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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

12-60049-CR-RSE/MATTHEWMAN

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

(TRANSCRIPT BY DIGITAL RECORDING)

TRANSCRIPT OF ARRAIGNMENT, REPORT RE: COUNSEL, AND
PRETRIAL DETENTION HEARING HAD BEFORE THE HONORABLE ROBIN S.
ROSENBAUM, IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, ON
MARCH 22, 2012, IN THE ABOVE-STYLED MATTER.

APPEARANCES:

FOR THE GOVERNMENT:	BERTHA R. MITRANI, A.U.S.A. 500 E. BROWARD BLVD., 7TH FLOOR FORT LAUDERDALE, FL 33301 - 954 356-7255
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FOR THE DEFENDANT:	JONATHAN S. FRIEDMAN, ESQ. ONE E. BROWARD BLVD., SUITE 925 FORT LAUDERDALE, FL 33301 - 954 713-2820
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CARL SCHANZLEH RPR - CM
CERTIFIED COURT REPORTER
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954 424-6723

1 (FORT LAUDERDALE, BROWARD COUNTY, FLORIDA; MARCH 22, 2012, IN
2 OPEN COURT.)

3 (TAPE NOT STARTED AT THE BEGINNING)

4 THE COURT: WOULD COUNSEL PLEASE STATE THEIR
5 APPEARANCES FOR THE RECORD.

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

8 THE COURT: GOOD MORNING.

9 MR. FRIEDMAN: GOOD MORNING, JUDGE. JONATHAN FRIEDMAN
10 ON BEHALF OF MR. SCOTTON ON A TEMPORARY BASIS. I FILED THAT
11 THIS MORNING.

12 THE COURT: GOOD MORNING.

13 MR. FRIEDMAN: GOOD TO SEE YOU, JUDGE.

14 THE COURT: GOOD TO SEE YOU TOO.

15 LET ME ASK YOU HOW LONG DO YOU THINK YOU NEED TO KNOW
16 WHETHER THIS APPEARANCE WILL BE PERMANENT?

17 MR. FRIEDMAN: WELL, I WAS WANTING TO JUST TALK ABOUT
18 WHEN I COULD RESET. I WAS GOING TO ASK THE COURT TO POSTPONE
19 THE DETENTION HEARING BEING THAT I JUST CAME ON THE CASE, AND I
20 WAS GOING TO ASK THE COURT TO RESET IT FOR THE 29TH IF THAT'S
21 OKAY WITH THE GOVERNMENT.

22 THE COURT: OKAY. WELL, LET ME JUST DOUBLE-CHECK.
23 WHEN WAS MR. SCOTTON'S INITIAL APPEARANCE?

24 MS. MITRANI: HIS INITIAL APPEARANCE, YOUR HONOR, WAS
25 MARCH 16TH.

1 THE COURT: OKAY. THAT'S FINE. SO YOU WANT TO RESET
2 IT FOR THE 29TH?

3 MR. FRIEDMAN: RIGHT. AND THAT WILL BE BEFORE JUDGE
4 SNOW I BELIEVE --

5 THE COURT: IT WOULD.

6 MR. FRIEDMAN: -- AT ELEVEN O'CLOCK?

7 THE COURT: WHAT TIME DO WE HAVE AVAILABLE, PLEASE?

8 THE CLERK: (INAUDIBLE) ELEVEN A.M.

9 MR. FRIEDMAN: AND WITH REGARD TO REPORT RE: COUNSEL,
10 I DON'T KNOW IF YOU COULD MAYBE PUT IT ON FOR THAT DATE.

11 THE COURT: WE WILL GO AHEAD AND WE WILL DO THAT.

12 MR. FRIEDMAN: BUT I MAY NOT HAVE AN ANSWER AND I MAY
13 NEED -- YOU KNOW, MAYBE AT THE TIME OF THE ARRAIGNMENT WHEN THE
14 ARRAIGNMENT IS SET, JUDGE.

15 THE COURT: THAT'S NO PROBLEM.

16 ACTUALLY BEFORE I JUST -- I KNOW WE SAID WE ARE GOING
17 TO DO IT ON THE 29TH AND WE WILL IF THAT'S OKAY WITH
18 MR. SCOTTON. BUT LET ME JUST RUN THAT BY MR. SCOTTON.

19 MR. SCOTTON, YOU HAVE A RIGHT TO A PRETRIAL DETENTION
20 HEARING. AT A PRETRIAL DETENTION HEARING THE GOVERNMENT WOULD
21 HAVE TO SHOW -- EXCUSE ME -- EITHER THAT YOU ARE A SERIOUS RISK
22 OF FLIGHT OR A DANGER TO THE COMMUNITY.

23 IF THE GOVERNMENT COULD MAKE EITHER ONE OF THESE
24 SHOWINGS YOU WOULD BE HELD IN JAIL UNTIL YOUR CASE IS RESOLVED.
25 BUT IF THE GOVERNMENT COULD NOT MAKE AT LEAST ONE OF THESE

1 SHOWINGS THEN YOU WOULD BE ENTITLED TO A REASONABLE BOND.

2 NOW, THAT I HAVE JUST EXPLAINED WHAT A PRETRIAL
3 DETENTION HEARING IS, DO YOU UNDERSTAND?

4 THE DEFENDANT: YES, I DO.

5 THE COURT: YOU HAVE A RIGHT TO HAVE THIS HEARING
6 WITHIN THE FIRST FIVE DAYS AFTER YOU APPEAR IN COURT FOR THE
7 FIRST TIME. DO YOU UNDERSTAND THAT RIGHT?

8 THE DEFENDANT: YES.

9 THE COURT: YOUR ATTORNEY HAS ASKED ME TO RESET THIS
10 HEARING FOR MARCH THE 29TH, WHICH WOULD BE OUTSIDE OF THOSE
11 FIRST FIVE DAYS SINCE HE WAS JUST RETAINED AND HE WANTS TO BE
12 READY FOR THE TRIAL.

13 IS THAT OKAY WITH YOU THAT WE RESET IT FOR OUTSIDE
14 THOSE FIRST FIVE DAYS?

15 THE DEFENDANT: YES, IT IS.

16 THE COURT: ANYBODY FORCE YOU TO MAKE THAT DECISION?

17 THE DEFENDANT: NO.

18 THE COURT: ARE YOU MAKING THAT DECISION OF YOUR OWN
19 FREE WILL?

20 THE DEFENDANT: YES.

21 THE COURT: I WILL FIND A KNOWING, VOLUNTARY, AND
22 INTELLIGENT WAIVER OF THE RIGHT TO A TIMELY PRETRIAL DETENTION
23 HEARING.

24 I WILL ALSO INDEPENDENTLY FIND GOOD CAUSE THAT WOULD
25 JUSTIFY THE RESETTING OF THE DETENTION HEARING OUTSIDE THAT FIVE

1 DAY PERIOD.

2 WE WILL RESET IT FOR MARCH 29TH AT ELEVEN A.M.

3 IS THERE ANYTHING ELSE WE NEED TO ADDRESS HERE TODAY

4 THEN WITH RESPECT TO MR. SCOTTON?

5 MR. FRIEDMAN: NO, JUDGE.

6 MS. MITRANI: NOTHING FROM THE GOVERNMENT, YOUR HONOR.

7 THE COURT: THANK YOU, COUNSEL.

8 MR. FRIEDMAN: THANK YOU, JUDGE.

9 MS. MITRANI: THANK YOU, YOUR HONOR.

10 THE COURT: GOOD TO SEE YOU.

11 HAVE A GOOD WEEKEND.

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C E R T I F I C A T E

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF FLORIDA

I, CARL SCHANZLEH, OFFICIAL COURT REPORTER OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, DO HEREBY CERTIFY THAT THE FOREGOING 5 PAGES CONSTITUTE A TRUE TRANSCRIPT OF THE PROCEEDINGS HAD BEFORE THE SAID COURT HELD IN THE CITY OF FORT LAUDERDALE, FLORIDA, IN THE MATTER THEREIN STATED.

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

/S/CARL SCHANZLEH
CARL SCHANZLEH, RPR-CM
CERTIFIED COURT REPORTER
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