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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

S2 17 Cr. 548 (PAC)

JOSHUA ADAM SCHULTE,

Defendant.

Voir Dire

New York, N.Y.
February 3, 2020
11:00 a.m.

Before:

HON. PAUL A. CROTTY,

District Judge

APPEARANCES

GEOFFREY S. BERMAN

United States Attorney for the
Southern District of New York

BY: MATTHEW J. LAROCHE

SIDHARDHA KAMARAJU

DAVID W. DENTON JR.

Assistant United States Attorneys

SABRINA P. SHROFF

JAMES M. BRANDEN

Attorneys for Defendant

-and-

DAVID E. PATTON

Federal Defenders of New York, Inc.

BY: EDWARD S. ZAS

Assistant Federal Defender

Also Present: Colleen Geier

Morgan Hurst, Paralegal Specialists

Achal Formando-Peiris

John Lee, Paralegals

Daniel Hartenstine

Matthew Mullery, Classified Information Security
Officers, Department of Justice

K233SCHVD1

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K233SCHVD1

1 THE DEPUTY CLERK: Docket No. 17 CR 548, United States
2 of America v. Joshua Schulte.

3 Counsel for government, please state your appearance.

4 MR. LAROCHE: Good morning, your Honor. Matt Laroche,
5 Sid Kamaraju and David Denton for the government. With us at
6 counsel table is David Donaldson, a special agent with the
7 Federal Bureau of Investigation, and Colleen Geier and Morgan
8 Hurst, paralegals at the U.S. attorney's office.

9 THE COURT: Good morning.

10 MS. SHROFF: Good morning, your Honor. On behalf of
11 Mr. Schulte, Sabrina Shroff, Edwards Zas and Jim Branden. Also
12 present at counsel table is Achal Formando-Peiris and John Lee.
13 Good morning.

14 THE COURT: Good morning.

15 Good morning to the potential jurors. My name is Paul
16 Crotty, I'm a United States district court judge. I'll be
17 conducting the trial in this criminal case. We're here to pick
18 a jury this morning to try the case entitled United States of
19 America v. Joshua Schulte. The trial is expected to last three
20 to four weeks.

21 Now, one of the truly unique characteristics of our
22 system of justice here in the United States is the jury system.
23 In most countries throughout the world, the resolution of
24 factual disputes is left to judges. But here in the United
25 States, we place our trust in citizens like you to find the

K233SCHVD1

1 facts.

2 Under our system of justice, one of the great
3 opportunities for public service is jury service. If you
4 recall our history, before the Revolution over 240 years ago,
5 the colonists prized most highly their right to participate in
6 their own governance. A great source of friction within Great
7 Britain dealt with how the Crown or the Royal Governor
8 appointed judges and handled trials. On too many occasions
9 trials were removed from colonial juries and tried to judges or
10 transported to England and tried in England.

11 These acts were deeply offensive to the American
12 colonists. All of us know the truths that Thomas Jefferson
13 held to be self-evident: The right to life, liberty and the
14 pursuit of happiness. But Jefferson also had a long list of
15 grievances, the causes which impelled the colonies to seek
16 separation. One of the chief abuses was the colonists had been
17 deprived of the benefits of trial by jury.

18 After the Revolution, we adopted the Constitution
19 which still governs us today. And the Constitution itself
20 specifies that the trial of all crimes shall be by jury. After
21 the adoption of the Constitution, we adopted the Bill of
22 Rights, and the Bill of Rights also provided the Fourth, Fifth,
23 Sixth and Seventh Amendments for trials by jury.

24 You should know another thing. From a Constitutional
25 perspective, your right to participate on a jury is just as

K233SCHVD1

1 important as your right to vote. Indeed, if you're not
2 eligible to vote, you can't sit on a jury.

3 Our system of justice work because citizens like you
4 agree to serve, to listen to the evidence, and to render a
5 fair, objective and impartial verdict according to the law as I
6 give it to you and the facts as you find them. So I appreciate
7 the fact that you are here, and thank you for the very valuable
8 public service you are about to perform.

9 Mr. Gonzalez, would you swear the venireman, please .

10 (Prospective jury panel sworn)

11 THE COURT: Please be seated.

12 Now, I have no personal knowledge of the facts of this
13 case, and nothing I say is evidence. I will, however, briefly
14 summarize the charges in the indictment so that you'll
15 understand the reason for the questions that I will ask you and
16 so that you can determine whether there is anything about the
17 charges that would make it impossible for you to sit here and
18 be fair and impartial jurors.

19 As I've told you, this is a criminal case. The
20 defendant is Joshua Schulte. He is on trial on 11 charges.
21 The indictment is not evidence itself, but simply contains the
22 charges that the government must prove beyond a reasonable
23 doubt. Those of you selected to sit on the jury will receive a
24 detailed explanation of the charges from me at the conclusion
25 of the case. But right now I will just summarize the charges

K233SCHVD1

1 in the indictment. I want to know whether there is anything
2 about the charges that would make impossible for you to be fair
3 and impartial as jurors.

4 The indictment charges Mr. Schulte that he violated
5 the laws of the United States by committing a theft of national
6 defense information from the Central Intelligence Agency, or
7 the CIA, where he worked, and then transmitting that
8 information to WikiLeaks. The indictment charges that
9 Mr. Schulte accessed a CIA computer system without
10 authorization, made false statements to the FBI during its
11 investigation, and violated a protective order. Mr. Schulte is
12 also charged with unlawful disclosure and attempted disclosure
13 of national defense information while he was in the
14 Metropolitan Correction Center or MCC, which is a federal
15 detention center here in Manhattan.

16 Mr. Schulte has pleaded not guilty to the indictment.
17 That is, he's denied the charges. The Government's allegations
18 and Mr. Schulte's denial of those allegations raise issues of
19 fact that must be decided by a jury on the basis of evidence
20 that will be presented in the courtroom.

21 So David, will you call 12 jurors, please.

22 THE DEPUTY CLERK: Prospective Juror No. 1, Amanda
23 Bloom. Please take jury seat number one.

24 Prospective Juror No. 2, Josiane Mekles. Please take
25 seat number two.

K233SCHVD1

- 1 Prospective Juror No. 3, Yen Hua.
- 2 Prospective Juror No. 4, Ericka Thompson.
- 3 Jurors, I ask if you please come down the middle.
- 4 Prospective Juror No. 5, Meghan McNamara.
- 5 Prospective Juror No. 6, William Knowles.
- 6 Prospective Juror No. 7, Keith Miller.
- 7 Prospective Juror No. 8, Daniel Zlotnick.
- 8 Prospective Juror No. 9, Jessica Santos.
- 9 Prospective Juror No. 10, Hi Hua.
- 10 Prospective Juror No. 11, Joshua Rothman.
- 11 Prospective Juror No. 12, Megan Proehl.

12 THE COURT: There are some empty seats now, so those
13 of you who are standing can fill in.

14 I have some questions to help us be sure we have a
15 fair and impartial and objective jury, able to render an
16 impartial verdict in accordance with the facts as you the jury
17 find them and the law as I instruct you. I am going to ask you
18 some general questions, and then there will be more specific
19 questions that follow. If at any time those of you in the back
20 of the room or anyone in the jury box cannot hear me, please
21 raise your hand.

22 For those of you sitting in the jury box, I will be
23 asking you each question directly, and you should respond by
24 raising your hand indicating a response to the question. I may
25 then ask you for additional followup questions.

K233SCHVD1

1 For those of you not in the jury box sitting in the
2 back of the courtroom, please keep track of any questions for
3 which you have a response as we go along. Then if you are
4 called into the jury box, I will go through each of those
5 questions with you.

6 My questions are not meant to embarrass you in any
7 way. The sole purpose of my question is to enable us to select
8 a fair and impartial jury. As such, your oath obligates you to
9 give fair and truthful answers to my questions. If for any
10 reason you are unable to serve as a fair and impartial juror,
11 you should inform the Court of that fact.

12 From your answers to my questions, I'll be able to
13 determine whether you should be excused for cause, that is for
14 a reason either on my motion or upon the motion of a party, or
15 whether you are excused by a party without a stated reason, in
16 what is called a peremptory challenge. Your answers to these
17 questions will also help counsel make intelligent use of their
18 peremptory challenges and to obtain a jury they believe to be
19 fair and impartial.

20 My questions to you and your answers to them are not
21 evidence. You should not regard them as having any bearing on
22 this case. Also, it is very important that you not say in open
23 court anything about the parties in this case or about any
24 other matter that might tend to impair the open mindedness and
25 fairness of other jurors.

K233SCHVD1

1 If a question calls for a yes or no, simply answer yes
2 or no. If there are further matters that should be disclosed
3 but that might tend to influence other jurors, you may ask to
4 approach the bench to discuss them. We'll hear those
5 conversations over here at the side of the bench.

6 Let me ask you some preliminary questions. Do any of
7 you have a problem with your hearing or vision that would
8 prevent you from giving your full attention to the evidence in
9 this case?

10 Are you taking any medications or do you have any
11 health-related problems that would prevent you from giving your
12 full attention to all of the evidence at this trial?

13 Do any of have you any trouble reading or
14 understanding English?

15 Do any of you have any tickets for a vacation travel
16 in February, mandatory business travel scheduled in February?
17 Ms. Mekles?

18 JUROR: Yes, I do.

19 THE COURT: Where are you traveling?

20 JUROR: I'm going to Florida. I am going to Florida.

21 THE COURT: To Florida. When are you going?

22 JUROR: I'm going the week of the 14th.

23 THE COURT: Of February?

24 JUROR: Yes.

25 THE COURT: Do you have tickets for this?

K233SCHVD1

1 JUROR: Yes, I do.

2 THE COURT: All right. How long are you going to be
3 gone for?

4 JUROR: I return on the following Sunday. So a week,
5 10 days.

6 THE COURT: 10 days. All right. Ms. Hua.

7 JUROR: Yes, I have vacation plans for the week of
8 Presidents' Day for a couple of days. I also travel for
9 business and I am traveling to Austin on February 13, as well
10 as the West Coast, as well as Charlotte and the West Coast
11 February 26 to the 28th.

12 THE COURT: The 6th to the 28?

13 JUROR: Twenty-sixth to the 28th. For this week my
14 calendar is clear. But next week I have to start travel, and
15 the following week I have vacation plans, because I have small
16 children, so we have to go on vacation when they have vacation.
17 And then after that, I have to travel for business.

18 THE COURT: Anybody else? Mr. Knowles.

19 JUROR: Yes. I have a trip scheduled. My daughter is
20 getting married and --

21 THE COURT: Congratulations.

22 JUROR: We are going ahead of the --

23 THE COURT: Can you give me the dates?

24 JUROR: It's in my phone. But I believe it is the
25 26th of February we leave for 10 days.

K233SCHVD1

1 THE COURT: All right. Anybody else in the first row.
2 Yes, sir.

3 JUROR: I'm going on my honeymoon to Guatemala the
4 15th through the 23rd.

5 THE COURT: Congratulations.

6 JUROR: Thank you.

7 THE COURT: Thirteenth of February?

8 JUROR: Yes.

9 THE COURT: All right. Anybody else? Well we'll
10 excuse Jurors 2, 3, and are you No. 8?

11 JUROR: I believe so.

12 THE COURT: You are excused. You have to go back to
13 the jury assembly room.

14 MR. BRANDEN: Judge, there was also Mr. Knowles who
15 had travel plans at the end of this month.

16 THE COURT: Thank you, Mr. Branden. Mr. Knowles, you
17 are excused as well. You have to go to the jury assembly room.

18 Call for Jurors 2, 3, 6 and 8.

19 THE DEPUTY CLERK: Prospective Juror No. 2, Debra
20 Kessler.

21 Prospective Juror No. 3, Yamily Torres.

22 Prospective Juror No. 6, Rossi Hassad.

23 Prospective Juror No. 7, Kim Greenberg.

24 THE COURT: That was No. 8.

25 Ms. Kessler, Ms. Torres, Mr. Hassad and Ms. Greenberg,

K233SCHVD1

1 did you hear the questions we put? Do you have anything you
2 want to say?

3 Do any of you have any religious, philosophical or
4 other beliefs that would make it difficult for you or to render
5 a fair and impartial verdict based on the law and the evidence?

6 Do any of you have any bias or prejudice that might
7 make you unable to render a fair and impartial verdict based on
8 the law and the evidence?

9 Yes.

10 JUROR: So as I understand this, if this we are akin
11 to the Chelsea Manning case, I already have my feelings that
12 the law is broken and that's that.

13 THE COURT: All right. You don't think you could be
14 fair and objective?

15 JUROR: You asked if I'm biased. I'm biased.

16 THE COURT: All right. You're Ms. Kessler?

17 JUROR: Yes.

18 THE COURT: I'll excuse you.

19 THE DEPUTY CLERK: Prospective Juror No. 2, Brian
20 Hogan.

21 THE COURT: Hello, Mr. Hogan. You've heard the
22 questions we put to you. Anything you want to say?

23 JUROR: No.

24 THE COURT: Ms. Greenberg.

25 JUROR: I didn't hear. I can make a commitment to

K233SCHVD1

1 only the two weeks that we were told, I could be available. So
2 I blocked the first two weeks starting today to be available.
3 But then after that, I'm not available.

4 THE COURT: What are you doing?

5 JUROR: It's kind of hypothetical. Because my mom is
6 in a facility, and we're basically on moment's notice at this
7 point. And it's not here in New York. So, I might have at any
8 point in time after the two weeks, to just go.

9 THE COURT: Where is your mom?

10 JUROR: In Florida.

11 THE COURT: What is her condition?

12 JUROR: Well, she's in a memory care facility. But
13 it's, it's now affecting --

14 THE COURT: All right. I'll excuse you,
15 Ms. Greenberg.

16 JUROR: Thank you.

17 THE DEPUTY CLERK: Prospective Juror No. 8, Sara Amy.

18 THE COURT: Ms. Amy, have you heard the questions we
19 put to the others?

20 JUROR: Yes.

21 THE COURT: Anything you want to say? Okay. Thank
22 you.

23 As I've already told you, this is a criminal case and
24 the defendant is Joshua Schulte. He's been charged with the
25 commission of a number of federal crimes in an 11-count

K233SCHVD1

1 indictment returned by a grand jury sitting in this district.
2 The indictment is not evidence, and it's not proof of a crime.
3 It is merely a document that specifies the crime charged
4 against Mr. Schulte.

5 Those of you who are selected to sit on this jury will
6 receive a detailed explanation of the charges at the conclusion
7 of the case, but I'd like to give you a brief summary now of
8 the charges so we can determine whether there is anything about
9 the charges that would make it impossible for you to sit here
10 and be fair and impartial.

11 After I summarize the charges, I will ask a series of
12 questions. If you have an affirmative responses to any of the
13 questions or would feel uncomfortable responding in open court,
14 let me know, and we'll hear you at the sidebar.

15 The indictment charges Mr. Schulte with 11 counts.
16 The charges include seven counts relating to defendant's
17 alleged unlawful theft of national defense information from the
18 Central Intelligence Agency, the CIA, and its Center for Cyber
19 Intelligence, which I will refer to as the WikiLeaks charges.
20 The WikiLeaks charges stem from the defendant's alleged theft
21 of national defense information from the CIA computer system in
22 or about 2016, and its transmission thereafter of that
23 information to an organization, WikiLeaks. WikiLeaks in turn
24 posted the information online in the name of Vault 7, and Vault
25 8 between March and November of 2017.

K233SCHVD1

1 Indictment also charges the defendant with one count
2 relating to the alleged unlawful disclosure and attempted
3 disclosure of national defense information from the
4 Metropolitan Correction Center, the federal correctional
5 center, between in and about November 2017 and in or about
6 October of 2018.

7 The indictment also charges the defendant with two
8 counts relating to false statements the defendant allegedly
9 made to the FBI during its investigation of the WikiLeaks
10 charges, as well as one count relating to defendant's alleged
11 willful violation of a protective order entered by the Court in
12 this case in 2017.

13 There's been some news stories about this case. Do
14 any of you have any personal knowledge of the charges in the
15 indictment as I have described it?

16 Have any of you read or heard anything about this
17 case, including any accounts in the press or websites?

18 The defendant in this case is charged with offenses
19 that involve the alleged theft of national defense information
20 from the CIA. Do any of you have any feelings that you could
21 not view fairly and impartially a case involving such charges?

22 Has anyone formed an opinion that the actions charged
23 in the indictment as I have described them to you should not be
24 crimes?

25 The charged offenses in this case also involve the

K233SCHVD1

1 alleged transmission by the defendant of national defense
2 information to WikiLeaks. Do any of you feel you could not
3 view fairly and impartially a case involving such charges?

4 Has anyone formed an opinion that the actions charged
5 in the indictment as I have described them to you should not be
6 crimes?

7 Do any of you have any opinions, favorable or
8 unfavorable, about organizations such as WikiLeaks or
9 individuals who release to the public government documents and
10 information without prior government authorization?

11 Yes. Ms. Bloom?

12 JUROR: I think whistleblowing is a very valuable
13 contribution to the United States of America. I think Julian
14 Assange is a dirtbag. I'm very conflicted on this topic.

15 THE COURT: You don't think you could be fair and
16 objective here?

17 JUROR: I honestly don't know.

18 THE COURT: You got to do better than that. I think
19 I'll excuse you. Please return to the jury assembly room.

20 THE DEPUTY CLERK: Brian Cox, Prospective Juror No. 1.

21 THE COURT: Good morning, Mr. Cox.

22 JUROR: Good morning.

23 THE COURT: You've heard the questions we put to the
24 other jurors.

25 JUROR: I have.

K233SCHVD1

1 THE COURT: Anything you want to say?

2 JUROR: I'm going to Mexico on Sunday for five days.

3 THE COURT: You are?

4 JUROR: For five days.

5 THE COURT: Then I'll excuse you. Mr. Cox is excused.

6 THE DEPUTY CLERK: Prospective Juror No. 1, Lauren
7 Lorberbaum. Please take the first seat.

8 THE COURT: How do you pronounce your name?

9 JUROR: Lauren Lorberbaum.

10 THE COURT: You heard the questions. Anything you
11 want to say?

12 JUROR: I am having a child on or before March 3, so I
13 won't be available.

14 THE COURT: Congratulations. I hope it goes well.
15 You are excused.

16 JUROR: Thank you.

17 THE DEPUTY CLERK: Prospective Juror No. 1, Melissa
18 Weiland.

19 THE COURT: Good morning.

20 JUROR: I believe I'm already a tainted juror as I am
21 the admin for one of the Facebook groups for 2600, and this
22 case has been discussed at length on the board, and on the Off
23 The Hook I believe as well.

24 THE COURT: I'll excuse you.

25 JUROR: Thank you.

K233SCHVD1

1 THE DEPUTY CLERK: Prospective Juror No. 1, Lorna
2 Akabogu.

3 THE COURT: Good morning. How are you.

4 JUROR: I'm fine, thank you.

5 THE COURT: You heard the questions we put to the
6 other jurors?

7 JUROR: Yeah.

8 THE COURT: Anything you want to say?

9 JUROR: Nothing.

10 THE COURT: Thank you.

11 Some of the crimes charged in this case allege
12 violations of 18 U.S.C., that's United States Code, Section
13 793, which is part of the law called the Espionage Act. Do any
14 of you have any feelings that you cannot view fairly and
15 impartially a case involving the Espionage Act?

16 Has anyone formed an opinion that crimes set forth in
17 the Espionage Act should not be illegal?

18 Some of the crimes charged in this case allege
19 violations of 18 U.S.C. Section 1030, which is part of the law
20 called the Computer Fraud and Abuse Act, or CFAA. Do any of
21 you feel that you could not view fairly and impartially a case
22 involving the Computer Fraud and Abuse Act?

23 Has anyone formed an opinion that crimes set forth in
24 the Computer Frauds Abuse Act should not be illegal?

25 Do any of you have any more general opinion about the

K233SCHVD1

1 enforcement of federal laws that might prevent you from being
2 fair and impartial in this case?

3 Do any of you believe that any of the crimes, that any
4 of these crimes should not be illegal or that such laws should
5 not be enforced?

6 Do any of you have any opinions or beliefs about the
7 enforcement of these or other federal laws that might prevent
8 you from being fair and impartial?

9 Now, the government here is represented by the United
10 States Attorney for the Southern District of New York, that's
11 Mr. Geoffrey Berman. Does anybody know Mr. Geoffrey Berman?

12 The conduct of this trial will be in the immediate
13 supervision of three assistant U.S. attorneys, David Denton,
14 Mr. Kamaraju and Mr. Laroche. Would you please stand. Thank
15 you.

16 They are going to be assisted by a Special Agent,
17 Mr. David Donaldson of the FBI, the Federal Bureau of
18 Investigation. Mr. Donaldson. And they are assisted by two
19 paralegals, Morgan Hurst and Colleen Geier. Please be seated.

20 Do any of you know Mr. Denton, Mr. Kamaraju,
21 Mr. Laroche, Special Agent Donaldson, Ms. Hurst or Ms. Geier?

22 The defendant is Mr. Joshua Adam Schulte.
23 Mr. Schulte, could you please stand. Please be seated. And
24 Mr. Schulte is represented by Edward Zas of the Federal
25 Defenders, Sabrina Shroff, and James Branden. Can you please

K233SCHVD1

stand.

MS. SHROFF: Your Honor, Mr. Zas had to step out. He is not before the jury.

THE COURT: Is he going to participate?

MS. SHROFF: He is, he just had to step out for a minute.

THE COURT: All right. Does anybody know Ms. Shroff, Mr. Branden or Mr. Zas? We'll introduce Mr. Zas when he returns.

MS. SHROFF: Thank you, your Honor.

THE COURT: Who are the two paralegals, Ms. Shroff?

MS. SHROFF: Your Honor, Achal Formando-Peiris is the paralegal, and next to him is John Lee.

THE COURT: Would you please stand. Be seated.

Do any you know Ms. Shroff and her team?

We're now going to give you a list of names and locations. Do we have the list? This is a list of names of people who may testify or whose names you may hear in the testimony. The question I have for you is do you recognize any of these names?

(Pause)

THE COURT: Has everybody had a chance to look? Do you recognize any of the names?

David, pick up the list.

THE DEPUTY CLERK: Can I get the list back, please.

K233SCHVD1

1 THE COURT: Do any of you have any business
2 relationship, professional or personal relationship with any
3 member of the staff of the U.S. Attorney's Office for the
4 Southern District of New York? How about with the FBI? Yes.

5 JUROR: My roommate from graduate school is an agent.

6 THE COURT: Could you repeat that, please?

7 JUROR: My roommate from graduate school is an agent
8 with the FBI.

9 THE COURT: Okay. How long have you been roommates?

10 JUROR: Well, we don't live together anymore. We
11 lived together five years ago. But we still are friends. I
12 just talked to her two days ago.

13 THE COURT: Where does she work?

14 JUROR: In Virginia. In Virginia.

15 THE COURT: In Virginia. Do you know what she does?

16 JUROR: She hasn't disclosed too much. She is not
17 able to. But I know that -- I know generally what she does,
18 but not specifics.

19 THE COURT: Would that relationship make it difficult
20 for you to be fair and impartial?

21 JUROR: No.

22 THE COURT: You wouldn't give any greater weight to an
23 agent's testimony or an FBI agent than you would to any other
24 witness?

25 JUROR: I don't think so. I can't say for sure, but I

K233SCHVD1

1 don't think so.

2 THE COURT: Okay. How about with the CIA, anybody
3 have any friends at the CIA? Relatives?

4 Has any member of the jury panel served on a grand
5 jury previously? How about on a jury for a criminal case or a
6 civil case?

7 JUROR: I was. It was a Goldman Sachs intellectual
8 property rights case about four years ago.

9 THE COURT: Civil case?

10 JUROR: Yes.

11 THE COURT: Did you reach a verdict?

12 JUROR: We did. But the judge overturned it six
13 months later.

14 THE COURT: Okay. Anything about that experience that
15 would make it difficult for you to be fair and impartial here?

16 JUROR: I don't believe so.

17 THE COURT: All right. Who else raised their hand?

18 JUROR: I was on a slip and fall case 30 years ago.

19 THE COURT: Okay. Nothing about that experience that
20 would prevent you from being fair and impartial?

21 JUROR: No. It settled before it went to trial.

22 THE COURT: Anybody else?

23 Have you or any relative or close friend of yours ever
24 been involved or appeared as a witness in an investigation by a
25 federal or state grand jury or by a Congressional or state

K233SCHVD1

1 legislative committee, or licensing authority or governmental
2 agency?

3 Yes, sir.

4 JUROR: I have not been a witness, but I served on a
5 state board for disability hearings, the New York State Board
6 for Mental Health Practitioners, and I've conducted hearings.

7 THE COURT: As a hearing officer?

8 JUROR: As a hearing officer.

9 THE COURT: What do you do?

10 JUROR: I'm member of the state board, and I served as
11 the chair of the state board, and members of the state board
12 serve as hearing officers.

13 THE COURT: The state board of -- what's the
14 organization?

15 JUROR: New York State Board for Mental Health
16 Practitioners.

17 THE COURT: So you are a licensing agency?

18 JUROR: That's the state, yes. The agency.

19 THE COURT: Anything about that that would make it
20 difficult for you to be fair and impartial?

21 JUROR: I don't think so.

22 THE COURT: All right. Have you or any member of your
23 family or an associate or close friend ever been charged with a
24 crime, either in the United States or in another country?

25 Have you or any relative or associate or close friend

K233SCHVD1

1 ever been the subject of an investigation by a federal or state
2 grand jury?

3 Have you or any friend or relative of yours --

4 MR. BRANDEN: Judge, I believe No. 2.

5 THE COURT: Mr. Cox.

6 JUROR: Mr. Hogan. I was charged with a crime. I had
7 an arrest that was pled down to not a crime, not a misdemeanor.
8 But I believe I was originally charged with a misdemeanor.

9 THE COURT: I missed the last part.

10 JUROR: I believe I might have originally been charged
11 with a misdemeanor. But I'm not entirely sure. But --

12 THE COURT: How long ago was this?

13 JUROR: Probably 10 years ago.

14 THE COURT: It involved driving and drinking?

15 JUROR: Yes.

16 THE COURT: Anything about that experience that would
17 make it difficult for you to be fair and impartial?

18 JUROR: No.

19 THE COURT: Thank you, Mr. Hogan.

20 Have you or any of your friends or close relatives
21 been the victim of a crime?

22 Have you ever been involved in an employment dispute?

23 Now, witnesses in this case, as you probably surmised,
24 may also include agents from the FBI, other law enforcement
25 agents, and the CIA. Would you be able to treat these

K233SCHVD1

1 witnesses the same as other witnesses and not give the witness
2 a different weight to their testimony because he or she is a
3 law enforcement officer? You have to treat everybody the same;
4 can you do that?

5 Has anybody ever applied for a job with the FBI or the
6 CIA?

7 The witnesses in this case may also include current
8 and former officers and employees of the CIA as well as
9 contractors who work or have worked for the CIA. Would you be
10 able to hear such a witness as you would any other witness and
11 not give a different weight to his or her testimony because he
12 or she works for the CIA?

13 Some of the CIA witnesses may testify as to
14 intelligence-gathering activities that were engaged in by the
15 CIA. Would the fact that the CIA may conduct
16 intelligence-gathering activities make it difficult for you to
17 be fair and impartial?

18 Some of the CIA witnesses may testify using their
19 initials or other protective measures because of the nature of
20 their work with the CIA. Would the fact that a witness may
21 testify without using his or her true name or use some other
22 means of concealing his or her identity affect your ability to
23 assess the credibility of that witness or your ability to be an
24 impartial juror?

25 The FBI, as you know, probably know, engages in

K233SCHVD1

1 domestic intelligence gathering, security and law enforcement
2 on behalf of the federal government. Do you have a strong
3 feeling or opinions either in favor of or against the mission
4 of the FBI?

5 This case is also going to involve classified
6 documents. The government alleges that they relate to national
7 security. For trial purposes, I have authorized the use of
8 such documents with redactions, that is deletions of certain
9 information, and frequently the substitution of certain words
10 or phrases for the redacted material in order to protect the
11 classified information.

12 Is there anything about the use of classified
13 documents, the use of redacted documents, or the use of
14 documents that have had some words or phrases replaced with
15 unclassified substitutions that would affect your ability to
16 weigh fairly the evidence received at trial, or your ability to
17 be an impartial juror?

18 Have you or any of your close relatives ever received
19 any training regarding classified information?

20 Have you or a close relative ever possessed a security
21 clearance for classified information?

22 How many have been in the service, military service?

23 Mr. Hogan.

24 JUROR: My father-in-law was a former federal police
25 officer. I know he had some type of security clearance.

K233SCHVD1

1 THE COURT: Your father-in-law?

2 JUROR: Yes.

3 THE COURT: How long -- what kind of law enforcement
4 did he work for?

5 JUROR: He worked at a lab out on Long Island.

6 THE COURT: Do you know what the employment agency
7 was?

8 JUROR: It was the Brookhaven National Laboratory.

9 THE COURT: He was a scientist?

10 JUROR: No, he was a -- he was a federal -- my
11 understanding a federal police officer that worked --

12 THE COURT: Provided security?

13 JUROR: Yes.

14 THE COURT: Is your father still alive?

15 JUROR: Father-in-law. He is, he's retired.

16 THE COURT: How long ago did he retire?

17 JUROR: Probably five or six years ago.

18 THE COURT: Okay.

19 JUROR: Maybe a little more.

20 THE COURT: Okay. In your conversations with your
21 father-in-law, did you ever talk about security or classified
22 information?

23 JUROR: No.

24 THE COURT: Can you be fair and impartial?

25 JUROR: Yes.

K233SCHVD1

1 THE COURT: The jurors who are selected to sit on this
2 jury must hold in strict confidence classified information that
3 you're exposed to at trial, even after your jury service ends.
4 Disclosure of any of the classified information, even to
5 anyone, close relatives or friends, might involve a violation
6 of federal law. Would that obligation affect your ability to
7 serve as a juror in this case? Would you have any objection to
8 looking at classified information during the trial?

9 We are going to hear testimony from expert witnesses.
10 Have any of you had any experience with experts? Do you have
11 any general feelings about the use of experts that would make
12 it difficult for you to render a fair and impartial verdict?

13 Yes, sir.

14 JUROR: I'm a lawyer. And I tried cases and I've use
15 experts before. So your question about if I've had experience
16 with experts, the answer to that is yes. But it doesn't affect
17 my ability to be fair and impartial.

18 THE COURT: Okay. What kind of trial lawyer are you,
19 civil case?

20 JUROR: Yes, civil. Patent litigation.

21 THE COURT: Oh. So you're familiar with experts.

22 JUROR: Yes.

23 THE COURT: Okay. Would you be able to accept my
24 charge to you on the law of experts?

25 JUROR: Yes.

K233SCHVD1

1 THE COURT: And not apply your own understanding and
2 interpretation?

3 JUROR: Absolutely.

4 THE COURT: All right. Mr. Hogan.

5 JUROR: I have a similar answer to that question. I'm
6 also a lawyer that deals with experts. It does not impact --

7 THE COURT: What kind of law do you practice?

8 JUROR: We do insurance law, legal malpractice,
9 monitoring and counsel. So we represent the insurance
10 companies.

11 THE COURT: Would you be able to take my instructions
12 on the law of experts?

13 JUROR: Yes.

14 THE COURT: And apply it?

15 JUROR: Yes.

16 THE COURT: Without substituting your own judgment?

17 JUROR: Yes.

18 THE COURT: Yes, sir.

19 JUROR: Your Honor, I'm also an attorney and familiar
20 with using experts. I'm a trial attorney.

21 THE COURT: Do you have an area of law that you
22 practice in?

23 JUROR: Yes, securities fraud.

24 THE COURT: Okay.

25 JUROR: Civil and criminal.

K233SCHVD1

1 THE COURT: Would you be able to take my instructions
2 on expert law?

3 JUROR: Yes.

4 THE COURT: And not substitute your own version?

5 JUROR: Yes.

6 THE COURT: Be fair and impartial?

7 JUROR: Yes.

8 THE COURT: Yes.

9 JUROR: In the last case that I was in, there were
10 multiple specialists that came from different areas.

11 THE COURT: You're Ms. McNamara? I can't hear you.

12 JUROR: There were a few people brought in from
13 various network securities in the last trial I was in, and I
14 also have friends who serve for medical cases and especially
15 like the medical examiner's office.

16 THE COURT: What do you do?

17 JUROR: I'm a physician assistant.

18 THE COURT: You are a physician. You are an expert
19 yourself.

20 JUROR: No, no. I do not do that. I have colleagues
21 that do.

22 THE COURT: Anything about that experience,
23 Ms. McNamara, that make it difficult for you to be fair and
24 impartial?

25 JUROR: No.

K233SCHVD1

1 THE COURT: Did I miss anybody? I asked about expert
2 witnesses. Did I ask you about searches?

3 There have been searches here as well, and some of the
4 evidence that is going to be introduced as a result of searches
5 performed by law enforcement officers. Those searches are
6 legal and the evidence obtained from those searches is
7 admissible in this case.

8 Would you be able to follow my instruction in
9 considering such evidence obtained from searches at trial?

10 Some of the evidence in this trial is going to be
11 presented in the form of electronic recorded conversations as
12 well as text messages, chat messages, e-mail messages and
13 social media. I instruct you now that these communications
14 were properly obtained by the government, and that it is proper
15 for this evidence to be introduced at trial for your
16 consideration. Would you be able to follow my instructions in
17 considering evidence obtained by law enforcement from recorded
18 conversations and give it such weight as you deem appropriate?

19 Now, you are going to hear about WikiLeaks, and you've
20 already heard about it and you'll hear more about it during the
21 trial. You may also hear the name Julian Assange. Do you have
22 any feelings or opinions about either WikiLeaks or Julian
23 Assange that would affect your ability to serve here as a fair
24 and impartial juror?

25 Just to be sure, have you read anything about

K233SCHVD1

1 Mr. Schulte in the press?

2 You are not to speculate as to the reasons why other
3 persons are not on trial. Is there any juror who cannot follow
4 this instruction or who would have difficulty rendering a fair
5 and impartial verdict?

6 The function of the jury is to decide questions of
7 fact. You are the sole judges of the facts, and nothing that
8 the Court or the lawyers say or do may encroach in any way in
9 your role as exclusive fact finder. However, when it come to
10 the law, you must take your instructions from the Court, and
11 you are bound by those instructions. You may not substitute
12 your own notions of what the law is or what you think the law
13 should be.

14 At the conclusion of the case, your job will be to
15 determine whether or not the defendant is guilty as charged in
16 the indictment.

17 Do any of you have any bias or prejudice that might
18 prevent you or hinder you from accepting this instruction of
19 the law that I will give you in this case?

20 Do any of you have any legal training or have
21 relatives or close friends who are lawyers?

22 As to each of you, will you accept my instructions on
23 the law and not substitute your own version of the law for my
24 instructions?

25 To all the jurors, will each of you accept my

K233SCHVD1

1 instruction that you are not to discuss this case with anyone
2 until the deliberations begin?

3 Will each of you accept the proposition that the
4 question of punishment is for the Court alone to decide, and
5 that the possible punishment must not enter into your
6 deliberations as to whether the defendant on trial here is
7 guilty or not guilty?

8 Under the law, the defendant Mr. Schulte is presumed
9 innocent and cannot be found guilty of the crime charged in the
10 indictment unless a jury, that's you, after having heard all
11 the evidence, unanimously decides that the evidence proves the
12 defendant's guilt beyond a reasonable doubt.

13 Would any of you have any difficulty accepting and
14 applying this rule of law?

15 In a criminal case, the burden of proof remains with
16 the prosecution. It never shifts to the defendant. For a jury
17 to return a guilty verdict, as to any charge, the prosecution
18 must prove beyond a reasonable doubt each and every element of
19 the charge or crime that you are considering.

20 A person charged with a crime has absolutely no burden
21 to prove he's not guilty. Would any of you have any difficulty
22 accepting and applying this rule of law?

23 I will instruct the jury that as you consider whether
24 the government has met its burden of proof, you must consider
25 each count of the indictment separately. In other words, your

K233SCHVD1

1 deliberations on Count One don't affect your deliberations on
2 Count Two. You have to consider each count separately. Would
3 you be able to do that?

4 You are required by law to make your decision based
5 solely on the evidence or lack of evidence presented in court,
6 and not on the basis of conjecture, sympathy, suspicion or
7 prejudice. Would you have any difficulty accepting and
8 applying this rule of law?

9 A defendant in a criminal case has the right to
10 testify and the right not to testify. If the defendant does
11 not testify, the jury may not draw any inferences against him
12 based on his decision not to testify. The fact that a
13 defendant chooses not to testify may not enter into a jury's
14 deliberation at all. Do any of you have any difficulty
15 accepting and applying this rule of law?

16 Now, it's not a particularly pleasant duty to find
17 another individual guilty of committing a crime. Do any of you
18 feel that even if the evidence established the guilt of the
19 defendant beyond a reasonable doubt, you might not be able to
20 render a guilty verdict against the defendant for reasons
21 unrelated to the law and the evidence, including any religious,
22 philosophical or other belief?

23 In the alternative, if the government fails to prove
24 the defendant's guilt beyond a reasonable doubt, is there any
25 juror who feels he or she could not render a fair and impartial

K233SCHVD1

1 verdict of not guilty with respect to the defendant?

2 In these questions, I have tried to direct your
3 attention to possible reasons you might not be able to sit as
4 fair and impartial jurors. Apart from any prior question, does
5 any juror have the slightest doubt in his or her mind for any
6 reason whatsoever that he or she will be unable to serve
7 conscientiously, fairly, impartially, and to render a true and
8 just verdict without fear, favor, sympathy, or prejudice and
9 according to the law as I will instruct you?

10 As you can tell from my prior questions, the
11 fundamental question here is whether there is anything in your
12 personal history or life experience that would prevent you from
13 acting as a fair and impartial juror. So let me ask you one
14 final time. Is there anything, whether I've asked you about it
15 specifically or not, that would affect your ability to be a
16 fair and impartial juror in this case?

17 Yes.

18 JUROR: I don't know whether this comes into play. I
19 have a son with autism, and I have to put him on the bus at
20 7:30 every morning.

21 THE COURT: And where do you live?

22 JUROR: In the Bronx.

23 THE COURT: This is a special needs child?

24 JUROR: Yes.

25 THE COURT: He leaves at 7:30. What time does he come

K233SCHVD1

1 home?

2 JUROR: The bus drops him off at 3:30.

3 THE COURT: If you put the child on the bus at 7:30 in
4 the morning, could you be here by 9 o'clock?

5 JUROR: Yes, I should be here.

6 THE COURT: And we're probably going to sit until
7 3 o'clock in the afternoon. Would you be able to pick your son
8 up?

9 JUROR: I won't be able to make it to him by 3,
10 because it takes one hour 30 minutes from here to my home.

11 THE COURT: Where do you live in the Bronx?

12 JUROR: I live by Baychester Avenue, by Co-op City.

13 THE COURT: You're almost in Westchester.

14 JUROR: Sorry?

15 THE COURT: You're almost in Westchester.

16 JUROR: I guess so.

17 THE COURT: I'll excuse you.

18 JUROR: Thank you.

19 THE DEPUTY CLERK: Prospective Juror No. 1, Robert
20 Fryd.

21 THE COURT: What's the correct pronunciation?

22 JUROR: Fryd.

23 THE COURT: Did you hear the questions? Anything you
24 want to say?

25 JUROR: There are four questions I'd like to address.

K233SCHVD1

1 One is I had also thought this would be a two-week thing. I'm
2 a lawyer. Committing for three or four weeks would be very,
3 very difficult for me and for the clients of my practice.

4 Beyond that, the second question you asked, you asked
5 a question about WikiLeaks. I have a very negative opinion
6 about WikiLeaks. I don't know that it would interfere with my
7 ability to decide things fairly, but I do have a negative
8 opinion.

9 You asked a third question about has any relative been
10 charged with a crime. I have a nephew who was charged with a
11 crime, a federal crime.

12 And lastly, which also I don't think would have any
13 impact on my ability to be fair here --

14 (Continued on next page)

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K23WschVD2

1 THE COURT: That's really the question.

2 JUROR: It would not.

3 THE COURT: Anything about the circumstances of the
4 prosecution?

5 JUROR: I would not.

6 And also, I have experience with experts, but that
7 also would have no bearing on my ability to --

8 THE COURT: Can you tell me a little bit about your
9 practice.

10 JUROR: Yes. It's general commercial litigation,
11 civil cases only; not patents, not personal injury. Contracts,
12 and the like.

13 THE COURT: Are you with a firm?

14 JUROR: I am.

15 THE COURT: How big is the firm?

16 JUROR: About 55, 60 lawyers.

17 THE COURT: Lawyers have a special obligation to serve
18 on juries.

19 JUROR: I understand that, and I'm not trying to shirk
20 that duty. I'm just telling you honestly that the length of
21 time that you're addressing, that's an issue for me.

22 THE COURT: The trial day is going to be from nine to
23 three. Do you practice downtown?

24 JUROR: Midtown.

25 THE COURT: You can work in the afternoon.

K23WschVD2

1 JUROR: I understand.

2 THE COURT: I think I'm going to ask you to sit.

3 JUROR: OK.

4 THE COURT: Would you take a look at this list.

5 Yes, sir.

6 JUROR: I just have a question. So, I have a
7 three-years-old kid, and I'm a solely caretaker of the kid.
8 Right now he's in the day care, 8:30 to 5:30, but if -- if he's
9 OK, he's fine. But if he's got sick, I need to be there to
10 take -- like, to take care of him. I don't know if that
11 impact.

12 THE COURT: Well, I think I'm going to ask you to sit.

13 JUROR: OK.

14 MR. BRANDEN: Judge, if I may?

15 With regard to Mr. Fryd, could we ask a couple of
16 questions about his views with regard to WikiLeaks? I don't
17 know if he has gone into that.

18 THE COURT: OK. We'll take that at the sidebar.

19 Do you know any of the people on that list?

20 JUROR: No, I do not. I recognize one name, but I
21 don't know that person.

22 THE COURT: Why don't we go to the sidebar.

23 (At sidebar; juror present)

24 THE COURT: You want to ask about WikiLeaks.

25 MR. BRANDEN: I just wanted to know whether his views

K23WschVD2

1 were something that he could put aside and be fair to the
2 defendant in light of the fact that he --

3 JUROR: I could. I could. It would not impact. As
4 you see, I'm trying to be honest about what would impact. I
5 don't think it would have any impact. I do have a negative
6 opinion, but it would not impact in any way about my being able
7 to follow your instructions and determine the issues that you
8 tell us --

9 THE COURT: What do you mean by negative opinion?

10 JUROR: I believe its publication of classified
11 information and emails and things that were wrongfully obtained
12 is not a good thing. It's not in the interest of the United
13 States, and to me, it's a wrongful and not very commendable
14 act, and not in the interest of the United States. But again,
15 as I say -- as I say, honestly, that would not interfere with
16 my --

17 THE COURT: You could be fair and objective.

18 JUROR: I could. I could decide the issues as you
19 instruct us to be decided.

20 THE COURT: All right.

21 Anything else?

22 MR. BRANDEN: I think we wanted to bring up the issue,
23 separate and apart --

24 MS. SHROFF: Your Honor, could we have the juror step
25 back for a minute?

K23WschVD2

1 THE COURT: Yes.

2 MS. SHROFF: If you could, please.

3 JUROR: Oh, sure. Sure.

4 (Juror not present)

5 MR. BRANDEN: We wanted to object to the colloquy with
6 regard to the jury with regard to the classified information.
7 I think that telling them about that up front prejudices the
8 defendant from the get-go.

9 THE COURT: I've already asked them.

10 MR. BRANDEN: I know. I didn't want to interrupt.

11 MS. SHROFF: Your Honor, I'm sorry. We didn't realize
12 that the Court was going to instruct the jury that they had an
13 obligation to keep something classified. There seems to be
14 some kind of instruction to the jury that the information is
15 properly classified. We didn't have advance notice.

16 THE COURT: I'm picking the jury now. If you want to
17 make objections to the voir dire later on, you can. I've
18 already asked them those questions, though.

19 MS. SHROFF: Right, but to the extent that -- OK.
20 Well, the defense objects to those questions.

21 THE COURT: All right.

22 MS. SHROFF: As to this juror, your Honor, I think you
23 should ask him what exactly it means if he has these negative
24 opinions on WikiLeaks, what it means to him.

25 THE COURT: I think he told us.

K23WschVD2

1 MS. SHROFF: Your Honor, he told us what those
2 negative opinions mean. He never told us how he can put them
3 aside. I don't know how a person who says that giving
4 information is not in the interests of the United States would
5 put them aside in a criminal case.

6 THE COURT: I don't think this is anything about
7 WikiLeaks. WikiLeaks is not on trial.

8 MS. SHROFF: WikiLeaks is kind of on trial. The
9 government has put WikiLeaks on trial. The government is the
10 one calling the expert.

11 THE COURT: All right. I've got to resume the
12 questioning.

13 (In open court)

14 THE COURT: OK. We've distributed among the jurors
15 juror questionnaires. I'd ask each of the jurors, starting
16 with Mr. Fryd, juror No. 1, to respond to the questions.

17 Thank you.

18 JUROR: Sure.

19 My name is Robert Fryd. My date of birth is November
20 20, 1952. I was born in Brooklyn, New York. I live in
21 Westchester County. I've lived there for a little over 39
22 years. I live there with my wife. We have been and still are
23 married. She is a social worker. We have two children. We
24 have a son who is 34. He works for an economics consulting
25 firm, which primarily provides expert testimony for lawyers. I

K23WschVD2

1 have a daughter who is a school psychologist in a school
2 district in Westchester County.

3 Educational background: Again, I finished law school,
4 and I work as an attorney. My present employment is in a
5 midtown law firm called Warshaw Burstein. I've been there
6 since 1981, so a little over, about 38-1/2 years.

7 Do I belong to or volunteer -- any associations? I am
8 a member of a religious organization. It's kind of like a
9 synagogue, but it's a member-like thing, so we're not exactly a
10 synagogue, but I spend a lot of time on behalf of that
11 organization.

12 In my spare time, I certainly enjoy watching sports,
13 things like that.

14 Ever served in the military? I have not.

15 I have never worked for a government agency.

16 I read -- in terms of on a regular basis, I read the
17 New York Times or at least the New York Times Digest, which is
18 often all I have time for, and I visit the Times website
19 probably -- on a regular basis. Every now and then I look on
20 Yahoo for -- almost as a link to what's the market result for
21 the day, but whatever news shows up.

22 Television, radio, programs do I watch? I would say
23 general TV dramas. A lot of the Chicago episodes, some of the
24 lawyer shows, some of the doctor shows. If you want names of a
25 few particular shows, I'll try to think of them. Is that what

K23WschVD2

1 you --

2 THE COURT: Yes, why don't you give us a couple of
3 names of your favorite shows.

4 JUROR: OK. I watch Chicago Med. I watch Chicago
5 Fire. I watch Chicago PD. I watch This Is Us; A Million
6 Little Things, I think it's called, something like that. I --
7 probably others like that. I watch Seinfeld reruns a lot, fall
8 asleep to them at 11:30 or 12:30 at night, so that's something
9 I still watch.

10 For news, as I say, I read the Times or at least the
11 Times Digest basically every day, and I try to watch one
12 network or another at 11:00, usually NBC.

13 I have never held a job related to computer
14 information. I do not write computer code.

15 Do I watch NCS -- Ncis or CSI? I used to watch the
16 CSI shows. I don't think they're still on. NCIS I actually
17 never liked, my wife always liked, so we always had it on, but
18 I tended not to see it. I tended to do crossword puzzles or
19 word games while we watched.

20 Do I generally read books or novels? As often as I
21 can, no particular genre, fiction, nonfiction, whatever. So I
22 do read.

23 Do I know anyone else on this panel? I do not.

24 THE COURT: Thank you, Mr. Fryd.

25 JUROR: My name is Brian Hogan. I was born June 16,

K23WschVD2

1 1988, in Huntington, on Long Island. I live in Westchester now
2 for about two years, live with my wife. She is a speech
3 pathologist at a BOCES school in Westchester. We don't have
4 any children.

5 I went to Brooklyn Law School, graduated there 2013,
6 worked at my firm Mendes & Mount since 2013.

7 Volunteer -- no real associations or organizations.

8 Spare time: Golf, watch sports.

9 Nothing in the military.

10 I have interned for a couple government agencies --
11 the Eastern District U.S. Attorney's Office and the Kings
12 County prosecutor's office, D.A.'s office -- back in law
13 school.

14 Magazines, newspapers: I mainly get news from the
15 internet -- Twitter, Reddit, New York Times, CNN.

16 Television programs: Anything on HBO, Netflix, you
17 know. Trying to think of specific ones. Game of Thrones;
18 Shameless; Bachelor, with my wife sometimes.

19 Never had a job related to computer information,
20 technology. Comfortable working with computers, but I don't
21 write any code.

22 I do watch NCIS, CSI, Criminal Minds, those type of
23 shows.

24 I do read mysteries, nonfiction.

25 I do not know anyone else on this panel.

K23WschVD2

1 THE COURT: Thank you.

2 JUROR: Hi. My name is Yamily Torres. I was born in
3 Peru. My date of birth is September 30, '77. I live in
4 Westchester County for more than 20 years. I live with my kids
5 and my husband. My husband is, is a barber shop, and I have
6 two kids. My kids are 21 and 15.

7 I just finished high school. I also work in a deli,
8 deli store, and I do not belong to any association, anything,
9 organization.

10 I did not serve any, did not serve any military, any
11 government agency.

12 I do use Facebook, Instagram.

13 I do read newspapers. I watch always the news.

14 What else? And I don't have no, no experience with
15 computers or anything.

16 I do watch CSI with my daughter. She loves watching
17 that program.

18 And that's it. I don't have anything else.

19 THE COURT: Thank you.

20 Ms. Thompson.

21 JUROR: My name is Ericka Thompson. I was born
22 December 28, 1971, in the Bronx, New York.

23 THE COURT: Can you speak a little bit louder, please.

24 JUROR: My name is Ericka Thompson. I was born
25 December 28, 1971. I was born in Bronx, New York. I currently

K23WschVD2

1 live in Manhattan. I've been living there for the past 12
2 years. I live with my son. I've never been married, had a
3 domestic partner. My adult son, he works in culinary.

4 My educational background, I have an associate's
5 degree. I currently work for the city of New York.

6 I don't belong to any organization.

7 THE COURT: What do you do for the city?

8 JUROR: I work for 311.

9 THE COURT: You work for?

10 JUROR: 311.

11 THE COURT: Oh, 311.

12 JUROR: Yeah.

13 In my spare time, I do yoga. Never been in the
14 military, and I work for the city agency.

15 For news I go to the internet. I really don't buy
16 newspapers. I don't frequent any websites, maybe gossip
17 websites.

18 And television, I really watch reruns. The only thing
19 I watch, Law & Order; I watch Me Too.

20 I have several jobs related to computer information
21 and technology, and I have a lot of experience working with
22 computers and software. I don't know recent computer codes,
23 maybe from, like, 10, 20 years ago.

24 I'm sorry.

25 I don't -- do you want me to start over?

K23WschVD2

1 THE COURT: No, no.

2 JUROR: I haven't read any recent books, and I don't
3 know anyone on the jury panel.

4 THE COURT: Thank you.

5 Ms. McNamara.

6 JUROR: My name is Meghan McNamara. I was born May 8,
7 1986, in North Carolina. Currently live in Manhattan. I've
8 been here for six years, I believe. I live with my husband.
9 He is a computer software engineer. We don't have kids.

10 I have a B.A. in psychology and a master's in
11 psychology and master's as well in nursing assistant studies.

12 I'm currently employed as a P.A. I've been at this
13 job for the past year. I do volunteer work related to work
14 stuff, involved with, like, Inwood community group and stuff.

15 In my spare time, basically read and hang out with the
16 dog and exercise.

17 I've never been in the military. I've worked as an
18 adjunct government agency, Taft, a general diversion program.
19 I worked there probably about eight years ago.

20 I read The New York Times and CNN online for my news.
21 Other than that, websites are mostly -- mostly medical-based
22 stuff, like journals -- medical journals.

23 Television: Netflix primarily. I like Criminal
24 Minds, You.

25 I've never had a job related to computer information

K23WschVD2

1 and technology. I work with a computer every day. I took some
2 software engineering as an undergraduate just to get my
3 certificate; it was required, so I did a very small amount of
4 programming.

5 I do watch a ton of Law & Order, NCIS, that kind of
6 show.

7 I read constantly. Most of the time it's nonfiction,
8 history or murder mystery stuff.

9 And I don't know anyone else here.

10 THE COURT: Mr. Hassad.

11 JUROR: My name is Rossi Hassad. I was born the 17th
12 of October 1965. I was born in Guyana, South America. I
13 currently reside in the Bronx. I've been here for two decades,
14 over 20 years. I live alone. I've never been married, nor do
15 I have a domestic partner.

16 No. 7 does not apply.

17 Any children? No.

18 My educational background: I have a master's degree
19 in public health from the University of West Indies and a Ph.D.
20 in international health from Touro College here in New York. I
21 have other professional licensure qualifications. Currently
22 I'm a tenured full professor at Mercy College, and I'm also an
23 adjunct professor at NYU and Hunter colleges.

24 No volunteer organizations. In my spare time, I go to
25 the gym, I read.

K23WschVD2

1 Never served in the military. I work for the New York
2 State Office for Mental Health Practitioners.

3 Magazines are usually medical and professional
4 sources.

5 I use Google a lot.

6 Television programs: Fox News and CNN.

7 No. 18, I have taught a course -- I currently teach a
8 course on computers for social and behavioral sciences, which
9 gives information on information technology and assesses the
10 reliability and validity of Internet sources.

11 Do not watch any of those, either of those --

12 Books, no. No novels.

13 I do not know anyone on the panel.

14 THE COURT: Thank you.

15 JUROR: Good afternoon, your Honor. My name is Keith
16 Miller, born 4/15/64. I was born in Lancaster, Pennsylvania.
17 I live in Rockland County. I've lived there for almost 30
18 years. I live with my wife and one daughter. My wife was an
19 attorney, is retired, and used to practice up in Rockland
20 County. My children are 17 and 23. One works in the city here
21 at Weil Cornell.

22 I'm a lawyer, went to law school in Boston. My
23 present employer is a law firm called Perkins Coie, in New
24 York. I've been there approximately seven years. I'm a
25 managing partner of that office.

K23WschVD2

1 I do volunteer time to charitable organizations. And
2 my spare time, it's usually doing things with the kids or
3 sports.

4 Never served in the military. I have worked for the
5 government. After law school, I initially worked for the SEC
6 for four and a half years. Then I worked at three other law
7 firms before the one I'm currently at.

8 Newspapers: Primarily I read the Wall Street Journal.

9 Internet websites: For news, primarily CNN or Fox.
10 Same thing for television.

11 I have not held a job related to computer information
12 or technology.

13 With respect to computers, I don't know anything about
14 coding, although I have represented many clients over the last
15 five, six years in the cryptocurrency space.

16 I do not watch CSI or NCIS, and I don't know anyone on
17 the jury.

18 THE COURT: Thank you, Mr. Miller.

19 JUROR: Is it OK to go out of order? Should I pass it
20 down to eight.

21 THE COURT: Pass the microphone to No. 8.

22 JUROR: Hello. My name is Sara Amy. I was born on
23 January 12, 1972. I was born in New York City. I've been
24 living in Westchester County for about 42 years. I just bought
25 a house about six months ago in Hawthorne. I live with my

K23WschVD2

1 husband and my five-year-old daughter. I have a master's
2 degree in special education. I'm a special education teacher
3 in pre-K. I work in a private special education school in the
4 Bronx for -- I've been there for 20 years.

5 I don't volunteer my spare time. I do a lot of
6 extracurricular activities with my daughter. I do Zumba and
7 yoga and work out.

8 I've never served in the military. I've never worked
9 for a government agency. I don't really read the newspaper,
10 and I usually am on Facebook on a regular basis. I watch Fox
11 News and CNN, and no, I've never had a job related to computer
12 information, technology or computers of any sort.

13 I watch Netflix, Grey's Anatomy. I don't watch CSI or
14 NCIS. I don't usually read. I'm with my daughter most of the
15 time.

16 I don't know anybody on this jury panel.

17 THE COURT: Thank you.

18 JUROR: My name is Jessica Santos. I was born on
19 September 28, 1996. I was born in uptown Manhattan. I've been
20 there for basically my whole life. I live with my mother, my
21 father, my sister. I've never been married. My mother and
22 sister work at the hospital. My father is currently
23 unemployed. I don't have any children.

24 I went to Bronx Community College, and I graduated in
25 May 2019. I work in Montefiore Medical Center. I've been

K23WschVD2

1 there for about five months. I do not volunteer. My spare
2 time, I spend time with my family, watch Netflix.

3 I've never served in the military, and no, I do not
4 work for a government agency.

5 Magazines and newspapers I typically don't read.

6 Internet websites: Snapchat.

7 For news, my mother, she watches Univision. I
8 typically watch Investigation Discovery, but for news, really
9 just Univision. I've never held a job related to computer
10 information and technology. I don't usually have experience
11 working with computers.

12 I do not watch NCIS or CSI.

13 I do read books, typically romance, murder mystery,
14 nonfiction.

15 And I do not know anyone else on this panel.

16 THE COURT: Thank you.

17 Mr. Hua.

18 JUROR: My name is Hi Hua. My date of birth is
19 September 27, 1973. I was born in Vietnam. I've been living
20 here for about 25 years. I live with my husband and my foster
21 kid, three years old. We've been married for six years. He's
22 a resident manager in Manhattan. I have a B.A. degree in
23 management degree -- business management. I'm currently
24 working in finance, doing capital management.

25 I don't belong to any association, organization.

K23WschVD2

1 Spare time I usually spend with my foster kid and running.

2 I never served in military. Never work with -- for a
3 government agency.

4 I read newspaper, especially in the business section.
5 Don't have tele-- cable. Don't watch news. I don't -- my job
6 is not related to computer technology, but I work with my
7 colleague, who is, who is in computer and technology.

8 THE COURT: Could you tell me again what you do, what
9 your job is.

10 JUROR: I'm in finance. I do capital management.

11 THE COURT: OK. Thank you.

12 JUROR: I just finished watching Law & Order in
13 Netflix. I read books that relate to kids.

14 Yeah, I don't know anyone here.

15 THE COURT: All right.

16 Mr. Rothman.

17 JUROR: Hi. I'm Josh Rothman. I was born June 15,
18 1971, born in Brooklyn. I live in Westchester now. I've lived
19 there for about 15 years. I live with my wife and two boys.
20 My wife is a podiatrist. My boys are 13 and 14.

21 I have an undergraduate degree in engineering from
22 Michigan, a master's of science degree in bilateral engineering
23 from Rensselaer and a law degree from Brooklyn.

24 I'm a patent litigator at the Venable law firm. I
25 used to be at Fitzpatrick Cella, since 1998. We just combined

K23WschVD2

1 with Venable about a year ago. The whole firm of Fitzpatrick
2 combined with Venable, so that's where I am now. I'm a member
3 of the New York IPLA, Intellectual Property Law Association.
4 My boys play hockey, so that's pretty much all we do on the
5 weekend.

6 I've never been in the military. I don't -- haven't
7 worked for the government.

8 I don't regularly read magazines, newspapers or
9 periodicals.

10 I do get on Google News every once in a while, and I'm
11 on Facebook, I guess you'd say regularly.

12 TV: Mostly the NHL Network. I've never held a job
13 related to computer information and technology. As an
14 undergrad, I did take a couple coding classes but wasn't very
15 good at it.

16 I used to watch CSI a while ago; haven't watched it in
17 a while.

18 I don't read books now regularly. I used to read
19 Grisham, Crichton and Dan Brown a while ago.

20 And I don't know anyone else on the panel.

21 THE COURT: Thank you.

22 Ms. Proehl.

23 JUROR: Hi. I'm Meghan Proehl. June 7, '87, I was
24 born in White Plains, New York. I currently live in
25 Westchester. I've been there for about a year and a half, but

K23WschVD2

1 I did grow up there. I live alone. I've never been married.
2 I don't have any children.

3 I have an undergraduate degree in sociology from the
4 University of Delaware and I have two master's degrees, one in
5 social work and one in public health from Washington University
6 in St. Louis.

7 I currently work at Montefiore in the Bronx as a
8 clinical supervisor. I oversee our clinical trials in GYN
9 oncology.

10 I do not currently have time to volunteer. In my
11 spare time, I do kickboxing and yoga.

12 I've never served in the military. I've not worked
13 for a government agency, but my last job was at a
14 government-funded health clinic.

15 I get all my news from New York Times and CNN, both in
16 print and online.

17 I watch reality television and This Is Us.

18 I've never held a job related to computer information.
19 I work with computers, but I wouldn't say I'm overly technical.

20 I don't watch any crime or police dramas. I read
21 historical fiction novels, and I don't know anyone on the jury.

22 THE COURT: All right. We'll start the process now of
23 peremptory challenges.

24 MR. LAROCHE: Your Honor, may we approach?

25 THE COURT: Yes.

K23WschVD2

1 MR. LAROCHE: Thank you.

2 (At sidebar)

3 MR. LAROCHE: Your Honor, juror No. 7 works at Perkins
4 Coie, which is a firm that has represented folks that have
5 gotten subpoenas in this case, Reddit. I just wanted to let
6 the Court know that his firm has been involved in the case.
7 He's not personally been involved. He's not the attorney we
8 dealt with, but his firm has been involved.

9 THE COURT: He says he's a managing attorney.

10 MR. LAROCHE: I just don't know what he knows. The
11 firm represented Reddit in connection with Reddit subpoenas in
12 this case and a search warrant.

13 THE COURT: With this information, you want to strike
14 him for cause.

15 MR. LAROCHE: Yes, your Honor.

16 THE COURT: Do you have any objection?

17 MR. BRANDEN: I have no objection to that. Do you?

18 MS. SHROFF: You're speaking for me?

19 MR. BRANDEN: We do not object to the objection.

20 THE COURT: All right. I guess we'll have to get him
21 off and get a new juror, and we'll start the peremptories.

22 MR. LAROCHE: Yes, your Honor.

23 MS. SHROFF: Your Honor, we still have a cause
24 challenge for juror No. 1, the gentleman who said that he had a
25 very negative opinion on WikiLeaks.

K23WschVD2

1 THE COURT: OK.

2 MR. BRANDEN: And what about 12?

3 THE COURT: 12 is the sociologist.

4 MS. SHROFF: With the FBI roommate.

5 MR. BRANDEN: She said she had the roommate that
6 worked at the FBI in the Eastern District of Virginia. When
7 you asked her if she thought that would affect her in any way,
8 she said I don't think so. I think we should follow up with
9 her. We're not necessarily moving for cause yet. I think she
10 needs to -- expurgatory oath.

11 THE COURT: She said she never talked her friend about
12 it.

13 MR. BRANDEN: I mean, she qualified her answer. She
14 never told you unequivocally that she could be fair.

15 THE COURT: All right.

16 MR. LAROCHE: Your Honor, I'm just not sure why. I
17 think your Honor asked several times if he could be fair and
18 impartial, and he said yes, despite his views on WikiLeaks. We
19 don't think a cause strike is appropriate. We do not object to
20 additional questions on 12, but I do think that --

21 THE COURT: On 12, I thought you wanted -- or is that
22 seven?

23 MR. LAROCHE: That's seven, your Honor. As far as 12,
24 I was just responding.

25 THE COURT: Do you want to say something?

K23WschVD2

1 MS. SHROFF: Your Honor, juror No. 2 initially didn't
2 say he had a connection with law enforcement, but later on, he
3 said that he had been an intern both at the U.S. Attorney's
4 Office in the Eastern District of New York and he had also been
5 an intern with the District Attorney's Office of New York.

6 THE COURT: I'll ask him, but I assume that's part of
7 his training at Brooklyn Law School. They frequently have
8 internships.

9 MS. SHROFF: Right, but he could go to the defender
10 clinic instead of going to the U.S. Attorney's Office. If you
11 choose a prosecutorial clinic twice, I think it's worthy of a
12 follow-up question.

13 THE COURT: OK.

14 MS. SHROFF: On juror No. 1, it isn't that he said he
15 could be fair and impartial. The question is whether he was so
16 vocal about a given that WikiLeaks is a negative, corrupt
17 organization.

18 The government's whole theory is that Mr. Schulte
19 specifically picked a corrupt organization, so he's basically
20 made up his mind about a factual issue in the case, that
21 WikiLeaks is a corrupt organization. Whether or not he's
22 correct is immaterial. Whether or not after that he can be
23 fair could also be immaterial, but the fact is he's made up his
24 mind that WikiLeaks is corrupt, and that is the basis for the
25 cause challenge.

K23WschVD2

1 THE COURT: OK.

2 MR. LAROCHE: I don't think that's exactly what he
3 said, your Honor, and putting that aside, our understanding of
4 the defense is that he didn't give anything to WikiLeaks, so
5 it's hard to see how his views would have any impact deciding
6 whether Mr. Schulte is guilty of this charge.

7 THE COURT: All right. Let me get rid of No. 7.

8 (In open court)

9 THE COURT: Mr. Miller, we're going to excuse you.
10 Thank you very much.

11 Call another juror.

12 THE DEPUTY CLERK: Prospective juror No. 7, Charlene
13 Abney.

14 THE COURT: Ms. Abney, you've heard the questions
15 we've asked to other jurors.

16 JUROR: Yes.

17 THE COURT: Do you have anything you want to say?

18 JUROR: Just that I was on a civil trial.

19 THE COURT: Could you use the microphone, please.

20 JUROR: Just that I was on a civil trial maybe two
21 years ago.

22 THE COURT: You were what?

23 JUROR: On a civil trial.

24 THE COURT: Oh, a civil trial two months ago.

25 JUROR: Two years ago.

K23WschVD2

1 THE COURT: Two years ago.

2 Did you reach a verdict in the case?

3 JUROR: Yes.

4 THE COURT: Do you have the questionnaire form,
5 Ms. Abney?

6 Could you answer those questions, please.

7 JUROR: Yes.

8 Charlene Abney. My date of birth is 7/14, 1964. I
9 was born in the Bronx, have lived there all my life. I live
10 with my domestic partner. He works for the Legal Aid Society.
11 He's a paralegal, and he works at the arraignment court in
12 Brooklyn. I have no children. He has a daughter. I believe
13 she's in her 30s. I'm not sure what she does.

14 I have two years of college, a paralegal certificate.
15 I work for the Legal Aid Society. I've been there over 20
16 years.

17 I don't volunteer at any organizations.

18 I read. I watch television.

19 I've never served in the military. I don't work for a
20 government agency.

21 I read The New York Times. I don't read any
22 magazines. I go on Google sometimes. I look at CNN news. I
23 watch Law & Order: Special Victims Unit and The Haves and the
24 Have Nots -- it's a drama; some comedy shows.

25 I don't -- I listen to the radio on occasion, music.

K23WschVD2

1 The only computer job that I -- I mean, computer that
2 I use is at work. I use Microsoft Word programs; no computer
3 code.

4 I don't watch NCSI -- NCIS or CSI; like I said, just
5 Law & Order: Special Victims.

6 I read books, Dean Koontz and some other dramas,
7 murder mystery, nonfiction.

8 And I don't know anyone on this panel.

9 THE COURT: Can you tell me what you do for the Legal
10 Aid Society.

11 JUROR: I'm a paralegal. Paralegal.

12 THE COURT: What's the nature of your work as a
13 paralegal?

14 JUROR: I'm a notice-of-appeal paralegal.

15 THE COURT: Oh.

16 JUROR: Our clients, after their conviction, we help
17 them with the appeals process.

18 THE COURT: Is there anything about that employment
19 that would make it difficult for you to be fair and impartial?

20 JUROR: No.

21 THE COURT: You wouldn't favor the defense side
22 because you work on the defense side with the Legal Aid
23 Society.

24 JUROR: No.

25 THE COURT: All right. Let me give you a list of

K23WschVD2

1 names. See if you recognize any of these names, Ms. Abney.

2 Were your glasses at the bottom of the bag? That's
3 where they always are.

4 Do you know anyone on the list, Ms. Abney?

5 JUROR: No, I don't believe so.

6 THE COURT: Do you recognize anyone?

7 JUROR: No, I don't believe so.

8 THE COURT: Ms. Proehl, could you tell me a little bit
9 more about your friend who is in the FBI?

10 JUROR: She's been an agent for a couple of years.
11 She is in her --

12 Oh, thank you.

13 Sorry.

14 She's been an agent for a couple of years. She's not
15 disclosed specifically what she does for --

16 THE COURT: When was the last time you saw her?

17 JUROR: I saw her about six months ago.

18 THE COURT: And how often -- she lives down in the
19 Washington area?

20 JUROR: Yes.

21 THE COURT: How long has she been down in the
22 Washington area?

23 JUROR: She's been there for about a year and a half.

24 THE COURT: Before that she was here in New York?

25 JUROR: No. Before that she was in an office in St.

K23WschVD2

1 Louis.

2 THE COURT: And your relationship with her is?

3 JUROR: We lived together in graduate school. So we
4 lived together about five years ago. I apologize. Prior to
5 D.C. she was in Ohio. Prior to Ohio, she was in an office in
6 St. Louis, but she's been with the bureau about five years,
7 since we graduated.

8 THE COURT: How many times in those five years have
9 you seen her?

10 JUROR: We see each other about once a year.

11 THE COURT: Once a year. Do you talk about cases with
12 her?

13 JUROR: No. I generally ask her about how work is
14 going, but just because -- trying to be polite. We don't
15 really talk about her work.

16 THE COURT: Is there anything about that relationship
17 that would make it difficult for you to be fair and impartial?

18 JUROR: She's a very close friend of mine, and I
19 totally respect the confidentiality of her job.

20 THE COURT: She's not going to testify.

21 JUROR: Yeah, but I don't -- I mean, I don't -- I
22 would like to say that I could be totally impartial, but
23 ultimately I'm not really sure. But I would like to say I
24 could be impartial.

25 THE COURT: OK. I think you have to do better than

K23WschVD2

1 that.

2 JUROR: OK.

3 THE COURT: I'm going to excuse you.

4 JUROR: OK.

5 THE COURT: You have to go back to the jury assembly
6 room.

7 JUROR: OK. Thank you.

8 THE COURT: Thank you.

9 THE DEPUTY CLERK: Prospective juror No. 12, Sarah
10 Crabbe. Please have a seat.

11 THE COURT: Hello, Ms. Crabbe.

12 JUROR: Hello.

13 THE COURT: How are you?

14 JUROR: I'm good.

15 THE COURT: Do you have anything to say in response to
16 the questions we put to the other jurors?

17 JUROR: I have two days in February where I have a
18 work trip, the 20th and 21st. Outside of that, that's it. And
19 I have served on two juries before, and verdicts were reached
20 in both. They were both criminal trials.

21 THE COURT: What's the nature of your travel on the
22 two days?

23 JUROR: It's a business trip to Miami with my company
24 where we are hosting a bunch of clients.

25 THE COURT: All right. I'll excuse you.

K23WschVD2

1 JUROR: Thank you.

2 THE DEPUTY CLERK: Prospective juror No. 12, Kelvin
3 Nunez.

4 THE COURT: Yes, Ms. Abney.

5 JUROR: Just briefly. Is this going to be for four
6 weeks?

7 THE COURT: Yes.

8 JUROR: The jury -- OK. OK. I'm not sure how long
9 I'm able to be out of work.

10 THE COURT: You work for the Legal Aid Society. They
11 ought to be pretty generous for time off for jury service.

12 JUROR: Yeah, they usually are.

13 THE COURT: All right.

14 Mr. Nunez.

15 JUROR: So, I believe I should state that I have very
16 strong feelings for, for WikiLeaks, Julian Assange and Eric
17 Snowden.

18 THE COURT: All right. I'll excuse you, Mr. Nunez.

19 MR. BRANDEN: Mr. Hogan's been raising his hand too,
20 Judge.

21 THE DEPUTY CLERK: Prospective juror No. 12 Maritza
22 Diaz.

23 JUROR: Oh, I need my glasses. Hold on.

24 THE COURT: Thank you, Ms. Diaz. Do you have anything
25 to say in response?

K23WschVD2

1 JUROR: I cannot serve four weeks. I have to go to
2 Florida on the 21st of February.

3 THE COURT: What's the occasion for going to Florida?

4 JUROR: I have a court-ordered visitation for my
5 grandson.

6 THE COURT: You have a what?

7 JUROR: I have -- I won a court-ordered visitation in
8 New York for my grandson to see him once a month the last
9 week -- the last full weekend of every month.

10 THE COURT: And you have tickets for the trip?

11 JUROR: Yes, I do.

12 THE COURT: You're excused.

13 JUROR: Thank you.

14 THE COURT: Mr. Hogan, you wanted to say something.

15 JUROR: Yes. I'm sorry. I'm realizing I have a
16 conference -- it's in New York -- on the 25th and 26th of
17 February for work.

18 THE COURT: What kind of conference?

19 JUROR: It's a professional liability underwriting
20 society, represent officers of insurance companies.

21 THE COURT: I don't think I'm going to recognize that.
22 You're going to have to make other arrangements.

23 THE DEPUTY CLERK: Prospective juror No. 12, Sidney
24 Roth.

25 THE COURT: Hello, Ms. Roth.

K23WschVD2

1 JUROR: Hi.

2 THE COURT: How are you?

3 JUROR: I have a trip planned for February 14th
4 through the 18th.

5 THE COURT: Where are you going?

6 JUROR: California.

7 THE COURT: Do you have tickets?

8 JUROR: Yes.

9 THE COURT: OK. You're excused.

10 THE DEPUTY CLERK: Prospective juror No. 12, Emily
11 Ballou.

12 JUROR: Hi.

13 THE COURT: Hello, Ms. Ballou.

14 JUROR: I will be in pretty serious financial trouble
15 if I'm out of work for four weeks. It's going to be rough to
16 do two as it is. If it's four, I'm going to be in a rough
17 spot.

18 THE COURT: What do you do?

19 JUROR: I'm a freelance stage manager.

20 THE COURT: OK. And the stage-managing work is done
21 when?

22 JUROR: It's -- every single day is somewhat unique.
23 I have morning shifts. I have evening shifts. I have events
24 that are several consecutive days. It depends on what the
25 event is.

K23WschVD2

1 THE COURT: And who pays you?

2 JUROR: I have three different employers currently.
3 One is the Actors Studio, one is The Juilliard School, and one
4 is the American concert hall.

5 THE COURT: And they do not have any jury-leave
6 policy?

7 JUROR: Not specifically, no.

8 THE COURT: All right. I'll excuse you.

9 JUROR: Thank you.

10 THE DEPUTY CLERK: Prospective juror No. 12, Ronald
11 Cranston Jr.

12 THE COURT: Hi, Mr. Cranston.

13 JUROR: Hi, your Honor.

14 THE COURT: Anything to say in response to the
15 questions?

16 JUROR: I work for a private agency, and I'm concerned
17 about the length of the trial. I mean I can't be out of work
18 that long.

19 THE COURT: What private agency do you work for?

20 JUROR: It's called BGB. It's a pharmaceutical
21 marketing agency. I'm the head of operations for that company.

22 THE COURT: And you don't have anybody who works for
23 you that can do the job?

24 JUROR: I do, but I've been there for 15 years, and I
25 really don't have much support, so it's critical that I'm

K23WschVD2

1 there. I mean, especially it's hard enough for two weeks, but
2 with four weeks, I think it's going to be a hardship on the
3 firm.

4 THE COURT: I'll excuse you.

5 JUROR: Thank you.

6 THE DEPUTY CLERK: Prospective juror No. 12,
7 Christopher Acocella.

8 THE COURT: Mr. Acocella, how are you?

9 JUROR: Pretty good, your Honor. Thank you.

10 THE COURT: Anything in response to the questions I
11 put to the other jurors?

12 JUROR: I don't believe I can make a fair, impartial
13 decision.

14 THE COURT: Why is that?

15 JUROR: I don't know if I could have it on my
16 conscience if I'm wrong.

17 THE COURT: Oh, OK. I'll excuse you.

18 JUROR: OK.

19 THE DEPUTY CLERK: Prospective juror No. 12, Pedro
20 Alejo.

21 THE COURT: Mr. Alejo, how are you?

22 JUROR: Good, sir.

23 THE COURT: Anything to say in response to the
24 questions?

25 JUROR: Yeah. I'm taking classes for -- I'm a city

K23WschVD2

1 driver. I work for the MTA, and I'm taking a promotional exam
2 for -- whatchamacallit -- dispatcher.

3 THE COURT: You work for the MTA.

4 JUROR: Yes, sir.

5 THE COURT: You're taking a promotional examination.

6 JUROR: Yes, sir.

7 THE COURT: When is that?

8 JUROR: The beginning of next month, so I'm taking
9 classes this month.

10 THE COURT: When are the classes scheduled?

11 JUROR: From two to five.

12 THE COURT: How many days a week?

13 JUROR: Once.

14 THE COURT: One day a week?

15 JUROR: Yes, sir.

16 THE COURT: The exam is when?

17 JUROR: The beginning of next month.

18 THE COURT: Can you take the exam without taking the
19 preliminary courses?

20 JUROR: No. They -- I don't know the math, how they
21 do it, so it's complicated.

22 THE COURT: All right. I'll excuse you.

23 THE DEPUTY CLERK: Prospective juror No. 12, Diana L.
24 Williams.

25 THE COURT: Ms. Williams, how are you?

K23WschVD2

1 JUROR: I'm doing fine. Thank you.

2 THE COURT: All right. Do you have anything to say in
3 response to the questions I put to the other jurors?

4 JUROR: No, I don't.

5 THE COURT: Would you take the --

6 JUROR: I have to put my --

7 THE COURT: -- questionnaire and give us the answers
8 to those questions, please.

9 JUROR: My name is Diana Williams. My date of birth
10 is January 3, 1949. I was born in Brooklyn, and I was
11 raised -- and I was raised in the Bronx. I live with my two
12 sons. They 45 and 40 years old. I -- I have a little speech
13 problem, because --

14 I have never been married, and I don't have a husband.
15 I have three kids. Their ages are 36, 40 and 45.

16 I went to high school, and I graduated and everything.
17 I was never -- I was never employed and didn't retire with this
18 before.

19 I do volunteer work sometime at the senior citizen
20 unit.

21 What do I do in my spare time? I read and crochet.

22 I have never been in the marine, and I have never
23 worked for the government before.

24 I read the newspaper and magazines sometime.

25 No, I do not get on the internet.

K23WschVD2

1 What kind of television do I watch? I watch, I watch
2 The Haves and the Have Nots sometimes, and I watch the ABC
3 News.

4 No, that I have not been on the computer.

5 No, I don't do that, software.

6 Yes, I watch CSI sometime.

7 Do I read novels? Sometime.

8 And, and I don't know nobody on the panel.

9 (Continued on next page)

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K233SCHVD3

1 THE COURT: Okay. Ms. Williams, as I understand you
2 correctly, you've never worked?

3 JUROR: Yes, I worked part time, some time.

4 THE COURT: What did you do?

5 JUROR: I do clerical work.

6 THE COURT: Okay. I'm going to give you a list of
7 names of individuals. Could you tell me if you know any of
8 these individual, please.

9 JUROR: Yes. Okay.

10 (Pause)

11 JUROR: No, I don't.

12 THE COURT: Thank you very much.

13 Mr. Fryd, can you assure me once again that you can be
14 fair and impartial and objective and follow my instructions?

15 JUROR: I can.

16 THE COURT: Notwithstanding the fact that you may have
17 preconceptions about certain parties.

18 JUROR: Yes.

19 THE COURT: Can you put those aside?

20 JUROR: Yes.

21 THE COURT: And be fair and impartial?

22 JUROR: Yes.

23 THE COURT: All right. We're going to take a luncheon
24 break now. We'll resume at 2 o'clock. And so those of you
25 sitting in the jury box, come back and remember where you're

K233SCHVD3

1 sitting so sit in the same seats. For those of you in the
2 back, we have rounds of peremptory challenges, so you may very
3 well be called on to serve in the jury.

4 So please try to be back here at 2 o'clock. We'll
5 resume with the jury selection process at that time. Thank
6 you. For those of you in the jury box, please leave your
7 papers right there.

8 (Prospective jury pool excused)

9 THE COURT: Please be seated. Well, want to do
10 challenges for cause now?

11 MR. LAROCHE: Not from the government, your Honor.

12 THE COURT: You have no challenges for cause?

13 MR. LAROCHE: Other than what we have made, no, your
14 Honor.

15 THE COURT: Ms. Shroff.

16 MS. SHROFF: Your Honor, we don't have any challenges
17 for cause now. But we do have an objection we'd like to note
18 for the record.

19 THE COURT: All right, go ahead.

20 MS. SHROFF: So, your Honor, I raised it at the
21 sidebar before, an instruction given to the jury regarding
22 classified information. And more specifically, I don't have
23 the Court's language, but the instruction that the material at
24 issue is in fact classified and that the jury may be required
25 to maintain it as classified is improper under United States v.

K233SCHVD3

1 Rosen, which is 487 F. Supp. 2d, 703, 709, specifically
2 footnote 7. In that case, the government sought and the Court
3 gave this instruction.

4 And in deciding the matter, the Court in Rosen noted
5 that an instruction such as that one is patently unfair and
6 would be so in this case here. It suggests to the jury that
7 the information is in fact national defense information, as
8 said by the Court, and I quote, "nor is this a minor
9 consideration given that the status of the information as NDI
10 is a central issue in this case and, indeed, an element of the
11 charged crime as to which the government bears the burden of
12 proof beyond a reasonable doubt. An instruction that the
13 jurors must treat that information that they receive as closely
14 held government secrets is not easily reconciled with the
15 instruction that the jury is the sole judge of the facts of the
16 case, and that it alone determines whether the information at
17 issue is NDI."

18 And the Court goes on to note that CIPA does not in
19 fact carve out any objection or any exception to that, and that
20 such an instruction would in fact be improper, and only proper
21 after there was a verdict rendered by a jury, and only then
22 should the judge instruct the jury that way, as a cautionary
23 measure and not a specific instruction.

24 In light of that and in consultation with our appeals
25 bureau, we move for a mistrial at this time, and request that

K233SCHVD3

1 the Court restart jury selection. Thank you.

2 THE COURT: Government?

3 MR. LAROCHE: We disagree, your Honor. We think that
4 the instruction was appropriate. It also did not indicate what
5 exactly might be classified in this case, whether that
6 instruction would apply in the future. The Court can also
7 instruct them that classified information is not necessarily
8 NDI, which would seem to address the issue that Ms. Shroff has
9 just raised.

10 MS. SHROFF: It does not. It does not address it at
11 all under United States v. Rosen. And I bring that to the
12 Court's attention. The instruction in fact is improper,
13 especially because, as the Court in Rosen said, that CIPA does
14 not guarantee any authority to give non-disclosure instruction
15 to uncleared trial participants, and the instructions such as
16 the one given leads the jury to think that classified is in
17 fact NDI, and that is the only reason why it should not be at
18 the end of the trial shared with others.

19 The law under Rosen is clear, and we move for a
20 mistrial at this time.

21 THE COURT: The motion is denied. Now, we're going to
22 start with the peremptories when they come back.

23 MR. LAROCHE: Yes, your Honor.

24 THE COURT: And everybody understands the process.
25 There is six rounds.

K233SCHVD3

1 MR. LAROCHE: Yes, your Honor. I think we would just
2 like a little clarity on the process to make sure we
3 understand. If we use our peremptories on this first group,
4 will we be able to use additional peremptories on the folks we
5 didn't --

6 THE COURT: Use them or lose them.

7 MR. LAROCHE: Understood.

8 THE COURT: So, the government, excuse me.
9 Mr. Schulte will have 10, which will be exercised two, four,
10 six, eight, nine and 10 in six rounds. Government has six.
11 You'll have one in each round. You have to use your challenge.
12 If you don't use your challenge, you don't stack it. It's
13 gone.

14 MR. LAROCHE: Understood.

15 THE COURT: You understand, Ms. Shroff?

16 MS. SHROFF: Yes, your Honor.

17 THE COURT: Okay. I don't know if we'll be able to
18 get a jury today. We'll start at 2 o'clock. We'll go until
19 4:30.

20 MR. LAROCHE: Okay.

21 THE COURT: If we don't have a jury by then, we'll
22 resume tomorrow morning.

23 MS. SHROFF: Your Honor, I thought --

24 MR. BRANDEN: We thought we were ending at 3 today.

25 THE COURT: That's when we have a jury. I also

K233SCHVD3

1 thought, we'd stop at 3 if we started at 9. But we didn't
2 start at 9, we started at closer to noontime.

3 MR. BRANDEN: You're right about that, Judge.

4 THE COURT: We'll just see how we're going. If we're
5 close at 4 o'clock we'll continue to the end. If we're not
6 close, we'll break earlier.

7 MR. BRANDEN: Understood.

8 MS. SHROFF: Your Honor, I respect the Court's ruling
9 on the mistrial issue. I just wanted to be clear we had also
10 moved for a new venire. I assume the Court is denying that
11 motion. In light of the instruction --

12 THE COURT: Oh. I understand.

13 MS. SHROFF: Okay. I just wanted to make sure I cover
14 my bases, your Honor, and moved for both.

15 THE COURT: Yes.

16 MS. SHROFF: Thank you.

17 THE COURT: See you at 2.

18 MS. SHROFF: Thank you.

19 (Recess)

20 (Continued on next page)

K233SCHVD3

Voir Dire

1 (In open court; prospective jury pool present)

2 THE COURT: Someone's missing in the first row.

3 JUROR: I'm here.

4 THE COURT: Are we missing somebody in the last row?

5 All right. We'll start with the peremptory challenges. Yes?

6 Do you have a question?

7 JUROR: Yes, I wanted to --

8 THE COURT: Give the microphone.

9 JUROR: I wanted to let the judge know that I'm in a
10 lot of pain, so I'm not sure if I'll be able to do the whole
11 four weeks.

12 THE COURT: I notice you walk with a cane. What's
13 your difficulty?

14 JUROR: I have a labral hip tear in the left side that
15 I had surgery on, and I also have another tear on the opposite
16 side.

17 THE COURT: Do you work?

18 JUROR: Yes.

19 THE COURT: Every day?

20 JUROR: Yes. But restricted duty. Not a lot of
21 walking back and forth.

22 THE COURT: Well, where is the jury room here.
23 Through that door there. The walking exactly --

24 JUROR: I'm sorry, what did you say?

25 THE COURT: You have very limited walking in the

K233SCHVD3

Voir Dire

1 courthouse.

2 JUROR: I'm not talking about that. I'm talking about
3 outside walking. Going back and forth. I'm not talking about
4 from inside here.

5 THE COURT: How do you do it normally?

6 JUROR: What do you mean how -- I don't understand.

7 THE COURT: Well, you work, how do you get from your
8 home to your work?

9 JUROR: Access-A-Ride. The Access-A-Ride vehicle.

10 THE COURT: Can't they drop you off here at the
11 courthouse?

12 JUROR: Yeah, they do drop me off at the courthouse.
13 The problem is I had trouble getting in this morning, but they
14 drop me off.

15 THE COURT: Excuse me. I don't understand your
16 problem then. If you can get into the courthouse --

17 I don't want to cause you any pain.

18 JUROR: No, I understand what you're saying. It is
19 just difficult getting around. That's why I don't, I don't
20 think that I would be able to commit to the whole four weeks.
21 When I got to the jury room they said two weeks, but then they
22 said if it is any time longer than that, then explain that when
23 you get upstairs.

24 THE COURT: How much pain are you in?

25 JUROR: It's moderate.

K233SCHVD3

Voir Dire

1 THE COURT: You take prescriptions for it?

2 JUROR: Yes.

3 THE COURT: What do you take.

4 JUROR: Ibuprofen 600.

5 THE COURT: That's over the counter, isn't it?

6 JUROR: Yes. Well, it was prescribed to me.

7 THE COURT: Well, I guess I'll excuse you Ms. Abney.

8 You're excused.

9 THE DEPUTY CLERK: Prospective Juror No. 7, Suzanne
10 Shea-O'Connell.

11 JUROR: Good afternoon.

12 THE COURT: Hello, Ms. Shea-O'Connell. Have you heard
13 the questions we put to the other jurors?

14 JUROR: Yes.

15 THE COURT: Anything you want to say?

16 JUROR: No.

17 THE COURT: Okay. Could you take a questionnaire.
18 David, the questionnaire for Ms. Shea-O'Connell. And a listing
19 of the names too.

20 JUROR: My name is Suzanne Shea-O'Connell. My date of
21 birth is 7/20/60. I was born in Queens, city girl through and
22 through. County of residence now is Westchester County, up in
23 Rye, New York. My husband and four sons I've raised, there is
24 nobody at home right now, so no excuse. Married to my husband
25 for 30 years. My husband has his own business with his

K233SCHVD3

Voir Dire

1 brothers. My children are 28, 26, 23 and 21. Educational
2 background, went to college, went to high school, no graduate
3 school. Not employed right now.

4 THE COURT: Did you work?

5 JUROR: I was the assistant athletic director at
6 Fordham University, so I did that for about 15, 20 years until
7 I had my kids.

8 Volunteer my time a lot. Athletics for kids, and
9 human trafficking for women. Women's rights. Spare time,
10 taking care of a little puppy. Never served in the military.
11 Never worked for the government. Magazines, not a big fan.
12 Newspapers, New York Times. Websites, not really big on
13 computers. Television, radio, I like to listen to all news,
14 not just one view. No job related to computer. No experience.
15 Never watched those CSI or -- I like old movies. Read books or
16 novels, you know, sports related, biographies, and things like
17 that. I don't know anybody here.

18 THE COURT: Okay. Could you take a look at the names,
19 Ms. Shea-O'Connell.

20 JUROR: Sure.

21 (Pause)

22 JUROR: No. I don't know anybody on the list.

23 THE COURT: Okay. Now we'll start with the peremptory
24 challenges.

25 MS. SHROFF: Your Honor, Juror No. 8 has her hand up.

K233SCHVD3

Voir Dire

1 THE COURT: Yes, Ms. Amy.

2 JUROR: Hi. As I said before, I'm a special ed
3 teacher and I'm the head teacher in the classroom. Three to
4 four weeks seems like a long time. I work for a private agency
5 and we don't have really subs. And the week of the 24th we
6 will be conducting parent teacher conferences, and I'm the only
7 one to conduct those for my students. My kids in the classroom
8 have significant cognitive, behavioral, and physical
9 disabilities. So, it makes it hard to be on a case for three
10 to four weeks.

11 THE COURT: What makes it hard?

12 JUROR: There's no sub in place. I will have to do my
13 report cards on my own time. I work from 8 to 3:20 every day.
14 So, and I don't have anybody to cover.

15 THE COURT: You teach, you do this work in a public
16 school?

17 JUROR: Private agency in the Bronx.

18 THE COURT: I'll excuse you, Ms. Amy.

19 JUROR: Thank you.

20 THE DEPUTY CLERK: Prospective Juror No. 8, Daniel
21 Walsh.

22 JUROR: Good afternoon, your Honor, and members of the
23 court.

24 THE COURT: Have you heard the questions we put to the
25 other?

K233SCHVD3

Voir Dire

1 JUROR: I have, yes.

2 THE COURT: Anything you want to say?

3 JUROR: No. No, sir.

4 THE COURT: Can you go through the juror questionnaire
5 then, please.

6 JUROR: With pleasure.

7 Okay. My name is Daniel Walsh, I was born April 9,
8 1956. I am a native New Yorker, I was born in the city. I
9 currently live in Westchester. I lived there over 20 years. I
10 live alone. I'm separated. Let's see. What else. My wife is
11 a banker. My son is in digital advertising. And he's going to
12 be 28 this year.

13 My educational background, I have a BA, MA, MLS, EDM,
14 MPhil and PhD. my PhD is in applied anthropology from Columbia
15 University. I do have considerable computer experience and
16 knowledge. I had my first laptop, actually my first computer I
17 think in 1978 or so. I have a master's in library and
18 information science from SUNY Albany. I worked for about 20
19 years in the copper industry. I'm in health, environment, and
20 safety and sustainable development. I'm considered one of the
21 world's foremost experts in workers' safety, particularly in
22 metals and mining.

23 THE COURT: What metal do you specialize in?

24 JUROR: Copper. Copper. But most of the mines have
25 what is known as multi-metal ore bodies, so there is

1 everything, palladium, certainly sulfur and other elements.

2 I'm a consultant.

3 And about 12 years ago, I became really interested in
4 art. I went to the Art Students League of New York. And my
5 current occupation really is actually painter and sculptor,
6 although do I consulting on the side. I have about 10,000
7 followers on LinkedIn, for instance.

8 So, let's see. What else do we have here. I don't
9 really volunteer for anything, although I do on occasion work
10 in local public libraries.

11 What do I do in my spare time. I am a painter and
12 sculptor. That's pretty much a full-time job. There is no
13 retirement, and I walk anywhere from 5 to maybe 15 miles a day
14 in Westchester. All weather. The police in Rye know me as
15 all-terrain all weather. That's my nickname.

16 What else do I do here. I've never served in the
17 military although I have studied it. I've done all sorts of
18 ethnographic work, particularly in aircraft carriers. And also
19 smaller vessels. So I'm pretty --

20 THE COURT: What is it about aircraft carriers that
21 interest you?

22 JUROR: Just in terms of the safety aspect. It is one
23 of the most dangerous work environments in the world. You have
24 all sorts of fuels, particularly back in the day, you might
25 have two to three different versions of aviation fuel. You've

K233SCHVD3

Voir Dire

1 got all sorts of other petroleum products. You have got
2 aircraft that are accelerating from zero to 165 knots. It's
3 stuff in motion almost all time. And of course you're at sea,
4 which makes things even more dangerous. In fact, the heart
5 rates, for instance, of naval aviators usually go up, not in
6 combat, but when they are returning to ship, just to give you
7 an idea. So, I've never served in the military but I've been
8 around them quite a lot.

9 I've never worked for a government agency, although
10 there was interest by EPA a number of years ago, particularly
11 in water.

12 Which magazines, newspapers, periodicals do I read. I
13 have a vast interests. But right now I read mainly art
14 publications like Art Forum, Art News. I read The Times, Wall
15 Street Journal regularly. Internet websites, I don't use the
16 internet that much, other than if I'm information gathering,
17 business intelligence. I'm not really concerned with
18 Wikipedia, for instance. I don't use it very often at all.
19 Wiki news not in any way.

20 What television. I hardly watch television, although
21 I am a fan of Turner Classic Movies. I don't watch Netflix or
22 anything of that. What else. Radio I listen to QXR, BGL. I
23 love classical music.

24 And have I ever had a job related to computer
25 information and technology. Absolutely. I mean, almost my

K233SCHVD3

Voir Dire

1 entire work life has been, has involved computers in some way.
2 I know coding quite well. HTML, you name it basically.

3 So, let's see. What else do you have here. Do I
4 watch NCIS or -- NCIS is not at all what they are like in
5 reality. So, I had watched it just to see, you know, maybe as
6 comic relief at times. CSI, I have no interest in any of this
7 stuff, this police and crime stuff at all.

8 I read hundreds of books a year on all sorts of
9 topics. Right now I am very interested in poetry of all kinds,
10 particularly American modernist poets. And genre do I enjoy,
11 could be anything. I don't read much romance, although I read
12 Nietzsche not that long ago. It's somewhat romantic.

13 Do I know anybody on this jury, no.

14 THE COURT: Thank you, Mr. Walsh. Could you take a
15 look at the list of names.

16 JUROR: Yes, sir.

17 (Pause)

18 JUROR: No, none of these people I know. I mean, I've
19 never met them.

20 THE COURT: Thank you very much.

21 Mr. Hassad, did you have your hand up?

22 JUROR: I did, Judge. As I indicated this morning,
23 I'm teaching at a college and I've started my semester already.
24 It's beginning to prove difficult to get replacement, if I
25 should have to serve. I was hoping at maximum it would be two

K233SCHVD3

Voir Dire

1 weeks, because that was the emphasis, whereby I could move my
2 courses online for a bit. If it goes to a month, four weeks,
3 that would be excessive.

4 (Continued on next page)

K23WschVD4

1 THE COURT: You work for the state, don't you?

2 JUROR: My full-time job is with Mercy College. But I
3 also teach at NYU and Hunter.

4 THE COURT: I'm not going to excuse you. I think that
5 education, which draws so much from having a good system of
6 justice, you have to see the whole picture, so I'm not going to
7 entertain an application for your excusal.

8 Now we'll start with the peremptory challenges.

9 Ms. Shroff, do you want to come up?

10 MS. SHROFF: Yes, your Honor.

11 THE COURT: I think this is off the record.

12 The following jurors are excused: Mr. Fryd,
13 Mr. Hogan, Mr. Walsh.

14 Mr. Fryd, would you take these cards down to the jury
15 assembly room, please.

16 JUROR: Sure.

17 THE COURT: Thank you very much.

18 We'll call jurors to replace Mr. Fryd, Mr. Hogan,
19 Mr. Walsh.

20 THE DEPUTY CLERK: Prospective juror No. 1, Susan
21 Christine Wiker, please take seat No. 1.

22 Prospective juror No. 2, Keith Edelstein.

23 Prospective juror No. 8, Keisha Foster.

24 THE COURT: Ms. Wiker, you've heard the questions as
25 put?

K23WschVD4

1 JUROR: Yes, I have.

2 THE COURT: Anything you want to say?

3 JUROR: My brother-in-law does some sort of
4 contracting work for the government. I don't even know exactly
5 what branch it is. I assume he had to get security clearance.
6 He's really strict about -- if we travel out of the country, he
7 has to get all the parties' passport numbers. I don't think
8 it's an issue.

9 THE COURT: Do you have security clearance?

10 JUROR: No.

11 THE COURT: He has security clearance.

12 JUROR: He does. I think his job is doing background
13 checks on other people getting security clearance for the
14 government.

15 THE COURT: I see.

16 JUROR: That's kind of all I know about it.

17 THE COURT: Who does he work for?

18 JUROR: I don't know. He doesn't talk that much about
19 his job.

20 THE COURT: Do you have any doubt in your mind that
21 you could be a fair and impartial juror?

22 JUROR: No.

23 THE COURT: Could you take that jury questionnaire and
24 go through it, please.

25 JUROR: Susan Christine Wiker. I was born May 13, '87

K23WschVD4

1 in Charlotte, North Carolina. I live in Manhattan for the past
2 ten years. I live with my boyfriend, and he is a computer
3 engineer at Google. No kids.

4 I have undergrad from University of Delaware, one in
5 English and one in marketing. I currently do digital
6 marketing, searches in opposition, for the past four years.

7 I volunteer with an organization that helps elderly
8 people take care of their pets, so I walk a dog every Monday
9 morning, very sweet.

10 Spare time: Cook, watch TV, take piano lessons.

11 Never in the military, never for the government.

12 Newspapers: I guess New York Times.

13 Internet: I would say I'm on Twitter a good bit.

14 Read, like, Slate, Wall Street Journal. Good bit of
15 Netflix. Kind of all over the board.

16 I would say my job is pretty related to computer
17 information and technology. Again, it's a digital marketing
18 agency called Huge. It's over in DUMBO. I can kind of parse
19 may way through some code but can't write any.

20 I would say Criminal Minds and sometimes true-crime
21 documentaries on Netflix.

22 I would say I generally read fiction, but kind of all
23 over the board.

24 I don't think I know any of these people.

25 THE COURT: Do you have the listing of names there?

K23WschVD4

1 JUROR: Oh, yeah. Sorry.

2 No, none of these ring a bell.

3 THE COURT: OK.

4 Mr. Edelstein, how are you?

5 JUROR: Fine. How are you?

6 THE COURT: Do you have any responses to the questions
7 I put?

8 JUROR: Yeah, I have post-concussion syndrome, and I'm
9 on two meds right now during the day.

10 THE COURT: Would that make it difficult for you to
11 concentrate?

12 JUROR: Yeah, it does.

13 THE COURT: OK. I'll excuse you.

14 THE DEPUTY CLERK: Prospective juror No. 2, Shirley
15 Ng.

16 Mr. Edelstein, back to room 160.

17 THE COURT: How do you pronounce your last name?

18 JUROR: Ng.

19 THE COURT: Ms. Ng, have you heard the questions?

20 JUROR: I'm going to Tokyo February 26 to run the
21 Tokyo Marathon, and I won't be back until March 3. And my
22 boyfriend's an FBI agent.

23 THE COURT: Oh.

24 JUROR: That doesn't mean I'm not going to be
25 impartial.

K23WschVD4

1 THE COURT: Let me close by saying good luck in Tokyo.
2 You're excused.

3 JUROR: Thank you, your Honor.

4 THE DEPUTY CLERK: Prospective juror No. 2, June
5 Manton.

6 THE COURT: Ms. Manton, good afternoon.

7 JUROR: Good afternoon.

8 THE COURT: Can you move over one seat.

9 JUROR: Oh. Sorry.

10 THE COURT: Thank you.

11 You heard the questions we put to the others?

12 JUROR: I did.

13 THE COURT: Anything you want to say?

14 JUROR: Yes. I am a freelancer, so a three- to
15 four-week stint would be a long time to not be available to
16 work. I'm a videographer.

17 THE COURT: What do you do as a freelancer?

18 JUROR: Videography.

19 THE COURT: How often do you work?

20 JUROR: Well, it's been a little sporadic, because I
21 am trying to break into a new career, but I am being considered
22 for some work. And four weeks I won't get a job.

23 THE COURT: How many job applications are you getting?
24 You have to be ready, I suppose, when they come in.

25 JUROR: I do. It could be a last-minute thing. I'm

K23WschVD4

1 constantly reaching out. And if I'm not available, that's it.

2 THE COURT: I'll excuse you, Ms. Manton.

3 JUROR: Thank you very much.

4 THE DEPUTY CLERK: Prospective juror No. 2, Khaliah
5 Pusey.

6 THE COURT: How do you pronounce your last name; is it
7 Pusey.

8 JUROR: Pusey, yes.

9 THE COURT: Did you hear the questions I put to
10 others?

11 JUROR: I did. The only thing that concerns me is the
12 length of the trial. Four weeks would pretty much set me back
13 a bit from work. I did confirm with my supervisor their
14 jury-duty policy, and I'd be basically missing about three
15 weeks of pay, and that's -- I financially support myself, so
16 that would kind of set me back a bit.

17 THE COURT: Where do you work?

18 JUROR: I work at an orthopedic utilization company as
19 administrative assistant.

20 THE COURT: And that's located where?

21 JUROR: In White Plains, New York, Westchester County.

22 THE COURT: And the jury-payment policy is they give
23 you a week's pay?

24 JUROR: I believe it's -- for my job, right?

25 THE COURT: Yes, your job.

K23WschVD4

1 JUROR: I believe it's ten days, and then after that,
2 I'd go unpaid or use my paid time off. However, the way we
3 accrue paid time off is ten hours a month, and that's used
4 whether you're sick or, like, taking vacation. You bank ten
5 hours a month, and in order to keep it, you have to currently
6 have the hours available. And then doing the math, it would
7 take me, like, eight months to just accrue the time I missed.

8 THE COURT: You'd run out of benefits on the 11th day,
9 correct?

10 JUROR: Yes, correct.

11 THE COURT: All right. I'll excuse you, Ms. Pusey.

12 THE DEPUTY CLERK: Prospective juror No. 2, Estefani
13 Sierra.

14 THE COURT: Ms. Sierra, you heard the questions we put
15 to the others?

16 JUROR: Yes.

17 THE COURT: Any responses?

18 JUROR: Well, I'm actually a college student, and I go
19 to classes in the afternoon, which is at two and five, so I'll
20 actually be missing my classes.

21 THE COURT: OK. Where do you go to school?

22 JUROR: Hostos Community College in the Bronx.

23 THE COURT: How often do you go; every day?

24 JUROR: No. I go Tuesdays and Thursdays.

25 THE COURT: Tuesdays through Thursdays.

K23WschVD4

1 JUROR: Yeah.

2 THE COURT: And from when to when?

3 JUROR: My classes start at two, and then I have
4 another one at five.

5 THE COURT: I didn't hear you.

6 JUROR: From two and five.

7 THE COURT: Two to five. Three days a week.

8 JUROR: Yeah.

9 THE COURT: And school's going to be in session
10 through the month of February.

11 JUROR: Yeah. Actually, it already started.

12 THE COURT: What are you doing about school today.

13 JUROR: Well, it's Monday, so I don't have classes
14 today.

15 THE COURT: Good answer.

16 I'll excuse you, Ms. Sierra.

17 THE DEPUTY CLERK: Prospective juror No. 2, Rhonda
18 Albert.

19 THE COURT: Hello, Ms. Albert.

20 JUROR: Hi.

21 THE COURT: You've heard the questions. Do you have
22 anything to say?

23 JUROR: I do have a trip scheduled to San Diego,
24 February 21st through the 25th.

25 THE COURT: What are you doing in San Diego?

K23WschVD4

1 JUROR: It's an anniversary getaway.

2 THE COURT: Do you already have the tickets?

3 JUROR: Yes.

4 THE COURT: All right. You're excused.

5 JUROR: Thank you.

6 THE DEPUTY CLERK: Prospective juror No. 2, Sarah
7 Kathryn Scott.

8 JUROR: Hi.

9 THE COURT: Ms. Scott, how are you?

10 JUROR: Good. How are you?

11 THE COURT: Good.

12 Any answers to the questions I've put to the other
13 jurors?

14 JUROR: Yeah, I have a trip booked February 15th
15 through the 22nd.

16 THE COURT: Where are you going?

17 JUROR: Paris.

18 THE COURT: You've bought the tickets already?

19 JUROR: I did.

20 THE COURT: You're excused.

21 THE DEPUTY CLERK: Prospective juror No. 2, Bianca
22 Rosado.

23 THE COURT: Ms. Rosado, you've heard the questions we
24 put to the others?

25 JUROR: Yes. Yes, I did.

K23WschVD4

1 THE COURT: Anything you want to say?

2 JUROR: No.

3 THE COURT: Would you take the juror questionnaire and
4 the list and answer those questions, please.

5 JUROR: Get my glasses. Sorry.

6 My name is Bianca Rosado. I was November 20, 1971. I
7 was born here in Manhattan. I live in Westchester County.
8 I've been there for 47 years. I live with my husband and my
9 three girls. I'm married.

10 Let's see. My husband is an overnight supervisor at
11 Christmas Tree Shop in Hartsdale. My girls are young -- three
12 girls -- 15, 21 and 26. My 26-year-old, she is the floor
13 supervisor for Vans in The Galleria in White Plains.

14 I went to high school. I went to business school and
15 I got a certificate in just computers. But, you know, like
16 Microsoft and stuff like that.

17 THE COURT: Yes.

18 JUROR: It's actually post -- we don't use anymore,
19 long time ago. I work at the Renaissance Westchester Hotel.
20 I've been there 26 years. That's in West Harrison.

21 THE COURT: What do you do at the Renaissance Hotel?

22 JUROR: Admin. My title's catering sales assistant,
23 so I work for the catering department.

24 THE COURT: Thank you.

25 JUROR: Volunteer: It's hard because I work full

K23WschVD4

1 time, but my family and I tried to volunteer for 9/11.

2 Let's see.

3 Spare time: I pretty much try to spend time with my
4 girls and my grandson.

5 Never served in the military. Never worked for a
6 government agency.

7 Magazines and newspapers, I really don't read.
8 Anything I want to find out about I usually Google or go on
9 YouTube.

10 Internet websites: YouTube, Google, Facebook,
11 Instagram.

12 Television: Basically, most of what's on NBC. I
13 watch Hulu and Netflix.

14 Because I'm an admin, I do use computers, but it's
15 basically just typing menus and stuff like that. I don't know
16 anything about coding.

17 I used to watch CSI when it was on channel 2, but I
18 don't watch it anymore.

19 I never watched NCIS.

20 Books: Not really, just children's books for my
21 grandson.

22 And I don't know anyone here.

23 THE COURT: Take a look at the listing of names and
24 see if you recognize anyone.

25 JUROR: No.

K23WschVD4

1 THE COURT: No?

2 JUROR: No.

3 THE COURT: Ms. Foster, I haven't forgotten about you.
4 Have you heard the questions we've put to the other jurors?

5 JUROR: Yes, your Honor.

6 THE COURT: Anything to say?

7 JUROR: No, your Honor.

8 THE COURT: Could you take the jury questionnaire and
9 go through it, please.

10 JUROR: Yes, your Honor.

11 My name is Keisha Foster. My birthday is May 31,
12 1978. I was born in Manhattan. My current residence is the
13 Bronx. I've lived there for 22 years. I live with my husband.
14 My husband works for New York City parks department and
15 recreation as a city park worker. I don't have any children.

16 I received my bachelor's degree in sociology at Hunter
17 College, and I had some graduate-school classes at Hunter
18 College as well. I work as a child protective specialist at
19 the Administration for Children's Services for the past 13
20 years.

21 I do not volunteer for any organizations. In my spare
22 time, I catch up with friends, I rest at home, I go to the
23 movies.

24 I do not have any military experience. I've never
25 worked for a government agency.

K23WschVD4

1 As far as magazines, sometimes I look at food
2 magazines or Essence magazine.

3 I go on websites such as Instagram, Facebook, YouTube.
4 As far as television programs, it varies. Any type of
5 drama.

6 As far as job-related computer information, I use the
7 computer at work. I don't watch NCIS or CSI. I have watched
8 Law & Order: Special Victims.

9 As far as books, when I do read, it varies. It could
10 be a drama, Sci-Fi, nonfiction.

11 And I do not know anyone on the jury panel.

12 THE COURT: Take a look at the list of names, please.
13 Thank you for your work at ACS. It's a very tough
14 job.

15 JUROR: Yes, it is, your Honor. Thank you.

16 No, your Honor, I do not know the individuals.

17 THE COURT: Thank you very much.

18 Come on up and do the peremptory challenges.

19 The following jurors are excused: Ms. Foster, Mr. Hua
20 and Mr. Hassad. Thank you very much. Return to the jury
21 assembly room.

22 THE DEPUTY CLERK: Prospective juror No. 6, Stacey
23 Thaler.

24 Prospective juror No. 8, Barbara McGraw.

25 Prospective juror No. 10, Andy Augusto.

K23WschVD4

1 THE COURT: Ms. Thaler, have you heard the questions
2 we put to the others?

3 JUROR: I have. I do have plans President's week to
4 take my son, who is a high school junior, to colleges. It's
5 not a flight, but it's a road trip.

6 THE COURT: What are the dates beginning and ending?

7 JUROR: The 17th and the 18th.

8 THE COURT: Just two days. What days of the week are
9 those?

10 JUROR: Monday and Tuesday.

11 THE COURT: We're not sitting on Fridays. That's the
12 reason I asked.

13 JUROR: Oh.

14 THE COURT: So what days of the week are those?

15 JUROR: Monday and Tuesday.

16 THE COURT: Monday and Tuesday. I'll excuse you.

17 THE DEPUTY CLERK: Prospective juror No. 6, Michelle
18 Walsh-Logue.

19 JUROR: Hello.

20 THE COURT: Hello, Ms. Walsh-Logue. Have you heard
21 the questions we've put to the other jurors?

22 JUROR: Yes.

23 THE COURT: Do you have anything to say?

24 JUROR: No.

25 THE COURT: Could you take the list and jury

K23WschVD4

1 questionnaire and take us through it, please.

2 JUROR: I'm Michelle Walsh-Logue. I was born on June
3 28, '98, New Jersey. Grew up in the Bronx. Now I live in
4 Yonkers. I live with my husband. I've been married 12 years.
5 He is a -- he's a contractor, so he's all over Manhattan. We
6 don't have any children.

7 I have a bachelor's degree. I work for the American
8 Management Association where I'm a travel manager and event
9 planner.

10 I do volunteer at a senior center in the parish across
11 the street from where I work. In my down time, I hang out with
12 my friends and my mother.

13 I've never served in the military, nor have I ever
14 worked for a government agency.

15 I read online, like, CNN, Fox News. I usually use
16 Google for anything as far as websites go, leads me to whatever
17 website I may be researching.

18 1010 WINS if I listen to the radio.

19 Television: I watch everything, like Netflix, Hulu.

20 I've never had a job related to computer and
21 technology or information. I just know the basic Office from
22 Suite, the computer.

23 No, I don't watch NCIS or CSI.

24 I read biographies, sometimes or non -- or fiction,
25 rather.

K23WschVD4

1 And I don't know anybody on the jury.

2 THE COURT: Thank you. Look at the listing of names,
3 please.

4 JUROR: No.

5 THE COURT: OK. Thank you.

6 Ms. McGraw, do you have anything to say in response to
7 the questioning?

8 JUROR: No. I'm good.

9 THE COURT: All right. Would you go through the jury
10 questionnaire there, please.

11 JUROR: OK. My name is Barbara McGraw. My birthday
12 is 9/12/49. I was born in New York City, raised in the Bronx
13 and live in Westchester. I'm married. My spouse is not
14 working right now, but he was formerly a banker. I have two
15 children, one 38, one 29.

16 I graduated with a B.A. degree. Currently I'm
17 unemployed. I lost my job 11 months ago. I had a severance.
18 Now I'm on unemployment. I'm looking for a current job.

19 THE COURT: What did you do?

20 JUROR: I've been in the fashion industry my entire
21 life, so I've worked for a lot of different companies, within
22 buying, product development and consulting.

23 I do volunteer now because I have some free time. I
24 volunteer at a high school for a reading program, and I work
25 with a local church and organize their donations. In my spare

K23WschVD4

1 time, I play a lot of racket sports. I play tennis. I play
2 platform tennis. I'm on different teams, and I help organize
3 those teams.

4 I have not served in the military. Never worked for a
5 government agency.

6 I read the newspaper. I read the New York Times, the
7 New York Post. Basically I'm very selective of what I read.
8 It's more -- not politics. It's more just sports, what's going
9 on, human-interest types of stories.

10 The only thing I use on the internet, quite honestly,
11 is retail websites. I like to see what's happening, what's
12 selling, what the trends are, what's just going on with the
13 business.

14 As far as television programs, I do watch more drama
15 and police-related shows, Bluebloods, not necessarily CSI
16 anymore, the Chicago shows.

17 I have never had a job related to technology or
18 working with computers other than just the basic functions
19 within our work structure.

20 CSI I don't watch anymore.

21 I generally do not read books or novels. I'm not -- I
22 just rather be on the go and doing things, not sitting and
23 reading, unfortunately.

24 And I do not know anybody on the jury.

25 THE COURT: Would you take a look at the list of

K23WschVD4

1 names, please, Ms. McGraw.

2 JUROR: Yes.

3 OK. I don't know anybody on the list.

4 THE COURT: OK. Mr. Augusto, how are you?

5 JUROR: Good. Thanks. How are you?

6 THE COURT: Anything you want to say in response to
7 the questions?

8 JUROR: I do. I am strongly opposed to WikiLeaks, and
9 I know I won't be able to be impartial nor fair.

10 THE COURT: All right. I'll excuse you, Mr. Augusto.
11 Thank you.

12 THE DEPUTY CLERK: Prospective juror No. 10, Louis
13 Weiss.

14 THE COURT: Mr. Weiss, how are you?

15 JUROR: I'm fine, your Honor.

16 THE COURT: Do you have anything to say in response to
17 the questions I've put?

18 JUROR: Yes. I'm sorry, your Honor. I actually have
19 two issues. One is travel and the other is personal beliefs.
20 Do you want to hear the travel?

21 THE COURT: Do the travel first.

22 JUROR: Yeah, it's more straightforward. Because this
23 was supposed to be a two week, make three, maximum commitment,
24 the last week I have tickets to go to Toronto. I'm a research
25 scientist. I'm going to see my collaborators. We have to set

K23WschVD4

1 up some experiments. I'm also going to visit my significant
2 other, a widow.

3 THE COURT: Do you have tickets for this?

4 JUROR: Yes, I do.

5 THE COURT: All right. I'll excuse you.

6 JUROR: Thank you, sir. I appreciate it.

7 THE DEPUTY CLERK: Prospective juror No. 10, Catherine
8 Huffman.

9 THE COURT: Hello, Ms. Huffman. It would be better if
10 you came down to this end.

11 JUROR: This way?

12 THE COURT: This way.

13 JUROR: OK. Thank you.

14 Hi.

15 THE COURT: How are you?

16 JUROR: Good. Thank you.

17 THE COURT: You've heard the questions I've put to the
18 other jurors. Anything you want to say?

19 JUROR: Yes.

20 THE COURT: Go ahead.

21 JUROR: I don't have nothing to say.

22 THE COURT: OK.

23 JUROR: Unfortunately.

24 THE COURT: Could you lead us through the
25 questionnaire then, please, Ms. Huffman.

K23WschVD4

1 JUROR: Yes.

2 Catherine Huffman. 1/6/58, January. New York,
3 Chelsea. I've lived in New York for -- all my life. I live by
4 myself. I am separated. I have two daughters, ages 43 and 33.
5 One of them works for the government. She works for Social
6 Security Administration. She's a operations manager, the
7 youngest one.

8 Some college, no degree. College -- I am retired. I
9 worked for Citigroup in their legal department for 18 years.

10 THE COURT: You worked for whom?

11 JUROR: Citigroup, Citibank.

12 THE COURT: Citibank.

13 JUROR: I do not volunteer.

14 I like to shop. I like to read. I like to cook. I
15 look to go to the casino, movies.

16 I never served in the military. I never worked for
17 the government.

18 I like TV, NCIS New Orleans, regular NCIS, FBI, both
19 of them, all the dramas, crime shows, all of them. I like
20 comedies, but not silly comedies. I like music.

21 I spend a lot of time with the computer: Google,
22 Bing. I like old music.

23 Let's see. What am I missing?

24 I -- most of the websites I visit is shopping,
25 electronics, you know, stuff like that. I like electronics.

K23WschVD4

1 I took coding classes, like, 40 years ago. I don't
2 use them, you know, now.

3 I do not volunteer. I like to read books, all kinds
4 of books.

5 And I do not know anybody on the panel.

6 THE COURT: OK. Would you take a look at the list of
7 names, Ms. Huffman.

8 JUROR: Yes. And I don't have my glasses with me.

9 I do not know anybody.

10 THE COURT: All right. Thank you.

11 Round three of the peremptories.

12 The following jurors are excused: Joshua Rothman.
13 Thank you; Ms. Catherine Huffman. Thank you, Ms. Huffman;
14 Ms. Diana Williams. Go back to the jury assembly room.

15 THE DEPUTY CLERK: Prospective juror No. 10, Chelsea
16 Lopez-Hyde.

17 Prospective juror No. 11, Young Kim.

18 Prospective juror No. 12, Marisa Mace.

19 JUROR: Your Honor, may I approach the bench first,
20 just to --

21 THE COURT: Yes.

22 (At sidebar)

23 JUROR: This is private. I have a doctor's
24 appointment it took me two months to make coming up on the
25 11th. My husband and I are trying to get pregnant. At the end

K23WschVD4

1 of the month, I have to have a procedure done.

2 THE COURT: So you're under stress.

3 JUROR: Yes, exactly.

4 THE COURT: All right. I'll excuse you.

5 JUROR: Thank you.

6 THE COURT: Good luck.

7 (In open court)

8 THE DEPUTY CLERK: Prospective juror No. 12, Michelle
9 Carreras.

10 THE COURT: Ms. Lopez-Hyde, how are you?

11 JUROR: How are you, your Honor?

12 I actually have a trip planned from February 20th to
13 the 26th.

14 THE COURT: Where are you going?

15 JUROR: To Trinidad.

16 THE COURT: Is that where you live?

17 JUROR: No. I live in the Bronx.

18 THE COURT: In the Bronx.

19 Do you go to school?

20 JUROR: I graduated from Baruch already.

21 THE COURT: What are you doing?

22 JUROR: I work for J.P. Morgan as a compliance
23 analyst.

24 THE COURT: And your trip is from when to when?

25 JUROR: February 20th to the 26th.

K23WschVD4

1 THE COURT: You bought your tickets already?

2 JUROR: Absolutely.

3 THE COURT: All right. You're excused,

4 Ms. Lopez-Hyde.

5 JUROR: Thank you.

6 THE COURT: Have a good time.

7 THE DEPUTY CLERK: Prospective juror No. 10, Michael

8 Delia.

9 THE COURT: Hello, Mr. Delia.

10 JUROR: Hello, your Honor.

11 THE COURT: Are you any relation to Mary Delia?

12 JUROR: No, not that I know of.

13 THE COURT: OK. You heard the questions we've put to
14 other jurors?

15 JUROR: I have, but -- your Honor, I also have a trip
16 planned from February 16th through the 19th.

17 THE COURT: Where are you going, Mr. Delia?

18 JUROR: To the Cape.

19 THE COURT: And you bought tickets for this already.

20 JUROR: And accommodations.

21 THE COURT: All right. I'll excuse you.

22 THE DEPUTY CLERK: Prospective juror No. 10, Marcos
23 Sotomayor.

24 THE COURT: I suppose you're asked this question all
25 the time. Are you related to Judge Sotomayor?

K23WschVD4

1 JUROR: And I always say: Maybe. She's Puerto Rican
2 from the Bronx, so -- but not directly, not that I know of.

3 THE COURT: Do you have anything to say in response to
4 the questions I put to the other jurors?

5 JUROR: Yes. I have read into WikiLeaks. I also know
6 about Eric Snowden, and I also have mixed feelings about the
7 FBI and CIA personally.

8 THE COURT: All right. I'll excuse you.

9 JUROR: Thank you.

10 THE COURT: Thank you.

11 THE DEPUTY CLERK: Prospective juror No. 10, Melissa
12 Chang.

13 JUROR: Hi.

14 THE COURT: Hello. Anything to say in response to the
15 questions I put to the other jurors, Ms. Chang?

16 JUROR: I don't think I could serve just seeing the
17 defendant's team and his face and just be impartial about it --

18 THE COURT: I'll excuse you.

19 JUROR: Just so much emotions.

20 Thank you.

21 THE DEPUTY CLERK: Prospective juror No. 10, Ismael
22 Alonzo.

23 JUROR: Good afternoon.

24 THE COURT: Good afternoon, Mr. Alonzo. Anything to
25 say in response to the questions I put to the other jurors?

K23WschVD4

1 JUROR: No.

2 THE COURT: OK. Would you take the questionnaire and
3 answer those questions, please.

4 JUROR: My name is Ismael Alonzo. I was born on
5 09/29/97. I was born in New York City, in New York. I've
6 lived here for all my life. I live with my mother. I've never
7 been married. I have no spouse. I have no children.

8 I go to -- well, I finished with my associate's degree
9 in Vaughn College for airport management, and I currently work
10 in a restaurant as a team member, and I will be going into, as
11 a lobby attendant soon in another job. I've held this position
12 for a year now, in the restaurant.

13 I do not do any volunteer work. In my spare time, I
14 like to have a nice meal while watching Netflix.

15 I have not served in the military. I have not worked
16 for a government agency.

17 I do not read magazines, newspapers.

18 Internet websites that I visit, Facebook, Amazon, my
19 Gmail.

20 Television's Quantico, The Spy, How to Get Away With
21 Murder.

22 Any job related to computer information, no.

23 Have you experienced working with computers? No.

24 I do not watch NCIS or CSI.

25 I do not read books or novels.

K23WschVD4

1 And I know no one on the jury.

2 THE COURT: Take a look at the list of names, please,
3 Mr. Alonzo.

4 JUROR: Gotcha.

5 I know no one.

6 THE COURT: All right. Thank you.

7 Ms. Kim.

8 JUROR: Yeah.

9 THE COURT: How are you?

10 JUROR: Hi. How are you?

11 I think I can't do this because I have a plan to go to
12 the California for my sister's wedding.

13 THE COURT: When are you going to California?

14 JUROR: 20, February 20.

15 THE COURT: OK. Do you have your tickets?

16 JUROR: Yeah.

17 THE COURT: OK. I'll excuse you.

18 JUROR: Thanks.

19 THE DEPUTY CLERK: Prospective juror No. 11, Howard
20 King.

21 THE COURT: Hi, Mr. King.

22 JUROR: Hello, sir.

23 THE COURT: Do you have anything to say in response to
24 the questions I put to the other jurors?

25 JUROR: I do.

K23WschVD4

1 THE COURT: OK. What is it?

2 JUROR: I also have a vacation planned on February 25
3 to March 6.

4 THE COURT: Where are you going?

5 JUROR: Florida.

6 THE COURT: Do you have your tickets?

7 JUROR: I do.

8 THE COURT: You're excused, Mr. King.

9 JUROR: Thank you.

10 THE DEPUTY CLERK: Prospective juror No. 11, Sean
11 Patrick Murphy.

12 THE COURT: Hello, Mr. Murphy.

13 JUROR: Hey. How are you? The only thing I want to
14 mention is I have a work trip planned on February 17th to the
15 20th to California.

16 THE COURT: What kind of plan is it?

17 JUROR: Work trip.

18 THE COURT: Where are you going?

19 JUROR: To Los Angeles.

20 THE COURT: Who do you work for?

21 JUROR: It's a law firm here in the city. Yes, I'm a
22 lawyer.

23 THE COURT: What law firm is it?

24 JUROR: Hughes Hubbard. Hughes Hubbard & Reed.

25 THE COURT: Yes. I'm familiar with the firm.

K23WschVD4

1 Lawyers have a particular obligation to serve on
2 juries, and I'm going to ask you to talk with your employer,
3 Hughes Hubbard & Reed, and get other dates for the trip. I'm
4 going to ask you to serve on the jury.

5 JUROR: I don't know if that will be possible because
6 the trip is booked at this point, and it's a meeting to meet
7 with clients in Los Angeles.

8 THE COURT: You're not a partner, are you?

9 JUROR: No.

10 THE COURT: You're working as an associate on the
11 case.

12 JUROR: Yes. Well, it's not a case. It's a -- I
13 don't do litigation. I do corporate work.

14 THE COURT: But you'll be traveling with a partner.

15 JUROR: Yes.

16 THE COURT: Any other associates work with the
17 partner?

18 JUROR: In the firm? Yes, but I'm the only associate
19 going on this particular trip.

20 THE COURT: I'm going to ask you to go outside and
21 make a phone call to your firm, the partner, and ask him if, in
22 light of the fact that you have jury service and it's an
23 important public obligation for lawyers, you couldn't get
24 somebody else to take the trip and have you serve on the jury
25 if you meet the other qualifications.

K23WschVD4

1 JUROR: OK. Do you want me to do that right now?

2 THE COURT: Yes, please.

3 JUROR: And if the answer is --

4 THE COURT: Come back and tell me the answer.

5 JUROR: OK. Sure.

6 Well, do you have a phone?

7 THE COURT: I'll give you a cell phone. You can go
8 outside and make the phone call.

9 JUROR: Go down to security?

10 THE COURT: Go right outside.

11 JUROR: OK.

12 THE COURT: Ms. Carreras.

13 JUROR: Yes.

14 THE COURT: How are you?

15 JUROR: I'm fine.

16 THE COURT: Anything to say in response to the
17 questions I put to the other jurors?

18 JUROR: No.

19 THE COURT: Would you take the jury questionnaire and
20 lead us through it, please.

21 JUROR: Michelle Carreras, 63, born in Virginia. Been
22 in New York 30 years. I live with my husband and two -- I have
23 two children, 34 and 29.

24 Education, some college. No degrees.

25 I work for Jackson Lewis, a law firm here in the city,

K23WschVD4

1 going on 20 years.

2 THE COURT: What do you do for Jackson Lewis?

3 JUROR: A legal assistant.

4 My husband, he's director of security for Plaza Hotel.

5 I don't volunteer.

6 I work out, sports.

7 I never served in the military, don't work for the
8 government, never have.

9 Read sometimes.

10 On the computer every day with my job. I don't know
11 coding or anything.

12 I love NCIS, love CIS -- CSI. And books sometimes.

13 And I know no one on the jury.

14 THE COURT: OK. Now, you work with a law firm. Would
15 you be able to take my instructions on the law?

16 JUROR: Sure.

17 THE COURT: You wouldn't talk about it at the firm?

18 JUROR: Sure.

19 THE COURT: OK. Thank you. Would you take a look at
20 the list of names, Ms. Carreras.

21 JUROR: I'm --

22 THE COURT: Take a look -- oh, you're looking. I'm
23 sorry.

24 JUROR: That's OK.

25 No.

K23WschVD4

1 THE COURT: All right. Thank you.

2 What did you find out, Mr. Murphy?

3 JUROR: He wasn't available right now. He's in a
4 meeting, apparently. I spoke with his secretary.

5 MS. SHROFF: Your Honor, may we approach for a minute?

6 THE COURT: Yes.

7 MS. SHROFF: Thank you.

8 (At sidebar)

9 MS. SHROFF: Your Honor, I just wondered if the
10 government would agree to let the young associate go to
11 California.

12 MR. KAMARAJU: We don't have a problem with that, your
13 Honor.

14 THE COURT: I've got a problem. I think lawyers have
15 a special obligation to serve on juries. He's in a bad
16 position.

17 MS. SHROFF: I know. If he were a partner, I would
18 agree with you, make him serve. But if he's an associate, he's
19 going to lose out. He might end being the one -- I'm just
20 saying it would be OK with us if it's OK with the Court. I
21 just wanted to put that on the record. Whatever you do is up
22 to you.

23 THE COURT: I appreciate it.

24 MS. SHROFF: OK.

25 THE COURT: What's the government say?

K23WschVD4

1 MR. LAROCHE: We have no objection, your Honor.

2 (In open court)

3 THE COURT: Mr. Murphy, I'll excuse you.

4 THE DEPUTY CLERK: Prospective juror No. 11, Aljuany
5 Creacy.

6 JUROR: Hello, your Honor.

7 THE COURT: Hello, Ms. Creacy. How are you?

8 JUROR: I'm doing well. How are you?

9 THE COURT: Good.

10 Do you have anything to say in response to the
11 questions I put to the other jurors?

12 JUROR: Yes. The length of the trial is a conflict
13 for me. I'm a mental health therapist, and I have clients that
14 I need to see at least twice a month because they're either
15 high risk or kids that need the services on a weekly basis.

16 THE COURT: Who do you work for?

17 JUROR: The Guidance Center of Westchester.

18 THE COURT: All right. I'll excuse you.

19 JUROR: Thank you.

20 THE DEPUTY CLERK: Prospective juror No. 11, Alexis
21 Anthony.

22 THE COURT: Hello, Ms. Anthony.

23 JUROR: Hi. Good afternoon.

24 THE COURT: Anything to say in response to the
25 questions?

K23WschVD4

1 JUROR: Well, I have been on two juries before, civil
2 cases, though, so they don't really pertain to this; as well I
3 was a victim of assault. That went to trial as well, but that
4 also isn't related to the type of crime.

5 THE COURT: Anything about that experience that would
6 make it difficult for you to be impartial?

7 JUROR: No.

8 THE COURT: Objective?

9 JUROR: No.

10 THE COURT: Are you prepared to serve?

11 JUROR: Yeah.

12 THE COURT: Could you take the questionnaire and lead
13 us through the jury questionnaire now, please.

14 JUROR: My name is Alexsis Anthony. I was born August
15 3, 1974, in New York City. I currently reside in the Bronx.
16 I've lived in New York State all my life, but the Bronx six
17 years. I live with my six-year-old daughter. I've never been
18 married. No other adult member of my household.

19 Actually, my daughter's seven. Sorry.

20 I went to the American University in Washington, D.C.
21 where I graduated with a B.A. in art. I also started a
22 master's degree in early childhood education.

23 My current employment, I have three jobs. I work for
24 myself. I have a website where I sell vintage clothes as well
25 as I work as a bookkeeper for a not-for-profit, and I also work

K23WschVD4

1 in retail.

2 I volunteer at my daughter's school when I can, and my
3 spare time is pretty much taken up with things related to my
4 seven-year-old.

5 I've never served in the military or worked for a
6 government agency.

7 I tend to read most things online. I read CNN. I
8 read New York Times online, BBC World, BuzzFeed news as well,
9 and I watch mostly Netflix and Amazon Prime, and I just watched
10 The Crown.

11 I've never had a job in information technology. My
12 work does involve computers, but not in the terms of, like, IT.
13 I mean, I have an online store, so --

14 I don't know code. I only have watched Law & Order:
15 Criminal Intent. If I have time to read, it's generally like
16 nonfiction books.

17 And I don't know anybody on this panel.

18 (Continued on next page)

K233SCHVD5

1 THE COURT: Take a look at the list of the names,
2 please.

3 (Pause)

4 JUROR: No, I don't know anybody on this list.

5 THE COURT: Thank you. Peremptory challenges.

6 (Pause)

7 THE COURT: The following jurors are excused:
8 Ms. McNamara, Ms. McGraw, and Ms. Walsh-Logue. Thank you very
9 much.

10 THE DEPUTY CLERK: Prospective Juror No. 5, Peter
11 Kayafas.

12 Prospective Juror No. 6, Maida Robinson.

13 Prospective Juror No. 8, Loris Laborde.

14 THE COURT: Mr. Kayafas, am I pronouncing it
15 correctly?

16 JUROR: Yes.

17 THE COURT: You heard the questions we put to other
18 jurors?

19 JUROR: I did, your Honor.

20 THE COURT: Anything you want to say?

21 JUROR: I'm traveling between the 15th and the 22nd to
22 Belize, and I have my tickets.

23 THE COURT: You are excused.

24 THE DEPUTY CLERK: Prospective Juror No. 5, Patricia
25 Parsons.

K233SCHVD5

1 THE COURT: Hello, Ms. Parsons.

2 JUROR: Good afternoon, your Honor.

3 THE COURT: Anything you want to say in response to
4 the questions that I put to the other jurors?

5 JUROR: I have a father and a grandfather who are
6 policemen. My grandfather was killed in the line of duty. I
7 would hope not, but it may sway my opinion of certain
8 testimony.

9 THE COURT: You think you would not be able to follow
10 my instructions to treat law enforcement testimony the same
11 as --

12 JUROR: I've been going through that back and forth.
13 And I think I may, like, err on the side of law enforcement.

14 THE COURT: All right. I'm excuse you then. Thank
15 you very much for being candid.

16 THE DEPUTY CLERK: Prospective Juror No. 5, Steven
17 Gordon.

18 THE COURT: Hello, how are you.

19 JUROR: Good.

20 THE COURT: Can you tell me anything in response to
21 the questions I put to other jurors?

22 JUROR: No major conflicts. I do have a local trip
23 with my kids during Presidents' Day weekend. But it's just up
24 to Vermont to ski. I can come back Monday. They're off
25 Monday, Tuesday. I can come back Monday night.

K233SCHVD5

1 THE COURT: Monday night?

2 JUROR: Well, everybody's off Monday, I think, for
3 President' Day.

4 THE COURT: We have off. Thank you. When you sit
5 here, you forget when you have things off.

6 JUROR: So kids are off Monday, Tuesday. I can come
7 back Monday night if needed.

8 THE COURT: We're off on Fridays as well.

9 JUROR: They're still in school.

10 THE COURT: Well, what do you say in response to the
11 questions that I've put to the jurors?

12 JUROR: There's no questions.

13 THE COURT: All right. Could you lead us through the
14 jury questionnaire then, Mr. Gordon.

15 JUROR: Sure. My name is Steve Gordon. I was born
16 October 15, 1975. I was born in Philadelphia, Pennsylvania. I
17 live in Manhattan on the Upper East Side. I've been in New
18 York almost 23 years. I live with my wife, and I have three
19 young children, who are ages nine, seven and soon to be four.
20 My spouse was a social worker and a nutritionist, and now stays
21 home and takes care of the kids.

22 I am currently, I run real estate strategies for a
23 family office. I have a bachelor's of science. I've been, I
24 have just started this new job at the beginning of January with
25 this family office.

K233SCHVD5

1 I'm fairly active in my synagogue. I volunteer
2 several times a year to feed -- they have this program where
3 they deliver, or they bring in homeless and we provide
4 sandwiches and food for them. And there's other various ways
5 that I from time to time with the synagogue that I volunteer.

6 In my spare time, with what little time I have, I like
7 to play squash, golf, and chess with my kids. I've never
8 served in the military. I've never worked for a government
9 agency.

10 Magazine, newspapers, I read the New York Post, I read
11 New York Times, I read sports magazines. Internet websites I
12 visit on a regular basis, ESPN, the New York Post, Google top
13 stories. And for news, I have a Bloomberg subscription, so I'm
14 on Bloomberg for my job all day long, so that provides a base
15 source of current news. And also the Wall Street Journal.

16 Television and radio programs, I mean, Netflix, Amazon
17 Prime, ESPN, or sporting stuff that my kids and I watch.

18 I've never had a job related to computer information
19 or technology. I want to say my brother is in computers and
20 technology. He worked for IBM and currently work for SAS. I
21 don't know how to write code. I don't watch NCIS or CSI or
22 any, not really the crime police dramas. Books and novels,
23 I'll read several books or listen to audiobooks during the
24 year. I enjoy probably non-fiction the most. And I don't know
25 anyone else on this prospective jury panel.

K233SCHVD5

1 THE COURT: Can you tell me where your synagogue is?

2 JUROR: Sure. 55th, Central Synagogue.

3 THE COURT: They had a bad fire several years ago.

4 JUROR: That was back in the late '90s.

5 THE COURT: Okay. Mr. Gordon, could you look at that
6 list of names and see if you recognize anybody.

7 JUROR: Sure.

8 (Pause)

9 JUROR: Can I just ask for a clarification? I mean, I
10 know some of these addresses.

11 THE COURT: Yes.

12 JUROR: Bloomberg, and 200 East 39th. And the Hampton
13 Inn. Oh, and I guess Pershing Square.

14 THE COURT: Okay. Can either the government or
15 Mr. Schulte explain why we these names are being mentioned?

16 MR. LAROCHE: May we approach, your Honor?

17 THE COURT: Yes.

18 (At the sidebar)

19 MR. LAROCHE: So I think he mentioned three places.
20 One is Bloomberg, that's where Mr. Schulte worked when he came
21 to New York. The other was 200 East 39th.

22 THE COURT: That's where he lives.

23 MR. LAROCHE: That's where the search was. And the
24 third was Pershing, which was where one of the meetings with
25 the FBI happened. And the Hampton Inn, same thing.

K233SCHVD5

1 THE COURT: So, maybe I shouldn't have asked the
2 question but I asked the question. What's an appropriate
3 response? These are names that will come up in the testimony?

4 MR. LAROCHE: Yes. There's no significance to the
5 locations.

6 MR. BRANDEN: I'd like to know why he's familiar with
7 at least 200 East 39th Street. I think the others are benign,
8 but that might be --

9 THE COURT: He already talked about his Bloomberg
10 machine.

11 MS. SHROFF: Thirty-ninth is where Mr. Schulte lived.

12 THE COURT: He mentioned Bloomberg. He has a
13 Bloomberg machine.

14 MR. BRANDEN: We're mostly concerned about the address
15 where Mr. Schulte lived. Maybe we can ask him why he's so
16 familiar with that address.

17 MS. SHROFF: He might know a neighbor or something.

18 MR. BRANDEN: I would have him come up for that.

19 THE COURT: Mr. Gordon, could you come up here,
20 please.

21 (Juror present at the sidebar)

22 THE COURT: How are you familiar with 200 East 39th
23 Street?

24 JUROR: I mean, I work on, I've worked in Midtown my
25 whole career, basically. So I walk by it. So, and I live on,

K233SCHVD5

1 I used to live on 120 East 34th Street, I lived on 200 East
2 66th Street.

3 THE COURT: You don't know anything about who lives
4 there or what they do?

5 JUROR: No, I was saying I was more familiar. I walk
6 by it a lot.

7 THE COURT: All right.

8 MS. SHROFF: That's fine.

9 THE COURT: Thank you very much, return to your seat.

10 JUROR: This seat right here?

11 (In open court)

12 THE COURT: That takes care of Mr. Gordon.

13 Ms. Robinson, do you have anything to say in response to the
14 questions?

15 JUROR: Yes, sir. I appreciate the necessity of jury
16 service. The fourth week in February, I was going to go help
17 my father. My mother passed away a few months ago, and he is
18 in Washington. We were going to go at that time to visit him.

19 THE COURT: I'll excuse you.

20 THE DEPUTY CLERK: Prospective Juror No. 6, Keith
21 Neumann.

22 THE COURT: Hello, Mr. Neumann.

23 JUROR: Hi.

24 THE COURT: Do you have anything to say in response to
25 the questions I put to the jurors?

K233SCHVD5

1 JUROR: Yeah, I have been following the Julian Assange
2 and WikiLeaks since it came out, and I believe I may be
3 familiar with the case already.

4 THE COURT: I'll excuse you. Thank you.

5 THE DEPUTY CLERK: Prospective Juror No. 6, Karla
6 Sanchez.

7 THE COURT: How are you?

8 JUROR: Very well. How are you, sir?

9 THE COURT: Anything you want to say in response to
10 the questions?

11 JUROR: I have no trips planned.

12 THE COURT: Good.

13 JUROR: But, I do, I am a -- I was a senior clerk to a
14 Debbie Batts, and I was hoping if you picked me, if I'm
15 selected, that we would be allowed to attend the funeral this
16 week. That's my only issue, otherwise I'm free.

17 THE COURT: Okay. Do you know Judge Batts passed away
18 last night?

19 I'm not familiar with the arrangements.

20 JUROR: They haven't been made as of yet, but I'm
21 throwing it out there.

22 THE COURT: We'll accommodate that request.

23 JUROR: Okay. So in response to your questions, there
24 are a number of things just to be open. None of them would
25 affect my fairness or impartiality.

K233SCHVD5

1 I do have a cousin who was convicted of drug
2 possession. I have several friends who have been victims of
3 crimes. I am a lawyer and so I've worked with experts. I
4 think you asked at one point if someone had an employment case,
5 that was one of the questions. I have, I have had an
6 employment case. And although I don't think I currently know
7 anybody at the U.S. attorney's office, I have known many people
8 at the U.S. attorney's office. I think those were your
9 questions.

10 THE COURT: As a result of answering those questions
11 in that way, do you have any doubt in your mind that you could
12 be fair and objective and impartial?

13 JUROR: None whatsoever.

14 THE COURT: All right. Would you read the jury
15 questionnaire.

16 JUROR: My name is Karla Sanchez. I was born
17 April 26, 1970 on the north shore of Long Island. I live in
18 New York County. I lived in New York County for 11 years. I
19 have a roommate. I am divorced. My roommate works in an
20 administrative capacity at a large law firm. I have no
21 children. I have an AB in history from Colombia, a J.D. from
22 Fordham. I am not currently employed. I am retired, semi. I
23 volunteer at an organization I co-founded which is a support
24 group for Latina and Hispanic lawyers and law students. In my
25 spare time I cook and read a lot. I never served in the

K233SCHVD5

1 military.

2 I have worked as the executive deputy attorney general
3 for economic justice for the New York State attorney general's
4 office in the past, in a civil role, not a criminal role. I
5 was a clerk, so that's another federal, another government job.

6 I regularly read The New York Times. I regularly
7 visit Google. The only really source for my news is The New
8 York Times. I do not have television, although I have Netflix.

9 In my role at the attorney general's office, one of my
10 bureaus that reported to me was BIT, Bureau of Internet and
11 Technology. That's a job that's related to computer
12 information and technology. I have a Mac. I work on a
13 computer every day. I do not know how to code.

14 I do not watch NCIS. I have watched CSI and Law &
15 Order and others, but not anymore since I don't have TV. I
16 read a lot, mostly nonfiction. And I do not know anybody on
17 the prospective jury panel.

18 THE COURT: Did you say you worked at the attorney
19 general's office now or in the past?

20 JUROR: In the past.

21 THE COURT: What years?

22 JUROR: 2011 to '16.

23 THE COURT: Thank you. Can you take a look at the
24 list of names, please. See if you recognize any of the names.

25 (Pause)

K233SCHVD5

1 JUROR: Other than I know where Pershing Square is, I
2 don't know any of the names.

3 THE COURT: Thank you. Mr. Laborde, how are you?

4 JUROR: I'm okay.

5 THE COURT: Do you want to respond to any of the
6 questions I put to the jurors.

7 JUROR: Yes, your Honor. My only concern is that I am
8 a principal teacher of a private high school. And the length
9 of the trial is my concern, especially for my 12 grade students
10 which I teach.

11 THE COURT: Where do you teach?

12 JUROR: The school is Northeastern Academy. I teach
13 life skills. I also teach computer science as well as health.

14 THE COURT: That's a private school?

15 JUROR: A private school.

16 THE COURT: You don't have any backup plan for
17 substitute teachers?

18 JUROR: Well, we are kind of running in terms of
19 finances strained right now. It would be difficult for me to
20 do that. If I'm asked to, I will have to. But if I can, you
21 know. I would love to be excused if possible.

22 THE COURT: I want to accommodate you. On the other
23 hand, we need good practical common sense jurors. And if you
24 can do it, I'd appreciate you doing it. But if you want, if
25 you think your work is more important, I'll consider that as

K233SCHVD5

1 well.

2 JUROR: I would love to serve. Four weeks would take
3 us to --

4 THE COURT: It would be essentially the month of
5 February. The week of the 3rd, the 10th, the 17th and the
6 25th.

7 JUROR: I'll try to work with it.

8 THE COURT: All right. Would you lead us through your
9 questionnaire then, please.

10 JUROR: My name is Horis Laborde. I was born
11 June 1st, 1966, on the beautiful island of St. Vincent in the
12 West Indies. I currently live in Mount Vernon. I've been
13 there for over 25 years. I live with my wife and my son. I
14 have three children, two of them are in college at this point
15 in time. I'm married. My wife is a nurse practitioner. And
16 my son also works at Best Buy. My children, my oldest is 23,
17 my youngest -- my other two children are 22, they are twins.
18 The twins are in school. I have a bachelor's degree in
19 sciences, really computers, biology, and chemistry, so it is
20 triple major from Northern Caribbean University. I hold two
21 master's degrees. I am the principal of Northeastern Academy
22 and I also teach.

23 I basically volunteer in terms of my church every
24 weekend. Whether it is the soup kitchen or doing other things
25 every week. Spare time, I have very, very little of that,

K233SCHVD5

1 because based on my time as principal, and basically trying to
2 do church work, I don't really have that much spare time.

3 Have I served in the military? Not really. Have I
4 worked in the government? No, I have not worked with a
5 government agency.

6 Magazines, I used to read Harvard Business Review,
7 etc. etc. that has to do with my job. Websites, Google, the
8 works, information systems Jupiter Ed, websites that has to do
9 with our attendance and taking grades etc. for the students.

10 For news, I basically just look at the screen of the
11 computer from time to time. Television, I don't really watch
12 that much. Maybe on my way home I listen to talk radio or
13 business. Before I was principal, my other job as a teacher I
14 was in charge of the computer network, so basically I know how
15 to network the entire school, and also to coordinate. So I do
16 have some experience in that.

17 Yes, I watch NCIS; yes, I watch CSI. Any crime drama.
18 Do I read books? Not really, unless associated with any job.
19 Oh, perhaps non-fiction. And I don't know anybody on the jury
20 panel.

21 THE COURT: Can you take a look at the list of names,
22 please.

23 (Pause)

24 JUROR: There's only one here. I don't know if,
25 sorry. Number 29, sorry. I do know somebody with that name.

K233SCHVD5

1 I don't know if that's the person I know.

2 THE COURT: How do you know this gentleman?

3 JUROR: Well, the person, this person I knew was one
4 of my former students.

5 THE COURT: He is a former student of yours?

6 JUROR: I don't know if it is the same person. I said
7 I knew the name, I know this name. I don't know if is the same
8 person.

9 THE COURT: Did number 29 go to Mr. Laborde's school?

10 MR. LAROCHE: No, your Honor.

11 THE COURT: All right. It is a fairly common name.
12 That brings us to round number five in the peremptories.

13 (Pause)

14 THE COURT: The following jurors are excused:
15 Mr. Gordon and Ms. Sanchez. You can go back to the jury
16 assembly room. Thank you very much.

17 THE DEPUTY CLERK: Prospective Juror No. 5, Benjamin
18 Emanuel.

19 Prospective Juror No. 6, David Jeffrey.

20 THE COURT: Mr. Emanuel, how are you?

21 JUROR: Fine, thank you. Yourself, your Honor?

22 THE COURT: Good. Have you heard the questions we put
23 to the other jurors?

24 JUROR: I have.

25 THE COURT: Anything you want to say?

K233SCHVD5

1 JUROR: Two quick points. One is travel plans, and
2 the second is I have used expert witnesses.

3 THE COURT: Tell me about the travel plans.

4 JUROR: I have vacation plans on the 23rd of the
5 month.

6 THE COURT: Twenty-third to when?

7 JUROR: First.

8 THE COURT: You made the reservations? You booked it?

9 JUROR: I have, sir.

10 THE COURT: You are excused.

11 THE DEPUTY CLERK: Prospective Juror No. 5, Carol
12 Longobardo.

13 THE COURT: Ms. Longobardo, you heard the questions
14 we've put to the jurors?

15 JUROR: Yes, I have.

16 THE COURT: Anything you want to say?

17 JUROR: Four weeks out of work, I don't get paid if I
18 don't go to work, your Honor. It is a small company, there is
19 three or four workers. I don't vacation or sick.

20 THE COURT: What do you do?

21 JUROR: I'm a spa coordinator for a medical spa in
22 Rockland County.

23 THE COURT: I'll excuse you.

24 JUROR: Thank you very much.

25 THE DEPUTY CLERK: Prospective Juror No. 5, Calvert

K233SCHVD5

1 Hargrove.

2 THE COURT: Hello, Mr. Hargrove.

3 JUROR: How are you?

4 THE COURT: Have you heard the questions we put to the
5 other jurors?

6 JUROR: Yes.

7 THE COURT: Anything you want to say?

8 JUROR: Yes.

9 THE COURT: Okay, go ahead.

10 JUROR: I had already formed an opinion about this
11 case early on.

12 THE COURT: Why don't you come over here.

13 (Juror present at the sidebar)

14 THE COURT: Can you tell me what your opinion is.

15 JUROR: Well, as soon as I heard the type of case it
16 was, I had already formed my opinion about it. I know someone
17 in law enforcement, and also in the bureau.

18 THE COURT: The FBI?

19 JUROR: Yes. Works in San Antonio.

20 THE COURT: So you formed an opinion that the
21 defendant --

22 JUROR: Early on.

23 THE COURT: Is more likely guilty than not guilty?

24 JUROR: I don't want to say it, but probably.

25 THE COURT: Okay. I'll excuse you.

K233SCHVD5

1 JUROR: Thank you.

2 THE COURT: Thank you, Mr. Hargrove.

3 (Juror not present at sidebar)

4 THE COURT: As long as we are all here. When we
5 finish this round, we have one more round, right?

6 MR. KAMARAJU: Yes.

7 THE COURT: Do you want to start with the alternates
8 tonight so we can start with the opening tomorrow?

9 How about you.

10 MS. SHROFF: I don't seem to be winning with you, so
11 I'll let you decide.

12 THE COURT: Thank you. Mr. Hargrove is excused.

13 (In open court)

14 THE DEPUTY CLERK: Prospective Juror No. 5 Laurie
15 Kotten.

16 THE COURT: Ms. Kotten, have you heard the questions
17 we put to the other jurors?

18 JUROR: I have. Your Honor, I have a trip planned. I
19 have a trip planned from the 17th, from the 15th of February to
20 the Tuesday. Tuesday evening.

21 THE COURT: The following Tuesday. You booked the
22 tickets already?

23 JUROR: Yeah, it's already planned. We're driving,
24 but the arrangements are made.

25 THE COURT: I'll excuse you, Ms. Kotten.

K233SCHVD5

1 THE DEPUTY CLERK: Prospective Juror No. 5, Alex
2 Latyshevsky.

3 THE COURT: What's the correct pronunciation?

4 JUROR: Excuse me?

5 THE COURT: We mangled your name. What is your
6 correct pronunciation?

7 JUROR: Latyshevsky.

8 THE COURT: Latyshevsky. Mr. Latyshevsky, have you
9 heard the questions we put to other jurors?

10 JUROR: Yes, I have.

11 THE COURT: Anything you want to say?

12 JUROR: Before I go through the questionnaire, just my
13 father was a concentration camp survivor. And I'm just not
14 sure if I can be impartial.

15 THE COURT: All right. I'll excuse you.

16 THE DEPUTY CLERK: Prospective Juror No. 5, Ruben
17 Ramirez.

18 THE COURT: Mr. Ramirez, how are you?

19 JUROR: Hi.

20 THE COURT: Anything you want to say in response to
21 the questions put to the other jurors?

22 JUROR: Yeah, I own a flower shop.

23 THE COURT: You own a barber shop?

24 JUROR: A flower shop. And it's very, very busy for
25 the next two-and-a-half weeks.

K233SCHVD5

1 THE COURT: What makes you busy the next
2 two-and-a-half weeks? What makes you busy?

3 JUROR: Valentine's.

4 THE COURT: How big is your shop?

5 JUROR: Very small. Just me and two guys.

6 THE COURT: You and two others? What are the office
7 hours?

8 JUROR: I'm sorry?

9 THE COURT: What are the office hours? What are the
10 business hours of the place?

11 JUROR: From 8 to 6.

12 THE COURT: 8 to 6. Are you there all time?

13 JUROR: Yeah, I am the owner. It's just me.

14 THE COURT: Well, the two employees that you have, can
15 they run the shop?

16 JUROR: No. They do the deliveries.

17 THE COURT: All right. I'll excuse you, Mr. Ramirez.

18 THE DEPUTY CLERK: Prospective Juror No. 5, Kevin
19 Thomsen.

20 Kevin Thomsen?

21 JUROR: He didn't answer downstairs.

22 THE COURT: Call an extra.

23 THE DEPUTY CLERK: Prospective Juror No. 5, Marina
24 Kurian.

25 THE COURT: Ms. Kurian, how are you?

K233SCHVD5

1 JUROR: Great, how are you?

2 THE COURT: Anything to say in response to the
3 questions I've put to the other jurors?

4 JUROR: I do. I have scheduled work travel. One is
5 at the --

6 THE COURT: Can you speak louder or turn the
7 microphone on.

8 JUROR: Can you hear me?

9 THE DEPUTY CLERK: It's dead. Just speak loudly.

10 JUROR: Okay. So, I have scheduled work travel this
11 Thursday through Sunday, and then also I have travel at the end
12 of the month from the 27th to the 1st of March.

13 THE COURT: Where are you traveling?

14 JUROR: This Thursday I am going to Michigan.

15 THE COURT: What time are you leaving on Thursday?

16 JUROR: Thursday the flight is at 3 o'clock.

17 THE COURT: In the afternoon?

18 JUROR: In the afternoon.

19 THE COURT: We're off on Friday.

20 JUROR: I'm not. I'm working Friday.

21 THE COURT: No, I mean but --

22 JUROR: I understand. But then I also have another
23 work travel at the end of the month. And in addition, I am a
24 solo practitioner for my practice. I'm a doctor. And I would
25 not be able to really do four weeks together.

K233SCHVD5

1 THE COURT: All right. I'll excuse you. Thank you.

2 THE DEPUTY CLERK: Prospective Juror No. 5, Sylvia
3 Wiesenberg.

4 JUROR: So, I can be here. The only thing is I need
5 to go for ACL surgery. I haven't scheduled it yet. I already
6 went to HSS. And then also I have my business that I run on my
7 own. So it would be hard, but I can if I have to.

8 THE COURT: Can you or can't you?

9 JUROR: I'll rather not to miss the business, because
10 it's the busiest time of the year actually for us.

11 THE COURT: You say you can do it? You can rearrange
12 your schedule?

13 JUROR: I can rearrange. It would be difficult
14 because then I have to stay up until like midnight or 1 a.m.
15 because of the hours you mentioned.

16 THE COURT: What is your business?

17 JUROR: I produce a beauty product.

18 THE COURT: You produce?

19 JUROR: A beauty product.

20 THE COURT: Beauty product. How many people work with
21 you?

22 JUROR: None. I deal with contract manufacturers, so
23 I run the business by myself.

24 THE COURT: Where do you work from, Manhattan?

25 JUROR: Yeah, I live in West Village and I work from

K233SCHVD5

1 home.

2 THE COURT: How much of a hardship would it be for you
3 to serve as a juror?

4 JUROR: I don't think it is a hardship. I think it is
5 an obligation as a citizen. But it's just hard to manage
6 business and your life.

7 THE COURT: If I ask you to serve, would you serve?

8 JUROR: I would serve.

9 THE COURT: I'll ask you to serve. Could you go
10 through the juror questionnaire and give us the background
11 information.

12 JUROR: So, Sylvia Wiesenbergl. I was born June 8,
13 1978 in Poland, Warsaw. I became a citizen in 2007. So, I
14 been living in the country now 17 years. I came here to work
15 for investment bank and then I quit my job. I actually studied
16 in U.S. at Notre Dame. I do live with two of my kids, my
17 daughter 13, my son, 15. My husband works in finance.

18 So I said I have education. I have bachelor of
19 business communication and bachelor of business. Sorry
20 bachelor of business communication, I also did business on
21 computer science. So I'm self-employed. I produce a bath
22 mask.

23 I do volunteer for organizations. I do have program
24 between elders and foster kids, so the children actually get
25 involved with elderlies and they share stories based on the

K233SCHVD5

1 theme that we run every four to six months.

2 I didn't serve in the military. I never worked for
3 government agency. I read magazines like New York Times, Wall
4 Street Journal, Financial Times. Any publication related to
5 beauty and economies. I don't, I use internet on a daily basis
6 for just everything. I don't have television at home so I
7 don't watch anything.

8 I did study my first year at university for
9 communication, I study HTML Java Script, but this was so many
10 years ago that probably everything's changed. I don't watch
11 those shows. I read books, right now I'm reading The
12 Fountainhead. And I don't know any of these people here. So,
13 yeah. And then, let me see if I know any of these people. No.
14 I don't know anyone.

15 THE COURT: Thank you very much. Mr. Jeffrey.

16 JUROR: Good afternoon.

17 THE COURT: Good afternoon. Anything to say in
18 response to the questions?

19 JUROR: No, sir.

20 THE COURT: Okay. Can you lead us through the jury
21 questionnaire.

22 JUROR: My name is David Alan Jeffrey, I was born on
23 April 10, 1983, in New Bedford, Massachusetts. I've lived in
24 Manhattan for the past almost seven years. I live with my
25 domestic partner of 14 years. He's a systems administrator for

K233SCHVD5

1 Century 21 department stores. No children. I have a BA in
2 theater from Marymount Manhattan College. I'm currently a
3 senior operations manager for a jewelry company, overseeing
4 their IT administration. I don't volunteer any time. My spare
5 time I travel and go to Disney World. Never served in the
6 military. The closest I came to working for a government
7 agency was an internship with the mayor's office when I was 19.

8 THE COURT: Who was the mayor then?

9 JUROR: Bloomberg.

10 I pretty much get headlines from The Times, but no
11 other news or magazines. Internet websites pretty much
12 anything theater related. Television, pretty much travel,
13 Hulu. Bones is the closest that I come to the NCIS genre. I
14 don't listen to the radio.

15 Computer information technology, like I said, that's
16 kind of the team that I oversee at my current job. Although I
17 don't know anything about coding. I typically read non-fiction
18 books. Particularly about either performing arts history or
19 New York City history. And I do not know anyone else here.

20 THE COURT: Thank you. Would you take a look at the
21 list of the names, please.

22 (Pause)

23 JUROR: The only thing I recognize is Pershing Square.

24 THE COURT: Okay. Final round of peremptories.

25 (Pause)

K233SCHVD5

1 THE COURT: The following jurors are excused with the
2 thanks of the Court: Mr. Jeffrey, and Mr. Laborde. You can go
3 back to the jury assembly room.

4 THE DEPUTY CLERK: Prospective Juror No. 6, Frank
5 Cooney.

6 Prospective Juror No. 8, Barbara Fonseca.

7 THE COURT: Mr. Cooney, how are you?

8 JUROR: Fine, thank you.

9 THE COURT: Do you have anything to say in response to
10 the questions I put to the other jurors?

11 JUROR: Yeah, I don't think I could be impartial.

12 THE COURT: Why is that?

13 JUROR: My dad was a defendant in a case here.

14 THE COURT: All right. I'll excuse you, Mr. Cooney.
15 Thank you very much.

16 JUROR: Thank you.

17 THE DEPUTY CLERK: Prospective Juror No. 6, Salvatore
18 Mazzurco.

19 JUROR: Hello, Judge.

20 THE COURT: Hello, how are you?

21 JUROR: Good. I do have a conflict. I'm
22 self-employed and I own a small business that does food
23 distribution. I can commit to two weeks, but I have arranged
24 everything towards the end of the month doing deliveries up and
25 down the East Coast. I do it myself.

K233SCHVD5

1 THE COURT: I'll excuse you, Mr. Mazzurco.

2 JUROR: Thank you.

3 THE DEPUTY CLERK: Prospective Juror No. 5, Karen
4 Gibbs.

5 THE COURT: It's 6.

6 THE DEPUTY CLERK: Prospective Juror No. 6.

7 THE COURT: Ms. Gibbs, you heard the questions I put
8 to the other jurors?

9 JUROR: Yes, your Honor.

10 THE COURT: Anything else you want to say?

11 JUROR: I do have travel plans.

12 THE COURT: Tell me about your travel plans.

13 JUROR: February 24 to the 29th.

14 THE COURT: Where are you going?

15 JUROR: Florida.

16 THE COURT: You have the tickets already?

17 JUROR: Yes, sir.

18 THE COURT: Going with your family?

19 JUROR: Yes.

20 THE COURT: I'll excuse you, Ms. Gibbs. Thank you
21 very much.

22 THE DEPUTY CLERK: Prospective Juror No. 6, Wilson
23 Feliciano.

24 JUROR: May I approach the bench, your Honor?

25 THE COURT: Yes.

K233SCHVD5

(Juror present at the sidebar)

JUROR: I'm with the Social Security. One of the jobs I have to do as a manager, is I have to do investigations on my employees from security from Regional. When they send me, if one of my employees looks like they were, I have to investigate my employee and then send them my reply. I trust security from Regional. And I trust the FBI. So I'm not a good fit for this case.

THE COURT: You would be prejudiced in favor of the government?

JUROR: Yes.

THE COURT: You are excused.

JUROR: Thank you so much.

(In open court)

THE COURT: Mr. Feliciano is excused.

THE DEPUTY CLERK: Prospective Juror No. 6, Maria Rivera.

THE COURT: How are you today, Ms. Rivera?

JUROR: I'm well. And you?

THE COURT: Okay. Good. Have you heard the question we put to the jurors?

JUROR: I have.

THE COURT: Anything you want to say?

JUROR: No.

THE COURT: Can you take that jury questionnaire

K233SCHVD5

1 please.

2 JUROR: My name is Maria Rivera, my birthday is
3 1/7/52. I was born in Puerto Rico. I now reside in the Bronx,
4 have lived there since I was two weeks old, so all my life. My
5 daughter and her two children live with me. I have three
6 children. They are 45, 41, and 39. One works at a car
7 dealership in the sales department. The other two are
8 stay-at-home moms.

9 I finished high school. I'm not working. I have
10 retired. I do not volunteer time to any associations. I have
11 been out with the kids and my mom. I don't really have a lot
12 of spare time, so the little bit that I do have I watch TV and
13 crochet.

14 I have not served in the military. I have never
15 worked for a government agency. I don't read any periodicals.
16 Internet websites that I visit are for shopping. Television, I
17 watch all of the police and hospital programs. I never had a
18 job that's related to computer information or technology. No,
19 I'm not a computer person. And no, I don't know anything about
20 computer codes. Yes, I watch NCIS, all of them, and Blue
21 Bloods and CSI. I don't really do a lot of reading. And no, I
22 know no one on this panel.

23 THE COURT: Can you tell me what your job was?

24 JUROR: I worked with Verizon. So after 30 years I
25 retired.

K233SCHVD5

1 THE COURT: What do you do with Verizon?

2 JUROR: Well I was an operator.

3 THE COURT: Telephone operator.

4 JUROR: Yes.

5 THE COURT: You started out with Nynex?

6 JUROR: Yes, we went through all that change. And
7 ended up with Verizon.

8 THE COURT: Would you take a look at the list of
9 names, Ms. Rivera.

10 JUROR: Sure.

11 (Pause)

12 JUROR: I don't know anyone on this list.

13 THE COURT: Do you recognize anybody?

14 JUROR: No, sir.

15 THE COURT: All right. Can I see the lawyers at the
16 sidebar, please.

17 (At the sidebar)

18 THE COURT: It's 4:30 now. What do you want to do?

19 MR. BRANDEN: I'd rather, if it were up to me, there's
20 still one prospective juror we haven't asked the basic
21 questions of. Number 8 I think, Ms. Fonseca. And then I would
22 say we stop at that point, come back and finish in the morning.
23 But I'm just one of many voices.

24 THE COURT: What do you think?

25 MR. LAROCHE: We defer to the Court, your Honor.

K233SCHVD5

1 We're happy to sit.

2 THE COURT: It's 4:30.

3 MS. SHROFF: We'd like to stop now, your Honor.

4 THE COURT: Do you want to stop now. So I'll finish
5 with Fonseca.

6 MR. LAROCHE: I think if we fill that last seat, we
7 have the 12, and then tomorrow we can just do the alternates.

8 THE COURT: Think overnight how many alternates we
9 need. We'll get eight qualified so you can have four. Do we
10 really need four alternates?

11 MR. BRANDEN: Maybe. I don't know.

12 MR. KAMARAJU: We'll think about it overnight.

13 MS. SHROFF: Your Honor, while we are at the sidebar
14 may I just ask for help with one thing. Mr. Schulte seems to
15 have not yet received his unclassified exhibits that the
16 government produced. I have a disc. I would really like to
17 give it to the client so he can take it back. Could you just
18 orally at the end order the MCC and the marshals to let him
19 take it? I can promise the government that it's done with our
20 office, there is nothing other than your exhibits on the disc.
21 He still hasn't gotten them.

22 MR. KAMARAJU: We don't have the problem if the
23 marshals don't have an issue.

24 THE COURT: So you'll tell me and I'll so order.

25 MS. SHROFF: Thank you.

K233SCHVD5

1 (In open court)

2 THE COURT: Ms. Fonseca, how are you?

3 JUROR: I'm well. How are you?

4 THE COURT: Do you have anything in response to the
5 questions?

6 JUROR: No. Only if I am picked, when do we start?

7 THE COURT: I hope to start tomorrow.

8 JUROR: I have high school interviews with my son on
9 Wednesday.

10 THE COURT: Well, we'll be sitting on Wednesday. We
11 start at 9 o'clock in the morning and go to about 3 o'clock in
12 the afternoon. That's my normal trial day.

13 JUROR: He's choosing high schools. That was
14 scheduled before I got my notice.

15 THE COURT: Right. This is for a high school
16 interview for your son?

17 JUROR: Yes.

18 THE COURT: Okay. I'll excuse you, Ms. Fonseca.

19 JUROR: Okay.

20 THE COURT: Good luck with the selection.

21 JUROR: Thank you.

22 THE DEPUTY CLERK: Prospective Juror No. 8, Jeffrey
23 Zimmermann.

24 THE COURT: Hello Mr. Zimmermann.

25 JUROR: Hi.

K233SCHVD5

1 THE COURT: Anything to say in response to the
2 questions?

3 JUROR: Well, I have followed the WikiLeaks on the
4 internet, and I'm familiar with the vault type of releases, not
5 the content, but that they occurred.

6 THE COURT: All right. Is there anything about your
7 familiarity that you, are you open to -- I'll just excuse you.
8 It will be simpler.

9 THE DEPUTY CLERK: Prospective Juror No. 8, Paul
10 Cassetti.

11 THE COURT: Do you have anything to say in response to
12 the questions I've put to the jurors?

13 JUROR: No.

14 THE COURT: Do you have any doubts you can be fair and
15 impartial?

16 JUROR: No.

17 THE COURT: Please take the jury questionnaire and
18 lead us through it, Mr. Cassetti.

19 JUROR: Paul Cassetti, June 10, 1956. Born in Des
20 Plaines, Illinois. County of residence is Rockland. I've
21 lived there for about 25 years. I live alone, but I have kids
22 every other weekend. Daughter is 13, and my son is 10. Plus I
23 have Wednesday nights during the week. I am divorced. No
24 other adults in the house. I told you about my kids, 13,
25 daughter's 13, son 10.

K233SCHVD5

1 Educational background, high school, college, licensed
2 CPA. No longer doing that. I'm currently working for
3 ShopRite.

4 THE COURT: What do you do for ShopRite?

5 JUROR: I slice meat in the deli. I was under too
6 much stress as an accountant, and decided my kids needed a
7 father, rather than an inheritance. So I gave that up.

8 Do I volunteer my time? Yes, I coach CYO basketball
9 and my son's baseball team, Little League baseball team. Not
10 much spare time with the kids, other than with my dog and the
11 kids that we do.

12 Never served in the military. Never worked for the
13 government. Magazines, newspapers, not much anymore. Whatever
14 pops up. Usually what I do is just read -- watch television,
15 Channel 7 news, and if anything there strikes my interest, I'll
16 research it more on the web. Other than that, through Google
17 or through MSN.

18 Radio programs, pretty much sports talk radio.
19 Television, mostly now just whatever I watch with my kids.
20 When I was an accountant I did have a good amount of computer
21 literacy, so when the computer went down and my tech support
22 guys weren't around, I could get them going myself. Do I watch
23 NCIS, CSI? No, but I'm a big Law & Order fan. I generally
24 books, novels, Clive Cussler, mostly, which is mystery. And
25 no, I don't know anybody else on the jury panel.

K23WschVD6

1 THE COURT: Take a look at the list of names, please.

2 JUROR: Nothing.

3 THE COURT: All right. This concludes the work for
4 the day. We have a jury of 12. We have to pick a few more
5 alternates, and we'll do that tomorrow morning.

6 Did you want to say something, Mr. Branden?

7 MR. BRANDEN: I was just asking --

8 THE COURT: Pardon me?

9 MR. BRANDEN: No, I do not, Judge. Thank you.

10 THE COURT: We're finished for the day. We'll resume
11 tomorrow morning at 9:00. We have to pick a couple of
12 alternate jurors. We'll do that, and then I'll instruct you on
13 the law, give you a preliminary view, and the lawyers will give
14 you their opening statements. This trial will start in earnest
15 tomorrow.

16 We'll start the day at 9:00. We have coffee and tea.
17 We'll be serving a light breakfast in the jury room. We'll be
18 meeting down in courtroom 14C, which is down on the 14th floor
19 in the courtroom that has my name on it, so just report to the
20 jury room there. We'll have coffee and tea for you.

21 The other jurors who are awaiting selection, you can
22 come at 9:00 in the morning, and we'll have another round of
23 selections. That will start at nine. Hopefully we can get
24 that finished in time for instructions and opening statements
25 so the trial can get started tomorrow.

K23WschVD6

1 The trial day for me starts at 9:00 in the morning and
2 goes until 3:00 in the afternoon. If there's no further
3 business, I'll let you go now.

4 JUROR: Your Honor?

5 THE COURT: Yes.

6 JUROR: In this room, we meet here?

7 THE COURT: 14C, on the 14th floor in the courtroom
8 marked C.

9 Ladies and gentlemen, let me just caution you one
10 thing. Don't do any research on the case. Don't look it up on
11 Google or do any searches on it. I'll give you further
12 instructions on this tomorrow, but in the meantime, don't do
13 any work on the case.

14 Thank you very much.

15 Ms. Shroff, do you have something?

16 MS. SHROFF: I have a juror still in the courtroom,
17 your Honor.

18 (Jurors not present)

19 THE COURT: Ms. Shroff.

20 MS. SHROFF: Your Honor, I just wanted to thank the
21 Court for allowing me to give Mr. Schulte a disk that has the
22 government's production of the unclassified exhibits. I think
23 we dropped off the productions as they would come in, but there
24 seemed to be substantial delays between MCC getting them and
25 Mr. Schulte getting them, so I appreciate the Court letting me

K23WschVD6

1 do that.

2 THE COURT: Are you satisfied now Mr. Schulte has what
3 he's looking for?

4 MS. SHROFF: Yes. I spoke to the marshal, and the
5 marshal said as long as the Court says it's OK, it's OK with
6 them.

7 THE COURT: OK. It's OK, marshal.

8 MS. SHROFF: Thank you.

9 THE COURT: Anything else?

10 MS. SHROFF: No.

11 THE COURT: I wish what you'd do is go through
12 tonight. According to the jury selection chart, we went
13 through 88 potential jurors to get 12. That's about seven a
14 seat. We have jurors numbered 89 to 117, so we have 20 more
15 jurors. That will get us two alternates. I was thinking four
16 alternates, but do we really need four?

17 MR. LAROCHE: I think we'll be fine with two, your
18 Honor.

19 MS. SHROFF: We leave it up to the Court, your Honor.

20 THE COURT: Two, Mr. Laroche?

21 MR. LAROCHE: Yes, your Honor.

22 THE COURT: So we'll put four in the box tomorrow and
23 have at it.

24 MR. LAROCHE: Yes, your Honor.

25 THE COURT: How long do you think your opening will

K23WschVD6

1 be?

2 MR. DENTON: About 15, 20 minutes, your Honor. No
3 more than that.

4 THE COURT: Ms. Shroff.

5 MS. SHROFF: Five, seven, somewhere in there.

6 THE COURT: Nice and short.

7 MS. SHROFF: I try to keep it short, your Honor.

8 THE COURT: OK. Good for you.

9 All right. 9:00 in 14C. We'll pick the alternate
10 jurors and then we'll get started.

11 Thank you very much.

12 (Adjourned to February 4, 2020, at 9:00 a.m.)