

1 (MIAMI, MIAMI-DADE COUNTY, FLORIDA; AUGUST 10, 2012, IN OPEN
2 COURT.)

3 THE COURT: ROGERIO CHAVES SCOTTON, CASE NUMBER
4 12-60049-CR, JUDGE WILLIAMS.

5 COULD WE HAVE APPEARANCES, PLEASE?

6 MS. ANTON: GOOD AFTERNOON, YOUR HONOR. JODI ANTON ON
7 BEHALF OF THE UNITED STATES STANDING IN FOR BERTHA MITRANI.
8 WITH ME PRESENT TODAY IS AGENT ROY VAN BRUNT FROM THE FBI.

9 THE COURT: IS BERTHA MITRANI RELATED TO ISAC MITRANI?

10 MS. MITRANI: THAT I DON'T KNOW, JUDGE.

11 THE COURT: OKAY. HAVE A SEAT. NICE TO SEE YOU.

12 MR. FRIEDMAN: JUDGE, GOOD AFTERNOON. ROBERTO ABREU
13 ON BEHALF OF ROGER SCOTTON WHO IS PRESENT BEFORE THE COURT.

14 THE COURT: MR. SCOTTON, YOUR NAME AND AGE, PLEASE?

15 THE DEFENDANT: ROGERIO SCOTTON.

16 THE COURT: HOW OLD ARE YOU?

17 THE DEFENDANT: FORTY-ONE.

18 THE COURT: ALL RIGHT. HAVE A SEAT.

19 OKAY. WE HAVE A MOTION BEFORE US, A MOTION TO
20 WITHDRAW -- BEAR WITH ME -- THAT HAS BEEN REFERRED TO ME BY
21 JUDGE WILLIAMS.

22 WE HAVE A MOTION TO ALLOW WITHDRAWAL OF COUNSEL FOR
23 DEFENDANT ROGERIO CHAVES SCOTTON, AND THERE IS ALSO A LETTER
24 THAT I HAVE IN THE FILE WRITTEN BY ROGERIO SCOTTON.

25 IS THAT YOU?

1 THE DEFENDANT: YES, SIR.

2 THE COURT: OKAY. HAVE YOU ALL SEEN IT OR YOU WROTE A
3 LETTER TO THE JUDGE I THINK?

4 THE DEFENDANT: YES. I DID.

5 THE COURT: OKAY. AND, SO THAT'S WHY WE ARE HERE ON
6 THE MOTION TO WITHDRAW.

7 NOW, THE BASIS OF THE MOTION IS THAT YOU WERE
8 PRIVATELY -- YOU CAN ALL SIT DOWN. JUST SPEAK INTO THE
9 MICROPHONE. EVERYTHING IS BEING RECORDED.

10 MR. FRIEDMAN: JUDGE, MAY I APPROACH THE PODIUM?

11 THE COURT: MISS ANTON, RIGHT?

12 MS. ANTON: YES, JUDGE.

13 THE COURT: THAT'S A GREAT NAME. ARE YOU RELATED TO
14 SUSAN ANTON?

15 MS. MITRANI: I CAN BUT I'M NOT SURE IF IT'S THE SAME
16 SUSAN ANTON YOU'RE TALKING ABOUT.

17 THE COURT: OH. I WILL SHOW YOU PICTURES THAT I HAVE
18 IN MY CHAMBERS THE ONE I'M TALKING ABOUT.

19 MS. MITRANI: OKAY.

20 THE COURT: HAVE A SEAT.

21 MS. MITRANI: THANK YOU.

22 THE COURT: LOWER YOUR MICROPHONE A LITTLE BIT.

23 EVERYTHING IS BEING RECORDED. YOU NEED TO SPEAK INTO
24 THE MICROPHONE AND I NEED TO HEAR YOU.

25 NOW, COUNSEL, YOU SAY -- (UNINTELLIGIBLE) AND I WILL

1 HEAR FROM YOU, THAT YOU WERE PRIVATELY RETAINED BUT THIS MAN
2 CAN'T AFFORD TO PAY THE -- YOU KNOW, THE DISCOVERY FOR THE
3 TRANSLATIONS FOR THE DOCUMENTS, WHATEVER LIKE THAT, AND THAT IS
4 YOUR REASON FOR WITHDRAWAL.

5 WITH THAT SUMMARY SAY WHATEVER YOU WANT TO SAY.

6 MR. FRIEDMAN: JUDGE, BEFORE WE PROCEED. I HAD SPOKEN
7 TO MISS MITRANI. SHE INDICATED THE GOVERNMENT TAKES NO
8 POSITION WITH REGARDS TO THIS MOTION --

9 THE COURT: I HAVE SEEN THAT.

10 MR. FRIEDMAN: -- AND I WOULD ASK THE COURT TO EXCUSE
11 THE GOVERNMENT COUNSEL AND THE AGENT FROM THIS HEARING. I
12 DON'T KNOW WHAT WE ARE GOING TO GET INTO AND I DON'T --

13 THE COURT: THAT I WILL NOT DO.

14 MR. FRIEDMAN: OKAY.

15 THE COURT: SHE MAY BE RELATED TO SUSAN ANTON.

16 GO AHEAD.

17 MR. FRIEDMAN: THE BASIS OF MY MOTION IS, I WAS
18 RETAINED BY MR. SCOTTON AND I SUBSTITUTED AS COUNSEL FOR HIM ON
19 JUNE 6TH. I IMMEDIATELY CONTACTED THE PROSECUTOR AND MADE
20 ARRANGEMENTS TO MEET AT HER OFFICE IN FORT LAUDERDALE ON THE
21 JUNE 11TH TO REVIEW DISCOVERY.

22 THERE WERE APPROXIMATELY SIX BANKER BOXES. I SPENT
23 ABOUT FOUR HOURS UP THERE. THERE IS OVER FIFTY-FIVE HUNDRED
24 PAGES OF DOCUMENTATION. A LOT OF IT IS IN PORTUGUESE, OR SOME
25 OF IT IS IN PORTUGUESE, E-MAILS BACK AND FORTH FROM MR. SCOTTON

1 TO OTHER INDIVIDUALS.

2 I MADE A DECISION AT THAT POINT THAT I NEEDED TO HAVE
3 EVERYTHING SCANNED ONTO A DVD IN A SEARCHABLE FASHION. I
4 INSTRUCTED A COMPANY CALLED EXPEDIA IMAGING TO SCAN EVERYTHING.
5 THEY PROVIDED ME WITH AN INVOICE ON JUNE 27TH FOR \$772. I HAD
6 A CALENDAR CALL WITH JUDGE WILLIAMS ON JULY 27TH. SO, FROM
7 JUNE 27TH THROUGH JULY 27TH I MADE NUMEROUS EFFORTS TO GET MY
8 CLIENT TO ISSUE PAYMENT FOR THAT --

9 THE COURT: WHEN WERE YOU RETAINED?

10 MR. FRIEDMAN: JUNE 6TH APPROXIMATELY, YOUR HONOR.

11 THE COURT: OF THIS YEAR.

12 MR. FRIEDMAN: YES, SIR.

13 THE COURT: WHEN WAS HE ARRESTED?

14 MR. FRIEDMAN: HE WAS ARRESTED -- HE HAD PRIOR
15 COUNSEL. I THINK IT WAS IN MAY, ROGER?

16 MS. ANTON: MARCH 15TH, JUDGE.

17 MR. FRIEDMAN: MARCH 15TH.

18 THE COURT: HE HAD PRIVATELY RETAINED COUNSEL?

19 MR. FRIEDMAN: YES, YOUR HONOR.

20 THE COURT: WHO WAS PAID?

21 MR. FRIEDMAN: WHO WAS PARTIALLY PAID I BELIEVE.

22 THE DEFENDANT: YES.

23 THE COURT: AND THEN YOU REPLACED HIM, RIGHT?

24 MR. FRIEDMAN: YES, SIR.

25 THE COURT: AND THEN YOU ENTERED AN APPEARANCE?

1 MR. FRIEDMAN: YES.

2 THE COURT: AND YOU WERE HIRED PRIVATELY, RIGHT?

3 MR. FRIEDMAN: YES.

4 THE COURT: GO AHEAD.

5 MR. FRIEDMAN: SO, DURING THAT MONTH PERIOD I MADE
6 NUMEROUS EFFORTS. I VISITED HIM FROM THE TIME I BEGAN
7 REPRESENTING HIM THROUGH JULY 27TH. OVER THAT ALMOST SEVEN
8 WEEK PERIOD I VISITED HIM NINE TIMES TRYING TO GET THE PAYMENT
9 FOR THESE DISCOVERY. I MET WITH HIS MOTHER, STEPFATHER, HIS
10 BROTHER ON AT LEAST THREE OCCASIONS.

11 BOTTOM LINE, THE FAMILY COULDN'T COME UP WITH \$772.
12 AND I TOLD MR. SCOTTON I HAD ALREADY PAID OUT OF MY MONEY FOR
13 SOME TRANSCRIPTS OF THE BOND HEARING. MY OFFICE PAID OUT \$132.
14 UNDER OUR RETAINER AGREEMENT HE IS RESPONSIBLE FOR ALL COSTS.

15 I EXPLAINED TO HIM THAT I AM NOT DOING HIM ANY GOOD.
16 I CANNOT PROCEED TO TRIAL WITHOUT HAVING THAT DISCOVERY,
17 WITHOUT HAVING MOST OF THAT DISCOVERY TRANSLATED BY A CERTIFIED
18 TRANSLATOR.

19 IN ADDITION, THE OTHER ISSUE IS THAT WE NEED TO HIRE A
20 PRIVATE INVESTIGATOR. THERE ARE CERTAIN INDIVIDUALS THAT I AS
21 HIS LAWYER WOULD NEED TO TAKE STATEMENTS FROM, AND THERE IS
22 SOME FOLLOW-UP INVESTIGATIONS THAT NEED TO BE DONE. AND I
23 CALCULATED -- I HAD SPOKEN TO AN INVESTIGATOR THAT THAT IS
24 GOING TO RUN SOMEWHERE AROUND \$1,500.

25 THE TRANSLATIONS BASED ON MY EXPERIENCE DEALING WITH

1 CERTIFIED TRANSLATORS IN THIS DISTRICT, AND FROM WHAT I SAW IN
2 THE GOVERNMENT'S DISCOVERY I'M CALCULATING AT LEAST \$1,000 IN
3 TRANSLATION EXPENSES.

4 SO, AT THE END OF THE DAY WE ARE UP TO ALMOST \$4,000
5 IN EXPENSES. WHEN I WAS RETAINED I RECEIVED A SMALL PERCENTAGE
6 OF THE FEE THAT I SHOULD HAVE GOTTEN. I WAS RELYING ON HIS
7 REPRESENTATIONS THAT THERE WAS MONEY FORTHCOMING. AND I
8 BELIEVE, AND I STILL BELIEVE TODAY THAT MR. SCOTTON HAD THE
9 BEST OF INTENTIONS WHEN HE HIRED ME, LIKE I HAD THE BEST OF
10 INTENTIONS OF REPRESENTING HIM. UNFORTUNATELY HE IS
11 INCARCERATED AND HE IS DEPENDING ON OTHER PEOPLE TO FACILITATE
12 THINGS FOR HIM.

13 THE MONEY NEVER MATERIALIZED. AND PUTTING MY
14 ATTORNEY'S FEES ASIDE FOR A SECOND I AM RENDERING AT THIS POINT
15 INEFFECTIVE ASSISTANCE OF COUNSEL. I DON'T HAVE THE DISCOVERY
16 TO GO THROUGH. I DON'T HAVE THE ABILITY TO HIRE AN
17 INVESTIGATOR, AND I DON'T SPEAK PORTUGUESE. I AM BASICALLY
18 HINDERED IN MY REPRESENTATION.

19 WE HAD A HEARING WITH JUDGE WILLIAMS ON THE 27TH AND
20 SHE REFERRED THIS MATTER TO YOUR HONOR.

21 AT THIS POINT I WOULD RESPECTFULLY ASK THE COURT TO BE
22 ALLOWED TO WITHDRAW, AND I WOULD ASK THE COURT TO INQUIRE OF
23 MR. SCOTTON. I BELIEVE ALTHOUGH HE IS A SINCEREST INTENTIONS
24 THAT HE IS INDIGENT AT THIS POINT AND I WOULD ASK THE COURT
25 AFTER ITS INQUIRY IF IT IS SATISFIED TO APPOINT THE FEDERAL

1 PUBLIC DEFENDER WHO DOES HAVE THE RESOURCES TO PREPARE THIS
2 CASE FOR TRIAL.

3 THE COURT: THANK YOU, SIR.

4 MR. SCOTTON, WOULD YOU LIKE ME TO APPOINT A LAWYER FOR
5 YOU?

6 THE DEFENDANT: YES, SIR.

7 THE COURT: WOULD YOU STEP UP TO THE PODIUM, PLEASE.

8 THE CLERK: PLEASE RAISE YOUR RIGHT HAND.

9 (DEFENDANT SWORN)

10 THE DEFENDANT: YES, MA'AM.

11 THE CLERK: THANK YOU.

12 THE COURT: ARE YOU MARRIED?

13 THE DEFENDANT: YES, SIR.

14 THE COURT: DOES YOUR WIFE HAVE A JOB?

15 THE DEFENDANT: WELL, I HAVE NOT BEEN ABLE TO CONTACT
16 MY WIFE IN THE LAST FIVE MONTHS. I HAVE BEEN INCARCERATED.

17 THE COURT: YOU ARE STILL LEGALLY MARRIED?

18 THE DEFENDANT: YES, I AM.

19 THE COURT: BUT YOU HAVEN'T SPOKEN TO YOUR WIFE IN
20 FIVE MONTHS?

21 THE DEFENDANT: NO. AS SHE -- I (UNINTELLIGIBLE) TO
22 GO TALK TO HER AND SHE IS PRETTY MUCH SCARED OF THE AGENT. SO
23 SHE IS GOING TO -- DON'T WANT TO GET INVOLVED BY THIS POINT.
24 THAT'S WHAT SHE TOLD MY PARALEGAL.

25 THE COURT: OKAY. DO YOU HAVE ANY CHILDREN?

1 THE DEFENDANT: NO, I DON'T, SIR.

2 THE COURT: AT THE TIME OF YOUR ARREST WERE YOU
3 LAWFULLY EMPLOYED?

4 THE DEFENDANT: I HAVE MY BUSINESS DOWN IN BOCA RATON.
5 I GOT A PACK AND SHIPPING STORE.

6 THE COURT: A WHAT?

7 THE DEFENDANT: A PACK AND SHIP STORE, SIR.

8 THE COURT: AND IS IT STILL IN BUSINESS?

9 THE DEFENDANT: NO. I HAVE TO CLOSE BECAUSE OF THE
10 INCARCERATION. I HAVE ONE BUSINESS LEFT, BUT IT'S SOMETHING
11 BETWEEN CHINA AND THE UNITED STATES THAT I -- WE HAVE A MOTOR
12 SIKES STILL IMPORTED FROM CHINA TO THE UNITED STATES --

13 THE COURT: YOU ARE GOING TO HAVE TO SPEAK SLOWLY AND
14 CLEARLY.

15 THE DEFENDANT: ALL RIGHT, SIR.

16 I HAVE ONE BUSINESS LEFT BUT NOBODY CAN DO ANYTHING
17 FOR ME BECAUSE I'M DOWN HERE.

18 THE COURT: WELL, IS IT A BRICK AND MOTOR BUSINESS?
19 DO YOU HAVE A STORE?

20 THE DEFENDANT: YEAH. WELL, NO, IT IS A FACTORY THAT
21 WE GOT IN CHINA THAT WE MANUFACTURE.

22 THE COURT: YOU OWN A FACTORY IN CHINA?

23 THE DEFENDANT: YEAH. WELL, IT'S NOT THAT I OWN A
24 FACTORY. I HAVE A DEAL WITH THE FACTORY. THEY --

25 THE COURT: SO YOU DON'T OWN IT. YOU HAVE A DEAL TO

1 GET THEIR PRODUCT, IS THAT CORRECT?

2 THE DEFENDANT: YES. EXACTLY. I HAVE THE EXCLUSIVE
3 AGREEMENT WITH THEM TO BRING TO THE UNITED STATES.

4 THE COURT: OKAY. WELL, DO YOU HAVE ANY ASSETS
5 RESULTING FROM THAT AGREEMENT?

6 THE DEFENDANT: NO.

7 THE COURT: DO YOU HAVE ANY PRODUCT, ANYTHING ELSE
8 RESULTING FROM THAT AGREEMENT?

9 THE DEFENDANT: NO. NOT RIGHT NOW.

10 THE COURT: DO YOU HAVE -- I MEAN, NOT JUST PRODUCT
11 BUT LIKE ANY MONEY, ANY --

12 THE DEFENDANT: NO, SIR. EVERYTHING THAT I HAVE -- I
13 MEAN, YOU KNOW, FROM THE FIVE MONTHS I PRETTY MUCH LOST
14 EVERYTHING THAT I HAVE IN MY NAME.

15 THE COURT: SO YOU HAVE NOTHING, RIGHT?

16 THE DEFENDANT: NO, SIR.

17 THE COURT: AND REMEMBER YOU ARE ANSWERING THESE
18 QUESTIONS UNDER PLENTY OF PERJURY.

19 THE DEFENDANT: YES, SIR.

20 THE COURT: OKAY. DO YOU HAVE ANY MONEY IN THE BANK?

21 THE DEFENDANT: NO, SIR.

22 THE COURT: DO YOU OWN ANY REAL ESTATE?

23 THE DEFENDANT: NO, SIR.

24 THE COURT: DO YOU OWN ANY OTHER SIGNIFICANT ASSET OR
25 PROPERTY?

1 THE DEFENDANT: NO, SIR.

2 THE COURT: IS ANYBODY HOLDING ANY MONEY FOR YOU OR
3 OWE YOU ANY ASSETS, OR ANYTHING OF THAT NATURE DIRECTLY OR
4 INDIRECTLY?

5 THE DEFENDANT: NO, SIR.

6 THE COURT: NOW, GOVERNMENT, I KNOW YOU HAVE TAKEN NO
7 POSITION.

8 ARE THERE ANY ADDITIONAL QUESTIONS THAT YOU WOULD LIKE
9 ME TO ASK?

10 MS. ANTON: IF I CAN HAVE A MOMENT, PLEASE, YOUR
11 HONOR.

12 THE COURT: YES.

13 MS. ANTON: THANK YOU, YOUR HONOR. WE HAVE NO
14 QUESTIONS AT THIS TIME.

15 THE COURT: NOW, LET ME ASK COUNSEL. WHAT'S THE TRIAL
16 DATE? IS IT SET FOR TRIAL?

17 MR. FRIEDMAN: NO, JUDGE. WE WERE SET FOR AUGUST
18 27TH. JUDGE WILLIAMS REFERRED THIS MATTER TO YOUR HONOR. AND,
19 TO THE BEST OF MY KNOWLEDGE, WE DO NOT HAVE ANY TRIAL DATE
20 PENDING THIS COURT'S RULING.

21 THE COURT: ALL RIGHT. I AM GOING -- I FIND YOU
22 ELIGIBLE ON THE BASIS OF YOUR ANSWERS TO MY QUESTIONS UNDER
23 OATH, ELIGIBLE FOR COURT APPOINTED COUNSEL.

24 I WILL APPOINT THE FEDERAL PUBLIC DEFENDER.

25 IS THERE A CONFLICT IN THIS CASE THAT ANYBODY IS AWARE

1 OF?

2 MS. MITRANI: NO, JUDGE.

3 THE COURT: ARE THERE CODEFENDANTS IN THIS CASE?

4 MR. FRIEDMAN: NO, YOUR HONOR.

5 THE COURT: IT IS A ONE DEFENDANT CASE?

6 MR. FRIEDMAN: YES, YOUR HONOR.

7 THE COURT: OKAY. I AM GOING TO APPOINT THE FEDERAL
8 PUBLIC DEFENDER TO REPRESENT YOU. OKAY?

9 THE DEFENDANT: YES, SIR.

10 THE COURT: WE WILL CONTACT THEM AND THEY WILL CONTACT
11 YOU.

12 NOW, BEFORE I TURN TO COUNSEL.

13 LEKASHIA, IS THERE ANYTHING ELSE I NEED TO DO WITH
14 RESPECT TO THIS MATTER?

15 THE CLERK: NO, JUDGE.

16 THE COURT: COUNSEL, IS THERE ANYTHING ELSE I NEED
17 THAT NEEDS TO BE DONE IN CONNECTION WITH THIS MATTER?

18 MS. ANTON: NO, YOUR HONOR.

19 THE COURT: OKAY. NICE TO SEE YOU, COUNSEL.

20 MR. FRIEDMAN: THANK YOU, YOUR HONOR.

21 THE COURT: NICE TO SEE YOU, COUNSEL.

22 MS. ANTON: NICE TO SEE YOU, YOUR HONOR.

23 THE COURT: YES, SIR.

24 THE DEFENDANT: YOUR HONOR, YOU MENTIONED JUDGE
25 WILLIAMS RECEIVE THE LETTER I SENT TO HER, RIGHT?

1 THE COURT: I CAN'T HEAR YOU.

2 THE DEFENDANT: JUDGE WILLIAMS HAS RECEIVED THE LETTER
3 THAT I SENT TO HER THEN.

4 THE COURT: I PRESUME SO. IT'S ADDRESSED TO HER. I
5 HAVE A COPY.

6 THE DEFENDANT: OKAY. BECAUSE I (UNINTELLIGIBLE) SHE
7 TOLD ME TO PUT A PACKAGE TOGETHER AND (UNINTELLIGIBLE) FOR A
8 MONTH AND A HALF AND, YOU KNOW, I TRY TO REACH OUT --

9 THE COURT: MY QUESTION IS, DO YOU WANT NEW COUNSEL.
10 YOU GOT NEW COUNSEL, RIGHT?

11 THE DEFENDANT: YES.

12 THE COURT: WAS THAT THE POINT OF THE LETTER?

13 THE DEFENDANT: YES.

14 THE COURT: SO WHAT ELSE DO YOU WANT?

15 THE DEFENDANT: WELL, BECAUSE SHE TOLD ME TO PUT THIS
16 PACKAGE FOR MY BOND TOGETHER.

17 THE COURT: I DON'T HAVE BOND BEFORE ME.

18 THE DEFENDANT: ALL RIGHT.

19 THE COURT: I HAVE COUNSEL.

20 THE DEFENDANT: I APPRECIATE IT.

21 THE COURT: OKAY.

22 THE DEFENDANT: OKAY.

23 THE COURT: BUT I HAVE YOUR LETTER. I ASSUME SHE HAS
24 SEEN IT.

25 THE DEFENDANT: ALL RIGHT.

1 THE COURT: I AM TRYING TO ANSWER YOUR QUESTION.

2 OKAY?

3 THE DEFENDANT: I APPRECIATE IT. THANK YOU.

4 THE COURT: OKAY.

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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 14 PAGES CONSTITUTE A TRUE TRANSCRIPT OF THE PROCEEDINGS HAD BEFORE THE SAID COURT HELD IN THE CITY OF MIAMI, 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
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