT SCOTTON: He's going to be more like a  
7 character witness, Your Honor, he's my pastor.

8 Also, there's something else the FBI tried to bring  
9 in about some issue that I had before with some sponsorship.  
10 He has a way -- a good knowledge on that matter of this case  
11 that was in North Carolina with worthless check, so the member  
12 that was responsible at the time was one that passed off his  
13 church.

14 THE COURT: All right. What's his address?

15 DEFENDANT SCOTTON: The investigator is going to have  
16 to, you know, get the address as well, Your Honor.

17 THE COURT: All right. That's granted, subject to  
18 the investigator getting a current address -- or the  
19 Defendant, rather, getting a current address.

20 All right. Who would your next witness be, if  
21 anybody?

22 DEFENDANT SCOTTON: One second, Your Honor.

23 Your Honor, I'm going to subpoena my stepdad and my  
24 mother.

25 THE COURT: All right. What's your stepdad's name,

1 is that Mr. Colon?

2 DEFENDANT SCOTTON: Yes, Carlos his name.

3 THE COURT: C-O-L-O-N?

4 DEFENDANT SCOTTON: Yes, Your Honor.

5 THE COURT: Does he speak English?

6 DEFENDANT SCOTTON: Yes.

7 THE COURT: All right. So he doesn't need a Spanish  
8 interpreter?

9 DEFENDANT SCOTTON: No, Your Honor.

10 THE COURT: All right. What is Mr. Colon's address?

11 DEFENDANT SCOTTON: 7797 Golf Circle Drive.

12 THE COURT: And that's in Margate, what unit was that  
13 again?

14 DEFENDANT SCOTTON: 204.

15 THE COURT: All right. So you want him subpoenaed  
16 for the evidentiary hearing and the trial?

17 DEFENDANT SCOTTON: Yes, Your Honor. And I guess my  
18 mother, also, I need to --

19 THE COURT: All right. Let's deal with Mr. Colon,  
20 I'm going to go ahead and grant that.

21 DEFENDANT SCOTTON: Okay.

22 THE COURT: I'm going to authorize a subpoena for  
23 Mr. Colon for both the evidentiary hearing and the trial.

24 And your mother's name is what?

25 DEFENDANT SCOTTON: Marina.

1 THE COURT: M-A-R-I-N-A?

2 DEFENDANT SCOTTON: Yes, Your Honor.

3 THE COURT: And the last name?

4 DEFENDANT SCOTTON: Colon, C-O-L-O-N.

5 THE COURT: All right. Same address?

6 DEFENDANT SCOTTON: Yes, Your Honor.

7 THE COURT: And you want her subpoenaed for both the  
8 evidentiary hearing and trial?

9 DEFENDANT SCOTTON: Yes, Your Honor.

10 THE COURT: All right. That's granted.

11 You may also be able to have them voluntarily come  
12 in, but that's entirely up to you.

13 Who would your next witness be, if you have any for  
14 now?

15 DEFENDANT SCOTTON: I do have, Your Honor.

16 Your Honor, I want to make a quick correction here on  
17 my employee, Renata.

18 THE COURT: Let me go back, hold on a second. Renata  
19 Moura, M-O-U-R-A.

20 DEFENDANT SCOTTON: Right. I think her last name is  
21 spelled M-E-Z-E-N-T-S-E-F.

22 THE COURT: All right. Hold on a second.

23 Renata, instead of M-O-U-R-A, spell me the name  
24 again.

25 DEFENDANT SCOTTON: M as in Mary, E as in Edward, Z

1 as in zebra, E-N-T-S-E-F.

2 THE COURT: Let me see if I have it right.

3 M-E-Z-E-N-T-S-E-F.

4 DEFENDANT SCOTTON: That's correct, Your Honor.

5 THE COURT: All right. Same ruling on that, it is

6 granted, but I'll change the name from Moura to

7 M-E-Z-E-N-T-S-E-F.

8 All right. Who would your next witness be?

9 DEFENDANT SCOTTON: I have a Yvonne, I don't have the  
10 pronounce of his last name, Your Honor, because on the reports  
11 and the receipts, we have got just Yvonne K.

12 THE COURT: Well, I can't authorize a subpoena to  
13 Yvonne K. You're saying the letter K?

14 DEFENDANT SCOTTON: Yeah.

15 THE COURT: That's not sufficiently descriptive.  
16 What you'll have to do is try and find out the individual's  
17 name.

18 DEFENDANT SCOTTON: Okay.

19 THE COURT: So I'm going to deny Yvonne K, subject to  
20 you getting a name, proving relevancy and the 17(b)  
21 requirements and, if it's authorized, a current address.

22 DEFENDANT SCOTTON: I have -- next one is, last name  
23 Moura, M-O-U-R-A.

24 THE COURT: M-O-U-R-A, okay.

25 DEFENDANT SCOTTON: First name Marco.

1 THE COURT: All right. And what would Marco Moura  
2 testify to?

3 DEFENDANT SCOTTON: Marco used to work for me. As a  
4 matter of fact, he's the real husband to Renata, my employee.  
5 During the construction he did a lot of work on the building.

6 THE COURT: And he worked for you for which company?

7 DEFENDANT SCOTTON: The Merry Mailman.

8 THE COURT: The what?

9 DEFENDANT SCOTTON: The Merry Mailman.

10 THE COURT: The Merry Mailman?

11 DEFENDANT SCOTTON: Yes, sir.

12 THE COURT: Like Merry Christmas?

13 DEFENDANT SCOTTON: Yes.

14 THE COURT: And that was your company?

15 DEFENDANT SCOTTON: Yes, sir.

16 THE COURT: And what would the relevance of his  
17 testimony be, just because he worked for Merry Mailman?

18 DEFENDANT SCOTTON: Well, Your Honor, my  
19 understanding is that the two different reports from his wife  
20 is not consistent, and it pretty much show the reason why that  
21 she's being intimidated and the fact that Government know that  
22 she engaged on a sham marriage.

23 THE COURT: Are you saying that Marco Moura is  
24 involved in a sham marriage with her?

25 DEFENDANT SCOTTON: Yeah.

1 THE COURT: And that's the reason she's allegedly  
2 making false statements against you?

3 DEFENDANT SCOTTON: She has no reason to lie, why she  
4 be saying those things?

5 THE COURT: All right. What's his address? Same  
6 as --

7 DEFENDANT SCOTTON: Renata.

8 THE COURT: Same as Renata Mezentsef?

9 DEFENDANT SCOTTON: Yes, Your Honor.

10 THE COURT: But that was -- that witness was granted  
11 subject to you providing a current --

12 DEFENDANT SCOTTON: Exactly.

13 THE COURT: -- address.

14 DEFENDANT SCOTTON: The investigator will --

15 THE COURT: All right. Let me just make a note here.  
16 Mr. Moura, his wife of Ms. Renata Mezentsef, sham marriage,  
17 and impeachment of Ms. Mezentsef; is that right?

18 Is that right, Mr. Scotton?

19 DEFENDANT SCOTTON: Yes, Your Honor.

20 THE COURT: All right. That's granted, subject to  
21 the Defendant getting the correct address.

22 All right. Who would be next, if anybody?

23 DEFENDANT SCOTTON: I have a last name Torres,  
24 T-O-R-R-E-S.

25 THE COURT: First name?

1 DEFENDANT SCOTTON: Karina.

2 THE COURT: How do you spell that?

3 DEFENDANT SCOTTON: K-A-R-I-N-A.

4 THE COURT: All right. And what would the relevance  
5 of Karina Torres be?

6 DEFENDANT SCOTTON: She had spoke twice to my wife on  
7 beginning of this case, and my wife told her that she, my  
8 wife, has been intimidated by the FBI on deportation to Cuba  
9 if she get close to me or help me with this case.

10 THE COURT: Who is Karina Torres, is she a lawyer?

11 DEFENDANT SCOTTON: No, she's a friend with my wife.

12 THE COURT: A friend of your wife, and she spoke with  
13 your wife, and what would her testimony be?

14 DEFENDANT SCOTTON: That my wife has been threat.

15 THE COURT: Was she present when your wife was  
16 threatened, allegedly?

17 DEFENDANT SCOTTON: They got a phone record.

18 THE COURT: What's that?

19 DEFENDANT SCOTTON: They been talk on the phone. I  
20 spoke to Karina from FDC and she called my wife.

21 THE COURT: All right. But how would that be  
22 relevant to any issue?

23 In other words, you're going to be calling your wife  
24 to testify that she was threatened, I assume.

25 Is that right, are you going to try to prove she was

1 threatened?

2 DEFENDANT SCOTTON: My proof here, that I have no  
3 reason to have a sham marriage, living in this country 24  
4 years, just now decide to do a sham marriage.

5 THE COURT: All right. Let me just get it straight  
6 for a legal reason. You're saying that your wife is going to  
7 be possibly testifying against you and she may be lying; is  
8 that right?

9 DEFENDANT SCOTTON: Yes.

10 THE COURT: And that Karina Torres would testify that  
11 your wife told her she was threatened by the FBI?

12 DEFENDANT SCOTTON: Yes.

13 THE COURT: All right. So it's impeachment, okay, so  
14 that's granted. Do you have an address for her?

15 DEFENDANT SCOTTON: The investigator is going to get  
16 the address as well, Your Honor. She's in Hialeah.

17 THE COURT: All right. Subject to the Defendant  
18 getting the address.

19 All right. Any other witnesses?

20 DEFENDANT SCOTTON: I have a Nicole Nelson.

21 THE COURT: Nicole, N-I-C-O-L-E, Nelson, N-E-L-S-O-N?

22 DEFENDANT SCOTTON: No.

23 THE COURT: What's that? Nicole Nelson, N-E-L-S-O-N?

24 DEFENDANT SCOTTON: N-E-L-S-O-N, yes, Your Honor.

25 THE COURT: All right. And what would Nicole Nelson

1 testify about?

2 DEFENDANT SCOTTON: Nicole, she's a DHL security, she  
3 work out of the Chicago office.

4 THE COURT: All right. And what would the relevancy  
5 of that be?

6 DEFENDANT SCOTTON: I having spoke to Nicole on  
7 several occasions when was some kind of problem with the --  
8 any packages getting hold up by those companies.

9 I have a fax to her, a lot of waybills and  
10 verification prove that those packages was mine and I never  
11 done anything wrong. She understand that I used to use a  
12 third-party shipping company.

13 THE COURT: You used to use a what?

14 DEFENDANT SCOTTON: A third-party shipping company.

15 THE COURT: A third-party shipping --

16 DEFENDANT SCOTTON: Yeah, third-party shipping  
17 company.

18 THE COURT: All right. But, I mean, how is that  
19 going to impact your defense? She's with DHS (sic) security  
20 in Chicago, you spoke to her.

21 DEFENDANT SCOTTON: Well, she's going to testify that  
22 my shipping problem did not arise any fraud.

23 THE COURT: That what?

24 DEFENDANT SCOTTON: You know, she's going to testify  
25 that all my shipping problems here has not arise any fraud, I

1 didn't commit any fraud.

2 THE COURT: All right. Do you have her address?

3 DEFENDANT SCOTTON: Yes, Your Honor, I do.

4 THE COURT: Okay. Go ahead.

5 DEFENDANT SCOTTON: It's 929 --

6 THE COURT: 929.

7 DEFENDANT SCOTTON: -- West, and I'm going to spell  
8 the street address, C-E-R-M-A-C-K, Road.

9 THE COURT: C-E-R-M-A-C --

10 DEFENDANT SCOTTON: No, Your Honor. C-E-R-M-A-C-K.

11 THE COURT: Road.

12 DEFENDANT SCOTTON: Yes, Your Honor.

13 THE COURT: City?

14 DEFENDANT SCOTTON: Chicago, Illinois.

15 THE COURT: Do we have a suite?

16 DEFENDANT SCOTTON: No, that's the full address. I  
17 have a number also, if the Court need a number.

18 THE COURT: Is that DHS, does she work in DHS?

19 DEFENDANT SCOTTON: Yes, Your Honor, DHL.

20 THE COURT: DHL, I mean.

21 DEFENDANT SCOTTON: Yes.

22 THE COURT: And do you have a phone number?

23 DEFENDANT SCOTTON: Yes, Your Honor, I do.

24 THE COURT: Go ahead.

25 DEFENDANT SCOTTON: (212) 705-2112.

1 THE COURT: Okay. I'm going to go ahead and  
2 authorize that.

3 And when you do these subpoenas, if you have current  
4 phone numbers for them, it might be a good idea to put them in  
5 the subpoenas so the marshals can give them a call, perhaps.

6 DEFENDANT SCOTTON: I have a second number, also, if  
7 the Court need it, for Nicole Nelson.

8 THE COURT: Go ahead.

9 DEFENDANT SCOTTON: It is (773)541-0827.

10 THE COURT: 0827?

11 DEFENDANT SCOTTON: Yes, Your Honor.

12 THE COURT: All right. So that's authorized.

13 Who's your next witness.

14 DEFENDANT SCOTTON: Susie Johnson.

15 THE COURT: How do you spell that?

16 DEFENDANT SCOTTON: First name, S-U-S-I-E.

17 THE COURT: Johnson, J-O-H-N-S-O-N?

18 DEFENDANT SCOTTON: That's correct, Your Honor.

19 THE COURT: All right. And what does she do, and why  
20 do you need her?

21 DEFENDANT SCOTTON: She work for Fed Ex, the internet  
22 division of Federal Express.

23 THE COURT: All right. And --

24 DEFENDANT SCOTTON: She has a knowledge on this case,  
25 of several reports her name was mentioned in.

1 THE COURT: The FBI report?

2 DEFENDANT SCOTTON: Yes, Your Honor.

3 THE COURT: What's her address?

4 DEFENDANT SCOTTON: I have a phone number, I know  
5 she's at Mayfield, Tennessee. I guess we going to have to  
6 figure out a way to get the address as well.

7 THE COURT: All right. I'm going to grant a subpoena  
8 to Susie Johnson, Fed Ex Internet Division, subject to the  
9 Defendant getting a current address.

10 All right. Who's your next witness?

11 DEFENDANT SCOTTON: Alan Mason.

12 THE COURT: I'm sorry?

13 DEFENDANT SCOTTON: Alan, first name A-L-A-N, Alan.

14 THE COURT: Okay.

15 DEFENDANT SCOTTON: Last name, M-A-S-O-N.

16 THE COURT: All right. And what's Mr. Mason?

17 DEFENDANT SCOTTON: He's a reporter for PBS, Palm  
18 Beach station.

19 THE COURT: A reporter at where?

20 DEFENDANT SCOTTON: Of PBS, Palm Beach.

21 THE COURT: And why would you want to subpoena a  
22 reporter?

23 DEFENDANT SCOTTON: He's going to be a character  
24 witness. He has, you know, history of my relationship with  
25 the employees and corporate office people from Federal Express

1 and DHL.

2 THE COURT: Do you have an address?

3 DEFENDANT SCOTTON: We're going to have to provide  
4 that as well, Your Honor.

5 THE COURT: All right. It's granted, subject to an  
6 address.

7 Go ahead, who's your next one?

8 DEFENDANT SCOTTON: I have here Nicky Brown.

9 THE COURT: N-I-C-K-Y?

10 DEFENDANT SCOTTON: Yes, Your Honor.

11 THE COURT: Brown, B-R-O-W-N. And what is Nicky  
12 Brown's position.

13 DEFENDANT SCOTTON: He work -- as a matter of fact,  
14 he's the one, he work for the Investment Limit company, and  
15 he's the one who was involved in that contract for the store.

16 THE COURT: Investments Limited?

17 DEFENDANT SCOTTON: Yes, Your Honor.

18 THE COURT: He's the one who you say his company --

19 DEFENDANT SCOTTON: Yes, he's the realtor, the  
20 realtor, yeah. He's the one that I signed with him.

21 THE COURT: The realtor for --

22 DEFENDANT SCOTTON: Invest Limit.

23 THE COURT: And that's the -- your allegation that  
24 you had a UPS store contract?

25 DEFENDANT SCOTTON: Yes.

1 THE COURT: All right. And do you have Nicky Brown's  
2 address?

3 DEFENDANT SCOTTON: I'm assuming it is the same  
4 office location, if he's still working there. The  
5 investigator might be able to --

6 THE COURT: I think the last -- what was the name of  
7 the other person at Investments Limited? That was Daron  
8 Tersakyan?

9 DEFENDANT SCOTTON: Yes, Daron Tersakyan.

10 THE COURT: All right. So the address for this  
11 person, Nicky Brown at Investments Limited, would be 215 North  
12 Federal Highway, Number 1, Boca Raton.

13 DEFENDANT SCOTTON: Yes.

14 THE COURT: All right.

15 Okay, I'm going to authorize Nicky Brown.

16 Any others?

17 DEFENDANT SCOTTON: I've got a Bob Emilian.

18 THE COURT: Bob --

19 DEFENDANT SCOTTON: Emilian.

20 THE COURT: How do you spell it?

21 DEFENDANT SCOTTON: E-M-I-L-I-A-N.

22 THE COURT: Okay. And what would Mr. Emilian testify  
23 about?

24 DEFENDANT SCOTTON: He also be a character witness,  
25 but also he have -- Bob Emilian used to be the vice-president

1 of GNC, and GNC used to be --

2 THE COURT: Wait a minute. Vice-president of what?

3 DEFENDANT SCOTTON: GNC stores. GNC, the vitamin  
4 store.

5 THE COURT: GNC, oh, okay.

6 DEFENDANT SCOTTON: Sorry, my accent, Your Honor.

7 THE COURT: Vice-president of GNC stores.

8 DEFENDANT SCOTTON: Yes, for merchandise.

9 THE COURT: Aside from being a character witness, how  
10 would that be relevant?

11 DEFENDANT SCOTTON: Well, he has the knowledge also  
12 of my relationship with a bunch of members of the Federal  
13 Express company. They used to be part of the -- one of the  
14 sponsors.

15 And just to make that clear, some of the people  
16 involved over there, it is some people that I'm pretty much  
17 sure they're involved in this drug scam. He did a report and  
18 that's why I guess I got those allegations on my back.

19 THE COURT: Plus he's a character witness, you say?

20 DEFENDANT SCOTTON: Yes, Your Honor.

21 THE COURT: All right. I'll go ahead and authorize  
22 him. Do you have an address?

23 DEFENDANT SCOTTON: Your Honor, he's in Philadelphia,  
24 so the investigator going to -- I have the phone number here,  
25 but the investigator going to have to go get it.

1 THE COURT: So it'll be granted, subject to a current  
2 address.

3 Anybody else?

4 DEFENDANT SCOTTON: I got a Pat, P-A-T; last name,  
5 H-E-L-M-U-S.

6 THE COURT: Pat Helmus.

7 DEFENDANT SCOTTON: She's from the Broward Humane  
8 Society.

9 THE COURT: And what would that be about?

10 DEFENDANT SCOTTON: She's going to be a character  
11 witness, was a event that I done for them and I donated my  
12 race suit and my helmet. They auctioned, at this event, this  
13 gem.

14 THE COURT: Okay. That may or may not be a valid  
15 character witness. Does she know you personally?

16 DEFENDANT SCOTTON: Yes.

17 THE COURT: Can she testify as to your character and  
18 your reputation for truthfulness?

19 DEFENDANT SCOTTON: Yes.

20 THE COURT: All right. What's her address?

21 DEFENDANT SCOTTON: We going to have to supply that  
22 as well, Your Honor.

23 THE COURT: All right. That's granted, subject to an  
24 address.

25 Who else?

1           DEFENDANT SCOTTON: Last name is Goldrich,  
2 G-O-L-D-R-I-C-H.

3           THE COURT: All right. First name?

4           DEFENDANT SCOTTON: Donald.

5           THE COURT: And what would this gentleman testify to?

6           DEFENDANT SCOTTON: Your Honor, back in the days, he  
7 used to be a civil lawyer for me. He be able to testify that  
8 Mr. Rubens Amaral, one of the companies that I used --

9           THE COURT: Wait a minute. I didn't understand that.

10          DEFENDANT SCOTTON: Okay. Is a company that I -- one  
11 of the companies that I used to use to ship the package.

12          THE COURT: What is the name of it?

13          DEFENDANT SCOTTON: Lider, L-I-D-E-R.

14          THE COURT: That's the name of the company?

15          DEFENDANT SCOTTON: Yeah, that I used to use.

16          THE COURT: Lider, is that all it is, Lider?

17          DEFENDANT SCOTTON: Lider Mudancas.

18          THE COURT: Oh, okay. M-O-D-A-L-S-E-S?

19          DEFENDANT SCOTTON: M-U-D-A-N-C-A-S.

20          THE COURT: M-U-D-A --

21          DEFENDANT SCOTTON: M-U-D-A-N-C-A-S.

22          THE COURT: All right. And he was your prior civil  
23 attorney and he'll testify something about that prior company,  
24 Lider Mudancas, and what will he testify to?

25          DEFENDANT SCOTTON: That company has committed all of

1 the allegations against DHL, all the shipping fraud accounts,  
2 Mr. Rubens was the one involved on it.

3 THE COURT: Now, this is a prior company you owned?

4 DEFENDANT SCOTTON: No, no, I never owned it. That's  
5 a company that I used to use, they used to handle all the  
6 shipping with respect to my company.

7 THE COURT: All right. And how would he be able to  
8 testify that this prior company committed fraud against UPS or  
9 Fed Ex?

10 DEFENDANT SCOTTON: Mr. Goldrich used to be  
11 Mr. Rubens Amaral's lawyer as well.

12 THE COURT: Mr. Goldrich used to be a lawyer?

13 DEFENDANT SCOTTON: Yes.

14 THE COURT: Okay. But how would that in any way make  
15 him in any way competent to testify that Lider Mudancas  
16 committed fraud on UPS?

17 DEFENDANT SCOTTON: It was all over the news, Your  
18 Honor. And Mr. Goldrich know because he used to represent me  
19 on some civil matters, but he used to represent Rubens Amaral,  
20 and that he'll be able to testify that, you know, he's the one  
21 that's been doing all this stuff, together with the other one,  
22 Osvaine Duarte.

23 THE COURT: Are you saying that Mr. Goldrich,  
24 himself, was involved in this behavior?

25 DEFENDANT SCOTTON: No, no. The person involved was

1 Rubens, his client.

2 THE COURT: How do you spell that.

3 R-U-B-E-N-S, first name is Rubens, and last name,  
4 A-M-A-R-A-L.

5 THE COURT: All right. So what you're saying is that  
6 Mr. Goldrich represented Rubens Amaral.

7 DEFENDANT SCOTTON: From Lider Mudancas.

8 THE COURT: From Lider Mudancas, who was one of your  
9 shipping companies that you used to ship.

10 DEFENDANT SCOTTON: Yes.

11 THE COURT: And that Mr. Goldrich will testify that  
12 Rubens Amaral and Lider Mudancas were involved in fraud?

13 DEFENDANT SCOTTON: Yes.

14 THE COURT: All right. I still don't see the  
15 relevance of it at trial, I'm going to deny that, at this  
16 time.

17 Who is your next witness, please, if you have any  
18 more?

19 DEFENDANT SCOTTON: I do have, Your Honor.

20 I have last name, B-O-R-A-G-I-N-A.

21 THE COURT: First name?

22 DEFENDANT SCOTTON: Ralf, R-A-L-F.

23 THE COURT: Are you sure it's not R-A-L-P-H?

24 DEFENDANT SCOTTON: No, because, I mean, I got all  
25 his file here.

1 THE COURT: All right, R-A-L-F. Go ahead, what would  
2 he testify to?

3 DEFENDANT SCOTTON: Well, Your Honor, he's -- pretty  
4 much all of his files right here, license, check accounts.  
5 This man has a company down in Georgia, Marietta, Georgia,  
6 called Brazil Express USA, LLC. The Government brought this  
7 as a part of my discovery, I have no clue who this man is.

8 THE COURT: All right. But why would you want to  
9 call him if you have no idea who he is?

10 DEFENDANT SCOTTON: It's part of the accusation, so I  
11 need to face all my accusers. If this man accuse me for some  
12 reason or if something to do, that he use the name of the  
13 company that I used to have, I don't know, I need to get to  
14 the bottom of this whole thing.

15 THE COURT: But if the Government calls him as a  
16 witness at trial, you'll be able to cross-examine him. Why  
17 would you want to subpoena him?

18 DEFENDANT SCOTTON: All this file has been presented  
19 to the grand jury, Your Honor. If the Government has  
20 presented files to the grand jury, it doesn't make any sense,  
21 is nothing to do with me, then we talk another misconduct  
22 right there by the Government, trying to incriminate me by  
23 presenting things that has nothing to do with the case, only  
24 to do with me.

25 THE COURT: Did Mr. Boragina give statements to the

1 FBI?

2 DEFENDANT SCOTTON: I have not seen the reports from  
3 him.

4 THE COURT: So how is he involved, then? How do you  
5 know he's involved if you don't have any reports from him?

6 DEFENDANT SCOTTON: Your Honor, I have a file here  
7 that has a check account with TD Banks, and a lot of money is  
8 going to this check account here, and he has a company,  
9 similar name with my company that I have before.

10 THE COURT: So are you saying he was somehow involved  
11 in the fraud that's been charged against you?

12 DEFENDANT SCOTTON: I'm not trying to say that he's  
13 involved, but why the Government brought this guy in?

14 THE COURT: All right. Do you have an address for  
15 him?

16 DEFENDANT SCOTTON: Yes, Your Honor, I do.

17 THE COURT: What is it?

18 DEFENDANT SCOTTON: It is 111 F-L-A-T-W-O-O-D,  
19 Flatwood.

20 THE COURT: Flatwood.

21 DEFENDANT SCOTTON: Trace.

22 THE COURT: 111 Flatwood Trace. Go ahead.

23 DEFENDANT SCOTTON: Marietta, Georgia.

24 THE COURT: All right. I'll go ahead and authorize  
25 that.

1           Who's your next witness?

2           DEFENDANT SCOTTON: I have a Scott, last name  
3 K-A-M-L-E-T.

4           THE COURT: K-A-M --

5           DEFENDANT SCOTTON: L-E-T.

6           THE COURT: All right. And what would he testify  
7 about?

8           DEFENDANT SCOTTON: He's a manage from DHL, from the  
9 fraud department, he's out of Texas.

10          THE COURT: But what would he testify to?

11          DEFENDANT SCOTTON: I have a report to him the  
12 package get hold up over there with customers in Brazil.

13          THE COURT: How is that going to help your defense,  
14 just because you reported to him that a package got hold up?

15          DEFENDANT SCOTTON: Well, Your Honor, just this way:  
16 If I'm calling the companies and I'm reporting -- I'm  
17 presenting like, you know, I'm Rogerio Scotton, I ship this  
18 package, this is my package, this is the truck number, if  
19 those company has no -- say anything to me about, Oh, you be  
20 shipping this over a fraudulent account, I mean, something  
21 here is not right.

22                 I have no hide myself from anybody, seems to be  
23 everybody knows who Rogerio Scotton is. I'm the one calling  
24 everybody, report to everybody every single time there's a  
25 problem with any package getting hold up or some kind of type

1 of fraud, you know. And I say, This is my merchandise, this  
2 is the receipt, nobody seems to claim any kind of fraud.

3 So this man has spoke to me many times, like -- and I  
4 told him, I own the company based in Atlanta, they can only  
5 handle all the shipping aspect from my company.

6 THE COURT: Right, but what would this man testify  
7 to, other than the fact that you called him and complained  
8 that some of your packages got lost?

9 DEFENDANT SCOTTON: Not only about that, Your Honor.  
10 He's going to have to testify that I have not committed fraud  
11 because if I had committed any fraud, then why has he not told  
12 me that?

13 THE COURT: All right. I'm going to find that that's  
14 not a sufficient basis for Mr. Kamlet, so I'm going to deny  
15 that.

16 Who would your next witness be?

17 DEFENDANT SCOTTON: Vicky Egan.

18 THE COURT: V-I-C-K-Y?

19 DEFENDANT SCOTTON: Yes. Last name, E-G-A-N.

20 THE COURT: Egan, E-G-A-N?

21 DEFENDANT SCOTTON: Yes.

22 THE COURT: All right. And what would Ms. Egan  
23 testify about?

24 DEFENDANT SCOTTON: Well, some package through UPS,  
25 that were sent UPS, and I spoke to her about those packages

1 and I was trying to get information why those packages have  
2 not been delivered. She clarified those packages for me,  
3 those packages later on was delivered.

4 When I tried to collect information from her, she  
5 say, Well, seems to be some kind of fraud, has nothing to do  
6 with you. So she made a statement that I have nothing to do  
7 with any kind of fraud and she has been mentioned on the FBI  
8 reports, so I want her to come testify.

9 THE COURT: So you're talking, you shipped packages  
10 through UPS and you contacted her about lost packages?

11 DEFENDANT SCOTTON: I ship package through Osvaine  
12 Duarte, his company, and those packages got hold up at one  
13 point. I contact UPS, UPS transferred the call to her, and I  
14 spoke to her, and she say that she's going to go ahead and  
15 release those packages for me.

16 THE COURT: And did she do that?

17 DEFENDANT SCOTTON: Yeah, she did, she released those  
18 package.

19 THE COURT: All right. And did she do any type of  
20 investigation to determine if there was fraud, or what?

21 DEFENDANT SCOTTON: Your Honor, as far if she did, I  
22 don't know. A couple days later, those packages were  
23 delivered to all my clients in Brazil.

24 She has my information, my number and everything  
25 else, and she never contact me back or anything, but I saw her

1 name mentioned on one of the FBI reports.

2 THE COURT: And what did she say to the FBI, do you  
3 know?

4 DEFENDANT SCOTTON: They been talking about, you  
5 know, Mr. Scotton doing fraud.

6 THE COURT: All right. Do you have an address for  
7 her?

8 DEFENDANT SCOTTON: I have just a number and e-mail  
9 address, Your Honor.

10 THE COURT: I'll go ahead and I'll grant that,  
11 subject to a current address.

12 DEFENDANT SCOTTON: Okay. You don't need the phone  
13 number?

14 THE COURT: Not at the moment. You'll need to get a  
15 current address, since you're saying that she spoke to the FBI  
16 and she stated that you were involved in fraud or you dispute  
17 that, and I will allow you to subpoena her again.

18 DEFENDANT SCOTTON: Okay. Your Honor, as a matter of  
19 fact, the one that you just denied, Scott from DHL --

20 THE COURT: Yeah.

21 DEFENDANT SCOTTON: -- one of the reasons I want to  
22 bring him in is because also he's involved on a FBI report,  
23 some e-mails talking about potential I'm defrauding the  
24 company.

25 THE COURT: You're saying that he told the FBI that

1 you were defrauding the company?

2 DEFENDANT SCOTTON: That the e-mails that I saw, his  
3 name is in, they be talking back, like some kind of  
4 investigation they run.

5 They say, you know, that everything -- those packages  
6 belong to Mr. Scotton. So at one point, he said I have not  
7 done fraud, but then the FBI things seems to -- you know, on  
8 the FBI report seems to change.

9 THE COURT: All right. Do you have an address for  
10 Kamlet?

11 DEFENDANT SCOTTON: For Scott?

12 THE COURT: Scott Kamlet.

13 DEFENDANT SCOTTON: Yes.

14 THE COURT: What is it?

15 DEFENDANT SCOTTON: It's 16416.

16 THE COURT: 16416.

17 DEFENDANT SCOTTON: I'm going to spell the street,  
18 Your Honor, N-O-R-T-H, C-H-A-S-E Drive.

19 THE COURT: North Chase Drive.

20 DEFENDANT SCOTTON: This is Houston, Texas.

21 THE COURT: And do you have a suite?

22 DEFENDANT SCOTTON: No suites, Your Honor.

23 THE COURT: All right. I'm going to reverse and I'll  
24 go ahead and authorize Scott Kamlet.

25 DEFENDANT SCOTTON: Your Honor, I can provide phone

1 number because he stayed at my house.

2 THE COURT: All right, go ahead.

3 DEFENDANT SCOTTON: (281)848-2248.

4 THE COURT: All right. And just keep in mind, it's  
5 going to be your obligation to produce and prepare all the  
6 subpoenas to submit to the U.S. Marshals. I'm sure you can  
7 discuss that with Mr. Kreiss, but the Court doesn't prepare  
8 subpoenas, the Court just authorizes them.

9 DEFENDANT SCOTTON: Okay, Your Honor.

10 THE COURT: All right. Anybody else?

11 DEFENDANT SCOTTON: Yes, Your Honor.

12 THE COURT: Who's that?

13 DEFENDANT SCOTTON: I've got a Natalie,  
14 N-A-T-A-L-I-E. Last name, S as in Sam, P-O-T, Z as in zebra.

15 THE COURT: Spotz, S-P-O-T-Z, all right. What would  
16 Ms. Spotz testify about.

17 DEFENDANT SCOTTON: She work for UPS, has been  
18 mentioned several occasions, some e-mails with the FBI agents,  
19 some litigation about potential misconduct and fraud.

20 THE COURT: All right. Why would you want to call  
21 her if she's saying that you're committing fraud?

22 DEFENDANT SCOTTON: Well, Your Honor, I want to  
23 cross-examine her. I mean, if she accuse me, I need to face  
24 my accusers.

25 THE COURT: Well, I mean, if the Government doesn't

1 call her, why would you want to call her?

2 And I don't know whether the Government will or not,  
3 but if they were not, why would you want to call her, if she's  
4 saying you committed fraud?

5 DEFENDANT SCOTTON: Well, Your Honor, let's pass to  
6 the next one, then.

7 THE COURT: All right. So you're withdrawing  
8 Ms. Spotz?

9 DEFENDANT SCOTTON: Yes, Your Honor.

10 THE COURT: All right. Who would the next one be?

11 DEFENDANT SCOTTON: Last name spelled D-E-R-N-I-C-K.

12 THE COURT: Okay. D-E-R-N-I-C-K, first name?

13 DEFENDANT SCOTTON: Heshie, H-E-S-H-I-E.

14 THE COURT: H-E-S-H-I-E, all right. And what would  
15 Mr. or Ms. Dernick, whatever it is --

16 DEFENDANT SCOTTON: He work for Federal account  
17 management.

18 THE COURT: What's Federal account management?

19 MR. KREISS: Federal Express?

20 DEFENDANT SCOTTON: Yes, federal Express.

21 THE COURT: Oh, Federal Express.

22 DEFENDANT SCOTTON: Yes, Your Honor.

23 THE COURT: All right. And how would this  
24 individual -- is it a man or woman?

25 DEFENDANT SCOTTON: Yes, he's a man.

1 THE COURT: It's a man, what would Mr. Dernick  
2 testify to?

3 DEFENDANT SCOTTON: He used to handle my account,  
4 Your Honor.

5 THE COURT: Where?

6 DEFENDANT SCOTTON: From my store, the Merry Mailman.

7 THE COURT: Okay. He handled the Merry Mailman's  
8 Federal Express account?

9 DEFENDANT SCOTTON: Yes.

10 THE COURT: And how would he help your defense?

11 DEFENDANT SCOTTON: Well, I saw the reports of the  
12 accusations here and as a matter of fact, one of the reports,  
13 Carla Felini has claimed that after the store was closed,  
14 Federal Express charge her for some kind of money, and this is  
15 not true because every single transaction that I have with  
16 Federal Express, the money come automatic out of my checking  
17 account.

18 THE COURT: But what would you want Mr. Dernick to  
19 testify that would be favorable to you if he handled the Merry  
20 Mailman Federal Express account?

21 Are you saying that he's going to testify that you  
22 did not commit fraud?

23 DEFENDANT SCOTTON: Exactly.

24 THE COURT: That you did not commit fraud.

25 DEFENDANT SCOTTON: Yes, Your Honor.

1 THE COURT: All right. Do you have an address for  
2 him?

3 DEFENDANT SCOTTON: I have a phone number, I know  
4 he's in -- somewhere here in the area, so we going to have to  
5 get the investigator to provide the address, Your Honor.

6 THE COURT: All right. Granted, subject to an  
7 address.

8 Anybody else?

9 DEFENDANT SCOTTON: Yes, I have Samuel Cory.

10 THE COURT: Samuel, S-A-M-U-E-L?

11 DEFENDANT SCOTTON: Yes, Your Honor.

12 THE COURT: Last name?

13 DEFENDANT SCOTTON: C-O-R-Y.

14 THE COURT: All right. And what would Mr. Cory  
15 testify about?

16 DEFENDANT SCOTTON: Well, Your Honor, this might be  
17 the key of what I have on my back right now. I have spoke to  
18 Mr. Samuel several different occasions. As a matter of fact,  
19 a while back, 2009, we have a lunch together, and I provide  
20 him a box with some drugs, and he say he's going to take care  
21 of that.

22 THE COURT: You provided him with drugs?

23 DEFENDANT SCOTTON: Yes.

24 THE COURT: What kind of drugs?

25 DEFENDANT SCOTTON: I don't know what it is, Your

1 Honor, because, you know, it's one box that was shipped to  
2 Brazil and inside it has iPhones, and partial the box has some  
3 pills, and I don't know what those pills stand for and I say,  
4 you know, What is all this?

5 THE COURT: Well, but if the box was shipped to  
6 Brazil, how did you get it?

7 DEFENDANT SCOTTON: They sent it back. Customs in  
8 Brazil send it back because every international shipment, it  
9 has to have commercial invoice and my commercial invoice has  
10 two iPhones, nothing to do with prescriptions, whatever the  
11 whole thing might be.

12 THE COURT: All right. So you're saying that -- who  
13 does Cory work for?

14 DEFENDANT SCOTTON: He work for Federal Express.

15 THE COURT: And you're saying that you gave him a box  
16 containing drugs, which had been returned to you by a customer  
17 from Brazil?

18 DEFENDANT SCOTTON: Yes. I contact his company and  
19 at one point, we end up having lunch one day and we talk about  
20 this. I told him, Stay out of this, you know, I handle.

21 THE COURT: And what did he do?

22 DEFENDANT SCOTTON: I don't know. I look at the FBI  
23 reports, and he's accusing me of -- to commit fraud with this  
24 company.

25 THE COURT: All right. Again, I don't know if this

1 whole drug -- alleged drug conspiracy is going to be  
2 admissible at trial, that's up to Judge Rosenbaum. But at  
3 this point, I'll go ahead and grant this subpoena to be issued  
4 to Mr. Corey.

5 What's an address you have for him?

6 DEFENDANT SCOTTON: Your Honor, I'm going to have to  
7 get -- provide by the investigator as well. I got it probably  
8 in the FDC -- everything at FDC.

9 THE COURT: All right. Do you have anybody else?

10 DEFENDANT SCOTTON: Yes, Your Honor, I do.

11 THE COURT: Okay.

12 DEFENDANT SCOTTON: I have a Denise, D-E-N-I-S-E,  
13 last name is H-O-L-M-E-S.

14 THE COURT: Okay. Denise Holmes, what would she  
15 testify about?

16 DEFENDANT SCOTTON: She's one of the person used to  
17 be in charge of my company, the Merry Mailman.

18 THE COURT: She was -- she worked for the Merry  
19 Mailman?

20 DEFENDANT SCOTTON: No, she worked for Federal  
21 Express. She will be able to testify that I have not  
22 committed fraud against Federal Express.

23 THE COURT: But was she one of your account managers  
24 for Federal Express?

25 DEFENDANT SCOTTON: Yes, and she is mentioned on some

1 of the FBI reports.

2 THE COURT: All right. And she'll testify that there  
3 was no fraud?

4 DEFENDANT SCOTTON: Yes, Your Honor.

5 THE COURT: All right. So I'll grant that subpoena.  
6 Do you have an address?

7 DEFENDANT SCOTTON: We got a phone number, no  
8 address.

9 THE COURT: All right. So I'll grant it, subject to  
10 an address.

11 Anybody else?

12 DEFENDANT SCOTTON: I have a Barbara T-H-O-R-N-T-O-N.

13 THE COURT: T-H-O-R-N-T-O-N, Barbara Thornton. Who  
14 does she work for?

15 DEFENDANT SCOTTON: Federal Express.

16 THE COURT: And what would she testify about?

17 DEFENDANT SCOTTON: She has been mentioned on some of  
18 the reports, accusation against me committing fraud against  
19 Federal Express.

20 THE COURT: But again, going back to the same issue  
21 with Ms. Natalie Spotz, if she's going to be testifying,  
22 according to you, that you committed fraud, why would you want  
23 to subpoena her, as opposed to simply having the Government,  
24 if they call her, and you being, at that point, allowed to  
25 cross-examine her? I don't understand.

1           DEFENDANT SCOTTON: Your Honor, on cross-examination,  
2 I pretty much sure the FBI --

3           THE COURT: I didn't hear what you had to say.

4           DEFENDANT SCOTTON: On the FBI, during the trial, a  
5 probably going to cross-examine him, and I'm going to go over  
6 with him on his reports, and --

7           THE COURT: But you can't -- let me just explain to  
8 you, sir, you can't elicit hearsay. The Court is probably not  
9 going to go allow you to elicit hearsay from an agent about  
10 what other witnesses may have told him.

11           So I don't understand why you would be calling  
12 Ms. Thornton. If Miss Thornton has supposedly told the FBI  
13 that you committed fraud, I would think the Government would  
14 want to subpoena her to see whether she had any admissible  
15 testimony, and at that point you could cross-examine her. I  
16 don't understand why you want to call Ms. Thornton, if she's  
17 going to testify that you committed fraud.

18           DEFENDANT SCOTTON: Because all these people had  
19 spoke to me before, Your Honor.

20           THE COURT: But what did Ms. Thornton speak to you  
21 about?

22           DEFENDANT SCOTTON: We have spoke before about our  
23 accounts, before packages getting, you know, lost, claims  
24 getting paid to me of the lost package.

25           So I need to understand from all these people, now

1 they're talking to FBI about some potentially fraud here,  
2 knowing that I've been calling for lost package.

3 Well, if they lost the package, they pay a claim. If  
4 the account was a fraudulent account, they still pay the  
5 claim? I mean, the whole thing doesn't make sense.

6 THE COURT: But if the Government doesn't call  
7 Barbara Thornton, why would you call her? What would you ask  
8 her at trial, if the Government does not call her?

9 DEFENDANT SCOTTON: I'm going to cross-examine.

10 THE COURT: No, no, it wouldn't be cross-examination.  
11 It's only cross-examination if the Government calls the  
12 witness and you cross-examine.

13 This would be direct examination, and what would your  
14 direct examination of Ms. Thornton be at trial?

15 DEFENDANT SCOTTON: Okay. I'm going to ask her about  
16 her testimony with the FBI reports, why she keeps saying  
17 things that she never even told me before.

18 THE COURT: All right. So tell me again, what would  
19 Barbara Thornton testify to; that you committed fraud and then  
20 you want to question her about that?

21 DEFENDANT SCOTTON: Well, Your Honor, we going to  
22 escape on that. I understand what Mr. Jason tried to explain  
23 to me here.

24 THE COURT: All right. So you're going to withdraw  
25 your request for a subpoena on Thornton.

1 DEFENDANT SCOTTON: Yes, Your Honor.

2 THE COURT: All right. Is there anybody else?

3 DEFENDANT SCOTTON: Yes, Your Honor. Hold on a  
4 second, please.

5 THE COURT: Mr. Scotton, why don't you talk with  
6 Mr. Kreiss for a few minutes, if that's what you want to do,  
7 and we'll put the background noise on so we can't hear what  
8 you have to say.

9 DEFENDANT SCOTTON: Thank you, Your Honor.

10 (Discussion off the record between Defendant and  
11 Counsel.)

12 THE COURT: All right, let's do this, let's go back  
13 on the record.

14 Mr. Scotton, I know you had a few minutes to speak to  
15 Mr. Kreiss. How many more witnesses do you have that the  
16 Court needs to go through that you're going to be requesting  
17 subpoenas for?

18 DEFENDANT SCOTTON: I have three pages here that --  
19 you know, front and back.

20 THE COURT: Just give me an approximate number of how  
21 many more you have because there's other matters to address  
22 today, and it's already 4:20.

23 DEFENDANT SCOTTON: At least like 40, 45.

24 MR. KREISS: Fifty-plus, Your Honor.

25 THE COURT: Okay. I tell you what we're going to

1 do -- and all of those are for trial; is that right?

2 DEFENDANT SCOTTON: Some are going to be for  
3 evidentiary.

4 THE COURT: Well, which ones would you wish to call  
5 for the evidentiary hearing, because you've already given me  
6 three names?

7 Do you have anybody else you want to call for the  
8 evidentiary hearing?

9 DEFENDANT SCOTTON: Not yet.

10 THE COURT: No, you don't have any?

11 DEFENDANT SCOTTON: No, no, I have not give that yet.

12 THE COURT: What I'm trying to ask you is, we can  
13 address additional trial witnesses at another hearing in a few  
14 days or a week, but as far as if you want anybody to be  
15 subpoenaed for the evidentiary hearing, which is set for  
16 December 19th at 2:15 p.m., as to the limited issues that are  
17 set at the evidentiary hearing, give me their names and  
18 explain why you need them at the evidentiary hearing.

19 DEFENDANT SCOTTON: Well, then I don't, Your Honor.

20 THE COURT: You don't? Okay.

21 All right. So here's what I'm going to do, I've gone  
22 through -- we've gone through, at this point, 44 names and  
23 I've ruled on each one. A few -- I have it noted down that  
24 some have been withdrawn.

25 What we're going to do is continue the issue on the

1 subpoenas, I'll get out an order on these witnesses right  
2 away, as soon as I can. And then we will set down another  
3 hearing, another ex parte sealed hearing later in the month to  
4 deal with this issue.

5 We can set it down for December 26th, at 1:30.

6 MR. KREISS: Your Honor, I'm supposed to be out of  
7 town --

8 THE COURT: What a surprise --

9 MR. KREISS: -- with family.

10 THE COURT: How long are you going to be out of town,  
11 Mr. Kreiss?

12 MR. KREISS: After the 23rd through the 1st.

13 THE COURT: So you'd be here the 23rd, and then  
14 you're gone until the 1st.

15 MR. KREISS: Correct.

16 THE COURT: All right. But you'd be okay on the  
17 19th.

18 MR. KREISS: Correct. And I think, Judge --

19 THE COURT: But that's the evidentiary hearing.

20 MR. KREISS: I think we have the evidentiary hearing,  
21 unless we came earlier. I think we're in the afternoon on the  
22 19th.

23 THE COURT: We are. What do we have --

24 THE COURTROOM DEPUTY: You've got a plea beforehand  
25 at 1:30.

1 THE COURT: A 1:30, plea, and then we have duty in  
2 the morning?

3 THE COURTROOM DEPUTY: Yep.

4 THE COURT: We have no idea how long duty will be.

5 THE COURTROOM DEPUTY: Right.

6 MR. KREISS: Can you put the noise on for a second?

7 THE COURT: Sure.

8 (Discussion off the record between Defendant and  
9 Counsel.)

10 THE COURT: Let me ask you all, could you do it  
11 December 20th, a further ex parte hearing, at, say,  
12 1:00 o'clock?

13 MR. KREISS: I have an obligation with my office, and  
14 if --

15 DEFENDANT SCOTTON: Your Honor, may I say something?

16 THE COURT: Yes.

17 DEFENDANT SCOTTON: I don't know if the investigator  
18 has put a motion for me yesterday, a second request.

19 THE COURT: We're going to get to the motion you  
20 filed, but I want to deal with the issue on subpoenas because  
21 what I want to do, is I want to be able to go through all the  
22 people you wish to subpoena and make a ruling on each one, and  
23 I want to do that as quickly as possible.

24 Now, perhaps it might be a good idea for you to go  
25 through those and see if you really want to call all of those

1 40 witnesses, based upon what we've discussed today.

2           What we could try to do -- why don't we do this: We  
3 have the next hearing on 12/19, we'll check our schedules to  
4 see if there's any time before then or right after that,  
5 before you leave, Mr. Kreiss, on the 20th, you said, right?

6           You leave on the 20th, Mr. Kreiss?

7           MR. KREISS: After the 23rd.

8           THE COURT: After the -- what dates are you going to  
9 be unavailable?

10          MR. KREISS: The 24th through the 1st, essentially.

11          THE COURTROOM DEPUTY: You could do it the 23rd?

12          THE COURT: Could you do it the 23rd at 1:30?

13          MR. KREISS: If the Court needs me here.

14          THE COURT: I mean, the problem is, you know, he  
15 wants these -- Mr. Scotton wants the subpoenas issued and if  
16 we're going to do it, I want to do it, but I don't want to  
17 keep everybody real late today.

18          MR. KREISS: Sure.

19          THE COURT: We've got the marshals here, they've got  
20 to get him back.

21          MR. KREISS: I don't want to put the cart before the  
22 horse, but I think the Government intends to file a request  
23 for a status conference before Judge Rosenbaum based upon  
24 Mr. Scotton's request for a continuance. I will be here -- if  
25 you need me here the 23rd, I'll be here.

1 THE COURT: All right. Well, I'm sure, as soon as  
2 the Government or you file anything on that, Judge Rosenbaum  
3 will address that very quickly, so you may want to get with  
4 the Government and see if they want to file something on that,  
5 if that's the understanding, so that Judge Rosenbaum could  
6 take a look at that and make a decision.

7 So here's what I'm going to do: I've announced the  
8 decisions on those, I'm going to reset the hearing on the  
9 subpoenas to December 23rd at 1:30.

10 And what I would suggest, Mr. Scotton, is that you go  
11 through the remaining people you wish subpoenaed, and make  
12 sure you really want to subpoena them, and why you want to  
13 subpoena them in light of the hearing that we've had today.

14 All right. Now, the other issues, let me go through  
15 them quickly while we're here.

16 Experts, first of all, I've already appointed an  
17 investigator in this case. And I believe the Defendant is  
18 using -- what's the name of the investigator?

19 MR. KREISS: Ms. Martinez, Your Honor.

20 THE COURT: Okay. Now, I appointed her and I  
21 authorized a \$2,400 cap. I don't know if I set an hourly  
22 rate, but the hourly rate will be \$60 an hour.

23 MR. KREISS: Okay.

24 THE COURT: All right. So that's the hourly rate for  
25 Ms. Martinez, the investigator.

1           Now, I had told the Defendant that he could have an  
2 audiotape/videotape expert; however, I've never gotten a CV or  
3 resume of the audiotape/videotape expert with a reasonable  
4 hourly rate.

5           Do you have that?

6           MR. KREISS: Judge, I spoke to Lucy Laura, and she --  
7 my understanding is she's going to research what the CJ  
8 standard is.

9           THE COURT: No, I've already done that. I just need  
10 to determine -- basically, it's an audiotape, I think you had  
11 with the client -- not the client, but Mr. Scotton, acting  
12 pro se, had given the name of Robert Wyman.

13           The problem is, I don't have a CV and I don't have an  
14 hourly rate. The audiotape/videotape expert, Mr. Wyman, would  
15 be subject to a \$2,400 cap, but I don't think the Court is  
16 necessarily going to approve that amount of money.

17           And the hourly rate I can set now, but I don't know  
18 what he's requesting, but the most I would approve for such an  
19 expert, unless there was some substantial showing, would be  
20 \$100 an hour.

21           And what I will do is I'll ask the Defendant to go  
22 ahead and supplement the record with the CV of Mr. Wyman;  
23 however, I'm going to appoint Mr. Wyman, the  
24 videotape/audiotape expert at an hourly rate of \$100 per hour,  
25 with a cap of ten hours at this point.

1 I don't think that examining the videotape should be  
2 all that time intensive, and I think that he can always -- the  
3 Defendant can always come back and if more time is needed,  
4 they can make a showing of that.

5 But for initially, in light of the fact that these  
6 are CJ funds, which are scarce, and in light of the fact that  
7 the Defendant needs to make an appropriate showing, I'm going  
8 to appoint Mr. Wyman at an hourly rate of \$100 per hour, with  
9 a cap of ten hours.

10 If Mr. Wyman needs more hours than that, then the  
11 Defendant will have to come in and make a showing as to why.  
12 If it's simply an examination of a videotape or audiotape,  
13 then it shouldn't take that long to review. And if for some  
14 reason, additional time is needed at trial or something else,  
15 then there can always be a motion for that.

16 Now, there was also a motion that was filed for a  
17 paralegal, Docket Entry 224. Again, a paralegal would be  
18 subject to, theoretically, the same \$2,400, without approval  
19 by the Eleventh Circuit.

20 But why do you need a paralegal, and who would you  
21 use, and what would that paralegal do?

22 DEFENDANT SCOTTON: What Martinez has suggested for a  
23 paralegal is another investigator.

24 THE COURT: Well, you can't use a paralegal as  
25 another investigator, that's not authorized, but what you need

1 to do is lay out sufficient facts as to why a paralegal would  
2 be necessary for your defense, what the -- who the paralegal  
3 would be, what the hourly rate is and if the person is  
4 qualified.

5 Do you have that prepared to go today?

6 DEFENDANT SCOTTON: No, Your Honor. I have to talk  
7 to Martinez once again, then because what the problem is, with  
8 so much missed files that she's trying to retrieve now, and  
9 even a lot of them involve the Brazilian Government and some  
10 people in Brazil, and she's going all over the place, trying  
11 to get all those files and interview a bunch of people that  
12 she need to interview in a short time.

13 THE COURT: All right. I'm going to deny the request  
14 for a paralegal at this point, you can't use a paralegal as a  
15 second investigator.

16 A paralegal has a specific task and the Defendant  
17 provided no name, no specifics, no CV and no hourly rate, and  
18 so I find that Docket Entry 224 should be denied. It's  
19 without foundation, and I'll deny it at this time.

20 DEFENDANT SCOTTON: Well, the name on the motion,  
21 right, Your Honor?

22 THE COURT: Let me check.

23 DEFENDANT SCOTTON: Gianna something. I mean, he's  
24 not a paralegal, he's a private investigator as well.

25 THE COURT: Well, that's different than a paralegal.

1           DEFENDANT SCOTTON: Yeah.

2           THE COURT: Let me read your motion here. It's  
3 Docket Entry 224, motion for authorization to fund  
4 investigation, fund for paralegal.

5           Are you asking for a second investigator or are you  
6 asking --

7           DEFENDANT SCOTTON: Yes, Your Honor, investigator.

8           THE COURT: But you already have one investigator,  
9 why would you need a second investigator?

10          DEFENDANT SCOTTON: Well, she told me that, you know,  
11 in a short time, is not going to be able to do all the stuff  
12 that we need to do to prepare for trial. Besides that, she  
13 has to retrieve every single thing that's missing.

14          THE COURT: Let me take a look at the motion for a  
15 second again.

16          All right. At this point, I'm going to deny the  
17 request for a second investigator, that's without prejudice to  
18 a more specific filing being made.

19          I'm going to deny any request for a paralegal and in  
20 Docket Entry 224, I'm going to deny any request for a second  
21 investigator, if that's what's requested in 224.

22          I would need a much more specific showing from your  
23 current investigator as to what she's done, why she needs a  
24 second investigator and what specifically that second  
25 investigator would do, who that would be and what the hourly

1 rate would be in order to authorize that. But I'm going to  
2 deny that at this point, which would be Docket Entry 224.

3 Now, the date of the evidentiary hearing, we've  
4 already said is going to be December 19th at 2:15 p.m.

5 Do you understand that, Mr. Scotton?

6 DEFENDANT SCOTTON: Could you repeat that, Your  
7 Honor.

8 THE COURT: The date of the evidentiary hearing is  
9 going to be December 19th at 2:15 p.m. Do you understand  
10 that?

11 DEFENDANT SCOTTON: Yeah, that's one of the motion I  
12 filed, because I'm trying to change the day.

13 THE COURT: Well, why do you want to change the date  
14 of the evidentiary hearing?

15 DEFENDANT SCOTTON: Well, it's some witness I'm  
16 trying to bring in, and I need to be able to communicate with  
17 my investigator, and those people need to come in.

18 THE COURT: Well, the only witnesses you've told me  
19 about so far are Mr. Colon, your mother, and one other witness  
20 that you mentioned earlier today.

21 Those witnesses, I've authorized subpoenas for, and  
22 you can also have them come in voluntarily. Who else do you  
23 need to testify at the evidentiary hearing?

24 DEFENDANT SCOTTON: And based on some of the rulings  
25 that you made on a denial of, you know, the immigration issue,

1 so I'm trying to appeal that.

2 In the meantime, because all the motions that I have  
3 filed for -- that I filed with the Court for evidentiary  
4 hearing, you know, I mean, I'm talking about here a complete  
5 evidentiary hearing, with the recurring of the letter and the  
6 video. So I mean, I just want to put out on the a open all  
7 the misconducts from the Government trying to incriminate me.

8 THE COURT: All right. Well, the evidentiary hearing  
9 that I've authorized is a very limited evidentiary hearing  
10 based upon specific allegations contained in the affidavit of  
11 Mr. Colon and your mother.

12 It's not an open-ended evidentiary hearing, where  
13 you're going to be allowed to get into any matter you wish to  
14 raise. So at this point, I'm going to deny any request to  
15 continue the evidentiary hearing. It's going to be going  
16 forward at December 19th, at 2:15 p.m., and you need to have  
17 any witnesses that you wish to have testify present at that  
18 hearing.

19 And again, the witnesses have to comply with the  
20 dictates of what the Court has said on the evidentiary  
21 hearing.

22 I'm going to hand you, or have handed to you a notice  
23 of hearing, at this point, for the December 19th hearing at  
24 2:15 p.m.

25 I also entered an order today granting, in part, your

1 pro se motion to compel all hearing transcripts, and that's  
2 Docket Entry 228. I'm going to have a copy handed to you of  
3 that as well, so there's no question about you having received  
4 that.

5 Now, the last thing that I was going to address  
6 today, you have also filed a motion to request Special Agent  
7 Van Brunt to turn over Defendant's property, that is Docket  
8 Entry 227.

9 I'm setting that down on the date of the evidentiary  
10 hearing for -- oh, that has not been referred yet? Well, if  
11 it is referred, it will be set down at the same date of the  
12 upcoming evidentiary hearing, and again, that's Docket Entry  
13 227, motion to request Van Brunt to turn over Defendant's  
14 property.

15 If it's referred to me, then it will be set down for  
16 the upcoming evidentiary hearing on, what is it, March 19th?

17 THE COURTROOM DEPUTY: December 19th.

18 THE COURT: December 19th?

19 THE COURTROOM DEPUTY: Yes.

20 THE COURT: All right. So that takes care of that  
21 issue, December 19th, the same time as the other evidentiary  
22 hearing.

23 We set down the continuation on the subpoenas.

24 Is there anything else that you need to bring up in  
25 this ex parte sealed hearing without the Government present,

1 Mr. Scotton?

2 DEFENDANT SCOTTON: No, Your Honor. It's just that  
3 the motion that I put in to the Judge, I don't know if she  
4 received, appealing all the other situation I just spoke  
5 about.

6 THE COURT: Sure. You have a right to appeal, and  
7 whatever appeal you file will be decided by Judge Rosenbaum,  
8 but that's not going to deter me from proceeding in this case.  
9 You've got a trial date set in January.

10 DEFENDANT SCOTTON: Right.

11 THE COURT: You file motions. When you file motions,  
12 the Court gives you a hearing. If you don't want a hearing,  
13 then don't file motions.

14 You filed motions, you asked for an evidentiary  
15 hearing, I give you a date, then you asked for a continuance.  
16 I'm going to proceed on this case as promptly as possible.

17 You're asking for -- you've continually asked, on the  
18 one hand, for a speedy trial; on the other hand, you've asked  
19 to continue all the hearings. I'm moving forward, I'm going  
20 to have the hearing on December 19th, and we're going to have  
21 any other hearings this month that we possibly can.

22 I noticed in one of your papers that you allege that  
23 it's outrageous that we set a hearing during the holidays.  
24 But, you know, here, we honor holidays, but we also work and  
25 when you file motions, you expect the Court to address your

1 motions, to have a hearing, if necessary, and to proceed with  
2 that hearing expeditiously. So I'm not going to delay the  
3 evidentiary hearing at all. We're going to get this matter  
4 resolved as quickly as possible.

5           You continually state that you've been held in  
6 custody for a long time, it would seem to me you would want to  
7 get this matter resolved, and I'm going to certainly do  
8 everything I can to protect your due process rights and to  
9 make sure that this matter gets resolved, and all of the  
10 motions that are referred to me get resolved before the case  
11 goes to trial before Judge Rosenbaum.

12           So that's what we're going to do. We'll be back here  
13 later this month, December 19th, and the other date that we  
14 indicated.

15           DEFENDANT SCOTTON: The other part of the motion that  
16 I have filed about the video or the letter, so Rosenbaum can  
17 make a ruling on that also, if she feel like.

18           THE COURT: Sure. Anything you wish to appeal, you  
19 have the right to do that and it will go up to Judge Rosenbaum  
20 and Judge Rosenbaum will make a decision on that.

21           DEFENDANT SCOTTON: Your Honor, I just got one  
22 question here, in reference to bond situation here. The  
23 order, the last one that I got --

24           THE COURT: You're saying in reference to the bond  
25 situation?

1           DEFENDANT SCOTTON: Yeah, just one quick question.

2           THE COURT: I'll tell you what --

3           DEFENDANT SCOTTON: No, no.

4           THE COURT: If you have any inquiry, any question  
5 about the bond issue, you'll have to do that when the  
6 Government's present, that's not appropriate for an ex parte  
7 hearing.

8           An ex parte hearing -- just so you understand, a  
9 sealed ex parte hearing is closed to the public and that's  
10 only appropriate when you may be disclosing things that would  
11 be detrimental to your defense; an attorney-client privilege,  
12 a work product privilege, or something else. That's the only  
13 reason we have sealed ex parte hearings without the Government  
14 present. It's only to protect your rights to a fair trial and  
15 to protect your attorney-client rights and your right to  
16 prepare a defense.

17           Anything else that goes to bond or anything like that  
18 is only suitable for a public hearing, where the public has a  
19 right to attend, and the Prosecutor has a right to be here, so  
20 if you want to bring that up on March 19th --

21           DEFENDANT SCOTTON: Well, no, it's not any request  
22 any bond. It's just to understand what the letter that I  
23 receive here, because based -- as far as what I understand  
24 from Judge William --

25           THE COURT: Right, you're going to have to -- you

1 have to raise that in a public forum at the next hearing. I  
2 can't address things ex parte that are not appropriate.

3 All right. I'll see you at the next hearing. Hope  
4 you all have a good afternoon.

5 Anything else, Mr. Kreiss?

6 MR. KREISS: I just wanted to put one other thing on  
7 the record, if I could, Your Honor.

8 THE COURT: Sure.

9 MR. KREISS: I produced today a transcript for  
10 Mr. Scotton, as I had mentioned at the last hearing, that were  
11 in my possession from August 27th, and August 28th that were  
12 extensive hearings, I produced 193 pages of transcripts.

13 THE COURT: All right. What year is that?

14 MR. KREISS: 2013.

15 THE COURT: 2013. All right. Thank you for that,  
16 Mr. Kreiss.

17 And Mr. Scotton, you have those transcripts now, and  
18 I just entered an order authorizing additional transcripts,  
19 and I'm sure that you can follow-up on that very quickly.

20 Thank you for your assistance, Mr. Kreiss.

21 You all have a good afternoon and we'll see you back  
22 at the next hearing.

23 THE COURTROOM DEPUTY: All rise. Court is in recess.

24 (PROCEEDINGS ADJOURNED AT 4:42 P.M.)

25

**C-E-R-T-I-F-I-C-A-T-E**

1  
2 I hereby certify that the foregoing is an  
3 accurate transcription and proceedings in the  
4 above-entitled matter.

5 **7/11/2014**

6 DATE

**/s/DIANE MILLER**

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Friday, December 13, 2013

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