

O5M1GUOVD1

1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2 -----x
3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 118 (AT)

5 MILES GUO,

6 Defendant.

Voir Dire

7 -----x

New York, N.Y.
May 22, 2024
10:45 a.m.

8 Before:

9
10 HON. ANALISA TORRES,

District Judge

11
12 APPEARANCES

13 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

14 BY: MICAH F. FERGENSON

15 RYAN B. FINKEL

JUSTIN HORTON

16 JULIANA N. MURRAY

Assistant United States Attorneys

17 SABRINA P. SHROFF

Attorney for Defendant

18 PRYOR CASHMAN LLP

Attorneys for Defendant

19 BY: SIDHARDHA KAMARAJU

20 MATTHEW BARKAN

21 ALSTON & BIRD LLP

Attorneys for Defendant

22 BY: E. SCOTT SCHIRICK

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1 ALSO PRESENT:
Isabel Loftus, Paralegal Specialist, USAO
2 Michael Gartland, Paralegal Specialist, USAO
Geoffrey Mearns, Paralegal Specialist, USAO
3 Robert Stout, Special Agent, FBI
Ruben Montilla, Defense Paralegal
4 Tuo Huang, Interpreter (Mandarin)
Shi Feng, Interpreter (Mandarin)
5 Victor Chang, Interpreter (Mandarin)

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1 (Jury venire sworn)

2 THE LAW CLERK: During the course of jury selection,
3 you will only be referred to by your juror number. At no point
4 will your name be used. And so right now, I will be calling
5 you one by one so that one of the judge's law clerks can
6 confirm your identity and show you to your proper seat for jury
7 selection.

8 Juror 1, please come forward.

9 Those who are in 1-10, please get up and get ready to
10 be called so that way we can move quickly.

11 Juror 2, please come forward.

12 Juror 3, please come forward.

13 Juror 4, please come forward.

14 Juror 5, please come forward.

15 Jurors 11-20, get ready.

16 Juror 6, please come forward.

17 Juror 7, please come forward.

18 Juror 8, please come forward.

19 Juror 9, please come forward.

20 Juror 10, please come forward.

21 Juror 11, please come forward.

22 Juror 12, please come forward.

23 Juror 13, please come forward.

24 Juror 14, please come forward.

25 Jurors 21-30, please get ready, and if you can, please

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1 assemble yourselves in order in the back.

2 Juror 15, please come forward.

3 Juror 16, please come forward.

4 Juror 17, please come forward.

5 Juror 18, please come forward.

6 Jurors who are in the front row there, please stand in
7 the back. Everyone in the—thank you.

8 Juror 19, please come forward.

9 Juror 20, please come forward.

10 Juror 21, please come forward.

11 Juror 22, please come forward.

12 Juror 23, please come forward.

13 Juror 24, please come forward.

14 Juror 25, please come forward.

15 Jurors 31-40, please go to the back and organize
16 yourselves in order.

17 Juror 26, please come forward.

18 Juror 27, please come forward.

19 Juror 28, please come forward.

20 Juror 29, please come forward.

21 Juror 30, please come forward.

22 Juror 31, please come forward.

23 Juror 32, please come forward.

24 Juror 33, please come forward.

25 Juror 34, please come forward.

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1 Juror 35, please come forward.
2 Jurors 41-50, please organize yourselves in the back.
3 Juror 35, please come forward.
4 Juror 36, please come forward.
5 Juror 37, please come forward.
6 Juror 38, please come forward.
7 Juror 39, please come forward.
8 Juror 40, please come forward.
9 Juror 41, please come forward.
10 Juror 42, please come forward.
11 Juror 43, please come forward.
12 Juror 44, please come forward.
13 Juror 45, please come forward.
14 Jurors 51-60, please organize yourselves in the back
15 of the room.
16 Juror 46, please come forward.
17 Juror 47, please come forward.
18 Juror 48, please come forward.
19 Juror 49, please come forward.
20 Juror 50, please come forward.
21 Juror 51, please come forward.
22 Juror 52, please come forward.
23 Juror 53, please come forward.
24 Juror 54, please come forward.
25 Juror 55, please come forward.

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1 Juror 56, please come forward.
2 Juror 57, please come forward.
3 Juror 58, please come forward.
4 Will jurors 61-70 organize themselves in the back of
5 the room.
6 Juror 59, please come forward.
7 Juror 60, please come forward.
8 Juror 61, please come forward.
9 Juror 62, please come forward.
10 Juror 63, please come forward.
11 Juror 64, please come forward.
12 Juror 65, please come forward.
13 Will jurors 71-85—or 71-80 please organize yourselves
14 in the back of the room.
15 Juror 65, please come forward.
16 Juror 66, please come forward.
17 Juror 67, please come forward.
18 Juror 68, please come forward.
19 Juror 69, please come forward.
20 Juror 70, please come forward.
21 Juror 71, please come forward.
22 Juror 72, please come forward.
23 Juror 73, please come forward.
24 Juror 74, please come forward.
25 Juror 75, please come forward.

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1 Juror 76, please come forward.
2 Juror 77, please come forward.
3 Juror 78, please come forward.
4 Juror 79, please come forward.
5 Juror 80, please come forward.
6 Juror 81, please come forward.
7 Juror 82, please come forward.
8 Juror 83, please come forward.
9 Juror 84, please come forward.
10 Juror 85, please come forward.
11 Juror 86, please come forward.
12 Juror 87, please come forward.
13 Juror 88, please come forward.
14 Juror 89, please come forward.
15 Juror 90, please come forward.
16 Juror 91, please come forward.
17 Juror 92, please come forward.
18 Juror 93, please come forward.
19 Juror 94, please come forward.
20 Juror 95, please come forward.
21 Juror 95 should be in the row to my right.
22 Juror 96, please come forward.
23 Juror 97, please come forward.
24 Juror 98, please come forward.
25 Juror 99, please come forward.

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1 Juror 100, please come forward.

2 Would the Court like me to double-check, confirming
3 everyone is in their proper seat?

4 THE COURT: No. I think that your colleagues have
5 done a fantastic job of that.

6 THE LAW CLERK: Thank you, your Honor.

7 THE COURT: Good morning.

8 THE JURORS: Good morning.

9 THE COURT: My name is Analisa Torres. I am the judge
10 who will be handling this case. We're here this morning to
11 select a jury in a criminal case. The case is called *United*
12 *States v. Miles Guo*. Through this process, we will choose the
13 12 jurors and six alternates who will hear and decide the case.

14 The trial is expected to last about seven weeks, but
15 it is impossible to predict the exact length of the trial with
16 certainty.

17 Today, you'll be required to be here until 5 p.m. We
18 will be taking a lunch break. If we do not finish selecting a
19 jury today, you'll be required to be here tomorrow from 9 a.m.
20 sharp to 5 p.m.

21 After jury selection, our schedule will be as follows.
22 Please listen carefully. When jury selection is completed, our
23 schedule will be as follows: You'll be required to be in the
24 courtroom from 9:30 until 2:45 p.m., with a break from 11:30 to
25 12 p.m.

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1 This jury selection process is intended to make sure
2 that we have a jury of citizens who will decide the issues in
3 this case fairly and impartially, and without any bias or
4 prejudice in favor of or against either side. In order to do
5 that, I'm going to ask certain questions about your personal
6 background, your family, some of your beliefs and attitudes
7 about certain matters, how you are employed, and so forth. You
8 should understand that my questioning is not intended to pry
9 into your lives, but to make sure that we select fair and
10 impartial jurors—that is, jurors who will be free from
11 preconceived notions or prejudice that might prevent them from
12 returning a fair and just verdict, based solely on the evidence
13 or the lack of evidence.

14 If for any reason you're not able to serve as a fair
15 and impartial juror, it is your duty to tell me.

16 In responding to my questions, it is important that
17 you not say in open court anything about the parties in this
18 case or about any other matter that might tend to impair the
19 open-mindedness and fairness of the other jurors. If a
20 question calls for a yes answer, simply answer yes or no. If
21 there are further matters that you believe should be disclosed
22 but that might tend to influence the other jurors, you may ask
23 to approach the bench to discuss them.

24 If you're selected to serve, you'll be provided light
25 refreshments in the morning and a light snack during the lunch

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1 break each day.

2 As I said, this is a criminal case. The defendant,
3 Miles Guo, has been charged with committing 12 federal crimes,
4 in a document called an indictment. The indictment itself is
5 not evidence. It simply contains the charges that the
6 government is required to prove to the satisfaction of the jury
7 beyond a reasonable doubt. I will instruct the jury on what
8 this burden of proof means after the evidence is presented.

9 The defendant has denied the charges and has pleaded
10 not guilty. I have no knowledge of the facts, and nothing that
11 I say is evidence. I will, however, briefly discuss the
12 charges so that you'll understand the reason for certain
13 questions that will be put to you and so that we can determine
14 whether there is anything about the charges that would make it
15 impossible for you to serve as a fair and impartial juror. Of
16 course, those of you selected to sit on this jury will receive
17 a detailed explanation of the charges at the conclusion of the
18 case.

19 Before I start asking questions, I will explain why
20 each of you has been assigned a number and will be called by
21 your number only. This case will be tried before a partially
22 anonymous jury. That means that neither your names nor the
23 names of the jurors who ultimately are selected will be made
24 public. I, court administrators, the defendant, defense
25 counsel, the prosecution, and my law clerks will know your

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1 names, but this information will not be shared with the public.
2 Jurors who are ultimately selected can share their names with
3 each other, but in open court no juror will ever be referenced
4 by their name. This case has attracted media attention, and
5 that is likely to continue. The purpose of using a partially
6 anonymous jury is to protect all of you from any unwanted
7 attention and invasion of your privacy, and to ensure that
8 nothing transpires that might interfere with your impartial and
9 objective study of the evidence and the application of the law.

10 I'm now going to tell you briefly about the charges in
11 this case. The indictment consists of 12 charges, or counts.
12 The government alleges that the defendant operated four
13 fraudulent investment schemes as part of a criminal enterprise.
14 The term "criminal enterprise" is also referred to as a
15 racketeering or RICO enterprise.

16 Count One charges the defendant with conspiracy to
17 operate a criminal enterprise.

18 Counts Two, Three, and Four charge the defendant with
19 conspiracy to commit wire fraud, bank fraud, securities fraud,
20 and money laundering offenses.

21 Counts Five and Six charge the defendant with
22 securities fraud and wire fraud, in connection with a private
23 stock offering for a media company known as GTV.

24 Counts Seven and Eight charge the defendant with wire
25 fraud and securities fraud in connection with loans made to a

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1 group known as the Himalaya Farm Alliance.

2 Counts Nine and Ten charge the defendant with wire
3 fraud and securities fraud in connection with a lifestyle
4 membership company known as G Clubs.

5 Count Eleven charges the defendant with wire fraud in
6 connection with the Himalaya Exchange, which some have
7 described as a cryptocurrency ecosystem.

8 Finally, Count Twelve charges the defendant with
9 making a \$100 million wire transfer using money derived from a
10 crime.

11 The defendant has pleaded not guilty and is presumed
12 innocent of these charges unless and until he is proven guilty
13 beyond a reasonable doubt under rules that I will describe as
14 we proceed. I have briefly discussed the charges, not for the
15 purpose of giving you any instructions but only so that you
16 will have them in mind as we go through jury selection.

17 I am now going to ask some questions to the entire
18 group. If you prefer not to give your answer in public, just
19 let me know, and the lawyers and I will hear you at the bench.

20 If you have a yes answer to any of the questions,
21 please raise your hand high so that I and my law clerks can see
22 you. Then I will either discuss your yes answer with you in
23 open court or ask you to come over to the sidebar and speak
24 with me and the attorneys in private. It is important that
25 each of you not discuss amongst yourselves any questions that I

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1 ask.

2 After we have reviewed a number of general questions
3 together as a group, then I will ask each of you about your
4 individual backgrounds.

5 During the questioning, you might be excused from
6 serving as a juror in this case. If you happen to be one of
7 those excused, do not consider that as any reflection on you
8 personally. This is all part of our system of justice, which
9 is intended to provide a fair and impartial jury for both
10 sides. You will have done your duty by your presence and your
11 readiness to serve if chosen.

12 Do any of you have a problem with your hearing or
13 vision that would prevent you serving as a juror?

14 Are any of you taking any medications or do you have
15 any health-related problems that would prevent you from serving
16 as a juror?

17 All right, then. If you'll step up, please.

18 (At the sidebar; juror present)

19 THE COURT: Hi, sir. What is your number?

20 JUROR: 25.

21 THE COURT: And if you'll tell me your name, please.

22 JUROR: XXXXXXXXXXXX.

23 THE COURT: And what is the issue?

24 JUROR: I get nervous, and there's no way I can do
25 this.

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1 THE COURT: You feel that you could not serve as
2 because of this health issue?

3 JUROR: No. I have a doctor's note here.

4 THE COURT: Okay. Let me take a look at that.

5 The letter is from Allied Healthcare Physicians, PLLC,
6 signed by Effie Shilhan, underneath it says DNP-FNP, and in
7 parentheses, BC. I don't know what those letters stand for.
8 Do you?

9 JUROR: I don't know, no.

10 THE COURT: Okay. The letter is dated May 21st. It
11 says:

12 "To Whom It May Concern: XXXXXXXXXXXX has been under the
13 care of our office. He has a documented history of anxiety.
14 Additionally, he has a history of panic attacks for which he
15 has required medical treatment. Being chosen as a juror may
16 exacerbate his underlying anxiety and cause significant
17 distress. If you have any further questions or concerns,
18 please contact our office."

19 All right, sir. You may go back to your seat. I'm
20 going to give you this letter.

21 (Juror not present)

22 THE COURT: Is there any objection to my excusing
23 No. 25?

24 MR. FINKEL: Not from the government.

25 MR. KAMARAJU: Not from us.

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1 THE COURT: All right. Then he is excused.

2 (Next juror present)

3 THE COURT: Hello, ma'am. What is your number?

4 JUROR: 37.

5 THE COURT: Could you tell me your name, please.

6 JUROR: XXXXXXXXXXXX.

7 THE COURT: What is the problem?

8 JUROR: I feel like I'm—I have anxiety, started
9 having social anxiety when I was in high school. And I'm not
10 seeing a doctor right now 'cause I don't have health insurance,
11 and I'm just afraid that with the media attention, I feel
12 really paranoid and really—I'm sorry.

13 THE COURT: All right. So you feel that this is not
14 the right moment for you to serve as a juror because of your
15 health issues; is that right?

16 JUROR: Yes. I'm sorry.

17 THE COURT: All right. Thank you. You can step back.

18 JUROR: Okay.

19 (Juror not present)

20 THE COURT: Is there any objection to my excusing
21 No. 37?

22 MR. FINKEL: Not from the government.

23 MR. KAMARAJU: Not from the defense, your Honor.

24 THE COURT: Okay.

25 (Next juror present)

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1 THE COURT: Hello there. What is your number?

2 JUROR: 36.

3 THE COURT: And what is your name?

4 JUROR: XXXXXXXXXXXX.

5 THE COURT: And what is the problem?

6 JUROR: I'm a substitute teacher in Yonkers. So the
7 students hit me in the back two weeks ago. So I'm in treatment
8 right now, with medicine, and there are times I can't drive, so
9 I don't know if I can—if I have half an hour or an hour to—

10 THE COURT: So you're telling me that the medication
11 is too sedating in order for you to serve as a juror; is that
12 correct?

13 JUROR: That's correct.

14 THE COURT: All right, then. You can step back.

15 JUROR: Thank you.

16 (Juror not present)

17 THE COURT: Is there any objection to my excusing
18 Juror No. 36?

19 MR. KAMARAJU: Not from the defense.

20 MR. FINKEL: Nor the government.

21 THE COURT: All righty.

22 (Next juror present)

23 THE COURT: Hello. What is your number?

24 JUROR: 50.

25 THE COURT: And what is your name, please?

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1 JUROR: XXXXXXXXXXXX.

2 THE COURT: I'm sorry. I did not hear you.

3 JUROR: XXXXXXXXXXXX.

4 THE COURT: What is the problem?

5 JUROR: So I have a herniated disc on the right side,
6 sciatica, so I'm constantly in immense pain, so it's a
7 challenge for me to sit or even stand for any period of time.
8 So it would be challenging for me to sit for—

9 THE COURT: So you feel that the pain would distract
10 you from the trial?

11 JUROR: So whenever I'm in pain, it's hard for me to
12 focus because not only do I experience pain, I have tingling,
13 numbness, weakness in my right side. Right now I'm in physical
14 therapy, I'm on pain medication, but even with the pain
15 medication, it's challenging for me. So that's why I say—

16 THE COURT: Thank you for letting me know. You may
17 step back.

18 (Juror not present)

19 THE COURT: Any objection to my excusing No. 50?

20 MR. KAMARAJU: Not from the defense.

21 MR. FINKEL: Nor the government.

22 THE COURT: Okay.

23 (Next juror present)

24 THE COURT: Hello. What is your number?

25 JUROR: 91.

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1 THE COURT: Okay. If you can just step back just a
2 little bit so everybody can hear you.

3 And what is your name?

4 JUROR: XXXXXXXXXXXX.

5 THE COURT: And what is the problem?

6 JUROR: Yes, I have rheumatism, arthritis, so there
7 are days where I can't get up out of bed or move at all. Also,
8 I have blood pressure where I have to take the medicine every
9 day, and I'm constantly going to the bathroom about every five
10 or ten minutes or so. So I didn't take anything today 'cause I
11 knew I was coming down here, so sometimes I get lightheaded and
12 stuff like that, so—

13 THE COURT: So you feel that the conditions will
14 distract you from your service as a juror; is that correct?

15 JUROR: Yes.

16 THE COURT: All righty. You may step back.

17 JUROR: All right. Thank you.

18 (Juror not present)

19 THE COURT: Was that 90?

20 MR. KAMARAJU: 91.

21 MS. SHROFF: 91.

22 THE COURT: Any objection to my excusing 91?

23 MR. KAMARAJU: Not from the defense, your Honor.

24 MR. FINKEL: Nor the government.

25 (Next juror present)

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1 JUROR: Hi. I'm sorry. I'm breastfeeding and—

2 THE COURT: One moment, please. What is your number?

3 JUROR: 92.

4 THE COURT: And what is your name?

5 JUROR: XXXXXXXXXXXX. I lost my voice.

6 THE COURT: And you're saying that you're now
7 breastfeeding and this is not the moment for you to sit in a
8 jury box; is that correct?

9 JUROR: Yes.

10 THE COURT: You would need breaks in order to—

11 JUROR: Yes.

12 THE COURT: —pump.

13 JUROR: Correct.

14 THE COURT: Okay. All righty. You may step back.

15 JUROR: Okay. Thank you.

16 (Juror not present)

17 THE COURT: Is there any objection to my excusing her?

18 MR. KAMARAJU: Not from the defense, your Honor.

19 MR. FINKEL: Nor the government.

20 THE COURT: All right. No. 92 is excused.

21 (Next juror present)

22 THE COURT: Hi there. If you would tell me your
23 number.

24 JUROR: 97.

25 THE COURT: And your name.

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1 JUROR: XXXXXXXXXXXX.

2 THE COURT: And what is the problem?

3 JUROR: So my daughter is having surgery tomorrow, and
4 so I didn't know when I—I should have excused myself from jury
5 duty, but I—I thought it was like state court, where you go in
6 three days and then you're done, so I—but I can't be here
7 tomorrow, or next week.

8 THE COURT: Or next week.

9 JUROR: Yes.

10 THE COURT: You want to take care of your daughter; is
11 that it?

12 JUROR: Yes.

13 THE COURT: All righty then. You may step back.

14 JUROR: Okay.

15 (Juror not present)

16 THE COURT: Any objection to my excusing No. 97?

17 MR. KAMARAJU: Not from the defense, your Honor.

18 MR. FINKEL: No, your Honor.

19 (Next juror present)

20 THE COURT: Hello. What is your number, please?

21 JUROR: 34.

22 THE COURT: And your name please?

23 JUROR: XXXXXXXXXXXX.

24 THE COURT: And what is the problem?

25 JUROR: I have four herniated discs, I have an

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1 Achilles operation, my knee operation, I can't—my—my body
2 just can't sit here and just, you know, I can't—

3 THE COURT: So you feel that these health problems
4 would—

5 JUROR: Yes.

6 THE COURT: —prevent you from serving as a juror; is
7 that it?

8 JUROR: Yes, mm-hmm.

9 THE COURT: All right. You may step back.

10 (Juror not present)

11 THE COURT: Is there any objection to my excusing
12 No. 44?

13 MR. KAMARAJU: We do not object, your Honor.

14 MR. FINKEL: No, your Honor.

15 (Next juror present)

16 THE COURT: Hello. What is your number?

17 JUROR: 93.

18 THE COURT: And what is your name?

19 JUROR: XXXXXXXXXXXX.

20 THE COURT: And what is your full name?

21 JUROR: XXXXXXXXXXXX.

22 THE COURT: And what is the problem?

23 JUROR: I'm diabetic, so I—I take medication, but it
24 sometimes makes me nervous, and I cannot sit for a long period
25 of time with an empty stomach.

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1 THE COURT: So are you saying that the nervousness
2 would make you feel very uncomfortable serving as a juror?

3 JUROR: Not all the time but sometimes, yeah, it make
4 me like not—I have to take a rest.

5 THE COURT: Yeah. And you're saying that you need to
6 take breaks in order to eat; is that it?

7 JUROR: Yes, sometimes, yes.

8 THE COURT: Okay. You may step back.

9 (Juror not present)

10 THE COURT: Is there any objection to my excusing
11 No. 93?

12 MR. KAMARAJU: Not from the defense, your Honor.

13 MR. FINKEL: No, your Honor.

14 (Continued on next page)

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1 (At sidebar)

2 (Juror present)

3 THE COURT: Hi. What is your number?

4 JUROR: 52.

5 THE COURT: And your name?

6 JUROR: [REDACTED].

7 THE COURT: And what is the problem?

8 JUROR: The only scenario I want to disclose, I'm
9 currently wearing a heart monitor for palpitations, irregular
10 heartbeat. I'm supposed to be wearing this for the next two
11 weeks, and then consulting with my physician after that. I
12 only mention that since it may be seven weeks, I don't know if
13 I'm going to be seen prior to.

14 THE COURT: So you're wearing some sort of device
15 right now?

16 JUROR: Correct. Heart monitor.

17 THE COURT: And then is it that you have to go back to
18 the doctor in order to get the results from --

19 JUROR: Correct.

20 And then from there, decide the course of action,
21 whatever that may be.

22 THE COURT: Well, did they discuss with you what that
23 might be?

24 JUROR: Not yet. Not until we know what the results
25 are.

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1 THE COURT: In other words, did they mention it's
2 likely you may have to take medication or you have to have
3 surgery?

4 JUROR: Medication possibly. They mentioned
5 medication possibly.

6 THE COURT: But they didn't talk about surgery.

7 JUROR: Not surgery, not that I'm aware of at this
8 point in time, no.

9 THE COURT: So do you feel that wearing the monitor is
10 going to prevent you from serving as a juror?

11 JUROR: No. Just the seven weeks, in case they need
12 to do any course of actions prior to.

13 THE COURT: Well, you've just said that they've only
14 discussed medication.

15 JUROR: Correct.

16 THE COURT: And many of us take medication on a daily
17 basis.

18 JUROR: Right.

19 THE COURT: Did they tell you that the medication was
20 going to somehow impair your --

21 JUROR: No.

22 THE COURT: -- cognition?

23 JUROR: No. Not at this point, no, not that I'm aware
24 of any of that. I just figured I'll disclose it so you're
25 aware of it.

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1 THE COURT: All right then. You may step back.

2 (Juror not present)

3 THE COURT: I don't think that he should be dismissed
4 for cause.

5 MR. FINKEL: Government agrees.

6 MR. KAMARAJU: We agree, your Honor.

7 THE COURT: Okay.

8 (Juror present)

9 THE COURT: Sir, what is your number?

10 JUROR: 87.

11 THE COURT: 87. And what is your name?

12 JUROR: [REDACTED].

13 THE COURT: And what is the problem, Mr. Tejada?

14 JUROR: I have a prostate problem. I'm going to be
15 interrupting you probably every few minutes. So I have an
16 appointment for today at 3:30 that I lose because I have to
17 come here. But I just want to let you know. It's in your
18 consideration, if you wanted me to stay, I don't know.

19 THE COURT: Are you saying that you have to use the
20 bathroom frequently?

21 JUROR: Frequently.

22 THE COURT: Like how frequently?

23 JUROR: Like, I don't know, probably every 10 to 15
24 minutes, something like that, you know.

25 THE COURT: Okay.

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1 JUROR: So I have a surgery already in my prostate, so
2 I cannot contain. You know, like sometimes I have to -- you
3 know, but I just want to let you know. Up to you.

4 THE COURT: All right, then, sir. You may step back.

5 JUROR: Thank you.

6 (Juror not present)

7 THE COURT: Is there any objection with my excusing
8 him from service?

9 MR. KAMARAJU: No.

10 MS. MURRAY: 87. Not from the government, your Honor.

11 THE COURT: All righty.

12 (Juror present)

13 THE COURT: Hello. What is your number?

14 JUROR: 30.

15 THE COURT: And your name?

16 JUROR: [REDACTED].

17 THE COURT: And what is the problem?

18 JUROR: My doctor has me in physical therapy twice a
19 week for complications after multiple orthopedic surgeries. So
20 seven weeks of not having that for pain management would mean
21 medications and I'd rather not be on medication.

22 THE COURT: Are you saying that in order to serve as a
23 juror you would have to forgo the medication?

24 JUROR: No, I'm not on medication. Physical therapy.

25 THE COURT: It's only physical therapy that you're

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1 receiving, but you need to receive it several times a week, is
2 that it?

3 JUROR: Twice a week.

4 THE COURT: Okay.

5 JUROR: So like missing a week or two is one thing,
6 but seven weeks would be just -- for pain management I'd have
7 to go on some medications.

8 THE COURT: Are you saying that would be the
9 alternative, medication would be the alternative?

10 JUROR: I would have to go on multiple medications to
11 manage the symptoms.

12 THE COURT: And would that interfere with your ability
13 to serve as a juror?

14 JUROR: I would probably be out of it with the pain
15 management ones because the last time I was on them, I wasn't
16 fully there.

17 THE COURT: All righty. You may step back.

18 (Juror not present)

19 THE COURT: Any objection to my excusing number 30?

20 MR. KAMARAJU: Not from the defense, your Honor.

21 MR. FINKEL: Defer to the Court, your Honor.

22 THE COURT: Okay.

23 (Juror present)

24 THE COURT: Hello.

25 JUROR: How are you?

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1 THE COURT: Fine. And you?

2 JUROR: Good.

3 THE COURT: What is your number?

4 JUROR: 35.

5 THE COURT: And your name?

6 JUROR: [REDACTED].

7 THE COURT: Okay, then. And what is the problem?

8 JUROR: Twofold. I'm supposed to start therapy on my

9 right knee right after Memorial Day. And then I have cataract

10 surgery planned for mid June.

11 THE COURT: Okay. Well, good luck with all of that.

12 Would you tell me your number one more time.

13 JUROR: Sure. 35.

14 THE COURT: Okay. All righty. So you may step back.

15 JUROR: Thank you, Judge.

16 (Juror not present)

17 THE COURT: Is there any objection to my excusing

18 number 35?

19 MR. FINKEL: No, your Honor.

20 MR. KAMARAJU: Not from us, your Honor.

21 (Juror present)

22 THE COURT: Hi there. Your number?

23 JUROR: 83.

24 THE COURT: And what is your name?

25 JUROR: [REDACTED]; F, as in Frank.

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1 THE COURT: And what is the problem?

2 JUROR: I have Parkinson's disease. And I didn't find
3 an excuse for it, because I think I can serve; it just seemed
4 that I need to take medication every three or four hours, and I
5 thought you should know.

6 THE COURT: So would the medication interfere with
7 your ability to focus and stay alert?

8 JUROR: No.

9 THE COURT: So it's just a question of your having a
10 break to take the medication?

11 JUROR: Yes, and possibly some abnormal movement at
12 times. I'm well-medicated. I'm not a severe case. I thought
13 about would I get sleepy, I don't think so. So I'm not baiting
14 to be excused. It would be your decision.

15 THE COURT: All right. Thank you. You may step back.

16 (Juror not present)

17 THE COURT: So I see no reason to excuse number 83.

18 MR. FINKEL: We agree.

19 MR. KAMARAJU: We agree, your Honor.

20 (Juror present)

21 THE COURT: Hello, what is your number?

22 JUROR: 59.

23 THE COURT: And what is your name?

24 JUROR: [REDACTED].

25 THE COURT: And what is the problem?

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1 JUROR: I just suffer from anxiety. Going to a
2 therapist once a month and I take medication twice a day. So
3 just the thought of -- I don't know. I just get anxious, so --

4 THE COURT: So are you saying that serving as a juror
5 is going to make your condition worse?

6 JUROR: Correct. Correct.

7 I also traveled extensively for my job; so two months
8 is like -- I can't even imagine that. It would just impact me
9 financially.

10 THE COURT: So it would be a financial hardship?

11 JUROR: Absolutely.

12 THE COURT: All righty, sir. You may step back.

13 JUROR: Thank you.

14 (Juror not present)

15 THE COURT: Any objection to my excusing number 59?

16 MS. SHROFF: No, your Honor.

17 MR. FINKEL: We defer, your Honor.

18 MR. KAMARAJU: No, your Honor.

19 THE COURT: All right. Go ahead.

20 Is that it? All right. We'll go back.

21 (In open court)

22 THE COURT: Do any of you have any trouble
23 understanding or reading English?

24 All righty. If you would come up please.

25 Counsel.

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1 (At sidebar)

2 (Juror present)

3 THE COURT: Hello. What is your number?

4 JUROR: 20.

5 THE COURT: 20. And what is your name?

6 JUROR: [REDACTED].

7 THE COURT: And what is the problem?

8 JUROR: I can speak, but I don't understand everything
9 and writing. So I don't want to be a judgment in something
10 that I don't understand everything.

11 THE COURT: Have you understood everything that I've
12 been saying?

13 JUROR: Yeah. Not everything, but I get it.

14 THE COURT: You're saying you've understood most of
15 what I said.

16 JUROR: Yeah. I can defend myself speaking, not
17 writing or understanding. I want to be honest.

18 THE COURT: Thank you.

19 JUROR: You know?

20 THE COURT: You can step back.

21 JUROR: Thank you.

22 (Juror not present)

23 THE COURT: Any objection to my excusing number 20?

24 MS. SHROFF: No, your Honor.

25 MR. FINKEL: No, your Honor.

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1 THE COURT: Okay.

2 (In open court)

3 THE COURT: If a witness testifies in another language
4 that you know, and an interpreter translates the testimony,
5 would any of you not be able to rely exclusively on the
6 interpreter's translation of the testimony?

7 Step up, please.

8 (At sidebar)

9 (Juror present)

10 THE COURT: Would you come closer.

11 JUROR: Yes, your Honor.

12 THE COURT: And what is your number?

13 JUROR: 19.

14 THE COURT: And do you speak another language?

15 JUROR: I speak a few, yeah.

16 THE COURT: And what languages are those?

17 JUROR: Russian, Dutch, German, Afrikaans and Hebrew.

18 THE COURT: All righty. So my question was whether if
19 someone is a witness and speaking one of these languages that
20 you know, other than English, and an interpreter is
21 interpreting, could you rely exclusively on the interpretation
22 given by the interpreter?

23 JUROR: I probably could, but I'm not likely to do
24 that. Because especially when it comes to technical terms that
25 I understand, perhaps that have not been interpreted correctly,

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1 I think I'll attribute certain importance to my understanding
2 of the direct testimony that I heard.

3 THE COURT: So you're saying you would favor your own
4 understanding.

5 JUROR: Absolutely. I'm not going to disregard it.
6 But to the extent it's not interpreted in a way that makes
7 sense in my understanding, I'll just attribute -- I'll just
8 interpret it in context, irrespective of the technical
9 interpretation, especially when it comes to securities fraud.

10 THE COURT: So suppose I told you that you must accept
11 the interpretation offered by the interpreter. Would you be
12 able to follow that instruction?

13 JUROR: 100 percent.

14 THE COURT: So you would be able to put aside your
15 understanding of the language?

16 JUROR: Yes.

17 THE COURT: Do you speak Mandarin?

18 JUROR: I do not.

19 THE COURT: Okay. If you would step back, please.

20 (Juror not present)

21 THE COURT: So I think he was rehabilitated.

22 Is there any objection that is remaining?

23 MR. FINKEL: No, your Honor.

24 MS. SHROFF: Not from us.

25 THE COURT: All right then.

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1 (Juror present)

2 THE COURT: Hello, sir. What is your number?

3 JUROR: 80.

4 THE COURT: Number 80?

5 JUROR: Yes.

6 THE COURT: Okay. One moment, please.

7 And if you would tell me your name.

8 JUROR: [REDACTED].

9 THE COURT: Do you speak another language?

10 JUROR: I'm Italian.

11 THE COURT: And do you know any language in addition

12 to Italian?

13 JUROR: Italian, English, and a little bit of Spanish.

14 THE COURT: So if a person testifies at the trial

15 through an interpreter, would you be able to follow the

16 interpreter's translation exclusively?

17 JUROR: There are a lot of euphemisms in Italian that

18 can't really be translated; so it would be difficult for me to

19 disregard my knowledge of the language and culture when

20 someone -- things like that.

21 THE COURT: So if I told you that I don't expect any

22 Italian-speaking witnesses --

23 JUROR: Then it should be fine.

24 THE COURT: And if there are no -- let's talk about

25 Spanish. Do you feel the same way about Spanish as you do

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1 about Italian?

2 JUROR: I'm definitely less knowledgeable, but I do
3 know certain phrases that are not really translatable, and it's
4 more about cultural significance to them.

5 THE COURT: So if someone were to testify in Spanish --
6 and let's say that you didn't agree with the translation
7 offered by the interpreter -- would you be able to follow --

8 JUROR: It would be difficult, but I could try.

9 THE COURT: Okay.

10 Are there any other languages that you know?

11 JUROR: That's it.

12 THE COURT: Do you know Mandarin?

13 JUROR: No.

14 THE COURT: All right. You may step back.

15 (Juror not present)

16 THE COURT: Is there any objection to his remaining?

17 MR. FINKEL: Your Honor, as long as he can follow the
18 Court's instructions to listen to the interpreter and not the
19 witnesses, there's no objection from the government.

20 THE COURT: We're not expecting any Italians or
21 Spanish-speaking people?

22 MS. MURRAY: We do have Italian and Spanish-speaking
23 witnesses, but they are expected to testify in English.
24 There's just a standby interpreter, particularly for the
25 Spanish-speaking witnesses, in case they need help with

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1 technical terms.

2 THE COURT: So is there any objection to his
3 remaining?

4 MR. FINKEL: No.

5 MS. SHROFF: Your Honor, could we just have one
6 second?

7 THE COURT: Yes.

8 (Counsel conferred)

9 MS. SHROFF: Thank you, your Honor.
10 We have no objection.

11 THE COURT: Any other languages that you expect?

12 MR. KAMARAJU: Not from us, your Honor.

13 THE COURT: His number was?

14 MS. SHROFF: 80.

15 THE COURT: Okay. So he'll remain. Very good.
16 Oh, we have one other?

17 THE LAW CLERK: Two more.

18 THE COURT: Two others?

19 (Juror present)

20 THE COURT: Sir, what is your number?

21 JUROR: 95.

22 THE COURT: And I had asked -- and your name, by the
23 way.

24 JUROR: [REDACTED].

25 THE COURT: And I had asked whether anybody knows

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1 another language; and if they do and a witness testifies
2 through an interpreter, if they could follow the interpreter's
3 translation exclusively.

4 JUROR: If the defendant or whoever is speaking
5 different language, in my specific case would be Korean, then I
6 would be understanding that language as well, whatever is
7 speaking. Then I will be naturally considering that as I
8 understand the language.

9 THE COURT: Other than Korean, is there any other
10 language that you know?

11 JUROR: No, I don't.

12 THE COURT: Obviously English.

13 JUROR: Yes, English, of course.

14 THE COURT: Assuming that it's not Korean, you would
15 be able to follow my instruction that you must rely on the
16 interpreter's translation; is that correct?

17 JUROR: Yes, that's right.

18 THE COURT: All righty. Thank you.

19 You may step back.

20 (Juror not present)

21 THE COURT: No Korean language speakers, right?

22 MR. KAMARAJU: Not that we're aware of.

23 THE COURT: No reason to excuse him.

24 THE LAW CLERK: We have one more after this.

25 THE COURT: After this one. Two?

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1 (Juror present)

2 THE COURT: Hi there. What is your number?

3 JUROR: 56.

4 THE COURT: And what is your name?

5 JUROR: [REDACTED].

6 THE COURT: And I had asked whether if someone
7 testifies in another language other than English, and if you
8 happen to know that language, would you be able to rely
9 exclusively on the translation that is offered by the
10 interpreter?

11 JUROR: I'm trying to understand the question, that's
12 why I stood in line.

13 So somebody talks in language that I understand, but
14 there's a translator, will I be able to rely on the translator
15 or on the person who testifies in the language that I know?

16 THE COURT: So if I instruct you that you must rely on
17 the interpreter, despite the fact that you know the language --

18 JUROR: I see.

19 THE COURT: -- would you be able to do that?

20 JUROR: Yes.

21 THE COURT: Okay.

22 And what languages other than English do you know?

23 JUROR: Russian.

24 THE COURT: Okay. So you don't know Spanish?

25 JUROR: No.

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1 THE COURT: Not Italian?

2 JUROR: No.

3 THE COURT: Not Mandarin?

4 JUROR: No.

5 THE COURT: All right. You may step back.

6 (Juror not present)

7 THE COURT: I see no reason to excuse her.

8 MR. FINKEL: The government agrees.

9 THE COURT: Okay.

10 (Juror present)

11 THE COURT: Hello there. What number are you?

12 Okay. 53. And what is your name.

13 JUROR: [REDACTED].

14 THE COURT: And your last name?

15 JUROR: [REDACTED].

16 THE COURT: Do you know any languages other than

17 English?

18 JUROR: Yes. Czech, Slovak, Polish, Russian, German

19 little bit, little bit Spanish.

20 THE COURT: So if someone testifies in Spanish through

21 an interpreter, would you be able to rely on the translation

22 offered by the interpreter instead of your own knowledge of

23 Spanish?

24 JUROR: My main concern is I work with interpreters

25 and I'm really concerned that using the interpreters, I know

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1 how the nuances are often lost. And when I use the interpreter
2 and someone else uses -- asking similar questions, the nuances
3 are sometimes different. And the answers of the person that
4 you're talking with might be different. And I use the
5 interpreter on a daily basis; so I kind of have the experience
6 that asking questions with the interpreter, somebody else ask
7 similar questions and get different answers. Because sometimes
8 the nuances are lost.

9 THE COURT: So are you saying that you do not have
10 faith?

11 JUROR: Well, for basics, yes; but for details, no.

12 THE COURT: And so if you were a juror and the
13 interpreter was interpreting in a language that you do not
14 know, then would you --

15 JUROR: Well, that's -- I don't know, because I would
16 not be able to totally rely on that. Because I know that
17 sometimes things could be missed with this.

18 THE COURT: Okay.

19 And you are number 53; is that correct?

20 JUROR: 53.

21 THE COURT: All right. You may step back.

22 JUROR: Thank you.

23 (Juror not present)

24 THE COURT: Any objection to my excusing her?

25 MR. FINKEL: No, your Honor.

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1 MS. SHROFF: No, your Honor. Thank you.

2 THE LAW CLERK: That's it, Judge.

3 THE COURT: That's it?

4 Okay. Let's go back.

5 (In open court)

6 THE COURT: The trial in this case is estimated to
7 last about seven weeks; that is, approximately until July 12th
8 of this year. We will not be in session on federal holidays,
9 nor will court be in session on the following days:

10 Monday, May 27th; Wednesday, June 19th; Friday, June
11 28th; Monday, July 1st; Thursday, July 4th; and Friday, July
12 5th. I'm just going to repeat those dates. We will not be in
13 session on Monday, May 27th; Wednesday, June 19th; Friday, June
14 28th; Monday, July 1st; Thursday, July 4th; and Friday, July
15 5th.

16 Keeping in mind your civic duty to serve as a juror,
17 is there anything about the length of the trial that would make
18 it an extreme hardship for you to serve as a juror?

19 (At sidebar)

20 (Juror present)

21 THE COURT: Sir, what is your number?

22 JUROR: Number one.

23 THE COURT: And your name?

24 JUROR: [REDACTED].

25 THE COURT: What's the problem?

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1 JUROR: I have a small business, and this would cause
2 me a great deal of harm. I was explaining to the person up
3 front when I came in that I was -- you know, even for a short
4 trial, it would be detrimental to me.

5 THE COURT: You're saying it would be a financial
6 hardship?

7 JUROR: I mean, in every way: To my business, to
8 financial. Yeah, I'm all but a one man band. I have just one
9 other person working with me and I'm over my head.

10 THE COURT: All right then. You may step back.

11 (Juror not present)

12 THE COURT: Is there any objection to my excusing him?

13 MS. SHROFF: No, your Honor.

14 MR. FINKEL: No, your Honor.

15 (Juror present)

16 THE COURT: Hi there. What is your number?

17 JUROR: Seven.

18 THE COURT: And what is your name?

19 JUROR: [REDACTED].

20 THE COURT: And what is the problem?

21 JUROR: I'm an HR director for the Department of
22 Education. So right now -- we just had the budget. And right
23 now we're staffing. And I have to make sure that there's
24 summer school and staffing for September.

25 So a lot of my directors are calling me. I should

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1 have been in a meeting today. I wasn't aware that I couldn't
2 bring my computer, because I didn't know. So I thought I was
3 going to be able to do some work here. Apparently, I cannot
4 use my computer.

5 THE COURT: What would happen, God forbid, if you were
6 hit by a truck today?

7 JUROR: Right. They would have somebody there to
8 cover for me, you're right.

9 THE COURT: So there are other people who can perform
10 your work?

11 JUROR: Yeah. But, like, seven weeks is a long time.
12 And we just -- I just -- we just hired a new HRD who I was
13 training; and she's the one that I was training for this role.
14 She's new. I'm in district one and two, she's in district two.
15 She just got there. And I was supporting her. And now I'm not
16 there. So I told her to, like, you know, make sure she can
17 take some of my calls. And when I get back to the office, I'm
18 going to, you know, address some of the issues.

19 THE COURT: Is she the person who would fill in if you
20 were completely unavailable?

21 JUROR: Yeah. She just started. Yes, she's my cover
22 right now. She's covering for me right now that I'm here.

23 THE COURT: Did you hire her?

24 JUROR: We hired her, yes, the committee.

25 THE COURT: So everyone thought she was very

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1 competent; is that right?

2 JUROR: Yes, that's correct.

3 THE COURT: Okay. So it could be that she could
4 perform the job maybe with some difficulty?

5 JUROR: Yeah.

6 THE COURT: All right. You can step back.

7 JUROR: Thank you.

8 (Juror not present)

9 THE COURT: I don't see any reason to excuse No. 7.

10 MR. FINKEL: Government agrees.

11 MS. SHROFF: Your Honor, I think that -- I honestly --
12 she's not going to be -- it's going to come back is that she
13 clearly says this is the school period where the time slot is
14 the most necessary for her presence. And I just think that
15 given her -- given what she said, eventually we're going to
16 have the same problem with her. Because unfortunately, it's
17 the break, it's the school break these months, these weeks. So
18 our position would be we should excuse her for cause, but
19 that's our position.

20 THE COURT: Okay. So I disagree. She said that she
21 has someone who is new, but who would take over if she were
22 completely unavailable. So I'm not going to excuse No. 7.

23 (Juror present)

24 THE COURT: Hello, sir. Would you tell me your
25 number.

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1 JUROR: No. 6.

2 THE COURT: And what is your name?

3 JUROR: [REDACTED].

4 THE COURT: And what is the problem?

5 JUROR: Seven weeks is a long time. I have a
6 single-income household and I work a lot of overtime to keep up
7 with the bills. I also have my son's graduation, vacation
8 plans. And the boys also play baseball, so a lot of
9 tournaments.

10 THE COURT: So will you be paid if you serve as a
11 juror? Is your salary going to continue?

12 JUROR: Oh, yes, I'd be paid. But also I'm not
13 working the overtime. That's always available to me.

14 THE COURT: So what portion of your income would you
15 be losing?

16 JUROR: At least 30 percent.

17 THE COURT: And would that be a financial hardship for
18 you and your family?

19 JUROR: Yes.

20 THE COURT: All right. You can step back.

21 (Juror not present)

22 THE COURT: Is there any objection to my excusing No.
23 6?

24 MR. KAMARAJU: Not from the defense.

25 MR. FINKEL: We defer to your Honor's judgment.

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1 THE COURT: All righty. No. 6 is excused.

2 (Juror present)

3 THE COURT: Hello. What is your number?

4 JUROR: Nine.

5 THE COURT: And what is your name?

6 JUROR: [REDACTED].

7 THE COURT: What is the problem?

8 JUROR: Well, I have an eight-year-old, and my husband
9 and I watch him. We work hybrid schedules, and we're going to
10 have a problem with daycare and he's going to need to take off.
11 And he might lose his job because we don't have someone to
12 watch our son.

13 THE COURT: So you know that we're meeting only
14 between 9:30 and 2:45?

15 JUROR: I understand that.

16 THE COURT: Isn't that generally the time when your
17 son would be in school or at camp?

18 JUROR: So I live in northern Westchester. It would
19 take me an hour and a half to get there. There are days when
20 he has off that are not holidays. The school is just closed.
21 And he's heading into camp. And the camp hours are different.
22 They end at 4. And I don't know if we'll be there to pick him
23 up or if it's going to be challenging.

24 THE COURT: So you feel that the schedule -- your
25 son's schedule will not permit you to be here between 9:30 and

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1 2:45, is that it?

2 JUROR: That's correct.

3 THE COURT: All righty. You may step back.

4 JUROR: Thank you.

5 (Juror not present)

6 THE COURT: Is there any objection to my excusing her?

7 MS. SHROFF: No, your Honor.

8 MR. FINKEL: Your Honor, no.

9 I just note that obviously everyone is going to have a
10 problem sitting on the jury for a trial this long. And I defer
11 to your Honor's judgment about the amount of hardship with this
12 particular juror. And more generally, that's the government's
13 concern.

14 THE COURT: Well, I'm asking you if you're objecting.

15 MR. FINKEL: Not objecting.

16 THE COURT: You're not objecting.

17 What was that number again?

18 MS. SHROFF: Nine.

19 THE COURT: All right. No. 9 is excused. Let's go.

20 (Juror present)

21 THE COURT: Hi there. What is your number?

22 JUROR: 13.

23 THE COURT: And your name?

24 JUROR: [REDACTED].

25 THE COURT: And what is the problem?

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1 JUROR: I have -- I'm a maid of honor at a wedding out
2 of town on June 27th. So if it can go until June 27th, that's
3 great, just after July --

4 THE COURT: So when would you have to leave then?

5 JUROR: The 27th.

6 THE COURT: You'd have to leave on the 27th. And when
7 would you be returning?

8 JUROR: July 9th.

9 THE COURT: So that period between the 27th and the
10 9th --

11 JUROR: It's on the west coast.

12 THE COURT: -- you must be away.

13 JUROR: Yeah.

14 THE COURT: All right, then. You may step back.

15 (Juror not present)

16 MS. SHROFF: I think we should keep her; I need the
17 break.

18 THE COURT: I think that won't work, so I'm going to
19 excuse No. 13. No objection; correct?

20 MR. KAMARAJU: Not from us.

21 MR. FINKEL: Correct.

22 (Juror present)

23 THE COURT: Hi. Your number?

24 JUROR: 12.

25 THE COURT: And what's the problem?

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1 JUROR: So I'm head of investor relations. I don't
2 know the company -- if I can -- head of investor relations for
3 the Middleby Corporation. And I have four investor events that
4 are coming up that require me to be at, because we already had
5 the meetings arranged to meet with investors, the hotels have
6 been booked, and so that's within the next month.

7 THE COURT: So when are those meetings?

8 JUROR: I have one next Thursday, I have one June 6th,
9 and the other one is -- I think is right -- no, June 10th, and
10 there's one a week before that, so I think it's like June 3rd
11 or so.

12 THE COURT: So what would happen if you were hit by a
13 truck?

14 JUROR: Well, I mean, the meetings would be canceled.
15 But my fear is that if this doesn't happen, I mean, I could
16 lose my job, honestly.

17 THE COURT: So are you saying that there's no one at
18 your investment firm that could --

19 JUROR: It's not an investment firm, it's a company.
20 So I'm head of investor relations; so I'm meeting with
21 investors at these conferences.

22 THE COURT: So you're looking for them to make some
23 sort of equity contribution, is that it?

24 JUROR: Not necessarily, but maybe buy the stock.

25 THE COURT: Buy the stock, okay.

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1 JUROR: Right.

2 THE COURT: And so if you could not be there to
3 cultivate those relationships, who would go in your stead?

4 JUROR: CFO maybe.

5 THE COURT: The CFO could go.

6 JUROR: Maybe.

7 THE COURT: All right. Okay.

8 All righty. You may step back, sir.

9 (Juror not present)

10 THE COURT: So I don't see any reason to excuse him.

11 MR. FINKEL: Government agrees.

12 MS. SHROFF: Your Honor, the first answer he gave was
13 if you couldn't go, what would happen, he said, I would have to
14 cancel the meeting.

15 THE COURT: Right. But then he just said the CFO can
16 step in.

17 MS. SHROFF: I understand that he said maybe the CFO
18 could step in. And then he said it would be an immense
19 financial hardship.

20 THE COURT: I didn't hear the financial hardship
21 piece.

22 MR. SCHIRICK: I thought he said, your Honor, he would
23 lose his job.

24 MS. SHROFF: He said he would lose his job. I'm
25 sorry.

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1 THE COURT: Let's bring him back.

2 What number was he, by the way?

3 MR. FINKEL: 12.

4 THE LAW CLERK: 12.

5 (Juror present)

6 THE COURT: Sir, you said that you might lose your
7 job. Why is that?

8 JUROR: I feel that because that -- I feel if I don't
9 go to these events because I'm the one that arranged them, I
10 have the meetings already arranged, maybe someone could step in
11 for me, but I would get a sense that -- that they would feel --
12 that almost like a letdown in a way somewhat.

13 THE COURT: So you're saying -- are these the
14 higher-ups, people that are senior?

15 JUROR: Yeah. The CEO, CFO, yeah. It would be
16 because it would put them in a bind as well.

17 THE COURT: And those meetings can't be rescheduled?

18 JUROR: No, no. Because the event is set and the
19 meetings are set. And so they are not -- it's an event that we
20 don't arrange, that's arranged by a bank or banks. And these
21 meetings are already set, so there's no way to move them.

22 THE COURT: Okay. You can step back.

23 (Juror not present)

24 THE COURT: Well, it sounds like he has less control
25 over the process than I originally thought.

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1 MR. FINKEL: Your Honor, appears to work for a company
2 large enough to have a C-suite, including a chief financial
3 officer and chief executive officer. The trial, as the Court
4 noted, will end every day at 2:45.

5 Everyone is going to be putting their jobs to the side
6 and fulfilling their civic duty and sitting on a jury in this
7 case. They would be able to help and communicate with the
8 people that he works with in the investment firm after a trial
9 day. I don't believe that what he has said is reason to excuse
10 him for cause at this time.

11 MS. SHROFF: Your Honor, he specifically said the
12 meetings are out of town. He said his flight is booked and his
13 hotels are booked. It's not one meeting, it's several
14 meetings. Meetings don't occur after 3:45 on a workday;
15 meetings occur during the day.

16 He specifically said he didn't arrange these meetings.
17 These are conferences that were set up by banks and other
18 people. And he's the person who has liaised with the people
19 that are planning to be there for him.

20 So I do not think this is an issue of civic duty of
21 putting things aside; this is a person who has detailed why
22 he's asking to be excused. I think that there is a genuine
23 concern on his part that he's letting down the people that
24 hired him. And for those reasons, we should not treat him any
25 differently than any other people who have asked to -- I wasn't

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1 finished.

2 THE COURT: I'm sorry. Go ahead.

3 MS. SHROFF: No, no, I was -- I mean, he said he's --
4 he detailed -- we didn't even ask him where he's supposed to
5 travel to. So he has travel and hotels booked for himself.
6 And he's the one who's the person who liaised with the client.

7 THE COURT: So he did say that the CFO would step in.
8 I'm not going to excuse him.

9 Anybody else?

10 (Juror present)

11 THE COURT: Juror number please?

12 JUROR: 18.

13 THE COURT: And what is the issue?

14 I'm sorry, your name again.

15 JUROR: [REDACTED].

16 MR. FINKEL: Sorry, 18? Thank you.

17 JUROR: So I have travel plans. I am taking my
18 grandmother home to Denmark on the 28th of June.

19 THE COURT: That's wonderful.

20 Okay. All righty. Enjoy your grandmother.

21 JUROR: Thank you.

22 (Juror not present)

23 THE COURT: All right. We'll excuse No. 18.

24 (Juror present)

25 THE COURT: Hello, your number, please?

O5MVGUOVD2

1 JUROR: 17.

2 THE COURT: And your name please?

3 JUROR: [REDACTED].

4 THE COURT: And what's the problem?

5 JUROR: Tomorrow I have a major job interview that
6 I've been working towards for over a year with my company that
7 I work for. I also have a funeral for my grandpa in June, and
8 I'll be traveling for around two weeks.

9 THE COURT: So is this a memorial service?

10 JUROR: Yes.

11 THE COURT: And so when is that? What day is that?

12 JUROR: It's from around June 15th to the end of June.

13 THE COURT: All right. But there's one service, isn't
14 there?

15 JUROR: Yeah, but it's in Sweden, so I have to travel
16 to Sweden.

17 THE COURT: I see. All righty.

18 If you'll step back.

19 (Juror not present)

20 MR. KAMARAJU: Consecutive jurors who travel to
21 Sweden?

22 THE COURT: Denmark. It's a Norwegian day, I guess.

23 MR. KAMARAJU: Are we going to have Norwegian speakers
24 at the trial?

25 MR. FINKEL: I don't think so.

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1 THE COURT: What number is he again?

2 MS. SHROFF: 17.

3 THE COURT: He's excused.

4 (Juror present)

5 THE COURT: Hi. What is your number?

6 JUROR: 25.

7 THE COURT: Okay. Go ahead.

8 JUROR: I own my own business with one other employee.

9 So being away for seven weeks would be quite a bit for me to be
10 away from because it's only me and her. I also have prepaid
11 travel plans already starting June 14th.

12 THE COURT: Okay.

13 JUROR: And my dad is also 82, and I have to take care
14 of him as well.

15 THE COURT: All right. You can step back.

16 (Juror not present)

17 THE COURT: He's already excused.

18 (Juror present)

19 THE COURT: If you would just tell me your number,
20 please.

21 JUROR: Sorry. No. 26.

22 THE COURT: Your name, please.

23 JUROR: My name is [REDACTED].

24 So I was just recently diagnosed with skin cancer. So
25 I had an operation about nine days ago. I didn't think it was

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1 going to be a big deal, but there's no way I can sit through
2 seven weeks. I have to go back and forth. So it's -- sitting
3 through seven weeks, I have follow-up appointments. I mean,
4 it's skin cancer. They think they got most of it, but there's
5 just no way I can sit through seven weeks with a skin cancer
6 diagnosis.

7 THE COURT: So is it that you need to go to the
8 doctors' appointments?

9 JUROR: Yeah, I have doctors' appointments,
10 follow-ups.

11 THE COURT: Okay. So if you had these appointments in
12 the afternoon, after we finish --

13 JUROR: Psychologically, I mean, I was just
14 recently -- this is something that came out of nowhere. So a
15 week ago Monday I went and I had skin cancer, carcinoma. They
16 removed a big gash here in my leg. So I'm still dealing with
17 that. To be coming down here for seven weeks on top of
18 everything else, I just don't think I can handle that.

19 THE COURT: Are you saying that you would be
20 distracted by your medical condition?

21 JUROR: I would be distracted by my medical condition,
22 yes. I'm still trying to get over it, but --

23 THE COURT: All right, sir. I hope you feel better.
24 You may step back.

25 JUROR: Thank you.

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1 (Juror not present)

2 THE COURT: All righty. Number?

3 MS. SHROFF: 26.

4 THE COURT: All right. He is excused, I assume
5 without objection.

6 MR. KAMARAJU: None from us, your Honor.

7 MR. FINKEL: Yes.

8 THE COURT: Okay. Sorry about that.

9 (Juror present)

10 THE COURT: Hello. What is your number?

11 JUROR: 24.

12 THE COURT: And what is the problem?

13 JUROR: I'm currently on a project that I'm overseeing
14 that I need to bring to completion during this time for my job.
15 I don't control the schedule of this project.

16 In addition, I've been working on the project for over
17 a year. If I don't see the project to completion, I don't get
18 paid at all because I have a deferred salary.

19 THE COURT: And what is your name?

20 JUROR: [REDACTED].

21 THE COURT: What is the nature of the project?

22 JUROR: It's a film production.

23 THE COURT: And there's a deadline?

24 JUROR: Yes.

25 THE COURT: And what's that deadline?

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1 JUROR: Well, I need -- we have to picture lock the
2 film by July 4th; quickly then I move into the sound mix for
3 the following two weeks. So between now and July 4th, I need
4 to be involved on a daily basis on this project. I need to be
5 present in screenings; I need to be present for the entire
6 sound mix. It's not a possibility for me to change this.

7 THE COURT: What is your title?

8 JUROR: I am producer.

9 THE COURT: And is this a feature film?

10 JUROR: Yes.

11 THE COURT: So if you got hit by a car, what would
12 happen?

13 JUROR: They would replace me. I wouldn't get paid.
14 I would be dead. They would replace me.

15 THE COURT: So you're saying that if you're not
16 present, it would be a financial hardship.

17 JUROR: Yes. I'd lose over \$100,000 in deferred
18 salary from this film if I don't -- if I do not bring the film
19 to completion.

20 THE COURT: Your number again?

21 JUROR: 24.

22 THE COURT: Okay. You may step back.

23 (Juror not present)

24 THE COURT: No objection to his being excused?

25 MR. KAMARAJU: No.

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1 MR. FINKEL: No, your Honor.

2 THE LAW CLERK: Judge, 22 so far.

3 THE COURT: Oh, okay. We're good.

4 MR. KAMARAJU: Always an optimist, your Honor.

5 THE COURT: That is right. That is right.

6 (Juror present)

7 THE COURT: Hello. Your number, please.

8 JUROR: 38.

9 THE COURT: And your name?

10 JUROR: [REDACTED].

11 THE COURT: What's the last name?

12 JUROR: [REDACTED].

13 THE COURT: And what's the problem?

14 JUROR: So I'm graduating within the next two weeks.

15 So I really would rather not miss my graduation. And after
16 that, my parents will work full-time, and I'm one of the
17 caretakers for my ten-year old sister. And I need to be there
18 to, like, pick her up from school and make sure that she's fed
19 and such.

20 THE COURT: And so what degree are you going to get?

21 JUROR: A bachelor's.

22 THE COURT: Bachelor's. And when is the graduation?

23 JUROR: It's next week. And the ceremony is after to
24 celebrate awards and such.

25 THE COURT: And are you saying that you care for your

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1 sister 100 percent, there's no other person that they can rely
2 on?

3 JUROR: There are other -- I have another family
4 member who can, but it's -- she's still -- she's young, she's
5 not -- she's still younger, she's 19 years old. And I don't
6 want that burden to be entirely on her.

7 THE COURT: So what is the date of the graduation?

8 JUROR: May 28th.

9 THE COURT: May 28th.

10 And then you say there's something else that you have
11 to go to?

12 JUROR: That is optional. I can probably work around
13 that. But mostly it's just making sure I make it to that, and
14 then just taking care of my sister.

15 THE COURT: So if you are able to go to the graduation
16 on May 28th, then your commitments to the school would be
17 satisfied; is that correct?

18 JUROR: Yes.

19 THE COURT: And then you say that there's someone else
20 who can take care of your sister, although it's not preferable,
21 is that what you're telling me?

22 JUROR: Yes.

23 THE COURT: All right, then. You may step back.

24 JUROR: Thank you.

25 (Juror not present)

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1 THE COURT: All right. Are we off on the 28th?

2 MS. MURRAY: No, that's next Tuesday.

3 MS. SHROFF: I made the same mistake. I was all
4 excited.

5 THE COURT: All right. So what do you want to do?

6 MS. SHROFF: You know, let her go to her awards
7 ceremony. We're in good shape with numbers.

8 MR. FINKEL: Graduation is important.

9 THE COURT: All right, then. 38, was it?

10 All right. No. 38 is excused.

11 (Juror present)

12 THE COURT: Hello. What is your number?

13 JUROR: 37.

14 THE COURT: Okay.

15 JUROR: So basically, like, I'm door-knocking for a
16 political candidate. And the primary is on the 25th. And
17 whether she wins or loses, I might be out of a job.

18 And on top of that, if it's, like, eight to ten weeks
19 for pay and the trial is seven weeks, I'm not going to have any
20 money coming in. And I won't be able to pay my credit card or
21 pay for my cat's health, like the cat insurance.

22 THE COURT: So you're saying this would be a financial
23 hardship for you?

24 JUROR: A really bad one.

25 THE COURT: All right.

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1 JUROR: There's one more thing I need to raise.

2 THE COURT: Go ahead.

3 JUROR: I don't want to sound mean or anything, but
4 when I heard that the defendant does like crypto stuff, I'm
5 kind of like really opposed to any crypto stuff at all. I kind
6 of think they are nontrustworthy. They run scams. I would be
7 really biased. I don't think I can move past it at all. I've
8 heard a lot about things that happen with these, I'm sorry.

9 THE COURT: No, that's all right.

10 All right. I appreciate your candor.

11 You can step back.

12 JUROR: Thank you.

13 (Juror not present)

14 THE COURT: We've already excused her.

15 MR. KAMARAJU: We don't have an objection.

16 MR. FINKEL: To excusing her again? Neither do we.

17 (Juror present)

18 THE COURT: Hi. What is your number? 39?

19 JUROR: Yeah.

20 THE COURT: Okay. What is your name?

21 JUROR: My name is [REDACTED].

22 THE COURT: And what's the problem?

23 JUROR: I have a ten-year old who I am solely
24 responsible for getting to and from school every day. My
25 spouse works overnights till 8 a.m., and sleeps during the day.

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1 Once school ends, I'm it. I'm his summer camp until August,
2 when his actual summer camp starts. We don't have family in
3 the area. A lot of people have family help; we don't have
4 that. I live in northern Westchester. It took me two hours to
5 get here. I'm all my kid has until August. Also, we have a
6 family vacation planned the week of 4th of July on top of all
7 that.

8 THE COURT: All righty.

9 JUROR: So that's it.

10 THE COURT: Thank you for letting me know.

11 JUROR: And I'm a nervous wreck now not having my cell
12 phone. I'm his emergency contact as well.

13 THE COURT: All right. I understand.

14 You may step back.

15 JUROR: Thank you.

16 (Juror not present)

17 THE COURT: No. 39, is there any objection to my
18 excusing No. 39?

19 MR. FINKEL: No, your Honor.

20 MR. KAMARAJU: Not from us, your Honor.

21 (Juror present)

22 THE COURT: Hi there. What is your number?

23 JUROR: 41.

24 THE COURT: What is the problem?

25 JUROR: Well, I have an immediate scheduling issue.

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1 I'm scheduled to fly out of New York to San Francisco for a
2 conference on Tuesday afternoon. And I'm not planning to
3 return from California until June 8th.

4 THE COURT: And what is your name?

5 JUROR: My name [REDACTED].

6 THE COURT: And why do you need to go to the
7 conference?

8 JUROR: It's a caregiver conference and it's part of
9 my -- I'm the CEO of a small company, and I was invited to
10 attend the conference.

11 THE COURT: So is it something that you're required to
12 do?

13 JUROR: I'm not required, but it would require a lot
14 of moving around to change it.

15 I also have a ticket -- confirmed ticket, which is
16 nonrefundable, to leave the country on June 21st and not
17 returning until July 1st.

18 THE COURT: And where are you going?

19 JUROR: To Ireland.

20 THE COURT: Okay.

21 JUROR: And then just the last thing is that I run a
22 small company. I'm CEO. We have six employees. And so, you
23 know, I can be gone for a little bit, but to be out without any
24 communication during the day, during working hours for that
25 long would definitely be problematic.

O5MVGUOVD2

1 THE COURT: Okay. You may step back.

2 JUROR: Thank you.

3 (Juror not present)

4 THE COURT: Any objection to my excusing her?

5 MR. KAMARAJU: Not from us, your Honor.

6 MR. FINKEL: No, your Honor.

7 THE COURT: Was that 41?

8 MS. SHROFF: Yes.

9 THE COURT: All right, then.

10 (Juror present)

11 THE COURT: Hi there.

12 If you'll tell me your number, please.

13 JUROR: Yes.

14 THE COURT: 23. And your name?

15 JUROR: [REDACTED].

16 THE COURT: What is the problem?

17 JUROR: My father is in Hospice, he's 97. I'm his

18 only child and primary caretaker for him. I came because I

19 thought I would probably have to serve for two weeks, but seven

20 weeks would not be possible. If something happens, I'm the

21 only one.

22 THE COURT: I'm sorry to hear about your dad.

23 All righty. Don't worry, you may step back.

24 (Juror not present)

25 THE COURT: She was?

O5MVGUOVD2

1 MS. SHROFF: 23.

2 THE COURT: Okay. So she is excused without
3 objection; correct?

4 MR. FINKEL: Yes, your Honor.

5 MR. KAMARAJU: Yes, your Honor.

6 (Juror present)

7 THE COURT: Hello. If you'll tell me your number,
8 please.

9 JUROR: 21.

10 THE COURT: And your name.

11 JUROR: [REDACTED].

12 THE COURT: And what is the problem?

13 JUROR: I'm going to be away next Thursday and Friday.
14 And I work in a hospital in their IT department, so it would be
15 hard for me to take off that much time.

16 THE COURT: And so what hospital do you work at?

17 JUROR: Montefiore.

18 THE COURT: So that's a big, big hospital with many,
19 many, many employees. And I imagine that you're not the only
20 IT person there; am I correct?

21 JUROR: No. No. I mean yes, sorry, you're correct.

22 THE COURT: Okay. So they would be able to find
23 somebody to fill in for you; is that correct?

24 JUROR: Yeah. I guess so.

25 THE COURT: And this going away that you talk about,

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1 is that something that is obligatory?

2 JUROR: I mean, yeah. I have my flights booked. It's
3 for a bachelorette party.

4 THE COURT: Your flights are booked?

5 JUROR: Yeah.

6 THE COURT: Okay. All righty. You may step back.

7 (Juror not present)

8 THE COURT: Any objection to my excusing her?

9 MR. KAMARAJU: No, your Honor. We're not going to
10 ruin her bachelorette party.

11 THE COURT: All right. So she was 21. Okay.

12 (Juror present)

13 JUROR: Hello again, your Honor.

14 THE COURT: Hi there. Your number again?

15 JUROR: 19.

16 THE COURT: And what's the issue?

17 JUROR: There are a few.

18 So I'm going on holiday on Friday with my family.
19 Then I'm going to Germany at the end of June through July the
20 2nd for a major international sports event. We bought the
21 tickets, bought the plane ticket, reserved hotels. It's an
22 expense of approximately 5K.

23 Certainly a seven-week absence from my job would be
24 extremely detrimental to my employer due to the fact that they
25 will need to quickly, through some sort of fire drill, delegate

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1 authority, because currently I'm authorized to do certain
2 things. And quite a few affiliates in the U.S. and overseas
3 that, you know, other people are not authorized to do. And
4 incur legal fees in terms of expenses to substitute for my
5 presence there, that I would say -- I would estimate it to be,
6 for a seven-week period, something along the lines of 500,
7 600K.

8 THE COURT: What do you do?

9 JUROR: I'm a managing director and counsel at an
10 investment bank.

11 THE COURT: So you're an attorney?

12 JUROR: Yes.

13 THE COURT: Well, an investment bank can certainly
14 afford to find a substitute for you.

15 JUROR: I'm not saying that they couldn't. I'm just
16 saying they could find a substitute, but my team consists of
17 much more junior lawyers. And those lawyers are unable to
18 provide the same type of review and produce the same type of
19 documents without going to outside counsel. As I'm sure you
20 know, your Honor, outside counsel is quite expensive, since
21 we're talking about exalted products, derivatives, very
22 structured. It would cost them quite a lot.

23 So just to give you an idea, even if you need like a
24 memorandum, a legal memorandum, and hopefully the lawyers here
25 can attest to that, or just a summary or even a due diligence

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1 questionnaire to produce in connection with a certain M&A
2 transaction, merger and acquisition transaction, your Honor,
3 just that would cost like around 250, 300K.

4 THE COURT: So you also mentioned that you have an
5 event abroad; is that correct?

6 JUROR: Yeah, it's the Europe 2024 event, your Honor.

7 THE COURT: Did you buy your tickets already?

8 JUROR: I did. I did.

9 THE COURT: All righty. You can step back.

10 JUROR: Thank you.

11 (Juror not present)

12 THE COURT: No. 19.

13 Is there any objection to my excusing him?

14 MR. KAMARAJU: Not from us, your Honor.

15 MR. FINKEL: We don't object, your Honor.

16 Just to note it's possible that the trial is completed
17 by that point. It's possible, to the extent someone's travel
18 or someone's reason for being excused is because they maybe are
19 going away, for example, for July 4th, to the extent we're not,
20 that would be, from the government's perspective, a good time
21 for an alternate juror to step in.

22 So we don't object to this particular juror; I just
23 wanted to note that as we move forward.

24 THE COURT: Understood.

25 No. 19 is excused.

O5M1GUOVD3

1 (Juror present at sidebar)

2 THE COURT: What is your number?

3 JUROR: 42.

4 THE COURT: And what is your name?

5 JUROR: XXXXXXXXXXXX.

6 THE COURT: And what is the problem?

7 JUROR: Yeah, so I—just for context, I work in the
8 financial—for a financial technology company. I have to do
9 travel for that company, specifically over a week during the
10 middle of this period, which is going to be very hard to get
11 out of that trip because that's visiting one of our largest
12 customers. So that's the primary issue.

13 THE COURT: What is your role at the firm?

14 JUROR: I'm a sales leader, so I work with some of our
15 largest customers, and it's critical that I meet with those
16 customers. We have some scheduled meetings already set up on
17 the West Coast, and if I don't attend those meetings, it's
18 going to cause some hardship for my team.

19 THE COURT: So if you were hit by a truck and other
20 people at the firm needed to fill in for you, couldn't these
21 meetings take place?

22 JUROR: I presume, yes.

23 THE COURT: Okay. So you're not completely
24 indispensable.

25 JUROR: I don't think anybody is.

O5M1GUOVD3

1 THE COURT: Okay. Is there anything else you wanted
2 to say?

3 JUROR: Specific to—

4 THE COURT: My question, the question that I posed.
5 Sounds like you have nothing further to say, so you
6 can step back. Thank you.

7 JUROR: Okay.

8 (Juror not present)

9 THE COURT: He was No.?

10 MS. SHROFF: 42.

11 THE COURT: I see no reason to excuse him.

12 MR. FINKEL: No objection.

13 MR. KAMARAJU: No objection.

14 (Next juror present)

15 THE COURT: Hello. What is your number?

16 JUROR: 32.

17 THE COURT: And what is your name?

18 JUROR: XXXXXXXXXXXX.

19 THE COURT: And what is the problem?

20 JUROR: So I work with the NBA, and right now it's
21 post season, and we tend to travel for our finals and playoffs,
22 and right after that I'm going to have a medical procedure
23 during the down time, so—

24 THE COURT: And when is that scheduled for?

25 JUROR: It hasn't been scheduled yet because—I don't

O5M1GUOVD3

1 want to get too detailed, but it's basically IVF, and that
2 basically turns on, like, how your follicles are growing, so
3 I'm going to try to start the procedure right when I get back
4 from traveling from finals, and then it could last anywhere
5 from three to four weeks, the procedure.

6 THE COURT: So are you saying that you have scheduled
7 it during this time because—

8 JUROR: Because my—because once the season ends, I
9 have about two or three months to kind of get everything in
10 order before the season begins again, September.

11 THE COURT: Okay. You can step back.

12 JUROR: Thank you.

13 (Juror not present)

14 THE COURT: Any objection to my excusing her?

15 MR. KAMARAJU: Not from us, your Honor.

16 MR. FINKEL: No, your Honor.

17 THE COURT: Okay. So that's No. 32.

18 (Next juror present)

19 THE COURT: Hi there. What number are you?

20 JUROR: 31.

21 THE COURT: And your name, please?

22 JUROR: XXXXXXXXXXXX.

23 THE COURT: And what is the problem?

24 JUROR: I have two young children. I've organized
25 child care for the next two weeks after 5:00. I don't have it

O5M1GUOVD3

1 available to me after that time. It's just—I won't be able to
2 make it work with the numbers.

3 THE COURT: All righty. You can step back.

4 JUROR: Thank you.

5 (Juror not present)

6 THE COURT: Any objection to my excusing No. 31?

7 MR. FINKEL: No, your Honor.

8 MR. KAMARAJU: Not from us, your Honor.

9 (Next juror present)

10 THE COURT: Hi. What number are you?

11 JUROR: 33.

12 THE COURT: And?

13 JUROR: Mine is, 24th through 27th, I have my cousin
14 coming in from the UK for a prepaid vacation, and I need
15 time—I need like a day to see if she can move it without any
16 penalties.

17 THE COURT: You're saying that you could contact her—

18 JUROR: If I have my phone, though.

19 THE COURT: During the lunch break you could try to
20 get ahold of her and see whether she can change her schedule.

21 JUROR: Well, can we move it. I might need till
22 tomorrow morning. Yes. That's when—

23 THE COURT: You're saying maybe by tomorrow morning
24 you would have an answer?

25 JUROR: Yes, yes.

O5M1GUOVD3

1 THE COURT: But it might even be sooner than that?

2 JUROR: If I can get my phone. 'Cause she's over in
3 London, so we've got the time change difference, so I just need
4 to know can she push it and are there any penalties associated
5 with it. Is that all right?

6 THE COURT: Okay. So you'll make that inquiry and
7 you'll come back to me.

8 JUROR: I will. Yes, I will.

9 THE COURT: All right. Thank you.

10 (Juror not present)

11 THE LAW CLERK: Next one?

12 THE COURT: Yes.

13 (Next juror present)

14 THE COURT: Hi. What number are you?

15 JUROR: 43.

16 THE COURT: Say again?

17 JUROR: 43.

18 THE COURT: And what is your name?

19 JUROR: XXXXXXXXXXXX.

20 THE COURT: And what's the problem?

21 JUROR: I'm a single mom. I have two children. I
22 have no financial help or no one to help me with them, so I
23 need to work.

24 THE COURT: Are you saying it would be a financial
25 hardship for you to—

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1 JUROR: Yes.

2 THE COURT: —be a juror?

3 JUROR: Yes. I have something else, but I don't know
4 if you want me to tell you now or wait.

5 THE COURT: Go ahead.

6 JUROR: When I was growing up, my father was in
7 federal prison for 20 years for some of the similar crimes, tax
8 evasion, insurance fraud.

9 THE COURT: Okay. Thank you. Thank you for telling
10 us. All righty. You may step back.

11 (Juror not present)

12 THE COURT: Is there any objection to my excusing
13 No. 43?

14 MR. KAMARAJU: We'd love to keep her, your Honor, but
15 no.

16 THE COURT: Okay. Okay.

17 (Next juror present)

18 THE COURT: Hi there. What's your number?

19 JUROR: 45.

20 THE COURT: And what's your name?

21 JUROR: XXXXXXXXXXXX.

22 THE COURT: And what is the problem?

23 JUROR: I've got three kids at home—a 2-year-old, a
24 4-year-old, and a 9-year-old—and my husband and I being their
25 primary caregivers, like, have coordinated our schedules to

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1 cover them, and then also the school calendar, and it doesn't
2 help that.

3 THE COURT: Understood. You may step back.

4 (Juror not present)

5 THE COURT: Any objection to my excusing No. 45?

6 MR. FINKEL: No, your Honor.

7 MR. KAMARAJU: No, your Honor.

8 (Next juror present)

9 THE COURT: Hi there. What is your number?

10 JUROR: 58.

11 THE COURT: And what is your name?

12 JUROR: XXXXXXXXXXXX.

13 THE COURT: And what is the problem?

14 JUROR: I'm a physical therapist, and we're extremely
15 short staffed where I live, and ultimately my patients just
16 won't be able to get serviced for care for the next seven
17 weeks.

18 THE COURT: So who do you work for?

19 JUROR: Ivy Rehab.

20 THE COURT: And where is that?

21 JUROR: We have 600 locations, but I work in
22 Westchester, in the Harrison location.

23 THE COURT: So if you were hit by a truck, what would
24 happen?

25 JUROR: We would have—we would have an even longer

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1 wait list to get in for physical therapy, and patients,
2 unfortunately, would be in pain.

3 THE COURT: So essentially your exclusive concern is
4 the fact that you're short staffed.

5 JUROR: Mm-hmm.

6 THE COURT: Is that a yes?

7 JUROR: Yes. Sorry.

8 THE COURT: But if the facility was adequately
9 staffed, you would have no problem serving.

10 JUROR: Yeah, absolutely. I believe in servicing the
11 community in which I operate. This is what I wake up and do
12 every day.

13 THE COURT: You my step back.

14 (Juror not present)

15 THE COURT: I don't see a reason to dismiss her.

16 MR. FINKEL: The government agrees.

17 MS. SHROFF: Honestly, your Honor, I can't tell the
18 difference between her or somebody else who couldn't be here
19 because they had child care issues. It's the same thing. I
20 mean—

21 THE COURT: No. You have an obligation to take care
22 of your children, and if your children aren't taken care of,
23 there's a safety concern there. But this is about somebody who
24 has a broken ankle and can't get the physical therapy within
25 the time period that they desire. They may have to go to a

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1 different physical therapist.

2 Okay. Let's have the next person.

3 (Next juror present)

4 THE COURT: Hi there. What's your number?

5 JUROR: 60, your Honor.

6 THE COURT: 60?

7 JUROR: 60.

8 THE COURT: Your name, please?

9 JUROR: XXXXXXXXXXXX.

10 THE COURT: And what is the problem?

11 JUROR: I just graduated with my master's in software
12 engineering and I'm job searching, and I'm worried that the
13 time spent here would delay my finding a role at a company. So
14 the process is pretty lengthy. It requires a couple hours, two
15 to four hours usually of technical—technical assessments for
16 interviews at these companies, and so for each one, that's a
17 significant amount of time, plus prepping for these
18 assessments, plus actually applying to the roles and writing
19 cover letters. It's really a full-time job.

20 THE COURT: So what would happen if you simply could
21 not devote yourself to that during this time period?

22 JUROR: Well, I'm worried that I won't be able to find
23 a position as summer openings happen and it will delay my entry
24 into the field.

25 THE COURT: And if that happens?

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1 JUROR: I won't be able to move out of my parents'
2 house and go out and find an apartment, I won't be able to
3 start my career.

4 THE COURT: So this, you're saying, would disrupt your
5 plan to get a job within a certain time period and to move out
6 of your parents' house within a certain time period; is that
7 correct?

8 JUROR: Yes, ma'am.

9 THE COURT: All right. You can step back.

10 (Juror not present)

11 THE COURT: I do not think that is a ground for cause
12 dismissal. Is there any disagreement?

13 MR. FINKEL: No, your Honor.

14 MR. KAMARAJU: No.

15 THE COURT: Okay. Let's get the next one.

16 (Next juror present)

17 THE COURT: Hi there. What number are you?

18 JUROR: 27.

19 THE COURT: And what is your name?

20 JUROR: XXXXXXXXXXXX.

21 THE COURT: And what is the problem?

22 JUROR: So I have been unemployed since the end of
23 January. I'm just now starting up a new job. Seven weeks
24 leaves me seven weeks almost no money, not enough to pay my
25 bills. Financial hardship probably would be too much for me.

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1 THE COURT: All right. So you'll step back. Thank
2 you.

3 (Juror not present)

4 THE COURT: Any objection to my excusing No. 27?

5 MR. KAMARAJU: No.

6 MR. FINKEL: No.

7 (Next juror present)

8 THE COURT: What is your number?

9 JUROR: 28.

10 THE COURT: 28. And your name?

11 JUROR: XXXXXXXXXXXX.

12 THE COURT: And what's the problem?

13 JUROR: It's going to cost me too much money to travel
14 for this.

15 THE COURT: Where do you live?

16 JUROR: Monsey.

17 THE COURT: So you're saying it's too expensive for
18 you.

19 JUROR: It's going to cost me a hundred dollars a day
20 traveling.

21 THE COURT: So what kind of transportation do you use,
22 sir?

23 JUROR: I take Monsey Trails, and then I get a taxi
24 here.

25 THE COURT: I'm sorry. I didn't understand. First

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1 you take what?

2 JUROR: A local community bus.

3 THE COURT: So there are buses that come from Rockland
4 County to the Port Authority, and then you could take a train
5 from the Port Authority downtown.

6 JUROR: I won't be able to—I got to take—I got to
7 take a cab to the bus.

8 THE COURT: Okay. And—

9 JUROR: And then the bus and the train.

10 THE COURT: Okay. So you're saying that the cab fare
11 from your home to the bus station—

12 JUROR: And then the bus station—

13 THE COURT: You're saying that that's too expensive
14 for you.

15 JUROR: Yes.

16 THE COURT: Tell me your number again?

17 JUROR: 28.

18 THE COURT: Okay. You can step back. You can step
19 back.

20 JUROR: Leave?

21 THE LAW CLERK: No, sir. Go back to your seat. Thank
22 you.

23 (Juror not present)

24 THE COURT: Is there any objection to my excusing
25 No. 28?

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1 MS. SHROFF: No, your Honor.

2 MR. FINKEL: No, your Honor.

3 THE COURT: Okay.

4 (Next juror present)

5 THE COURT: Hello. What is your number?

6 JUROR: My number is 35.

7 THE COURT: And what's the problem?

8 JUROR: I am a lawyer for the financial institution
9 AIG, and in all likelihood, on May 28th, it will be announced
10 that I get to retire, so that gives me between—that gives me
11 between May 28th and June 30 to clear out my docket, assign it
12 to other people, etc., etc. To not be here while I can do
13 that—June 30th will be my retirement date.

14 THE COURT: What is the nature of your work?

15 JUROR: I'm an in-house litigator.

16 THE COURT: And so if you were here as a juror, are
17 you saying that you would be distracted by this obligation to
18 clear out your docket?

19 JUROR: Yeah. I've got to assign—I've got to assign
20 the cases to other folks and I've got to close the matters that
21 I'm working on.

22 THE COURT: All righty. You may step back.

23 JUROR: Thank you, Judge.

24 (Juror not present)

25 MS. SHROFF: Your Honor, I think you excused No. 35

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1 before.

2 THE COURT: Yes. I forgot about that. Yeah.

3 (Next juror present)

4 THE COURT: What is your number?

5 JUROR: 53.

6 THE COURT: What's the problem?

7 JUROR: Me and my husband are both from Czech
8 Republic, from Europe, and in June is my—end of June is my
9 father-in-law 80th birthday, and we were planning to visit, not
10 in June, but we're planning like early July. We don't have
11 yet, like, set-up date, but trying to coordinate with my
12 sister, with my sister-in-law, with my sister, with my—so
13 there's a lot of people that are involved, so we don't have the
14 set-up date, but we're planning early July, so—

15 THE COURT: All righty. Well, I hope you have a good
16 trip. You may step back.

17 JUROR: Yeah. Okay. The other—

18 THE COURT: It's fine. You can step back.

19 JUROR: Okay.

20 (Juror not present)

21 THE COURT: Hi there. What number are you?

22 JUROR: 54.

23 THE COURT: What is your name, sir?

24 JUROR: XXXXXXXXXX.

25 THE COURT: What is the problem?

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1 JUROR: If I don't work, I don't get paid on my job.

2 THE COURT: What do you do?

3 JUROR: I work for New York Power Authority security,
4 in White Plains.

5 THE COURT: So are you saying that this would be a
6 financial hardship?

7 JUROR: Big financial, yeah, but, you know, a big
8 financial.

9 THE COURT: Understood. You can step back.

10 JUROR: Okay. Thank you.

11 (Juror not present)

12 THE COURT: Any objection to my excusing No. 54?

13 MS. SHROFF: No.

14 MR. FINKEL: No.

15 THE COURT: Wow. Seems like the line keeps on
16 growing.

17 THE LAW CLERK: We only put the first couple rows and
18 then the next couple rows, so we still have—

19 THE COURT: How are we doing numberwise?

20 THE LAW CLERK: I'll have to check.

21 (Next juror present at sidebar)

22 THE COURT: What is your number?

23 JUROR: Oh, 51.

24 THE COURT: And what is your name?

25 JUROR: XXXXXXXXXXXX.

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1 THE COURT: If you would say that louder.

2 JUROR: XXXXXXXXXXXX.

3 THE COURT: What's the problem?

4 JUROR: It's just really bad timing at work. I work
5 at an auction house and we have this big sale mid-July that if
6 I'm gone for the next seven weeks, I think it's going to be
7 really bad. I think they're going to get really mad at me.

8 THE COURT: What auction house do you work for?

9 JUROR: Phillips.

10 THE COURT: And if you were hit by a truck today,
11 somebody would be able to step into your role; isn't that true?

12 JUROR: Yeah. I'm sorry. I'm just—I know there's,
13 like, bigger problems, but it's just—there's—I think it
14 would—I think my boss would be really mad, and everyone else
15 too, but obviously, if it happens, it happens.

16 THE COURT: Okay. You can step back.

17 (Juror not present)

18 THE COURT: All right. I don't see any reason to
19 excuse her.

20 THE LAW CLERK: The jury administrator wants to know
21 if and when we're breaking for lunch. There are apparently
22 some people who want to go out. We have 75 people downstairs
23 waiting.

24 THE COURT: Oh, the people downstairs can go.

25 (Next juror present)

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1 THE COURT: Hi. What's your number?

2 JUROR: 66.

3 THE COURT: And what's your name?

4 JUROR: XXXXXXXXXXXX.

5 THE COURT: And what is the problem?

6 JUROR: I have two issues. My work doesn't pay me for
7 the time off, and I can't afford to have seven weeks not
8 getting paid; and then I'm leaving for a two-week trip on
9 Friday.

10 THE COURT: So you're saying this would be a financial
11 hardship for you?

12 JUROR: Very much so, yes.

13 THE COURT: All right. You may step back.

14 JUROR: Thank you.

15 THE COURT: Any objection to my excusing No. 66?

16 MS. SHROFF: No, your Honor.

17 MR. FINKEL: No, your Honor.

18 (Next juror present)

19 THE COURT: Hi there. What's your number?

20 JUROR: 65.

21 THE COURT: And what is your name?

22 JUROR: Oh, XXXXXXXXXXXX. I have a family vacation
23 already scheduled. It's July 4th and we return back
24 August 24th.

25 THE COURT: And do you have plane tickets?

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1 JUROR: I can—when I have access to my phone, I can
2 forward them to you.

3 THE COURT: No. I'm saying you've scheduled the
4 flight.

5 JUROR: Yes, everything's been scheduled for.

6 THE COURT: All right. You can step back.

7 JUROR: Thank you.

8 (Juror not present)

9 THE COURT: Any objection to my excusing No. 65?

10 MR. FINKEL: The government objects. I think we'll be
11 done by July 4th, and if we're not, there will be an alternate.

12 MR. KAMARAJU: I don't think you can plan that way,
13 your Honor.

14 THE COURT: You gave me a certain time estimate, and
15 now you're kind of waffling, and so I don't feel comfortable.

16 MR. FINKEL: Your Honor, I'm not waffling. Yesterday
17 I told the Court that we believe we'd certainly be done by
18 July 4th. That's still our belief. The defense case is,
19 according to yesterday's information, approximately four days.
20 The government's case, as we said yesterday, is four to five
21 weeks, trending towards four weeks. We'll be done by July 4th.
22 If we're not—

23 THE COURT: Well, you can make a representation we're
24 going to get it done by July 4th, instead of the wishy washy.

25 MR. FINKEL: So that is my belief, your Honor.

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1 THE COURT: Right. I need more than a belief in order
2 to make a schedule.

3 MR. KAMARAJU: Also, your Honor, we just told all
4 these people that it was going to be a seven-week trial.

5 THE COURT: No, that doesn't bother me. If he's now
6 willing to commit to being done by a certain day, then I have
7 the flexibility.

8 MR. FINKEL: So, your Honor, the only reason I can't
9 commit is because there are things outside my control—

10 THE COURT: Of course.

11 MR. FINKEL: —including the defense case, the length
12 of cross. But if you're asking me for a good-faith
13 basis—good-faith estimate, does the government believe this
14 trial will be done by July 4th, yes, and to the extent it's
15 not, which I acknowledge is a possibility, the government's
16 view would be that at that point, if this juror makes it, an
17 alternate can take their place. So the government objects, but
18 of course understands it will be the Court's prerogative how to
19 proceed on this issue.

20 MR. KAMARAJU: We don't object.

21 THE COURT: You don't object.

22 MR. KAMARAJU: We don't object. We think the person
23 should be excused.

24 MS. SHROFF: I agree, your Honor.

25 THE COURT: All right. I'm going to excuse that

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1 individual. Have the next one step up.

2 (Next juror present)

3 THE COURT: Hi there. What is your number?

4 JUROR: 67.

5 THE COURT: What is your name?

6 JUROR: XXXXXXXXXXXX.

7 THE COURT: What is the problem?

8 JUROR: So three things. I've got personal trips
9 coming up, including this weekend, I leave on Friday, come back
10 on Tuesday. I have a business trip the following week. And
11 then the week of July 4th I'm gone as well on a family
12 vacation.

13 THE COURT: So do you have tickets already purchased?

14 JUROR: Yes, yes.

15 THE COURT: All right, sir. You can step back.

16 (Juror not present)

17 THE COURT: Any objection to my excusing No. 67?

18 MR. KAMARAJU: No.

19 MR. FINKEL: No.

20 THE LAW CLERK: You've got like 40 excused.

21 THE COURT: All right. We're still good. We've got
22 another 75 downstairs.

23 MS. SHROFF: I renew my application to let No. 12 to
24 go to work. He was no different than anyone else. That poor
25 guy.

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1 (Next juror present)

2 THE COURT: Hi. What is your number?

3 JUROR: 64.

4 THE COURT: And what is your name?

5 JUROR: XXXXXXXXXXXX.

6 THE COURT: What's the problem?

7 JUROR: I don't find it a problem, but I just realized
8 how long you said it would be, and I'm diabetic, so I know I
9 have at least four doctor's appointments during that time. So
10 I don't know if that's an issue. Also—

11 THE COURT: So we're going to be ending every day at
12 2:45, and so that does leave you time at the end of the day to
13 get to a doctor.

14 JUROR: So I could just change appointments or
15 something like that.

16 THE COURT: Correct.

17 JUROR: Okay. One more thing. I'm going away this
18 weekend and I won't be back till Wednesday.

19 THE COURT: Is that something for which you purchased
20 tickets?

21 JUROR: Oh, yeah, yeah, yeah.

22 THE COURT: Flight?

23 JUROR: No, not flight, hotel. And they're going
24 to—if I don't, you know—if I don't go, they're going to
25 charge me a cancellation fee.

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1 THE COURT: I see. Okay.

2 JUROR: And it's only till Wednesday. So—

3 THE COURT: All right. You can step back.

4 JUROR: Okay. Thank you so much.

5 (Juror not present)

6 THE COURT: Any objection to my excusing her?

7 MR. FINKEL: No, your Honor.

8 MS. SHROFF: No, your Honor.

9 (Next juror present)

10 THE COURT: Hi there. What is your number?

11 JUROR: 55.

12 THE COURT: And what is your name?

13 JUROR: XXXXXXXXXXXX.

14 THE COURT: What is your last name?

15 JUROR: XXXXXXXXXXXX.

16 THE COURT: What is your problem?

17 JUROR: So I work for a temp agency right now, so I
18 got lucky, they gave me a long-term assignment, but they don't
19 pay out, like, jury duty things. They max three days. So then
20 seven weeks is a lot. And then since I do customer service,
21 they need people on the phone, so I don't know if my assignment
22 is being reassigned to somebody else, and I don't know, like,
23 what am I going to come back to?

24 THE COURT: So are you saying that this would be a
25 financial hardship for you?

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1 JUROR: Yeah. It's like I basically don't know if my
2 job is going to be there when I get back, 'cause, again, it's
3 like a temp agency, so—

4 THE COURT: Did you say 55 or 56?

5 JUROR: 55.

6 THE COURT: Okay, then. All right. You can step
7 back.

8 JUROR: Okay.

9 (Juror not present)

10 THE COURT: No. 55, any objection to my excusing her?

11 MS. SHROFF: No, your Honor.

12 MR. FINKEL: No.

13 (Next juror present)

14 THE COURT: Hi there. What is your number?

15 JUROR: 57.

16 THE COURT: And what is your name?

17 JUROR: XXXXXXXXXXXX.

18 THE COURT: And what is the problem?

19 JUROR: So the week of June 22nd I have a wedding in
20 Cyprus.

21 THE COURT: So you have purchased tickets for the
22 wedding?

23 JUROR: Yeah. Nonrefundable.

24 THE COURT: Okay. Well, *bon voyage*.

25 JUROR: Thank you.

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1 THE COURT: Thank you. You may step back.

2 JUROR: Okay.

3 (Juror not present)

4 MR. KAMARAJU: Great travel plans.

5 THE COURT: No objection to my excusing her, correct?

6 MS. SHROFF: No, your Honor.

7 MR. FINKEL: No, your Honor.

8 (Next juror present)

9 THE COURT: Hi there. What is your number?

10 JUROR: 74.

11 THE COURT: And what is your name?

12 JUROR: XXXXXXXXXXXX.

13 THE COURT: And what is the problem?

14 JUROR: I am going to Kabul, leaving tomorrow, coming
15 back Tuesday; and then the main one is the last week in June,
16 I'm going away with my family and my boyfriend's family, where
17 a certain question might be asked, knock on wood.

18 THE COURT: Oh. Understood. All righty. You may
19 step back.

20 JUROR: Thank you.

21 MR. KAMARAJU: Good luck with that.

22 (Juror not present)

23 THE COURT: No objection to my excusing No. 74?

24 MR. KAMARAJU: None here, your Honor.

25 MR. FINKEL: No.

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1 MR. KAMARAJU: My wife would kill me.

2 MS. SHROFF: You would regret that.

3 (Next juror present)

4 THE COURT: Hi there. What is your number?

5 JUROR: 72.

6 THE COURT: And what is your name?

7 JUROR: XXXXXXXXXXXX.

8 THE COURT: What is the problem?

9 JUROR: I'm moving out of the state in the next month

10 to go to grad school.

11 THE COURT: Where are you going?

12 JUROR: I'm between Georgetown and Duke, but I'll know

13 next week.

14 THE COURT: Great.

15 JUROR: I just don't think I can commit seven weeks.

16 THE COURT: What are you going to study?

17 JUROR: Business.

18 THE COURT: Okay. All righty. You may step back.

19 (Juror not present)

20 THE COURT: Any objection to my excusing No. 72?

21 MR. FINKEL: No.

22 MR. KAMARAJU: No.

23 (Next juror present)

24 THE COURT: Hello. What is your number?

25 JUROR: 71.

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1 THE COURT: And your name?

2 JUROR: My name is XXXXXXXXXXXX.

3 THE COURT: And what is the problem?

4 JUROR: I'm a self-employed physical therapist. It
5 would be extreme financial hardship—and I'm having to relocate
6 my business by July 1st, so it would put an end to my business
7 to serve now. I'm sorry.

8 THE COURT: All righty. Good luck.

9 JUROR: Thank you so much.

10 (Juror not present)

11 THE COURT: Any objection to my excusing No. 71?

12 MR. FINKEL: No, your Honor.

13 MR. KAMARAJU: No, your Honor.

14 (Next juror present)

15 THE COURT: Hello. Your number, please?

16 JUROR: 63.

17 THE COURT: Your name?

18 JUROR: XXXXXXXXXXXX.

19 THE COURT: And what is the problem?

20 JUROR: The problem is that I'm supposed to, I think
21 Thursday—that's the 28th of June—go away with my girlfriend,
22 and I was planning on actually proposing to her that week.

23 THE COURT: Oh.

24 JUROR: So it would be a pretty big bummer if I had to
25 change that.

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1 THE COURT: Good luck to you.

2 JUROR: Thank you.

3 THE COURT: You may step back.

4 (Juror not present)

5 THE COURT: All right. Then no objection to my
6 excusing No. 63.

7 THE LAW CLERK: Is his girlfriend in the jury venire?

8 (Next juror present)

9 THE COURT: Hi there. What is your number?

10 JUROR: I'm juror 62.

11 THE COURT: What is your name?

12 JUROR: First name XXXXXXXXXXXX.

13 THE COURT: Your full name.

14 JUROR: XXXXXXXXXXXX.

15 THE COURT: And what is the problem?

16 JUROR: So I know that our trial is seven weeks. I'm
17 getting married at the end of June. I also have—my fiancée is
18 pregnant with my firstborn. Her first doctor's appointment is
19 tomorrow. I work full-time as a registered nurse. And I see
20 that this is going to be seven weeks, and it's just not—I'm
21 already distressed that I'm already going through this, and
22 so—

23 THE COURT: Understood. Understood. You may step
24 back.

25 (Juror not present)

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1 THE COURT: This makes me feel very optimistic.
2 No. 62, any objection to my excusing him?

3 MR. KAMARAJU: Not from us, your Honor.

4 MR. FINKEL: Nor us, your Honor.

5 (Next juror present)

6 THE COURT: Your number?

7 JUROR: 48.

8 THE COURT: And your name?

9 JUROR: XXXXXXXXXXXX.

10 THE COURT: And what's the problem?

11 JUROR: I'm a New York City DOE teacher. I work with
12 students with disabilities, and I just feel like seven weeks
13 being away from them is going to hinder everything they've
14 learned so far this year and for the rest of the school year.

15 THE COURT: All righty. You may step back.

16 (Juror not present)

17 THE COURT: Any objection to my excusing No. 48?

18 MR. KAMARAJU: Not from us.

19 MR. FINKEL: No, your Honor.

20 (Next juror present)

21 THE COURT: Hi there. What is your number?

22 JUROR: 61.

23 THE COURT: And what is your name?

24 JUROR: XXXXXXXXXXXX.

25 THE COURT: And what's the problem?

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1 JUROR: I'm an independent contractor working in TV
2 production, and to do seven weeks would be really hard. With
3 the rerun strike last year, it's a hardship. And I have a job
4 starting up around June 10th. Seven weeks for us is a long
5 time.

6 THE COURT: This would be a financial hardship.

7 JUROR: Both financial and time. I'm a producer. I
8 hire the crews that go onto the films.

9 THE COURT: Okay. All righty. Thank you. You may
10 step back.

11 JUROR: Thank you.

12 (Juror not present)

13 THE COURT: Any objection to my excusing 61?

14 MR. KAMARAJU: Not from us, your Honor.

15 MR. FINKEL: No, your Honor.

16 (Juror present)

17 THE COURT: Hi there. Your number?

18 JUROR: 56.

19 THE COURT: And what's the problem?

20 JUROR: So I'm a self-employed photographer, career.
21 I could serve. However, I have two trips planned, first week
22 of June and last week of July, overseas, work related.

23 THE COURT: Are you saying that you've already
24 purchased the tickets for that?

25 JUROR: Yes.

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1 THE COURT: Okay.

2 JUROR: The June, yes; not the July.

3 THE COURT: Okay. You can step back.

4 JUROR: Okay.

5 (Juror not present)

6 THE COURT: Any objection to my excusing No. 56?

7 MS. SHROFF: No, your Honor.

8 MR. FINKEL: No, your Honor.

9 (Next juror present)

10 THE COURT: And your number, please.

11 JUROR: 68.

12 THE COURT: 68. And your name.

13 JUROR: XXXXXXXXXXXX.

14 THE COURT: And what is the problem?

15 JUROR: I have booked a family vacation June 5th,
16 Wednesday, until June 8th, Saturday, flight to Atlanta and
17 hotel room.

18 THE COURT: Already purchased.

19 JUROR: Yes.

20 THE COURT: All right, then. You can step back.

21 JUROR: What does that mean?

22 THE COURT: You can go back to your seat.

23 (Juror not present)

24 THE COURT: All right. Any objection to my excusing
25 No. 68?

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1 MR. FINKEL: Not from the government.

2 MR. KAMARAJU: No, your Honor.

3 THE COURT: All right. So what I'd like to do is to
4 stop now and have them return so that we can continue at 2:00.

5 MR. FINKEL: Okay.

6 MR. KAMARAJU: Okay. Thank you, your Honor.

7 MR. FINKEL: Thank you, your Honor.

8 THE COURT: It is now almost ten of 1.

9 ALL COUNSEL: Thank you, your Honor.

10 (In open court)

11 THE COURT: All right. So our work for the morning
12 has come to a close. You'll have to return to the courtroom or
13 rather to the hallway ready to come into the courtroom at
14 2 p.m. sharp. Some of you are going to be excused.
15 Mr. Steinberg is going to read the list of those who have been
16 excused. But the rest of you must return and be in the
17 hallway—not downstairs, not on the way to the courthouse, but
18 in the hallway by 2:00 ready to come back in.

19 One thing that you must be very conscientious about is
20 that you cannot discuss the case amongst yourselves or with
21 anyone else. Don't permit anyone to discuss the case in your
22 presence. The attorneys are not to have any contact with you.
23 So if you see them in the hallway or on the elevator, or
24 outside, and they don't look at you or they don't greet you,
25 it's not that they're being rude, it is that they simply are

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1 not permitted to have any contact with you.

2 So have a good lunch. Mr. Steinberg will now read the
3 list of those who are excused.

4 THE LAW CLERK: The following people are excused and
5 do not need to return after lunch. Please also obtain your
6 jury card from Mr. Shrinath on your way out. He is in the blue
7 suit and just raised his hand.

8 So the following jurors are excused: No. 25, No. 30,
9 No. 35, No. 36, No. 37, No. 44, No. 50, No. 59, No. 87, No. 91,
10 No. 93, No. 97, No. 53, No. 20, No. 1, No. 6, No. 9, No. 13,
11 No. 17, No. 18, No. 26, No. 19, No. 21, No. 23, No. 24, No. 27,
12 No. 28, No. 31, No. 32, No. 38, No. 39, No. 41, No. 43, No. 45,
13 No. 54, No. 92, No. 93, No. 66, No. 65, No. 57, No. 55, No. 74,
14 No. 72, No. 71, No. 63, No. 62, No. 48, No. 61, No. 64, No. 56,
15 and No. 68.

16 Jurors who have been excused, please get your card.
17 Everyone else may leave for lunch and return to the hallway
18 after lunch. Thank you.

19 Please be ready to go at 2 p.m. sharp. Thank you.

20 After you get the card, you should give it to the jury
21 administrator where you assembled this morning downstairs. To
22 repeat, after you get your card, please bring it to the jury
23 room where you assembled downstairs this morning. Thank you
24 again for your service.

25 THE COURT: So we started with 100, we are down 51,

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1 and we have another 75 downstairs. So I'm still optimistic
2 that we'll get our jury.

3 See you after lunch.

4 ALL COUNSEL: Thank you, your Honor.

5 (Luncheon recess)

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O5MVGUOVD4

1 A F T E R N O O N S E S S I O N

2 2:15 P.M.

3 (Venire present)

4 THE COURT: Good afternoon, everyone. Welcome back.

5 For those of you who came on time and were ready to
6 walk into the courtroom at 2 p.m., thank you. For those of you
7 who are late, it's simply impossible to run a trial if I can't
8 depend upon you arriving promptly at the appointed time. So
9 please, please come on time; otherwise, everyone is waiting and
10 things are thrown off.

11 All right. Do any of you have any personal knowledge
12 of the charges in this case? Personal knowledge of the charges
13 in this case.

14 We are still not finished yet with the previous
15 question. So if you'll line them up, please.

16 (At sidebar)

17 (Juror present)

18 THE COURT: Hello. What's your number?

19 JUROR: 80, eight zero.

20 THE COURT: And your name please?

21 JUROR: ██████████.

22 THE COURT: What's the problem?

23 JUROR: I don't have the finance to do this for seven
24 weeks. I get paid by the hour.

25 THE COURT: So you're saying it would be a financial

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1 hardship?

2 JUROR: I -- yeah. I don't think I have the money to
3 live, because I just graduated college, still paying student
4 loans. I couldn't do this seven straight weeks.

5 THE COURT: All righty. You can step back.

6 (Juror not present)

7 THE COURT: Is there any objection to my excusing him?

8 MR. FINKEL: No.

9 THE COURT: Is that eight zero?

10 MR. FINKEL: Yes.

11 THE COURT: Okay.

12 (Juror present)

13 THE COURT: Hello. What's your number?

14 JUROR: 75.

15 THE COURT: And your name?

16 JUROR: ██████████.

17 THE COURT: What's the problem?

18 JUROR: My sister is getting married in Philadelphia
19 on Friday. I'm supposed to walk her down the aisle.

20 I'm also an attorney. I have two court appearances
21 coming up next month, one in a case in California; another one
22 over here in Queens. I could probably get somebody else to
23 cover it, but another member of my department is actually on
24 the Trump jury, which is kind of unfortunate.

25 And then I have a vacation planned the last week in

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1 June, the Jersey Shore. I could probably work that out. But
2 then we're booked -- my family is booked to travel to Italy the
3 following week.

4 THE COURT: And when do you leave for Italy?

5 JUROR: Saturday the 6th is it? Sorry, I don't have
6 my calendar on me. July 6th, I think.

7 THE COURT: And you have tickets already?

8 JUROR: Yes, your Honor.

9 THE COURT: All right. You can step back.

10 JUROR: Thank you.

11 (Juror not present)

12 THE COURT: Any objection to my excusing him?

13 MR. FINKEL: No.

14 MR. SCHIRICK: No.

15 THE COURT: He was number?

16 MR. SCHIRICK: 75.

17 THE COURT: Okay.

18 (Juror present)

19 THE COURT: Hello. What's your number?

20 JUROR: 76.

21 THE COURT: What's your name?

22 JUROR: [REDACTED].

23 THE COURT: And what's the problem?

24 JUROR: I have a planned family vacation on the 15th
25 of July.

O5MVGUOVD4

1 THE COURT: The 15th of July?

2 JUROR: Correct.

3 THE COURT: Okay. So we're only going through the
4 12th.

5 JUROR: It could extend, your Honor.

6 THE COURT: Excuse me?

7 JUROR: It could extend. You said it yourself before.

8 THE COURT: Yes. I feel more confident than I did in
9 the morning that it will only go until the 12th. So no problem
10 for you then.

11 JUROR: Okay.

12 THE COURT: Very good. You may step back.

13 (Juror not present)

14 THE COURT: I'm relying on you.

15 (Juror present)

16 THE COURT: What is your number?

17 JUROR: 89.

18 THE COURT: 89?

19 JUROR: Yes.

20 THE COURT: And what is your name?

21 JUROR: My name is [REDACTED].

22 THE COURT: What's the problem?

23 JUROR: I have a work-related problem. I am a partner
24 at Kirkland & Ellis in the investment funds group. I'm really,
25 really under water with some deals right now. And I don't

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1 think I'm in a position where I can be on a case for seven
2 weeks. I understand my civic duty; would be happy to come back
3 later this summer and do another trial. But I can't be in a
4 jury box for nine hours a day and then working 12 to 15 hours a
5 night for seven weeks. I can't do it. I wouldn't even be a
6 good juror.

7 THE COURT: So why wouldn't you be a good juror?

8 JUROR: Because I will be sleeping. I have an
9 unbelievable amount of work that I have to complete and I can't
10 do both at the same time. And I can't sub out my work.

11 THE COURT: Are you saying that you would be
12 distracted by your work obligations were you to serve as a
13 juror?

14 JUROR: Of course I would. And I also don't know that
15 I would have attention span, stamina, etc.

16 THE COURT: All righty. You can step back.

17 JUROR: Thank you.

18 (Juror not present)

19 THE COURT: Any objection to my excusing her?

20 MR. SCHIRICK: None.

21 MR. FINKEL: No.

22 (Juror present)

23 THE COURT: Hi there. Your number, sir?

24 JUROR: 95.

25 THE COURT: And your name again?

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1 JUROR: [REDACTED].

2 THE COURT: What's the problem?

3 JUROR: So I work for a bank.

4 THE COURT: Yes.

5 JUROR: And they don't have seven weeks of duration to
6 be able to serve as a jury duty. I think it's significantly
7 less than seven weeks.

8 THE COURT: Are you saying that they won't pay you?

9 JUROR: No, no. I check HR, check with HR. I think
10 the period that is allowed for jury duty is less than seven
11 weeks.

12 THE COURT: Okay. So there's a legal obligation to
13 serve as a juror no matter what your company might say.

14 JUROR: Okay.

15 THE COURT: So my question for you is are they saying
16 they won't pay you?

17 JUROR: There is nothing about the pay. There's no
18 provision about the pay.

19 THE COURT: Okay. So they don't have a say in what
20 citizens' obligations are.

21 JUROR: Okay. And in addition, we just got examined
22 by Federal Reserve Bank of New York, and there are a lot of
23 objectives that we have to meet and a project. And it's a very
24 short duration right now, on top of all the other daily tasks
25 that I need to do. It goes by due dates.

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1 THE COURT: What bank do you work for?

2 JUROR: I work for Mizuho.

3 THE COURT: And does Mizuho have other employees?

4 JUROR: Yes, they do. It's just that the department
5 I'm in has specific due dates. And it's -- it kind of makes it
6 a little bit difficult for me to be able to not be in it.

7 THE COURT: So what happens if you get hit by a truck
8 today?

9 JUROR: I'm just saying it's just going to be -- it's
10 going to be a lot of on my part, I think, so just that explain
11 my situation, that's all.

12 THE COURT: So what I'm getting at is if you were to
13 disappear today --

14 JUROR: Right.

15 THE COURT: -- the bank would find somebody else to do
16 your job; isn't that right?

17 JUROR: That's true.

18 THE COURT: Okay. So then okay. You may step back.

19 (Juror not present)

20 THE COURT: I am not going to excuse him.

21 MR. SCHIRICK: No objection.

22 (Juror present)

23 THE COURT: Hello.

24 JUROR: Good afternoon, ma'am.

25 THE COURT: Your number, please.

O5MVGUOVD4

1 JUROR: 96.

2 THE COURT: And your name, please.

3 JUROR: [REDACTED].

4 THE COURT: And what's the problem?

5 JUROR: I'm an educator, high school. And I have a
6 caseload. And it's about the end of the school year, and I
7 have to tie up my relationships with my students before they go
8 on, and my other compliance issues I'm responsible for at the
9 school.

10 THE COURT: You say you have a caseload. What is your
11 title?

12 JUROR: I'm a therapist. So I'm working with students
13 all the time.

14 THE COURT: Are you in the public school system?

15 JUROR: Yes, public school system.

16 THE COURT: Okay. All righty.
17 If you'll step back, please.

18 JUROR: Thank you, ma'am.

19 (Juror not present)

20 THE COURT: Any objection to my excusing No. 96?

21 MR. SCHIRICK: No.

22 MR. FINKEL: No, your Honor.

23 (Juror present)

24 THE COURT: Hello.

25 JUROR: How are you?

O5MVGUOVD4

1 THE COURT: I'm well. How are you?

2 JUROR: I'm okay.

3 THE COURT: Would you tell me your number, please.

4 JUROR: 82.

5 THE COURT: 82? And your name, please.

6 JUROR: [REDACTED].

7 THE COURT: And what's the problem?

8 JUROR: What's the problem?

9 THE COURT: Yeah. You came to tell me something.

10 JUROR: Oh, okay. I am a nurse, okay. So it will be

11 very hard for me to lose seven weeks.

12 THE COURT: So are you saying because financially it

13 would be a hardship for you?

14 JUROR: Yes.

15 THE COURT: Would you be paid if you did not go to

16 work?

17 JUROR: No, I have to go to work.

18 THE COURT: Okay. All right. You may step back.

19 (Juror not present)

20 THE COURT: Is there any objection to my excusing No.

21 82?

22 MR. SCHIRICK: No objection.

23 MR. FINKEL: No, your Honor.

24 (Juror present)

25 THE COURT: Hello. What number are you?

O5MVGUOVD4

1 JUROR: Juror 84.

2 THE COURT: And what's your name?

3 JUROR: [REDACTED].

4 THE COURT: And what's the problem?

5 JUROR: My employer, they only pay two weeks of jury
6 duty. So I'm afraid if I go to a seven weeks trial, I'm going
7 to have to get a pay cut of five weeks.

8 THE COURT: And so that would be a financial hardship
9 for you?

10 JUROR: Correct.

11 THE COURT: All right. You may step back.

12 (Juror not present)

13 THE COURT: Any objection to my excusing her?

14 MS. MURRAY: No, your Honor.

15 MR. SCHIRICK: No.

16 THE COURT: She was 84?

17 MS. MURRAY: Yes.

18 (Juror present)

19 THE COURT: Hello. What is your number?

20 JUROR: 85.

21 THE COURT: And what is your name?

22 JUROR: [REDACTED].

23 THE COURT: And what is the problem?

24 JUROR: I'm self-employed. I have a doggie daycare.
25 I'm a dog trainer. So I live in Westchester. When I come

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1 here, I have to close my business because I run it on my own.
2 So weekends and holidays are days that I'm free, but during the
3 week it's kind of hard for me to come.

4 And then the dates that you gave us, I do have dogs
5 that stay overnight, so I have to be home during the day
6 because I have no one to take them out. I have 15, 20 dogs
7 every day. And that's one of the reasons. If I have an
8 employer, then it's -- but I don't.

9 THE COURT: All right. You may step back.

10 (Juror not present)

11 THE COURT: Any objection to my excusing No. 85?

12 MR. SCHIRICK: No.

13 MS. MURRAY: No, your Honor.

14 (Juror present)

15 THE COURT: Hello. What is your number?

16 JUROR: 86.

17 THE COURT: And your name?

18 JUROR: [REDACTED].

19 THE COURT: And what is the problem?

20 JUROR: I take care of my niece when my sister is at
21 work.

22 THE COURT: I am sorry?

23 JUROR: I take care of my niece when my sister is at
24 work. It's financially hard for me to be out for seven weeks.

25 THE COURT: All righty. You can step back. Thank

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1 you.

2 (Juror not present)

3 THE COURT: Any objection to my excusing No. 86?

4 MS. MURRAY: No, your Honor.

5 MR. SCHIRICK: No.

6 (Juror present)

7 THE COURT: Hello. What is your number?

8 JUROR: 98.

9 THE COURT: 98. And your name?

10 JUROR: [REDACTED].

11 THE COURT: And what is the problem?

12 JUROR: Three things, actually.

13 I have a publication deadline. I'm submitting a
14 chapter for a book that's due in August; I have a five-hour
15 daily commute; and I've got a chronic eye condition that makes
16 it harder for me to read the more tired I get. And I think
17 commuting here, you know, every day for seven weeks is going to
18 be exhausting.

19 THE COURT: Where do you come from?

20 JUROR: I live in Putnam County.

21 THE COURT: All right. You may step back.

22 (Juror not present)

23 THE COURT: Is there any objection to my excusing No.
24 98?

25 MR. SCHIRICK: No objection.

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1 MS. MURRAY: No, your Honor.

2 (Juror present)

3 THE COURT: Hello.

4 JUROR: Hi.

5 THE COURT: What's your number?

6 JUROR: My number is 99.

7 THE COURT: And your name?

8 JUROR: [REDACTED].

9 THE COURT: And what is the problem?

10 JUROR: Well, I am still working. I'm semi-retired.

11 And on Mondays, I open the office. If the holiday falls on a

12 Monday, then Tuesday I open the office. And the length of time

13 and the fact that maybe a Monday I might have to not be

14 available for work, it causes me financial difficulties. I'm

15 semi-retired, I'm 76 this year, and I need the money.

16 THE COURT: Got it. Okay. You may step back.

17 JUROR: Thank you so much.

18 (Juror not present)

19 THE COURT: All righty.

20 Any objection to my excusing No. 99?

21 MR. SCHIRICK: No objection.

22 MS. MURRAY: No, your Honor.

23 (Juror present)

24 THE COURT: Hello. What is your number?

25 JUROR: 100.

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1 THE COURT: And what is your name?

2 JUROR: [REDACTED].

3 THE COURT: And what is the problem?

4 JUROR: I have work travel planned for the middle of
5 June where I'll be out of the state for a couple days. I also
6 have a family member's and a friend's bachelor party scheduled
7 for July within the time frame of the trial.

8 THE COURT: So is the bachelor party during the day?

9 JUROR: I'd be leaving in the middle of the week, yes,
10 before the trial would end.

11 THE COURT: Where would you go?

12 JUROR: Up to Saratoga, New York. And then we're
13 traveling -- middle of June would be out of state to Michigan
14 for a couple days during the week in the middle of the week.

15 THE COURT: What do you do for a living?

16 JUROR: I'm a civil engineer.

17 THE COURT: And do you work for a company?

18 JUROR: Yeah, I do consulting for HTR. It's a
19 consulting company based out of New York. And we have a
20 program that's nationwide which involves some travel that I've
21 been doing for the past couple years.

22 THE COURT: So if you get hit by a truck today, is
23 somebody else in the company going to be able to do your work?

24 JUROR: Yes.

25 THE COURT: Yes. Okay.

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1 You said that the bachelor party is in Saratoga?

2 JUROR: Mm-hmm.

3 THE COURT: All right. So that's a very easy drive.

4 JUROR: Yes, but it would be, I guess, before the
5 trial would end.

6 THE COURT: What day of the week is the party?

7 JUROR: I'd be leaving on a Wednesday. It would be
8 July 10th I'd be leaving.

9 THE COURT: You're saying the party is on a Wednesday
10 as opposed to, say, a Friday or Saturday?

11 JUROR: Well, it's the whole weekend. I'm getting
12 there Wednesday night, the party's through the weekend,
13 Thursday, Friday, and Saturday.

14 THE COURT: There's something in addition to the
15 bachelor party?

16 JUROR: No, it's the entire weekend.

17 THE COURT: It's the entire weekend.

18 Okay. You can step back.

19 JUROR: Thank you.

20 (Juror not present)

21 THE COURT: Any objection to my excusing him?

22 MR. SCHIRICK: No, your Honor.

23 MS. MURRAY: No, your Honor.

24 THE COURT: All right. No. 100 is excused.

25 (Juror present)

O5MVGUOVD4

1 THE COURT: Hello.

2 JUROR: I was here before, No. 33.

3 THE COURT: Yes.

4 JUROR: We can't move the vacation without significant
5 penalties.

6 THE COURT: All right. I understand.

7 JUROR: We tried.

8 THE COURT: Thank you. Thank you for making the
9 effort.

10 (Juror not present)

11 THE COURT: So No. 33, anybody object to my excusing
12 her?

13 MR. SCHIRICK: No, your Honor.

14 MS. MURRAY: No, your Honor.

15 (Juror present)

16 THE COURT: Hi. What number are you?

17 JUROR: No. 3.

18 THE COURT: No. 3. And what is your name?

19 JUROR: [REDACTED].

20 THE COURT: And what is the problem?

21 JUROR: When I work with mentally and disabled
22 individuals, really it's for six weeks going to be
23 overwhelming. And I work at night, you know. And then plus I
24 don't have no kids of my own, but I assist with my family I
25 have to pick up from school. So I can't do it. It's going to

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1 be hard.

2 THE COURT: So are you saying with regard to your job
3 that --

4 JUROR: The job is going to be overwhelming for eight
5 weeks.

6 THE COURT: Overwhelming in what sense?

7 JUROR: Because we already short. The staff is short.
8 The staff, we are short already.

9 THE COURT: Okay.

10 JUROR: And then personally my family, I have to pick
11 up my nieces and nephews from school.

12 THE COURT: Okay.

13 JUROR: Because I work in the night.

14 THE COURT: What time do you pick up the children?

15 JUROR: I work at night. One finish at 2 -- 3:45.

16 THE COURT: Okay. You can step back.

17 (Juror not present)

18 THE COURT: What number was that?

19 MR. SCHIRICK: Three, I believe.

20 THE COURT: All right.

21 So any objection to my excusing No. 3?

22 MR. SCHIRICK: No, your Honor.

23 MS. MURRAY: No, your Honor.

24 (Juror present)

25 THE COURT: Hi there. Your name?

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1 JUROR: [REDACTED] No. 52.

2 THE COURT: Go ahead.

3 JUROR: So my fear is being out of the field for work
4 for seven months -- seven weeks, forgive me. I train position
5 and operators to do cataract surgery. And the postponement of
6 seven weeks potentially, and my fear is I'm going to lose
7 business and I'll be out of a job. That's my fear.

8 THE COURT: So do you work for a company that gives
9 you a salary?

10 JUROR: Correct.

11 THE COURT: And so are you saying they won't pay you
12 if you don't show up?

13 JUROR: What I'm saying is I don't know we're going to
14 have replacements for -- to provide support for these surgeons
15 to do the cataract surgery.

16 THE COURT: Who do you support, what institutions?

17 JUROR: ASCs and hospitals that do cataract surgeries,
18 such as me. And Gramercy. And we do cataract surgery there.
19 I provide support with the surgeons on there. If I'm not
20 there, they won't use our product; and I don't have any
21 replacement for me if I'm not there.

22 THE COURT: You're saying there's no one else who can
23 do your job?

24 JUROR: There's no one else in this territory that
25 would do my job. I cover New Jersey, Connecticut, Delaware,

O5MVGUOVD4

1 and New York City.

2 THE COURT: So if you get hit by a truck today, no
3 surgery?

4 JUROR: They won't use our product.

5 THE COURT: They'll use somebody else.

6 JUROR: They won't use our product.

7 THE COURT: Okay. You can step back.

8 (Juror not present)

9 THE COURT: Any objection to my excusing him?

10 MR. SCHIRICK: No objection.

11 MS. MURRAY: No.

12 THE COURT: He was number?

13 MS. MURRAY: 52.

14 (Juror present)

15 THE COURT: Hi. Your number, sir?

16 JUROR: 76. I was here before.

17 THE COURT: And what is the problem?

18 JUROR: The problem is I don't feel comfortable
19 between you telling me that you're going to finish on the 12th
20 and I have a flight on the 15th. I know you're super smart,
21 and I know that you have this whole case under control. But
22 the gap between the 12th and the 15 is very uncomfortable for
23 me, besides the financial strain that dragging this for more
24 than two or three weeks is going to take on my family.

25 THE COURT: So when you say financial strain, what do

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1 you mean?

2 JUROR: Well, you guys pay 60 bucks an hour, and I'm
3 going to be not paid for my job.

4 THE COURT: You're saying you would have to forgo your
5 salary, you would not be paid while you are here?

6 JUROR: Correct.

7 THE COURT: All right. You may step back.

8 JUROR: Thank you.

9 (Juror not present)

10 THE COURT: Okay. So any objection to my excusing
11 him?

12 MR. SCHIRICK: No, your Honor.

13 MS. MURRAY: No, your Honor.

14 THE COURT: And he's number?

15 MS. MURRAY: 76.

16 THE COURT: Okay. All righty.

17 Looks like that's it. Let's go back.

18 (In open court)

19 THE COURT: Does anyone have any personal knowledge of
20 the charges in this case?

21 All right. Please step up.

22 (At sidebar)

23 (Juror present)

24 THE COURT: What number are you?

25 JUROR: 12.

O5MVGUOVD4

1 THE COURT: And what knowledge do you have about this
2 case?

3 JUROR: So I likely read it in *The Wall Street Journal*
4 that -- so the knowledge I have is that he was or had a strong
5 relationship with Steve Bannon. I think his ultimate goal was
6 to take down the communist regime in China. And that he
7 defrauded, I believe it was, a billion dollars or so from
8 investors or was, you know, alleged to have defrauded about a
9 billion dollars from investors. And that, you know, Steve
10 Bannon has a close relationship with Trump, so it was all in
11 the -- I guess *The Wall Street Journal* and the papers that I
12 read.

13 THE COURT: So many of us read *The Wall Street*
14 *Journal*.

15 JUROR: Right.

16 THE COURT: And it's not -- it doesn't surprise me
17 that you may have had heard about the case. And so the first
18 question is can you put aside what you have read and come into
19 the court with an open mind and listen to the testimony of the
20 witnesses, review any documentary evidence, follow my
21 instructions on the law, and be a fair and impartial juror?

22 JUROR: I believe so, yes.

23 THE COURT: What do you mean you believe? This is a
24 yes-or-no question.

25 JUROR: Yes. Yes, I mean -- yes.

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1 THE COURT: Yes?

2 JUROR: Yes.

3 THE COURT: Okay. You also mentioned that the matter
4 had something to do with Steve Bannon. You mentioned the
5 former president.

6 JUROR: Right.

7 THE COURT: Does that have any bearing on your point
8 of view about this case?

9 JUROR: No.

10 THE COURT: You don't have any biases for or against
11 Mr. Bannon or Mr. Trump?

12 JUROR: No.

13 THE COURT: Okay. You may step back.

14 (Juror not present)

15 THE COURT: I see no reason to excuse him.

16 (Juror present)

17 THE COURT: Hi. What number are you?

18 JUROR: I am 40.

19 THE COURT: 40.

20 JUROR: Yes.

21 THE COURT: And your name, please.

22 JUROR: [REDACTED].

23 THE COURT: And what is the problem?

24 JUROR: That I have heard about the case before from
25 some friends in the nonprofit that I work in with the Himalayan

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1 Farmers Network. Apparently there was some confusion between
2 the farmers alliance and the Himalayan Farmers Network. So I
3 had known about the case before.

4 THE COURT: And could you tell me a little bit about
5 the network.

6 JUROR: Sure. They grow orange-fleshed sweet
7 potatoes, which are a primary source of vitamin A, which
8 prevent childhood blindness, which is a big issue in Nepal and
9 the rest of the Himalayas.

10 THE COURT: Okay. So agriculture is unrelated to this
11 case.

12 JUROR: Understood.

13 THE COURT: They are two different, very different
14 subject matters.

15 JUROR: Understood.

16 THE COURT: So is there anything about the fact that
17 there may have been some confusion that would prevent you from
18 being a fair and impartial juror in this case?

19 JUROR: Probably.

20 THE COURT: Why?

21 JUROR: Because there are people who work very, very
22 hard to improve people's lives under the name of the Himalayan
23 Farmers Network. And we have someone with a very similar name
24 who steals from people, doesn't sit well with me.

25 THE COURT: So first of all, these are only charges.

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1 JUROR: Understood.

2 THE COURT: We have seen no evidence thus far, and
3 Mr. Guo is presumed innocent.

4 JUROR: Understood.

5 THE COURT: And he cannot be found guilty until a
6 unanimous jury finds him guilty beyond a reasonable doubt.

7 So right now if we were to have a vote of the people
8 in this room, they would have to vote not guilty because of the
9 presumption of innocence and the burden on the prosecution.

10 So can you put aside whatever you may have heard about
11 the defendant or his activities, and come into the courtroom
12 with an open mind, listen to the testimony of the witnesses,
13 review the documentary evidence, follow my instructions on the
14 law, and be a fair and impartial juror?

15 JUROR: I could try.

16 THE COURT: It's a yes-or-no question.

17 JUROR: And so I would say no.

18 THE COURT: All righty. You may step back.

19 JUROR: Thank you.

20 (Juror not present)

21 THE COURT: She was number?

22 MS. MURRAY: 40.

23 THE COURT: And I am going to excuse her.

24 MR. SCHIRICK: No objection.

25 MR. KAMARAJU: Just to make the record clear.

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1 (Juror present)

2 THE COURT: Sir, your number?

3 JUROR: 42.

4 THE COURT: And your name?

5 JUROR: [REDACTED].

6 THE COURT: And what is the issue?

7 JUROR: So on a professional level, and there's part
8 on a personal level.

9 On a professional level, I've been involved in
10 financial technology companies, including the Chinese company,
11 over the past 20-plus years. My current company also is
12 involved in crypto.

13 So on a personal level, I've been investing in crypto
14 space for the past eight years; it's sort of a family-related
15 business now. And just in terms of the content of the case and
16 my ability to be impartial, I have concerns.

17 THE COURT: So cryptocurrency has become very popular
18 among Americans – actually globally.

19 JUROR: Yup.

20 THE COURT: And so why would you have these concerns?

21 JUROR: Yeah. So, I mean, I know about a lot of
22 compliance-money-laundering-related issues that have happened
23 both on a professional level and on a personal level. I feel
24 like I'm too close to what's been going on in this space over
25 the last almost decade for me to be able to judge the facts in

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1 an impartial way.

2 THE COURT: So numbers of people have knowledge about
3 cryptocurrency and other financial matters. And the question
4 is can you put aside your knowledge and come into the court
5 with an open mind and listen to the witness testimony and
6 review the documents, follow my instructions on the law, and be
7 a fair and impartial juror?

8 JUROR: And your question is?

9 THE COURT: My question was can you put aside your
10 knowledge about the subject matter and your feelings about the
11 subject matter, and come into the court with an open mind and
12 listen to the witness testimony, review the documentary
13 evidence, follow my instructions on the law, and be a fair and
14 impartial juror?

15 JUROR: Honestly, no.

16 THE COURT: All righty. You may step back.

17 (Juror not present)

18 THE COURT: Was he 42?

19 MR. SCHIRICK: Correct.

20 THE COURT: All right. So I am going to dismiss him
21 for cause.

22 (Juror present)

23 THE COURT: Hello. What is your number?

24 JUROR: 47.

25 THE COURT: And your name, sir?

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1 JUROR: [REDACTED].

2 THE COURT: And what is the issue?

3 JUROR: When I came into the room, I recognized the
4 man accused and one of the lawyers. I seen the case in the
5 news. And I don't have much details about the case, but that's
6 the knowledge I have from hearing the case in the news.

7 THE COURT: So this case has been in the news. So it
8 doesn't surprise me that you may have seen something or heard
9 something or read something.

10 JUROR: Okay.

11 THE COURT: The question is, can you put aside
12 whatever you have heard or seen and come into the courtroom
13 with an open mind and listen to all the evidence in the case,
14 hear the witnesses, review the documentary evidence, follow my
15 instructions on the law, and be a fair and impartial juror?

16 JUROR: So I work as an assistant property manager in
17 the city and -- building in Sutton Place in Midtown East. And
18 there's a lot of high-profile residents, diplomats, people from
19 all over the country.

20 And there have been certain scenarios of few residents
21 who have not paid rent on time because they either trying to
22 wire the money to America from their country and they use it as
23 an excuse not to pay rent.

24 I do have another case of residents where they have --
25 they're being sued for fraud and we are trying to evict them

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1 because they haven't paid rent either.

2 So it would be hard for me to not take the case a
3 little bit personal, since I always involve into like those
4 residents or I have -- you know, going after those residents
5 for them to pay rent. So I don't know if I would be able to be
6 transparent or impartial.

7 THE COURT: So this is not a case where Mr. Guo is
8 accused of failing to pay rent.

9 JUROR: Right. I understand. Yeah.

10 But I do have residents who have been accused of fraud
11 and as a consequence of that. I've been involved in like their
12 not being able to pay rent. So I'm involved with -- very
13 familiar with lawyers in their cases trying to get them to pay
14 rent and leave.

15 THE COURT: And you can't put aside these particular
16 cases, your experience with these particular cases, and come
17 here with an open mind?

18 JUROR: I could, but it's something I do every day and
19 it's hard for me, like, not to judge the people that -- at
20 least the people live in my building. They are wealthy or the
21 high profiles. And there's always this money involved when it
22 comes to like, you know, get away with things sometimes. So --

23 THE COURT: Are you saying that you come in with a
24 negative feeling already toward Mr. Guo?

25 JUROR: Not personally to him, but to people who tend

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1 to be rich or have high profiles.

2 THE COURT: But he is the only person here on trial.
3 It's not a trial against the class of rich people. And so the
4 question is can you look at him as an individual and be fair
5 and impartial to him?

6 JUROR: Not after what I see on TV.

7 THE COURT: All right. You may step back.

8 (Juror not present)

9 THE COURT: He's 47?

10 MS. MURRAY: Yes.

11 THE COURT: Any objection to my excusing him for
12 cause?

13 MS. MURRAY: No, your Honor.

14 MR. SCHIRICK: No, your Honor.

15 THE COURT: That's it? Okay.

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1 (In open court)

2 THE COURT: Is there anything about the nature of the
3 charges in this case that would prevent you from being a fair
4 and impartial juror?

5 The government is represented here by the United
6 States Attorney for the Southern District of New York, Damian
7 Williams. This trial will be in the immediate charge of
8 Assistant United States Attorneys Micah Fergenson, Ryan Finkel,
9 Justin Horton and Juliana Murray. They will be assisted by
10 paralegals Michael Gartland, Isabel Loftus, and Jeffrey Mearns.

11 Please stand and face the jurors.

12 The defendant in this case is Miles Guo.

13 Mr. Guo, please stand and face the jurors.

14 Mr. Guo is represented by his attorneys, Sidhardha
15 Kamaraju, Sabrina P. Shroff, Matthew S. Barkan, and E. Scott
16 Schirick. Mr. Kamaraju and Mr. Barkan are with the law firm of
17 Pryor Cashman LLC; and Mr. Schirick is with the law firm of
18 Alston & Bird. They will be assisted by paralegal Ruben
19 Montilla, attorneys Daniel Pohlman, John Kilgard, Clare Tilton,
20 James Beall, and Jorge Salazar of Pryor Cashman, and also been
21 involved in Mr. Guo's defense.

22 Please stand and face the jurors.

23 Do any of you know Mr. Guo or any of the other
24 individuals that I have just identified?

25 Have you, your family members or close friends, had

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1 any personal or business dealings, directly or indirectly, with
2 any of these individuals, including the defendant?

3 Have any of your relatives or close friends had any
4 association or business dealings with any member of the staff
5 of Pryor Cashman LLP or Alston & Bird?

6 The gentleman -- if you would please give him the
7 microphone. Sir, what number are you?

8 JUROR: 75, your Honor.

9 THE COURT: All righty. And your dealings with --

10 JUROR: I had a case against Pryor Cashman about seven
11 or eight years ago. Different attorneys. I don't know them.
12 And to my knowledge, I last had contact with them five years
13 ago or so.

14 THE COURT: And you're an attorney; correct?

15 JUROR: Yes, your Honor.

16 THE COURT: You may be seated.

17 And the next individual? What number are you?

18 JUROR: 89.

19 THE COURT: And what is the issue?

20 JUROR: Similar to the gentleman in front of me. I
21 just happen to know some attorneys at Pryor Cashman from law
22 school or just from the legal community in New York. I don't
23 know these individuals.

24 THE COURT: All right. You may be seated.

25 Anyone else?

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1 I'm going to read the names of potential witnesses in
2 this case, as well as other individuals whose names may be
3 mentioned during the trial.

4 After I read the list, the number of names, I'm going
5 to ask whether you are familiar with them.

6 Aaron Mitchell, Adalberto Cattabriga, Alex Soltani,
7 Alex Hadjicharalambous, Alexandra Gale, Amin Shams, Amy Buck,
8 Ana Izquierdo, Andrew Zitman, Anthony Alecci, Anthony
9 Debatista, Anthony Martinez, Ava Chan, Baorong Liu, Bin Guo, BJ
10 Pendergast, Bo Collins, Bruce Frederick, Chelsea Grady, and
11 Chingwa Wang.

12 Do any of you know any of these individuals or have
13 your family or close friends had any dealings, directly or
14 indirectly, with any of those people?

15 I'm going to continue now with the list of names.

16 Christina Schatz, Christine Frosini, Christine Li,
17 Courtney Benitez, Crystal Wang, Damon Lope, Daniel Podhaskie,
18 Darren Blanton, Darren Loos, David Lasky; Defeng Cao, also
19 known as Wayne; Doaa Dashoush, Ehsan Haque, Ehsan Mahsud,
20 Elaine Dellapia, Elliot Broidy, Erica Buonocore, Erin McNamara,
21 Fay Fay, Gabriela Luciano.

22 Do any of you know or have any of your family members
23 or close friends have any dealings, directly or indirectly,
24 with any of those people?

25 I'm going to continue with my list of names.

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1 Giacomo Mattioli, Gladys Chow, Haidong Hao, Haitham
2 Khaled, Haley Richins, Haoran He, Ho He, Hongfei Guo, Isabel
3 Despins, Jamie Wilson, Jammy Tam, Janie Du, Jason Miller, Jenny
4 Li, Jeremy Tempkin, Jesse Brown, Jessica Mastrogiovanni,
5 Jessica Volchko, Jian Peng, Jianhu Yi.

6 Do any of you know or have any family members or
7 friends who've had dealings, directly or indirectly, with any
8 of those people?

9 I'm going to continue.

10 Jieyu Bian, John Morgan, Joseph Hugdahl, Juliana
11 Lister, Justine Atwood, Karin Maistrello, Katherine Miles,
12 Katrina Laperuta, Kelly Noh, Kevin Ma, Kin Min "William" Je,
13 Kit Addleman, Kyle Bass, Lan You, Le Zhou, Lee Chu, Limarie
14 Reyes Molinaris, Lin Chao, Lonny Soza, and Louie Bonsoukan.

15 Do you know or have any of your family members or
16 close friends had any dealings with any of these individuals,
17 directly or indirectly?

18 Continuing with my list.

19 Lu Zhu, Luc Despins, Madeleine Despins, Maggie Sklar,
20 Maggie Murphy, Marios Mamzeris, Mark Williams, Marvin James
21 Sawyer, Matt Smith, Mateo Gandini, Matthew Pottinger, Max
22 Krasner, Mei Guo, Melissa Baccari, Melissa Francis, Melissa
23 Mendez, Meng Tong Zang, Minran Wu, Na Zhou, and Nicholas
24 DiMarino.

25 Do any of you know or have any of you or your family

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1 members or close friends had any dealings, directly or
2 indirectly, with any of those individuals?

3 I'm continuing with my list.

4 Nickie Lum Davis, Nicole Torres, Nicole Tsai, Nina
5 Peng, Olivia Sebade, Paolo Sozzi, Patrick Chin, Patrick York,
6 Paul Doran, Paul Hinton, Prakazrel Michel, Priya Patel; Qiang
7 Guo, also known as Milesen; Qidong Xia, also known as Long
8 Island David; Rachel Campbell, Rachel Cartwright, Ray Dragon,
9 Robert Stout, Robin Mokhtar, Ross Heinemeyer.

10 Do any of you know or have you or any of your family
11 members or close friends had any dealings, directly or
12 indirectly, with any of those people?

13 I'm continuing with my list.

14 Ruizheng An, also known as "Ryan" and "Crab"; Russell
15 Stockil, Ryan Sears, Sam Roberts, Sara Wei, Scott Barnett,
16 Shamel Medrano, Simon Je, Sophia Chen, Steele Schottenheimer,
17 Steve Bannon, Steve Weber, Tedroy Wilson, Tom Bishop, Tom
18 O'Leary, Una Wilkinson, Victor Cerda, William Kumpf, Xiaobo He.
19 Xiaoke Min.

20 Do any of you know or have you or your family members
21 or close friends had any dealings, directly or indirectly, with
22 any of those people?

23 I'm continuing with my list.

24 Ya Li; Yanping Wang, also known as Yvette; Yangping
25 Liu, Yi Shing Lee.

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1 THE COURT: YinYang Wang, also known as Aila.
2 Yongbing Zhang, Zachary Efftting. Zhaoying Ye. Zhengqiao Du.
3 Do any of you know any of those people or have you or your
4 family members or close friends had any dealings directly or
5 indirectly with any of those people?

6 The witnesses in this case may include one or more of
7 what is known as an accomplice, or cooperating witness, a
8 person who has admitted to participating in crimes related to
9 the indictment, as well as other crimes. Is there anything
10 about the fact that cooperating witnesses may testify in this
11 case that would prevent you from being a fair and impartial
12 juror?

13 I will now read the names of potential businesses or
14 entities that may be mentioned during the trial. ACA Capital.
15 Armanino. Bank of Princeton. Bitgo. Brioni. Dallas
16 Lamborghini. Eastern Profit. Ferrari Beverly Hills. Freedom
17 Media Ventures. G Bank. G Clubs. G Coins. G Fashion. G
18 Mall. G Media. G Music. And G News. As well as Gettr,
19 Golden Spring, and Greenwich Land. Do any of you know or have
20 any of your family members or close friends had any dealings
21 directly or indirectly with any of those entities?

22 Sir, what is your number?

23 JUROR: 78, your Honor.

24 THE COURT: 78? And what is it?

25 JUROR: Which entity?

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1 THE COURT: Yes.

2 JUROR: Bank of Princeton.

3 THE COURT: What is your relationship to the Bank of
4 Princeton?

5 JUROR: I work for a separate bank, but there's
6 participation loans between the two banks.

7 THE COURT: You work for a bank and sometimes there
8 are participation loans—

9 JUROR: Well, there is a participation loan between
10 the two banks. I'm not aware of any other relation, but
11 there's a specific loan that I've been working on together with
12 Bank of Princeton.

13 THE COURT: So in the course of your work you deal
14 with a number of different entities; is that correct?

15 JUROR: Yes, yes. I work for a different bank, and
16 this is a participation loan with the Bank of Princeton.

17 THE COURT: Just the fact that you may have a business
18 relationship with the Bank of Princeton, is that going to
19 prevent you from being a fair and impartial juror if the Bank
20 of Princeton is mentioned in this trial?

21 JUROR: No. No, your Honor.

22 THE COURT: Do you think you can be completely
23 impartial if the Bank of Princeton comes up?

24 JUROR: Yes, your Honor.

25 THE COURT: Do you think you might have a bias in

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1 favor of the Bank of Princeton because your business is doing
2 business with the Bank of Princeton?

3 JUROR: No, your Honor.

4 THE COURT: Would you have a bias against the Bank of
5 Princeton because of that?

6 JUROR: No, your Honor.

7 THE COURT: All right. You may be seated.

8 Anybody else?

9 Do any of you know or have any family members or close
10 friends had any dealings, directly or indirectly, with any of
11 these entities: GTV; H Coin; Hamilton Investment; Hayman
12 Capital; HCHK Property Management; HCHK Technologies; Himalaya
13 Exchange; Himalaya Farm Alliance; HR Owen; Hudson Diamond;
14 Jovial Century; Jumio; Maywind; mBaer Bank; Mercantile Bank;
15 Mountain of Spices; New Federal State of China (NFSC); NexBank;
16 OSC (Orbit Service Company)? Anyone know or have any family
17 members or close friends that have had dealings with those
18 entities, directly or indirectly?

19 I'm going to continue with my list.

20 Passione Rossa. Phaxis. Post Oak Motors.
21 Promemoria. RH Southeby's. Rule of Law Foundation. Rule of
22 Law Society. Strategic Vision. Taurus Management. Voice of
23 Guo. Voice of Good. Anybody know or have any family members
24 or friends who have had dealings, directly or indirectly, with
25 any of those entities?

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1 The events in this case took place at or around 188
2 East 64th Street in Manhattan; 19 Houhai Beiyan, Xicheng
3 District, Beijing, People's Republic of China; 20 South Bay
4 Road, Repulse Bay, Hong Kong; 3 Columbus Circle in Manhattan;
5 373 Taconic Road in Greenwich, Connecticut; The Crocker Mansion
6 at 675 Ramapo Valley Road in Mahwah, New Jersey; Pangu 7 Star
7 Hotel in Beijing, Chaoyang, Beijing, 100101 in People's
8 Republic of China; and the Sherry-Netherland Hotel, Fifth
9 Avenue, Apartment 1801, New York, New York. Anyone familiar
10 with these locations?

11 Do any of you know or have any of you or your
12 relatives or close friends had any association or business
13 dealings with any member of the staff of United States
14 Attorney's Office for the Southern District of New York, the
15 Federal Bureau of Investigation, the Securities and Exchange
16 Commission (or SEC), or the Department of Homeland Security?

17 Have you, a family member—I'm sorry. Oh. What is
18 your number?

19 JUROR: 89.

20 THE COURT: And what have your dealings been?

21 JUROR: Oh, just there are a number of former SEC
22 employees that I work with directly on a daily basis. I don't
23 know if that counts.

24 THE COURT: All right. You may be seated.

25 JUROR: Thank you.

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1 THE COURT: Have you, a family member, or close friend
2 ever been employed by any federal, state, or local law
3 enforcement agency, or the justice system? Oh, there's an
4 additional person over there. What is your number, please?

5 JUROR: Yes, your Honor. 98. The late Bill Pauley,
6 Judge Bill Pauley married me, six years ago.

7 THE COURT: He presided over your wedding.

8 JUROR: Correct.

9 THE COURT: Okay. Thank you.

10 JUROR: 75, your Honor. Formerly employed by the U.S.
11 Attorney's Office for the Western District of Virginia. It was
12 within law school though, so I wasn't employed, but I was trial
13 practice certified.

14 THE COURT: All right. Thank you.

15 JUROR: I'm No. 11. My sister works for the federal
16 government.

17 THE COURT: Your assistant?

18 JUROR: My sister.

19 THE COURT: Your sister.

20 JUROR: Yes.

21 THE COURT: And what does she do?

22 JUROR: She's an ALJ with the Department of Health and
23 Human Services, your Honor.

24 THE COURT: And is there anything about her job that
25 would prevent you from being a fair and impartial juror in this

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1 case?

2 JUROR: No, your Honor.

3 THE COURT: Considering that your sister is employed
4 by the federal government, would that cause you to side with
5 the government in this case?

6 JUROR: No, your Honor.

7 THE COURT: Would it cause you to have a bias against
8 the government?

9 JUROR: No, your Honor.

10 THE COURT: Would it cause you to side with the
11 defense?

12 JUROR: No, your Honor.

13 THE COURT: Would it cause you to have a bias against
14 the defense?

15 JUROR: No, your Honor.

16 THE COURT: Is there anything that would prevent you
17 from being a fair and impartial juror in this case?

18 JUROR: No, your Honor.

19 THE COURT: Anyone else? What is your number?

20 JUROR: 95. My younger brother is a prosecutor in
21 Long Island.

22 THE COURT: In the state?

23 JUROR: In—I think he's in Mineola. I don't think it
24 is state. I'm not too sure on that one.

25 THE COURT: Is there anything about your relationship

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1 with your brother or his work that would prevent you from being
2 a fair and impartial juror in this case?

3 JUROR: Not really.

4 THE COURT: Because your brother is a prosecutor,
5 would that cause you to side with the prosecution in this case?

6 JUROR: No.

7 THE COURT: Would you be against the prosecution?

8 JUROR: No, your Honor.

9 THE COURT: Would you have a bias against the defense?

10 JUROR: No, your Honor.

11 THE COURT: Would you be for the defense?

12 JUROR: No, your Honor.

13 THE COURT: Anything that would prevent you from being
14 a fair and impartial juror in this case?

15 JUROR: No, your Honor.

16 THE COURT: Anyone else?

17 JUROR: My daughter used to work at the New York City
18 Department of Investigation, in particular for the New York
19 Police Department, but she's now working for a different
20 department for the city.

21 THE COURT: So is your daughter a lawyer?

22 JUROR: No. Well, she does analysis for New York City
23 Department of—

24 THE COURT: And your number again, sir?

25 JUROR: No. 4.

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1 THE COURT: Okay. So is there anything about your
2 daughter's work at any of those divisions that would prevent
3 you from being a fair and impartial juror in this case?

4 JUROR: No.

5 THE COURT: Considering that she works for the
6 government, would that make you side with the government in
7 this case?

8 JUROR: No.

9 THE COURT: Would you be against the government?

10 JUROR: No. I would be fair.

11 THE COURT: You would be fair. Okay. I'm asking you,
12 would you have a bias against the government?

13 JUROR: No, no.

14 THE COURT: Would you have a bias in favor of the
15 defense?

16 JUROR: No.

17 THE COURT: Would you have a bias against the defense?

18 JUROR: No.

19 THE COURT: Anything that would prevent you from being
20 a fair and impartial juror?

21 JUROR: No.

22 THE COURT: Anybody else?

23 JUROR: Yes.

24 THE COURT: Your number, please.

25 JUROR: No. 15. My sister works for the U.S.

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1 Department of State.

2 THE COURT: Okay. So considering that she works for
3 the federal government, is there anything about her job or your
4 relationship with her that would prevent you from being a fair
5 and impartial juror in this case?

6 JUROR: No, your Honor.

7 THE COURT: Would you favor the government because
8 your sister works for the government?

9 JUROR: No, your Honor.

10 THE COURT: Would you be against the government?

11 JUROR: No, your Honor.

12 THE COURT: Would you have a bias against the defense?

13 JUROR: No.

14 THE COURT: A bias in favor of the defense?

15 JUROR: None.

16 THE COURT: Anything that would prevent you from being
17 a fair and impartial juror?

18 JUROR: No, your Honor.

19 THE COURT: Your number, please.

20 JUROR: No. 60, your Honor. My father was an
21 auxiliary police officer with the NYPD.

22 THE COURT: All righty. Is there anything about his
23 job that would prevent you from being a fair and impartial
24 juror in this case?

25 JUROR: I believe it may bias me towards the side of

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1 the police department, if that was the question, ma'am.

2 THE COURT: So would you agree with me that in every
3 profession, there are those who are competent and who have
4 integrity and then there are those who are incompetent and who
5 lack integrity, in every profession?

6 JUROR: It depends on what we would describe as a
7 profession.

8 THE COURT: Every job. There are those that do their
9 job competently and with integrity and then there are those who
10 don't.

11 JUROR: There are jobs that are inherently bad or
12 immoral, in my opinion.

13 THE COURT: So let's just stick with being an
14 auxiliary police officer. Do you consider that to be a job
15 that can be characterized as a positive contribution to
16 society?

17 JUROR: Yes, your Honor.

18 THE COURT: But would you agree that there are some
19 who take on that role who may not be good at it?

20 JUROR: Yes, your Honor.

21 THE COURT: And there may be some who lack integrity
22 when they carry out their duties; is that correct?

23 JUROR: Yes, your Honor.

24 THE COURT: All right. So knowing that there are good
25 apples and bad apples, would you have a bias in favor of a law

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1 enforcement official who is on the witness stand?

2 JUROR: I would think that the majority would be good,
3 so that seems to be a bias.

4 THE COURT: So you're saying you would give any law
5 enforcement witness the benefit of the doubt.

6 JUROR: Yes, ma'am.

7 THE COURT: Okay. You may be seated.

8 Who else?

9 JUROR: Juror 69. My daughter currently works for the
10 Connecticut State Court System as a court reporter, recorder.

11 THE COURT: She's a stenographer?

12 JUROR: No, recorder. So she has electronic means and
13 she sits in trials and records and transcribes.

14 THE COURT: In the same way that this very competent
15 individual is doing?

16 JUROR: Perhaps. It looks very similar.

17 THE COURT: All right. Okay. Is there anything about
18 her job that would prevent you from being a fair and impartial
19 juror in this case?

20 JUROR: No.

21 THE COURT: And it would not interfere with your
22 ability to come into the courtroom with an open mind?

23 JUROR: No, it doesn't.

24 THE COURT: Okay, then. You may be seated.

25 Have you or any family member, individually or in the

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1 course of business, ever been a party to any legal action or
2 dispute with the United States or any offices, departments,
3 agencies or employees of the United States, or have any
4 interest in any such legal action or dispute or its outcome?

5 Your number, sir?

6 JUROR: Juror 76. I do tax preparation. I constantly
7 fight with the IRS.

8 THE COURT: You can distinguish between the IRS and
9 other departments of the government, right?

10 JUROR: Certainly.

11 THE COURT: Okay. Anybody else?

12 Does anyone have any bias, prejudice, or other strong
13 feelings for or against United States Department of Justice,
14 United States Attorney's Office, or any law enforcement agency?

15 Have any of you read, heard, or seen anything in the
16 newspaper, on the internet, or on TV about this case? And I
17 address this question to those who have not already answered
18 the question. And in answering the question, I don't want you
19 to disclose the contents of what you may have heard.

20 JUROR: Okay. Juror 89. I've read some internet
21 articles about the case.

22 THE COURT: Okay. You may be seated.

23 JUROR: I wouldn't say that I—your Honor, juror 78.
24 I wouldn't say that I actually have—saw the details of the
25 case, but just standing outside, I heard associations about the

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1 case, just loud, on the megaphone. I didn't know about it
2 before this morning, your Honor.

3 THE COURT: When you say standing outside, what do you
4 mean by that?

5 JUROR: With the megaphone, there was just
6 something—something comparing this to another case.

7 THE COURT: Are you saying that you exited the
8 courthouse and you heard something?

9 JUROR: Yes.

10 THE COURT: Okay. And without stating what you
11 heard—

12 JUROR: Yes.

13 THE COURT: —does that have any impact on your
14 ability to be a fair and impartial juror in this case?

15 JUROR: No, your Honor.

16 THE COURT: So you understand that here in the United
17 States we have freedom of speech.

18 JUROR: Yes, your Honor.

19 THE COURT: And we can praise or criticize individuals
20 in public, right?

21 JUROR: Yes, your Honor.

22 THE COURT: That's right. And so given that precious
23 freedom, that does not mean that what someone says is
24 necessarily going to influence you; is that correct?

25 JUROR: Yes, your Honor.

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1 THE COURT: That's right.

2 Okay. Who else?

3 This trial will likely generate media attention. Will
4 each of you follow my instruction that you should absolutely
5 avoid reading, watching, or listening to media reports
6 concerning the case, including coverage of the case on social
7 media, like Facebook, Twitter, blogs, etc., until after the
8 case is over?

9 THE JURORS: Yes.

10 THE COURT: Is there anyone who cannot follow that
11 instruction?

12 Will each of you follow my instruction that you may
13 not research or talk about the case with other people until the
14 case is over?

15 THE JURORS: Yes.

16 THE COURT: Is there anyone who will not follow that
17 instruction?

18 As I mentioned, during the trial you will hear
19 evidence concerning alleged racketeering, an alleged
20 racketeering conspiracy involving wire fraud, securities fraud,
21 bank fraud, and money laundering. Will the nature of the
22 charges affect your ability to render a fair verdict?

23 Have you or anyone close to you been involved in any
24 proceedings involving the U.S. Securities and Exchange
25 Commission?

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1 Have you or anyone close to you filed for bankruptcy
2 or been involved in a bankruptcy proceeding?

3 JUROR: Juror 79. My girlfriend is a restructuring
4 attorney.

5 THE COURT: Did you say your girlfriend is a
6 restructuring attorney?

7 JUROR: Yes.

8 THE COURT: So your girlfriend is involved in
9 assisting clients who need to restructure their debt; is that
10 correct?

11 JUROR: Correct.

12 THE COURT: And would that have any impact on your
13 ability to be a fair and impartial juror in this case?

14 JUROR: No, your Honor.

15 THE COURT: Anybody else?

16 Do you or anyone close to you have strong views about
17 the Chinese government or the Chinese Communist party?

18 JUROR: Yes, your Honor. There's been a lot of news
19 about their treatment of the—I believe it's Uyghur people.
20 Also, the political situation with Taiwan is very concerning
21 for the future, as the situation with Hong Kong was a few years
22 ago.

23 THE COURT: Counsel, would you step up, please.

24 (At the sidebar)

25 THE COURT: So I suspect that any number of people may

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1 have strong feelings about the Chinese government or the CPC.
2 What line of questioning do you want me to pursue?

3 MR. FINKEL: Your Honor, we would ask if people have
4 strong feelings, if they want to—I think it would be
5 appropriate to deal with those feelings at sidebar, since there
6 could be a wide range of things that could be relevant to the
7 trial or irrelevant to the trial. That would be government's
8 view.

9 THE COURT: So this individual, for example, what
10 would you want me to ask him? He said he's not happy with
11 Taiwan, he's not happy with the Uyghurs. What else?

12 MR. FINKEL: This individual I think should be struck
13 for cause because he has a bias in favor of law enforcement.

14 THE COURT: Yes, we know that already. But there may
15 be somebody who comes along who says something similar about
16 the Chinese.

17 MR. FINKEL: I think it should be explored and I think
18 that it should be asked of him whether what he's heard he can
19 put out of his mind so that he can focus on the evidence or
20 lack of evidence that is introduced at this trial, render a
21 fair and impartial verdict based on what he sees and hears at
22 this trial, and follow your instructions.

23 MS. SHROFF: Your Honor, I think every government
24 summation I've ever heard is, use your common sense, don't
25 leave it at the door. His common sense would include the bad

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1 acts of the Communist Party of China, so I think it's kind of a
2 tight balance here asking somebody to set aside—so maybe,
3 before the person—actually, I think he's the only one who may
4 have raised his hand, so—

5 THE COURT: I'm not going to bring him up because
6 we've already decided—

7 MS. SHROFF: I don't know if there's anybody else.

8 THE COURT: I think there might be another person.

9 MS. SHROFF: Oh, there might be?

10 THE COURT: I'm just trying to understand what it is
11 that you want me to get at.

12 MR. KAMARAJU: Personally, I would just ask, whatever
13 their feelings are about the Chinese party, can you be fair and
14 impartial in this case, in the same way you would ask about any
15 other—

16 MR. FINKEL: Your Honor, the government's concern is
17 that part of their defense I think is that Mr. Guo is fighting
18 against the Chinese Communist party, and if a juror may not
19 decide on the facts of this case and just decide that this is
20 an individual who's fighting against the Chinese Communist
21 party, they would be sympathetic to him, that would mean
22 someone who's not fair and impartial. That's what the
23 government's concern is.

24 MR. KAMARAJU: I think your Honor can address that by
25 asking, can you be fair and impartial.

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1 THE COURT: I'm not going to bring up the defense.

2 MR. KAMARAJU: No, certainly not, your Honor. I would
3 simply say: Whatever your feelings are about the Chinese
4 Communist party, can you be fair and impartial about your
5 verdict in this case? That's all.

6 THE LAW CLERK: Judge, there's someone else who wants
7 to talk about the duration of trial. He just missed the
8 question.

9 THE COURT: Okay. So if you'll have him come up.

10 THE LAW CLERK: Judge, also, Juror No. 60, I think
11 he's already been struck.

12 (Juror present at sidebar)

13 THE COURT: Sir, what is your number?

14 JUROR: 73.

15 THE COURT: What's your name?

16 JUROR: XXXXXXXXXXXX.

17 THE COURT: What is the problem?

18 JUROR: Now I didn't go—I didn't go up here earlier
19 about the duration issue so I wanted to hear what, you know,
20 the case is about, like that, but now that I think this is
21 going to be a long trial and I'm a—I work in the finance at
22 Columbia University, and this is the end of the fiscal year and
23 I'm heavily involved with the closing. If the trial—

24 THE COURT: The closing of what?

25 JUROR: The books, accounting books. So if the trial

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1 is going to be every day, that affects me.

2 THE COURT: But when you're away from your job at
3 Columbia, you're still receiving 100 percent of your salary,
4 aren't you?

5 JUROR: I do.

6 THE COURT: And if you got hit by a truck today,
7 they'd find someone else with your skills to fill in your
8 position; isn't that right?

9 JUROR: That's correct.

10 THE COURT: Okay. So you can be absent from your job.

11 JUROR: Okay. But what I'm saying is what I do right
12 now, in this situation, nobody does it except me.

13 THE COURT: Right. But that doesn't mean that someone
14 else—

15 JUROR: I know. Nobody is indispensable.

16 THE COURT: Yes.

17 JUROR: Yes. I'm just saying my concern.

18 THE COURT: I understand you're saying that this may
19 be your specialty.

20 JUROR: Yes.

21 THE COURT: I bet Columbia University has tremendous
22 resources and it can identify other people who may not be as
23 good as you are but who may approximate your skills and
24 talents.

25 All right. You may step back.

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1 (Juror not present)

2 THE COURT: I'm not going to excuse him.

3 THE LAW CLERK: On 60, the conversation about the
4 police officer was while he's standing up over there, and I
5 think we had a conversation at sidebar.

6 THE COURT: So No. 60, the young man who was talking
7 about his father being an auxiliary police officer, do we agree
8 that he should be struck for cause?

9 MR. FINKEL: Yes, your Honor.

10 MR. KAMARAJU: Yes, your Honor.

11 THE COURT: Okay.

12 (In open court)

13 THE COURT: Is there someone else responding to the
14 last question? Okay.

15 JUROR: Juror 81, your Honor.

16 THE COURT: What number is that?

17 JUROR: Juror 81.

18 THE COURT: Yes. Go ahead.

19 JUROR: I'm a member of the military reserves, and
20 they've been telling us about potential conflict with China,
21 but that's pretty much—

22 THE COURT: Okay. So I imagine that they must tell
23 you that we need to prepare to deal with any number of
24 different countries; isn't that correct?

25 JUROR: Yes.

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1 THE COURT: Okay. So the fact that they may have
2 mentioned China, would that prevent you from being a fair and
3 impartial juror in this case?

4 JUROR: No, your Honor.

5 THE COURT: Do you have any particularly strong
6 feelings about China?

7 JUROR: No, your Honor.

8 THE COURT: All right. You may be seated.

9 You may hear testimony about or from former senior
10 members of the Trump administration, including Steve Bannon and
11 Peter Navarro. Do you have any strong views about advisors to
12 former president Donald Trump, including Steve Bannon and Peter
13 Navarro, that would prevent you from being a fair and impartial
14 juror in this case?

15 All right. Please step up.

16 (At the sidebar; juror present)

17 THE COURT: Hi there. What's your number?

18 JUROR: 11, your Honor.

19 THE COURT: What did you want to tell me?

20 JUROR: To be truthful, I don't trust them. I don't
21 trust Steve Bannon. Those are my—

22 THE COURT: So—

23 JUROR: Just in terms of what I've read in the news.

24 THE COURT: So there may be things in the news about
25 an individual that concern you, but we're not thinking about an

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1 individual generally. It's only with respect to this case.
2 And so what a juror has to do is to come in with an open mind
3 and listen to the evidence in the case, listen to the
4 witnesses, review the documents, follow my instructions on the
5 law—

6 JUROR: Yes, your Honor.

7 THE COURT: —and not concern themselves with things
8 they've heard outside the courtroom.

9 JUROR: Yes, your Honor.

10 THE COURT: Can you do that and be a fair and
11 impartial juror?

12 JUROR: I don't think so, your Honor, to be very
13 honest.

14 THE COURT: Why not?

15 JUROR: I've just been following a lot of the news
16 over the past four years, and his beliefs are not my beliefs,
17 and that's pretty much how I feel about that, your Honor.

18 THE COURT: I understand that maybe his politics are
19 different from your own.

20 JUROR: Yes, your Honor.

21 THE COURT: But the question is: Can you, knowing
22 that you disagree with him—you can disagree with a person,
23 right? I'm sure that you have family members or friends where
24 you strongly disagree with them.

25 JUROR: Yes, your Honor.

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1 THE COURT: But does that make you unable to be fair
2 and impartial towards them?

3 JUROR: No, your Honor. I understand the question.

4 THE COURT: You can be fair and impartial in this
5 case?

6 JUROR: Yes, your Honor.

7 THE COURT: Okay. You may step back.

8 (Juror not present)

9 MR. KAMARAJU: Your Honor, she's clearly struggling
10 with that answer. She said no initially. Obviously your Honor
11 brought up the family member analogy and that brought her
12 around, but she very clearly, from my perspective, said that
13 her feelings about Steve Bannon, who is going to come up in the
14 trial in connection with the businesses here, she doesn't trust
15 him, she doesn't think he's honest, so I don't think there's
16 any way that she should not be excused for cause.

17 MS. SHROFF: Also, your Honor, the fact pattern is
18 such that Steve Bannon is standing, according to the
19 government's evidence, next to Mr. Guo, making a political
20 announcement. If she actually said, I simply don't trust
21 Bannon, she's obviously going to—the obvious context is, it's
22 in the very context in which she doesn't trust him, and her
23 words were, "I don't think so, your Honor, to be honest." She
24 only came around because the link was to a family member, whom
25 you have to like whether or not you disagree or not. Family,

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1 you're stuck with.

2 THE COURT: So what context do you understand that
3 Mr. Bannon is going to come up, if you feel comfortable telling
4 me that?

5 MS. SHROFF: I don't know. It's the government's
6 proof. They can—

7 THE COURT: I don't know. I don't know if you're
8 bringing him up. I don't know.

9 MS. SHROFF: No. The government is going to bring him
10 up, not us.

11 THE COURT: The only thing I know about Mr. Bannon and
12 Mr. Guo is that Mr. Bannon was arrested on his yacht. Is there
13 more to it than that?

14 MR. FINKEL: Yes, your Honor.

15 THE COURT: Okay.

16 MR. FINKEL: There's more to it than that. Just to be
17 transparent, of course, to the Court, the government views
18 Mr. Bannon as a co-conspirator in this case. What's at issue
19 here is whether or not this juror can be fair and impartial.
20 As defense counsel both pointed out earlier, everyone brings
21 their own sort of common sense and biases to any interaction
22 they have. And what matters, which is key for the Court, your
23 Honor, is when you asked her, can you be fair and impartial,
24 can you place what you know out of the courtroom outside of
25 your mind and base your decision only on the witnesses and the

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1 evidence you hear in this case, and she said yes. So if they
2 want to strike her as a peremptory, they're free to do that.

3 MS. SHROFF: That's not what happened. She said, "No,
4 I don't think so, your Honor, to be honest." Then the Court
5 analogized and asked about the family structure. Then she let
6 out—and I wrote down on my card a big sigh, and she stopped.
7 So I do not think that that is correctly characterized.

8 THE COURT: Let's bring her back.

9 (Juror present)

10 THE COURT: I expect that Stephen Bannon will come up
11 in this case, and you expressed disagreement with his political
12 views.

13 JUROR: Yes, your Honor.

14 THE COURT: Knowing that he will come up in the case,
15 can you put aside your negative views toward him—I understand
16 that you have them, but put them aside and be a fair and
17 impartial juror in this case?

18 JUROR: Yes, your Honor.

19 THE COURT: You may step back.

20 (Juror not present)

21 MR. KAMARAJU: We renew our objection, your Honor.

22 MR. SCHIRICK: Only because I've been recently
23 reviewing some of the government's exhibits, one of the
24 government's summary exhibits that they plan to introduce very
25 early on for one of the early witnesses very prominently has

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1 Steve Bannon on videos with his speaking by association with
2 Mr. Guo and the Rule of Law Foundation. So right up front
3 we're going to have to confront this issue where Mr. Bannon is
4 speaking essentially on behalf of the defendant.

5 THE COURT: Okay. Could you read back to me my
6 question and her answer.

7 (Record read)

8 THE COURT: All right. I believe that I have
9 rehabilitated her and so I am not going to dismiss her for
10 cause.

11 MS. SHROFF: Your Honor, Stephen Bannon isn't just
12 going to come up. The evidence that she's going to be
13 receiving is that Miles Guo and Stephen Bannon jointly put
14 forward a political movement, right, and she has said she
15 distrusts that. So at the very least could the Court ask her
16 that if there was evidence linking the defendant to Mr. Bannon,
17 would she still be fair and impartial towards the defendant,
18 while she's judging him? It's not a by line that Steve Bannon
19 is—the way the question comes up is, Steve Bannon's name will
20 come up. Sure, his name may come up. Then we wouldn't have
21 this argument. But he's closely aligned. There's a lot of
22 testimony that comes out about Steve Bannon here.

23 THE COURT: What I asked her to assume is that he is
24 involved in this case. That's what I said. And I'm
25 acknowledging that she has a bad impression of Stephen Bannon,

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1 and she has said she can still be fair. I'm not going to
2 dismiss her for cause.

3 Could we have the next person.

4 (Next juror present)

5 THE COURT: Hi. What is your number?

6 JUROR: 16.

7 THE COURT: And your name, please.

8 JUROR: XXXXXXXXXXXX.

9 THE COURT: What is the issue?

10 JUROR: I think I would find it difficult to be
11 impartial given that there might be Trump administration
12 individuals involved in the case.

13 THE COURT: So you feel that you have a bias for or
14 against people who are affiliated with Donald Trump?

15 JUROR: Yes.

16 THE COURT: So if I told you that there are
17 individuals who are involved in the case who are associated
18 with Donald Trump, knowing that now, could you set aside
19 whatever your feelings are, good or bad, can you set them aside
20 and come into the court with an open mind, listen to the
21 evidence of the case, hear the witnesses, review the
22 documentary evidence, follow my instructions on the law, and be
23 a fair and impartial juror?

24 JUROR: I could. I just don't know that I would
25 believe what they're saying is true. So even though I could

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1 listen to your instructions and try to follow them, I don't
2 know that I would feel that I could trust the testimony they
3 gave as inherently true, just—

4 THE COURT: So I understand you to say that you have a
5 bias against people involved with Donald Trump; is that
6 correct?

7 JUROR: Yes.

8 THE COURT: Okay. You may step back.

9 (Juror not present)

10 THE COURT: All right. I think that she should be
11 dismissed for cause.

12 MR. KAMARAJU: Thank you, your Honor.

13 THE COURT: No. 16, is that correct?

14 MS. SHROFF: Yes, your Honor.

15 THE COURT: All right, then.

16 (Next juror present)

17 THE COURT: Hello. What is your number?

18 JUROR: No. 15.

19 THE COURT: Yes.

20 JUROR: 15.

21 THE COURT: And your name, please.

22 JUROR: XXXXXXXXXXXX.

23 THE COURT: What's your last name?

24 JUROR: XXXXXXXXXXXX.

25 THE COURT: And what is the issue?

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1 JUROR: I'm not sure I can trust the testimony of
2 Steve Bannon.

3 THE COURT: So I'm not saying that he necessarily will
4 be testifying in this case. What I'm saying is that he will
5 come up. He is an involved individual. And so it sounds to
6 me, when you say that you cannot trust him, that you have a
7 negative viewpoint of him.

8 JUROR: I think he's a vile human being.

9 THE COURT: Okay.

10 JUROR: Sorry.

11 THE COURT: Is that because of the political views
12 that he has expressed?

13 JUROR: No. It's more as a woman. I just find him to
14 be despicable.

15 THE COURT: Okay. I understand you have negative,
16 intensely negative feelings about him.

17 JUROR: Thank you for acknowledging that.

18 THE COURT: But the question is, can you, knowing that
19 you have these feelings, put them aside and come into the
20 courtroom with an open mind, listen to the witnesses testify,
21 review the documentary evidence, follow my instructions on the
22 law, and be a fair and impartial juror?

23 JUROR: Yes, I do think I can do that.

24 THE COURT: Excellent. You can step back.

25 JUROR: Thank you.

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1 (Juror not present)

2 MR. KAMARAJU: We're going to object. I understand
3 her answer, but just so I can make the record, she referred to
4 Steve Bannon as a "vile human being." Steve Bannon is the
5 reputed chairman of GTV and he's involved in the Rule of Law
6 Foundation. He's in a video with Mr. Guo. He's going to be
7 all over the case. And to have a juror who views him as, to
8 use her term, a "vile human being," regardless of her answer—

9 THE COURT: Would you feel the same if she said that
10 he was a saintly individual?

11 MR. KAMARAJU: Well, obviously I would take a
12 different perspective, but I think they would object, your
13 Honor, and on the same basis.

14 THE COURT: But an individual can be conscious of
15 their feelings, good or bad, and still set them aside. She has
16 said that she can set them aside. I do not believe she should
17 be dismissed for cause.

18 MS. SHROFF: Your Honor, maybe if you could just ask a
19 clarifying question whether or not she could judge Mr. Guo
20 fairly if she heard testimony that Mr. Guo and Mr. Bannon were
21 in business together? That's the question I would ask.
22 Because the government's evidence is going to show they're hand
23 in hand for months at a time, the government is going to allege
24 that Mr. Guo bought Mr. Bannon a house, the government is going
25 to allege, literally, that he's a co-conspirator. So if a

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1 despicable human being is in a chain with you and you're a
2 woman—and, you know, as a woman, I have my own issues with
3 Mr. Bannon, but I'm just saying, it's not that Bannon's name is
4 going to appear. It's that Bannon and Mr. Guo are going to be
5 linked by the government. So the government's proof is that
6 they're in business together. Then would you be able to be
7 fair to Mr. Guo? That's the question. It's not a peripheral
8 appearance by Mr. Bannon. So if it was Donald Trump, yeah,
9 that's a peripheral appearance because Bannon—I mean, Mr. Guo
10 and Donald Trump don't stand on a yacht together announcing the
11 Rule of Law Foundation or doing anything else. They're
12 actually—the evidence is, they are together.

13 MR. FINKEL: Your Honor, the key fact about the
14 interaction with that prospective juror is, the Court asked
15 her, can you be fair and impartial, despite your prior opinions
16 on Mr. Bannon. She emphatically said yes. That's all that
17 matters. That's what matters.

18 MR. KAMARAJU: No, your Honor.

19 MS. SHROFF: That's not all that matters, actually.

20 THE COURT: I'd like to bring her back.

21 (Juror present)

22 JUROR: Hi.

23 THE COURT: Beforehand, you used the words "vile" and
24 "despicable" to describe Mr. Bannon.

25 JUROR: Yes.

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1 THE COURT: And I asked you whether you could set
2 aside your negative feelings and come into the court with an
3 open mind and listen to the evidence in this case and follow my
4 instructions on the law and be fair and impartial. You
5 answered yes.

6 JUROR: If he's not on the witness stand. I said that
7 before that I don't know if I could believe his word.

8 THE COURT: Right. Okay. So let us assume that he's
9 not going to be on the witness stand but that there will be an
10 allegation that he has a business relationship with the
11 defendant. Can you set aside your negative feelings about
12 Mr. Bannon and come into the courtroom with an open mind and
13 listen to the evidence of the case, follow my instructions on
14 the law, and be a fair and impartial juror, knowing that that
15 is an allegation?

16 JUROR: That he has a business dealing with the
17 defendant.

18 THE COURT: Correct.

19 JUROR: Yes.

20 THE COURT: Very good. You may step back.

21 (Juror not present)

22 MR. KAMARAJU: We made our record. We're going to
23 renew our objection.

24 (Next juror present)

25 THE COURT: Your number, please.

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1 JUROR: 40.

2 THE COURT: And your name.

3 JUROR: XXXXXXXXXXXX.

4 THE COURT: And what is the problem?

5 JUROR: The question was, do I have an issue with
6 Steve Bannon or former Trump officials?

7 THE COURT: Yes.

8 JUROR: Yes, I would have a hard time believing
9 anything Steve Bannon said.

10 THE COURT: Okay. You may step back.

11 (Juror not present)

12 MS. SHROFF: Didn't we let her go already?

13 THE COURT: Yes, we did.

14 (Next juror present)

15 JUROR: I'm juror 47, your Honor.

16 THE COURT: Yes.

17 JUROR: I just have a—against Trump, political views
18 against Trump and Steve Bannon, and I don't think I would be
19 able to be partial in this case.

20 THE COURT: Okay. Thank you for coming forward.

21 (Juror not present)

22 THE COURT: We've already excused him.

23 (Next juror present)

24 THE COURT: What is your number?

25 JUROR: 52.

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1 THE COURT: Your name?

2 JUROR: XXXXXXXXXXXX.

3 THE COURT: And the issue, please?

4 JUROR: And the issue is more when you mention Trump,
5 it just triggers the reaction. I can't in full conscience say
6 I will be without prejudice with the mentioning of Steve
7 Bannon. I would like to think I would, but I—I can't be.

8 THE COURT: I appreciate your candor. You may step
9 back.

10 (Juror not present)

11 MS. SHROFF: He was already struck, right?

12 THE COURT: Yes, he was.

13 MS. SHROFF: Thank you.

14 (Next juror present)

15 THE COURT: Hello. What is your number?

16 JUROR: 88.

17 THE COURT: And your name?

18 JUROR: XXXXXXXXXXXX.

19 THE COURT: And what would you like to tell me?

20 JUROR: All I know about Mr. Guo at this point is that
21 he gave Steve Bannon a yacht to live on for two years, and I
22 think that's—I think that's accurate. And I would not really
23 be able to trust anything Mr. Bannon said.

24 THE COURT: So if I tell you that Mr. Bannon is not
25 going to be a witness in this case but the prosecution alleges

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1 that Mr. Bannon and the defendant had a business relationship—

2 JUROR: Yeah.

3 THE COURT: —can you set aside whatever feelings that
4 you have based on things you've heard outside of the courtroom?
5 Can you set those feelings aside, come into the courtroom with
6 an open mind, listen to the evidence in the case, hear the
7 witness testimony, review the documentary evidence, follow my
8 instructions on the law, and be a fair and impartial juror?

9 JUROR: I would do my best.

10 THE COURT: Well, I need a yes or no answer.

11 JUROR: Yes.

12 THE COURT: Okay. You may step back.

13 (Juror not present)

14 MR. KAMARAJU: We're going to object, your Honor, that
15 he's not being struck for cause. What he said was he couldn't
16 trust—he couldn't trust anything that Steve Bannon said. The
17 government's allegations are going to involve things that Steve
18 Bannon said, that they claim are false. What the juror says is
19 that he can't trust anything, he doesn't know anything about
20 the evidence, but a juror who says that—

21 THE COURT: All right. Let's bring him back.

22 (Juror present)

23 THE COURT: Hi there. I believe that you said that
24 you would not be able to trust Steve Bannon if he was a
25 witness; is that correct?

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1 JUROR: Correct. Correct.

2 THE COURT: Okay. So I expect that the government is
3 going to put forth statements made by Mr. Bannon during the
4 case, and so my question for you is, can you still put aside
5 these negative feelings that you have about Mr. Bannon and
6 knowing that his statements may be part of this trial, can you
7 come into the courtroom with an open mind and listen to the
8 evidence in the case, listen to the witnesses, follow my
9 instructions on the law, and be a fair and impartial juror?

10 JUROR: Yes.

11 THE COURT: Very good. Step back.

12 (Juror not present)

13 (Next juror present)

14 THE COURT: Hello. What's your number?

15 JUROR: No. 60.

16 THE COURT: Okay. Go ahead.

17 JUROR: If Steve Bannon's testimony is involved, I
18 can't trust a word that Bannon said. I can't—I think he's a
19 cheat and a liar. He and Cohen and Flynn and Trump himself and
20 the rest are despicable, so—

21 THE COURT: Thank you for your honesty. You may step
22 back.

23 (Juror not present)

24 THE COURT: He's already been excused.

25 MR. FINKEL: Yes. He's really been trying so, so

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1 hard.

2 (Next juror present)

3 JUROR: 89.

4 THE COURT: And your name, please.

5 JUROR: XXXXXXXXXXXX.

6 THE COURT: Yes. Go ahead.

7 JUROR: I have to be honest. It's been a minute. The
8 question is that Steve Bannon is going to be a witness,
9 potentially?

10 THE COURT: Not that he would be a witness but that he
11 is involved in the case. There's an allegation that he has a
12 business relationship with the defendant.

13 JUROR: Okay. So my political leanings are not
14 particularly—what's been going on over the last eight years
15 would lead me to have a bias against Steve Bannon. I don't
16 know how that would affect my view of his testimony. I would
17 try to be unbiased, but I can't promise that.

18 THE COURT: Thank you for your candor. You may step
19 back.

20 (Juror not present)

21 THE COURT: She's already been excused.

22 (Next juror present)

23 THE COURT: Hi. Your number, please.

24 JUROR: 42.

25 THE COURT: And your name.

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1 JUROR: XXXXXXXXXXXX.

2 THE COURT: Go ahead.

3 JUROR: So given my sort of preconceptions of one of
4 the individuals you mentioned, I would have a difficult time.

5 THE COURT: Which individual?

6 JUROR: Steve Bannon.

7 THE COURT: So you have strong feelings about
8 Mr. Bannon?

9 JUROR: Yes.

10 THE COURT: You don't need to tell me whether they're
11 favorable or unfavorable.

12 JUROR: Yup.

13 THE COURT: But I expect the prosecution to allege
14 that he had a business relationship with the defendant. And
15 knowing that, could you put aside whatever feelings you have
16 towards him and come into the court with an open mind, listen
17 to the witness testimony, review the documentary evidence,
18 follow my instructions on the law, and be a fair and impartial
19 juror?

20 JUROR: In all honesty, no.

21 THE COURT: All right. You may step back.

22 (Juror not present)

23 (Next juror present)

24 THE COURT: Hello. What is your number, please?

25 JUROR: 46.

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1 THE COURT: And your name.

2 JUROR: XXXXXXXXXXXX.

3 THE COURT: And the last name?

4 JUROR: XXXXXXXXXXXX.

5 THE COURT: Okay. And what would you like to tell me?

6 JUROR: About bias for Steve Bannon, right?

7 THE COURT: Yes.

8 JUROR: I wouldn't trust anything he would say under
9 oath if he were a witness.

10 THE COURT: So he's not going to be a witness.

11 JUROR: Okay.

12 THE COURT: I expect that the government is going to
13 allege that he had a business relationship with the defendant.

14 JUROR: Okay.

15 THE COURT: And so you said that you couldn't trust
16 him. Essentially you're expressing negative feelings toward
17 him. But the question is, can you put aside, can you push away
18 those negative feelings and come into the courtroom with an
19 open mind and listen to the witness testimony, review the
20 documentary evidence, follow my instructions on the law, and be
21 a fair and impartial juror?

22 JUROR: I would think with my feelings, my bias, it
23 might be a little more heavy, honestly.

24 THE COURT: Understood. Understood. Tell me your
25 number, one more time.

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1 JUROR: 46.

2 THE COURT: Thank you very much.

3 JUROR: All right. Thank you.

4 (Juror not present)

5 THE COURT: So I am going to dismiss 46 for cause.

6 MR. FINKEL: No objection.

7 (Next juror present)

8 JUROR: 75, your Honor. XXXXXXXXXXXX. I'd have a tough
9 time, given the credibility of either of those two people you
10 mentioned.

11 THE COURT: All right. Understood. You may step
12 back.

13 JUROR: Okay.

14 (Juror not present)

15 THE COURT: He's already been—

16 MR. FINKEL: Yeah.

17 MR. KAMARAJU: Yeah.

18 THE COURT: Yes.

19 (Next juror present)

20 THE COURT: Hello. What's your number?

21 JUROR: Juror 94.

22 THE COURT: And your name.

23 JUROR: XXXXXXXXXXXX.

24 THE COURT: And what is the issue?

25 JUROR: I don't believe I could be a fair—hearing the

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1 testimony from Bannon.

2 THE COURT: So I would not expect Mr. Bannon to
3 testify.

4 JUROR: Okay.

5 THE COURT: I expect that the government is going to
6 say that he had a business relationship with the defendant.
7 And so could you put aside these feelings that you have
8 developed about Mr. Bannon up till now, can you put them aside
9 and come into the court with an open mind, listen to the
10 witness testimony, review the documentary evidence, follow my
11 instructions on the law, and be a fair and impartial juror?

12 JUROR: I would do my best.

13 THE COURT: So I need a yes or no answer.

14 JUROR: No.

15 THE COURT: Okay. Thank you.

16 (Juror not present)

17 THE COURT: What number is that?

18 MS. SHROFF: 94.

19 THE COURT: 94. So I will excuse her for cause.

20 (Next juror present)

21 JUROR: 95.

22 THE COURT: One moment, sir. One moment.

23 JUROR: Okay.

24 THE COURT: All right, sir. What is your number?

25 JUROR: 95.

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1 THE COURT: Your name again?

2 JUROR: XXXXXXXXXXXX.

3 THE COURT: What is the problem?

4 JUROR: So this is—this is an issue with the Trump
5 administration. So I believe with all the misinformation, they
6 divided the country to an extreme. And I believe you
7 specifically mentioned Steve Bannon. I remember him being on
8 TV where they had Trump, former Trump, Donald Trump having
9 personal, physical contact with Steve Bannon, and the
10 negative—given my negative opinion on Trump, that is my
11 feeling on that.

12 THE COURT: You're saying that you have negative
13 feelings toward Trump advisors?

14 JUROR: Yes.

15 THE COURT: So the question is, well, first of all, I
16 don't expect Mr. Bannon to be a witness in the case. But I do
17 expect that the prosecution will allege that he had a business
18 relationship with Mr. Guo. And so the question is, can you put
19 aside these negative feelings that you have developed and come
20 into the courtroom with an open mind and listen to the witness
21 testimony, review the documentary evidence, and follow my
22 instructions on the law and be a fair and impartial juror?

23 JUROR: I'll definitely give it a try, but the thing
24 is, I cannot view him as an honest person because he definitely
25 did contribute a lot toward the Donald Trump—former election

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1 of Donald Trump, president Trump. I mean, I have no idea
2 whether he is a—I have no idea. But if he is here as a
3 witness and if I'm hearing him, I cannot give a hundred percent
4 confidence that I'll completely trust.

5 THE COURT: So he's not going to appear as a witness.

6 JUROR: Okay, okay, okay.

7 THE COURT: The allegation is that Mr. Guo has
8 business dealings with him.

9 JUROR: Okay.

10 THE COURT: And so he will be mentioned.

11 JUROR: Okay.

12 THE COURT: And the question is whether you can put
13 aside your negative feelings about him that you come into the
14 courtroom with now.

15 JUROR: Okay.

16 THE COURT: And you can be aware that you have these
17 negative feelings, but push them aside and come into the
18 courtroom with an open mind, listen to the witness testimony,
19 review the documentary evidence, and be a fair and impartial
20 juror.

21 JUROR: I'll definitely try.

22 THE COURT: Okay. You can step back.

23 (Juror not present)

24 THE COURT: He's number what?

25 MR. FINKEL: 95.

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1 JUROR: I'm going to dismiss him for cause.

2 (Next juror present)

3 THE COURT: No. 98? Your name, ma'am.

4 JUROR: Yes, my name is XXXXXXXXXXXX.

5 THE COURT: Go ahead.

6 JUROR: I find the previous administration's sense of
7 alternative facts to be the root of a significant threat to
8 American democracy; I find Mr. Bannon to be as repugnant a
9 human being as you can find; I think that he's a liar, that
10 he's a master manipulator, probably a thief; and I can't
11 imagine any evidence that would change my mind about that.

12 THE COURT: Thank you for your candor. You may step
13 back.

14 JUROR: Thank you.

15 (Juror not present)

16 (Next juror present)

17 JUROR: Good afternoon.

18 THE COURT: You're No. 22? And your name, sir.

19 JUROR: XXXXXXXXXXXX.

20 THE COURT: Okay. And what would you like to say?

21 JUROR: Yes. I think my concern is really about Steve
22 Bannon. I happen to listen to the news a lot, and I personally
23 don't like his position when it comes to race matters, his view
24 on people like me. So whatever he has to say, really, I don't
25 really find anything positive coming out of him. So him—with

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1 that in mind, him as a witness would—I think it would—it will
2 impair or affect my judgment of anything he has to say.

3 THE COURT: So he will not be appearing as a witness.

4 JUROR: Okay.

5 THE COURT: The government alleges that Mr. Bannon had
6 a business relationship with Mr. Guo.

7 JUROR: Okay.

8 THE COURT: And so there will be statements made by
9 Mr. Bannon, but he is not going to be present in the courtroom.
10 And so the question is, can you put aside these negative
11 feelings that you already have about him, can you put them
12 aside, come into the courtroom with an open mind, listen to the
13 witness testimony, review the documentary evidence, follow my
14 instructions on the law, and be a fair and impartial juror?

15 JUROR: Those are the concerns that I would try to
16 work on, but I will work on it is what I can say standing right
17 here. I would try to work on it. I can't give a definite yes
18 or no, right now, just because of those feelings.

19 THE COURT: Okay. You may step back.

20 JUROR: Okay.

21 (Juror not present)

22 THE COURT: He's 22? I'm going to excuse him for
23 cause.

24 MR. KAMARAJU: Your Honor, we were just going to ask
25 if you would ask a specific question with respect to statements

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1 from Mr. Bannon as part of the government's proof with jurors
2 11 and 16.

3 THE COURT: If you'll have 11 come back.

4 MS. MURRAY: 16 was struck.

5 MR. KAMARAJU: Oh, 16 was struck? Then obviously—

6 MS. SHROFF: No. No. You have the wrong number then.

7 MR. KAMARAJU: 15, your Honor. I apologize.

8 MS. SHROFF: 11 and 15, your Honor. I'm sorry.

9 (Continued on next page)

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1 MR. FINKEL: The government has no objection to the
2 additional question about the statements. I think really the
3 heart of the matter is whether the jurors can be fair and
4 impartial or whether they would associate that because the
5 defendant had a business relationship with him, they couldn't
6 be fair and impartial and they couldn't put that out of their
7 mind. That's really the inquiry.

8 MS. SHROFF: It's not just a business relationship.
9 The government is going to argue that they were on a yacht
10 together for days and weeks at a time; that he lived with
11 Bannon and Guo, they lived together; Guo gave him a ton of
12 money; Bannon joins in his political movement.

13 We're not talking about a business relationship where,
14 you know, to a bank, I lent him ten grand and then he didn't
15 pay my ten grand back. There's a business relationship, and
16 then there's Guo and Bannon. And that is going to come from
17 the government. They are going to put that forward.

18 MR. KAMARAJU: Just to be specific, the particular
19 part of the business relationship are businesses that the
20 government alleges to be part of the racketeering enterprise,
21 so GTV, the Rule of Law Foundation. So it's not sort of an
22 esoteric relationship.

23 MR. FINKEL: Your Honor, really what they're getting
24 at is whether the juror -- and this is a fair question, whether
25 the juror would associate Mr. Bannon -- the mere association

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1 between the two of them would tend to make the juror have a
2 bias against the defendant, find against the defendant. That's
3 really the question. And if the answer to that is yes, I think
4 the government wouldn't object to cause.

5 THE COURT: All right. We'll have her come in.

6 (Juror present)

7 THE COURT: Hi there. I had mentioned before that
8 Mr. Bannon is not going to be a witness. But the government
9 alleges that there was a business relationship between Mr. Guo,
10 the defendant, and Mr. Bannon.

11 Is the fact that they had this relationship going to
12 cause you to be biased against Mr. Guo?

13 JUROR: No.

14 THE COURT: You can be a fair and impartial juror
15 despite that?

16 JUROR: Yes, your Honor.

17 THE COURT: Please step back.

18 (Juror not present)

19 THE COURT: I'm going as far as I'm going to go.

20 (Juror present)

21 THE COURT: Hello again.

22 JUROR: This is very nerve-racking.

23 THE COURT: I'm sorry. I'm sorry.

24 You're number again?

25 JUROR: 15.

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1 THE COURT: Okay. So I had mentioned before that
2 Mr. Bannon is not going to be testifying.

3 JUROR: Okay.

4 THE COURT: What is alleged is that the defendant,
5 Mr. Guo, and Mr. Bannon had a business relationship. The fact
6 that the government will allege that they had a business
7 relationship, is that going to cause you to be biased against
8 Mr. Guo, the defendant?

9 JUROR: No.

10 THE COURT: You can be fair and impartial?

11 JUROR: Yes.

12 THE COURT: All righty. Please step back.

13 (Juror not present)

14 THE COURT: Is that it?

15 THE LAW CLERK: Yes, Judge.

16 THE COURT: Okay.

17 (In open court)

18 THE COURT: Do you have any strong views about
19 cryptocurrency that would prevent you from being a fair and
20 impartial juror?

21 All righty. If you'll step up please.

22 (At sidebar)

23 (Juror present)

24 THE COURT: Hi there.

25 JUROR: Hi there.

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1 THE COURT: And what is your number?

2 JUROR: 99.

3 THE COURT: Okay. What did you want to tell me?

4 JUROR: Well, I never care for the whole idea of
5 cryptocurrency because I felt like who do they think they are,
6 trying to change the American gold standard? And so it turned
7 me off. And I thought that it was just some kind of ripoff,
8 the people, kind of falsehood.

9 THE COURT: Okay. Thank you for your candor.

10 All right. You may go back.

11 (Juror not present)

12 THE COURT: We can go back.

13 MS. SHROFF: Okay. Thank you.

14 Your Honor, are we going till 5 today, straight
15 through?

16 THE COURT: Oh, yes, yes, yes.

17 MS. SHROFF: I just want to know if you're going to
18 take a bathroom break.

19 THE COURT: I'm not going to take a break unless one
20 of these potential jurors asks me.

21 MS. SHROFF: All right. Then I'll just grin and bear
22 it.

23 (In open court)

24 THE COURT: Is it your opinion that the actions
25 charged in the indictment as I have described them should not

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1 be crimes or should not be prosecuted by the government?

2 Have you been involved as a defendant, victim,
3 witness, or in any other way in any prosecution for fraud or
4 money laundering?

5 The defendant is charged with acting with others in
6 committing the alleged crimes. Some of those other individuals
7 are not on trial in this case. You may not draw any inference,
8 favorable or unfavorable, toward the government or the
9 defendant from that fact. You also may not speculate as to the
10 reason why other persons are not on trial.

11 Would any of you have any difficulty following this
12 instruction?

13 Have you, a family member or close friend, ever been
14 involved or appeared as a witness in any investigation by a
15 federal or state grand jury or by a congressional or state
16 legislative committee, licensing authority or governmental
17 agency?

18 Have you, a family member or close friend, ever been
19 questioned in any manner by a federal, state, or local law
20 enforcement agency, including the FBI?

21 Your number please?

22 JUROR: 76.

23 THE COURT: Okay. And what happened?

24 JUROR: I tried to be an FBI agent when I was about 21
25 years old and I went through the whole process.

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1 THE COURT: Okay. Thank you for letting me know.

2 Anybody else? Your number?

3 JUROR: 15. I have numerous friends and family that
4 work for the federal government. And one or two of them, I was
5 interviewed by the FBI as part of their security clearance.

6 THE COURT: So you essentially were a reference for
7 those individuals?

8 JUROR: Correct.

9 THE COURT: Is there anything about that experience
10 that would cause you to be biased in favor of or against either
11 party in this case?

12 JUROR: No.

13 THE COURT: Anybody else?

14 Have you, a family member or close friend, ever been a
15 witness or a complainant in any hearing or trial, whether
16 state, local, or federal?

17 JUROR: No. 10. I was a witness probably 25 years
18 ago. And I worked in retail for shoplifting cases, but that's
19 about it.

20 THE COURT: And what court did you appear in?

21 JUROR: Queens, Queens County Court.

22 THE COURT: And is there anything about that
23 experience as a witness in a shoplifting case that would
24 prevent you from being a fair and impartial juror in this case?

25 JUROR: No.

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1 THE COURT: Did you witness the shoplifting?

2 JUROR: Yes.

3 THE COURT: Would that make you favor the government
4 in this case?

5 JUROR: No.

6 THE COURT: Would you be biased against the
7 government?

8 JUROR: No.

9 THE COURT: Would it make you favor the defendant in
10 the case?

11 JUROR: No.

12 THE COURT: Would you be biased against the defendant?

13 JUROR: No.

14 THE COURT: Are you, a family member or close friend,
15 under subpoena or, to your knowledge, about to be subpoenaed in
16 a criminal case?

17 Have you, a family member or close friend, ever been
18 charged with a crime?

19 Have you, a family member or close friend, ever been
20 the subject of any investigation or accusation by any grand
21 jury, federal or state? If you'll step up, please.

22 (At sidebar)

23 (Juror present)

24 THE COURT: Hi there. What is your number?

25 JUROR: 16.

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1 THE COURT: And what did you want to tell me?

2 JUROR: My grandfather was accused of fraud and
3 assault by a partner. And he was put in jail briefly. I don't
4 think it was -- he was ever fully charged. But he -- he was
5 put in jail because of assault towards her, and she accused him
6 of fraud. Social Security fraud, I think.

7 THE COURT: All righty. Thank you very much.

8 (Juror not present)

9 (In open court)

10 THE COURT: Anyone else? Okay.

11 Have you, a family member or close friend, ever been
12 the victim of a crime?

13 Go ahead. Your number?

14 JUROR: 89. I was mugged.

15 THE COURT: All righty. Thank you for letting me
16 know.

17 Who else?

18 JUROR: 52.

19 THE COURT: No. 52. You're saying that you were
20 mugged; is that correct?

21 JUROR: Correct.

22 THE COURT: Who else?

23 JUROR: No. 58. My car was stolen.

24 THE COURT: No. 58. Your car was stolen.

25 And so when did that happen?

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1 JUROR: About ten years ago.

2 THE COURT: And where was that?

3 JUROR: In Brooklyn.

4 THE COURT: Did you report that to the police?

5 JUROR: Yes.

6 THE COURT: Did you get the car back?

7 JUROR: I did. Not in good condition, but, yes.

8 THE COURT: Were you satisfied with the way the police
9 handled the case?

10 JUROR: Yes.

11 THE COURT: Is there anything about that experience
12 that would cause you to be biased against the defendant?

13 JUROR: No.

14 THE COURT: Would you favor the defendant?

15 JUROR: No.

16 THE COURT: Would you be biased against the
17 government?

18 JUROR: No.

19 THE COURT: Would you favor the government?

20 JUROR: No.

21 THE COURT: Who else?

22 JUROR: My sister was recently shot.

23 THE COURT: I'm so sorry to hear that. Is she okay?

24 JUROR: She is alive, but "okay" would be stretching
25 it.

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1 THE COURT: Very sorry to hear that. And I hope that
2 she recovers.

3 Who else?

4 JUROR: I was mugged twice.

5 THE COURT: And what number are you?

6 JUROR: Oh, 88. Sorry.

7 THE COURT: And when did those muggings happen?

8 JUROR: Probably 20, 25 years ago.

9 THE COURT: Was that here in New York?

10 JUROR: Yes.

11 THE COURT: And did you report the muggings?

12 JUROR: Yes. Well, one I reported one -- no, I
13 reported both of them.

14 THE COURT: And was anybody held accountable?

15 JUROR: Well, the perpetrator of the second mugging
16 was arrested for a much worse mugging. And he was held
17 accountable for that. I don't know what happened to my case.

18 THE COURT: And the first matter was not dealt with at
19 all?

20 JUROR: No.

21 THE COURT: Okay. So given that you were mugged twice
22 and no one was held accountable for those muggings, would that
23 interfere with your ability to be a fair and impartial juror in
24 this case?

25 JUROR: No.

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1 THE COURT: Anybody else?

2 JUROR: 16. My boyfriend was mugged a couple of
3 months ago.

4 THE COURT: Thank you for telling me.

5 One moment.

6 JUROR: Hello. No. 42.

7 THE COURT: And what happened?

8 JUROR: I had money removed from my bank account on
9 two occasions by an illegal -- by somebody else who shouldn't
10 have been doing that.

11 THE COURT: Who else?

12 JUROR: No. 90. My home was burglarized.

13 THE COURT: And where was that?

14 JUROR: In Westchester County.

15 THE COURT: And was anybody held accountable?

16 JUROR: No.

17 THE COURT: And when did this happen?

18 JUROR: 2015.

19 THE COURT: You reported it to the police?

20 JUROR: Yes.

21 THE COURT: Were you satisfied with the way the police
22 handled the case?

23 JUROR: Yes, but we lost a lot of things.

24 THE COURT: So considering that, your house was
25 burglarized, you lost possessions, no one was held accountable,

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1 would that cause you to have a bias against the defendant in
2 this case?

3 JUROR: No.

4 THE COURT: Would you have a bias against the
5 government in this case?

6 JUROR: No.

7 THE COURT: Would you be biased in favor of the
8 defendant?

9 JUROR: No.

10 THE COURT: Biased in favor of the government?

11 JUROR: No.

12 THE COURT: Is there anything that would prevent you
13 from being a fair and impartial juror in this case?

14 JUROR: No.

15 THE COURT: Anyone else?

16 Have you ever served on a jury or grand jury in
17 federal or state court? What number?

18 JUROR: 76.

19 THE COURT: And when was that?

20 JUROR: I would say about 20 years ago.

21 THE COURT: Okay. Who else?

22 JUROR: 75. A grand jury here in the Southern
23 District about six or seven years ago.

24 THE COURT: Who else?

25 JUROR: Juror 77. Like four or five years ago, here.

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1 THE COURT: Here in this courthouse?

2 JUROR: No, it was state.

3 THE COURT: It was state court?

4 JUROR: Yeah.

5 THE COURT: And was it a civil or criminal case?

6 JUROR: Criminal.

7 THE COURT: And without telling me the verdict, did
8 you reach a verdict?

9 JUROR: Partial. Not all the counts --

10 THE COURT: Did the jury reach a unanimous verdict on
11 at least one count?

12 JUROR: Yes.

13 THE COURT: Okay. Given your experience in state
14 court, is there anything that would prevent you from being a
15 fair and impartial juror in this case?

16 JUROR: No.

17 THE COURT: Who else?

18 JUROR: Number 88. I've been on civil and criminal in
19 New York state and also federal court.

20 THE COURT: In what county?

21 JUROR: Manhattan, New York.

22 THE COURT: And the criminal cases that you were on,
23 did they reach a verdict?

24 JUROR: Yes.

25 THE COURT: Okay. And the civil cases, what happened

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1 in those cases?

2 JUROR: Reached a verdict.

3 THE COURT: And how recent was the most recent jury
4 service?

5 JUROR: That I was actually on the case?

6 THE COURT: That you were a member of the jury.

7 JUROR: 20 years ago, I would say.

8 THE COURT: Okay.

9 JUROR: 42. This was a state case, criminal, well
10 over ten years ago.

11 THE COURT: Thank you.

12 Who else?

13 JUROR: No. 52. I was in a civil case in Kings County
14 about 15 years ago.

15 THE COURT: Thank you.

16 Who else?

17 JUROR: So No. 12. I was on a state criminal case in
18 2016 as an alternate juror.

19 THE COURT: And were you placed on the jury? Did you
20 substitute in for one of the jurors?

21 JUROR: I was on the jury; so I listened to the entire
22 trial, but I was excused before the decision.

23 THE COURT: So you didn't participate in reaching a
24 verdict; correct?

25 JUROR: Correct.

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1 THE COURT: How long ago was that?

2 JUROR: 2016.

3 THE COURT: Okay. Who else?

4 JUROR: No. 5. Civil. Ten years ago.

5 THE COURT: Where?

6 JUROR: Manhattan county.

7 THE COURT: And did that go to verdict?

8 JUROR: Yes.

9 THE COURT: Okay.

10 JUROR: Criminal trial in the Bronx, Bronx Criminal
11 Court, 15 years ago maybe.

12 THE COURT: All right. Without telling me the
13 verdict, did the jury reach a verdict?

14 JUROR: Yes.

15 THE COURT: Okay. Is there anything about that
16 experience that would prevent you from being a fair and
17 impartial juror in this case?

18 JUROR: No.

19 THE COURT: Would you give the microphone to Juror No.
20 5.

21 Is there anything about your experience being a juror
22 that would prevent you from being a fair and impartial juror in
23 this case?

24 JUROR: No, ma'am.

25 THE COURT: The government witnesses in this case will

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1 include agents and analysts from the FBI. Would any of you be
2 more or less likely to believe a witness merely because he or
3 she is a law enforcement officer? And I address this question
4 to those who have not already answered it.

5 Some of the evidence admitted at trial may come from
6 searches performed by law enforcement officers. I instruct you
7 that those searches were legal and that the evidence obtained
8 from those searches is admissible in this case.

9 Do any of you have strong feelings about searches
10 conducted by law enforcement officers or the use of evidence
11 obtained from such searches that would interfere with your
12 ability to be a fair and impartial juror in this case?

13 Does anyone have any expectations about the types of
14 evidence that the government or the defendant should or will
15 present in this criminal trial or in a criminal trial more
16 generally?

17 Would everyone be able to follow the Court's
18 instruction that the government is not required to use any
19 particular technique in order to investigate a case? Is there
20 anybody who would not be able to follow that instruction?

21 Under our system of law, the jury determines the facts
22 and the Court determines the law. These two areas are separate
23 and distinct. At the end of the case, I will instruct you on
24 the law. You're required to accept the law as I explain it to
25 you. It will be your job to determine the facts subject to my

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1 explanation of the law. You may not substitute your notions of
2 what the law is or what you think it should be.

3 Is there anyone who feels that he or she is either
4 unwilling or unable to apply the law as I explain it to you?

5 Under our system of law, every defendant is presumed
6 innocent and cannot be found guilty unless a jury, having heard
7 all the evidence in the case, unanimously decides that the
8 evidence proves his guilt beyond a reasonable doubt.

9 Is there anyone who has any difficulty accepting the
10 law or the presumption of innocence as to the defendant?

11 Under our system of law, the burden of proof is on the
12 government. That burden never shifts to the defense. The
13 defendant does not have to prove his innocence, present any
14 evidence, testify, or cross-examine any of the government's
15 witnesses. If the defendant chooses not to testify, you cannot
16 hold that against him. Is there any juror who cannot follow
17 that instruction?

18 Conversely, if defense counsel decides to put on a
19 case on the defendant's behalf, that fact does not shift the
20 burden of proof to the defendant, nor does it diminish the
21 obligation of the government to prove the defendant's guilt
22 beyond a reasonable doubt. Would any of you have any
23 difficulty following this principle?

24 The law provides that only the evidence produced here
25 in the courtroom may be used by you to determine whether the

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1 government has met its burden of proving the defendant's guilt
2 beyond a reasonable doubt. You may not consider any outside
3 facts beyond the trial evidence. Is there anyone who has
4 difficulty accepting that law?

5 The law provides that the question of punishment is
6 for the judge alone to decide. The question of the possible
7 sentence that the defendant may receive cannot enter into your
8 deliberations as to the guilt or innocence of the defendant.
9 Is there any juror who cannot follow that instruction?

10 If the evidence establishes the defendant's guilt
11 beyond a reasonable doubt, is there anyone who feels that they
12 could not render a verdict of guilty?

13 If the evidence does not establish the defendant's
14 guilt beyond a reasonable doubt, is there anyone who feels that
15 they could not render a verdict of not guilty?

16 Do any of you have any legal training? And I address
17 this question to those of you who have not already answered it.

18 What number are you?

19 JUROR: No. 40.

20 THE COURT: And what is the nature of your legal
21 training?

22 JUROR: I used to work for the Coalition of the
23 International criminal Court.

24 THE COURT: Okay. Who else?

25 JUROR: That's it for me.

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1 THE COURT: Does anyone have any religious,
2 philosophical, or other beliefs that would make him or her
3 unable to render a verdict?

4 All righty. I am now going to move on to questioning
5 the individual jurors. I'm going to start with No. 2.

6 If you would state your number.

7 JUROR: No. 2.

8 THE COURT: And your county of residence and
9 neighborhood during the last five years.

10 JUROR: I lived in the Bronx, and I just moved to
11 Manhattan this year.

12 THE COURT: Okay. How far did you go in school?

13 JUROR: To like college or -- like --

14 THE COURT: Did you graduate high school?

15 JUROR: Yes, yes. Bachelor's, college.

16 THE COURT: And you graduated college?

17 JUROR: Yes.

18 THE COURT: And what did you study in college?

19 JUROR: Biology and computer science.

20 THE COURT: And what is your current job?

21 JUROR: Laboratory technician for Columbia University.

22 THE COURT: Are you married or in a significant
23 relationship?

24 JUROR: No.

25 THE COURT: What do the members of your household do

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1 for a living?

2 JUROR: My mom works for the post office; my brother
3 works for Starbucks.

4 THE COURT: Do you like to read books, magazines, or
5 websites?

6 JUROR: Yeah. I like to read books.

7 THE COURT: What type of books?

8 JUROR: Fantasy.

9 THE COURT: Do you belong to any clubs or
10 organizations?

11 JUROR: No.

12 THE COURT: How do you spend your spare time?

13 JUROR: Reading or playing video games.

14 THE COURT: Is there anything that would prevent you
15 from being a fair and impartial juror in this case?

16 JUROR: I don't believe so.

17 THE COURT: It calls for a yes or no answer.

18 JUROR: Sorry, no. Yeah, no. Sorry.

19 THE COURT: Now, going on to No. 4. If you would
20 state your number, your county of residence -- I'm sorry,
21 you're No. 3. No, I'm going to No. 4.

22 If you would state your number, your county of
23 residence, and your neighborhood during the past five years.

24 JUROR: I'm No. 4. I live in the Bronx for the past
25 30 years.

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1 THE COURT: How long?

2 JUROR: 30 years.

3 THE COURT: 30.

4 JUROR: Same place in the Bronx.

5 THE COURT: And what neighborhood there?

6 JUROR: 14th -- Ogden Avenue.

7 THE COURT: Ogden Avenue?

8 JUROR: Yes.

9 THE COURT: Actually, I don't think Juror No. 2 told
10 me the neighborhood.

11 JUROR: Hudson Yards.

12 THE COURT: Hudson Yards. Okay.

13 How far did you go in school?

14 JUROR: I went to Long Island University, get my
15 bachelor degree in 2013, education.

16 THE COURT: In 2013 you got an education degree?

17 JUROR: Yes. Bachelor degree.

18 THE COURT: And your current job?

19 JUROR: I work in the Department of Education, NYC
20 DOE, as a special education teacher assistant.

21 THE COURT: Are you married or in a significant
22 relationship?

23 JUROR: Yeah, I'm married.

24 THE COURT: And your spouse, what does that person do
25 for a living?

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1 JUROR: My wife stay home.

2 THE COURT: And is she a homemaker?

3 JUROR: Yes. Yeah.

4 THE COURT: Okay. And are there other adults in the
5 house who work?

6 JUROR: Yes. My daughter work at the New York City
7 Department of Housing and Preservation.

8 THE COURT: Who works at housing?

9 JUROR: My daughter.

10 THE COURT: Your daughter. Okay.

11 JUROR: My son graduate from computer science last
12 year. He going to start a new job very soon.

13 THE COURT: He has not started the job yet?

14 JUROR: No. He's -- not yet. Yeah, he's waiting for
15 it.

16 THE COURT: Okay. And do you like any types of books
17 or magazines or web sites?

18 JUROR: Yes, I do a lot of books about children mostly
19 because I'm a teacher. So usually I read those books, and
20 yeah.

21 THE COURT: How do you spend your spare time?

22 JUROR: Listening to music. I like some documentary
23 on TV, scientific documentaries.

24 THE COURT: And is there anything that would prevent
25 you from being a fair and impartial juror in this case?

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1 JUROR: No.

2 THE COURT: Okay. I'd like to go to No. 5.

3 Please state your number.

4 JUROR: No. 5.

5 THE COURT: Your county of residence.

6 JUROR: Manhattan.

7 THE COURT: And your neighborhood during the last five

8 years?

9 JUROR: Harlem. City College area.

10 THE COURT: How far did you go in school?

11 JUROR: Some college.

12 THE COURT: And what were you studying?

13 JUROR: Sociology.

14 THE COURT: Your current job?

15 JUROR: Executive assistant.

16 THE COURT: And you've held that for the last five

17 years?

18 JUROR: Ten years now.

19 THE COURT: And are you married or in a significant

20 relationship?

21 JUROR: Single. Two kids.

22 THE COURT: Are there any adult members of the

23 household who work?

24 JUROR: Yes. Son just graduated Saturday, this past

25 Saturday.

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1 THE COURT: Congratulations.

2 JUROR: Thank you. Oldest one lives in Virginia, so
3 no. And then two parents.

4 THE COURT: So you said the son who just graduated.

5 JUROR: He has not started any job yet.

6 THE COURT: No job.

7 JUROR: Just came home.

8 THE COURT: And your parents, are they working?

9 JUROR: They both are retired. School teachers.

10 THE COURT: And then somebody in Virginia?

11 JUROR: Yeah, my oldest son.

12 THE COURT: He works?

13 JUROR: Yes.

14 THE COURT: What does he do?

15 JUROR: He's an economist and banking.

16 THE COURT: Do you like to read any types of books,
17 magazines?

18 JUROR: Nope.

19 THE COURT: Websites?

20 JUROR: No.

21 THE COURT: Any clubs or organizations?

22 JUROR: Yes.

23 THE COURT: What's that?

24 JUROR: So I have Incoga (ph), Oquagminfacu (ph),
25 Ocusaka (ph).

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1 THE COURT: Could you tell me what those organizations
2 do?

3 JUROR: Those are all either nonprofit -- well, all of
4 them are nonprofit. But they based on -- from the origin from
5 Ghana, West Africa. And so they are all -- either one is
6 national -- well, two of them are national-based and one is
7 local.

8 THE COURT: And what is the purpose of the
9 organizations?

10 JUROR: Well, it's more for cultural-based. It's more
11 cultural-based.

12 THE COURT: Got it.
13 How do you spend your spare time?

14 JUROR: Either working with those organizations,
15 helping out, and youth, with the youth.

16 THE COURT: Helping out youth?

17 JUROR: Mm-hmm.

18 THE COURT: Is there anything that would prevent you
19 from being a fair and impartial juror?

20 JUROR: No.

21 THE COURT: We'll come back to Juror No. 2.
22 How long have you been in the job that you have?

23 JUROR: Two years now as of May.

24 THE COURT: And what did you do before that?

25 JUROR: I graduated in 2021, and I didn't do anything

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1 until I got this job in 2022.

2 THE COURT: And No. 4, how long have you been at your
3 job?

4 JUROR: Since 2005.

5 THE COURT: Okay.

6 JUROR: Close to 20 years now.

7 THE COURT: All righty.

8 I am now going to Juror No. 7. If you would please
9 state your number, your county of residence, and your
10 neighborhood during the last five years.

11 JUROR: Manhattan, Hell's Kitchen.

12 THE COURT: And what is your number?

13 JUROR: No. 7.

14 THE COURT: Okay. How far did you go in school?

15 JUROR: Bachelor's.

16 THE COURT: And what was the subject matter?

17 JUROR: Liberal arts.

18 THE COURT: Your current job?

19 JUROR: HR director.

20 THE COURT: And have you been doing that for the last
21 five years?

22 JUROR: For over 25 years.

23 THE COURT: Are you married or in a significant
24 relationship?

25 JUROR: Married.

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1 THE COURT: What does your spouse do for a living?

2 JUROR: He retired from the NYPD.

3 THE COURT: And was he an officer at the NYPD?

4 JUROR: He was a detective.

5 THE COURT: A detective.

6 And I expect that there will be law enforcement
7 witnesses in this case. Would you be able to judge their
8 testimony in the same way that you would judge the testimony of
9 any other witness?

10 JUROR: Yes.

11 THE COURT: Would you tend to have a bias in favor of
12 a law enforcement witness?

13 JUROR: No.

14 THE COURT: Would you have a bias against a law
15 enforcement witness?

16 JUROR: No.

17 THE COURT: Is there anything about your husband's
18 job, former job, that would prevent you from being fair and
19 impartial in this case?

20 JUROR: Maybe. Because I hear him all the time
21 talking about, you know, the news. And I'm listening to
22 opinions.

23 THE COURT: All right. So many people express
24 opinions one way or the other. And, of course, sometimes you
25 have different opinions from your husband.

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1 JUROR: Correct.

2 THE COURT: And so my question is can you put aside
3 his opinions and treat both sides in this case fairly?

4 JUROR: Yes.

5 THE COURT: Do you think that because your husband was
6 in law enforcement, that that will give you a bias in favor of
7 the prosecution?

8 JUROR: No.

9 THE COURT: Would you have a bias against the
10 prosecution?

11 JUROR: No.

12 THE COURT: Would you be in favor of the defendant?

13 JUROR: I've had -- I don't -- no.

14 THE COURT: Would you be against the defendant?

15 JUROR: Yes.

16 THE COURT: So are you saying that you have a bias
17 against the defendant?

18 JUROR: Repeat it?

19 THE COURT: In other words, do you come into this
20 courtroom already with feelings against the defendant?

21 JUROR: To be perfectly honest, yes, because I've
22 experienced --

23 THE COURT: So the question is can you put aside any
24 previous experiences that you may have and come into the
25 courtroom with an open mind, listen to the witness testimony,

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1 evaluate the documentary evidence, listen to my instructions on
2 the law, and be a fair and impartial juror?

3 JUROR: Yes.

4 THE COURT: Are there any other adults in the
5 household who work?

6 JUROR: My son.

7 THE COURT: And what does he do?

8 JUROR: He's a para professional.

9 THE COURT: In what --

10 JUROR: Department of Education.

11 THE COURT: Do you like to read any types of books or
12 magazines?

13 JUROR: Just some basically health books of the mind
14 and the body.

15 THE COURT: Anything on the web that you like to read?

16 JUROR: Finance.

17 THE COURT: And are you belonging to any clubs or
18 organizations?

19 JUROR: No.

20 THE COURT: How do you spend your spare time?

21 JUROR: Unfortunately, watching Netflix.

22 THE COURT: Is there anything that would prevent you
23 from being a fair and impartial juror in this case?

24 JUROR: No.

25 THE COURT: All righty. If you would pass the

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1 microphone to No. 8.

2 Would you state your number, county of residence, and
3 neighborhood over the last five years.

4 JUROR: No. 8. No. 8.

5 THE COURT: And what county do you live in?

6 JUROR: Bronx.

7 THE COURT: And you've been there for at least five
8 years?

9 JUROR: Yes.

10 THE COURT: And what neighborhood of the Bronx? What
11 section of the Bronx?

12 JUROR: Allerton.

13 THE COURT: Allerton.

14 How far did you go in school?

15 JUROR: School?

16 THE COURT: Yes.

17 JUROR: I was before ten years only for language.

18 THE COURT: Are you having any difficulty
19 understanding my questions?

20 JUROR: Yes, but I have -- here I have eleven years.

21 THE COURT: Okay.

22 JUROR: But I don't -- I don't have any school here.

23 THE COURT: No schooling here.

24 Where did you go to school?

25 JUROR: In my country.

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1 THE COURT: And where is that?

2 JUROR: Albania.

3 THE COURT: In Albania you went to school. Okay.

4 What is your job?

5 JUROR: Porter.

6 THE COURT: And have you been doing that for five

7 years?

8 JUROR: Yes.

9 THE COURT: Are you married or in a significant

10 relationship?

11 JUROR: Married.

12 THE COURT: And what does your spouse do for a living?

13 Do you have a wife?

14 JUROR: Yes. We work together, same place.

15 THE COURT: Same place.

16 And other people in your home, do you have any other

17 people that have a job?

18 JUROR: My daughter. Only my daughter.

19 THE COURT: Your daughter? What does she do?

20 JUROR: Nothing.

21 THE COURT: How old is your daughter?

22 JUROR: 30.

23 THE COURT: 30?

24 JUROR: 30.

25 THE COURT: Okay.

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1 JUROR: She is disabled.

2 THE COURT: She's disabled. I see. So she can't
3 work.

4 JUROR: No.

5 THE COURT: No. Okay.

6 Do you like any type of reading?

7 JUROR: Only I watch TV and --

8 THE COURT: You like TV. Okay.

9 And do you have membership in any clubs?

10 JUROR: No.

11 THE COURT: And is there anything that would prevent
12 you from being a fair and impartial juror?

13 JUROR: No.

14 THE COURT: Okay. If you would pass the microphone to
15 No. 10.

16 If you would say your number.

17 JUROR: Ten, No. 10.

18 THE COURT: And your county of residence and
19 neighborhood.

20 JUROR: Westchester County, Valhalla.

21 THE COURT: How far did you go in school?

22 JUROR: Master's degree.

23 THE COURT: In what subject?

24 JUROR: Business management leadership.

25 THE COURT: And your current job?

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1 JUROR: Director of real estate and property
2 management.

3 THE COURT: And have you been doing that for at least
4 five years?

5 JUROR: Yes.

6 THE COURT: Are you married or in a significant
7 relationship?

8 JUROR: I am married.

9 THE COURT: And your spouse, what does that person do
10 for a living?

11 JUROR: She's a homemaker. She's a homemaker.

12 THE COURT: Homemaker. Okay.

13 Any other adults in the household who work?

14 JUROR: No.

15 THE COURT: Do you like any type of reading?

16 JUROR: Before children, yes. Well, I guess different
17 reading now, yes.

18 THE COURT: So what type of reading do you do now?

19 JUROR: A lot of children's books. *Grumpy Monkey*
20 mostly.

21 THE COURT: Any clubs or organizations?

22 JUROR: No.

23 THE COURT: How do you spend your spare time?

24 JUROR: Children, driving them around, taking them to
25 sports and things like that.

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1 THE COURT: Is there anything that would prevent you
2 from being a fair and impartial juror in this case?

3 JUROR: No.

4 THE COURT: If you would pass the microphone to number
5 11.

6 If you'd state your number, please.

7 JUROR: 11.

8 THE COURT: And your county of residence.

9 JUROR: Bronx County for about 17 years.

10 THE COURT: And your neighborhood.

11 JUROR: Riverdale.

12 THE COURT: How far did you go in school?

13 JUROR: Bachelor's in mass communications.

14 THE COURT: And your current job.

15 JUROR: I'm an event planner.

16 THE COURT: And you've been doing that for the last
17 five years?

18 JUROR: Yes.

19 THE COURT: Are you married or in a significant
20 relationship?

21 JUROR: In a significant relationship.

22 THE COURT: And your significant other, what does that
23 person do for a living?

24 JUROR: He's a machine operator at LaGuardia and JFK
25 Airports.

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1 THE COURT: Anybody else in your household who works?

2 JUROR: None.

3 THE COURT: Any type of reading you like?

4 JUROR: Not particularly, no. I mainly focus on
5 social media.

6 THE COURT: Any clubs or organizations?

7 JUROR: None.

8 THE COURT: How do you spend your spare time?

9 JUROR: I'm a singer. I do weddings and parties.

10 THE COURT: Is there anything that would prevent you
11 from being a fair and impartial juror in this case?

12 JUROR: None, Judge.

13 THE COURT: If you could pass the microphone to No.
14 12.

15 Would you please state your number, your county of
16 residence, and your neighborhood.

17 JUROR: 12. And it's Manhattan, Murray Hill.

18 THE COURT: How far did you go in school?

19 JUROR: Bachelor's of business.

20 THE COURT: Your current job?

21 JUROR: Vice president of investor relations.

22 THE COURT: And have you been doing that for at least
23 the last five years?

24 JUROR: No, six months.

25 THE COURT: And before that?

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1 JUROR: I was a stock analyst at a bank for nine
2 years.

3 THE COURT: And are you married or in a significant
4 relationship?

5 JUROR: Yes.

6 THE COURT: And your significant other, what does that
7 person do for a living?

8 JUROR: She is head of human resources for a bank.

9 THE COURT: Any other adults in your household who
10 work?

11 JUROR: No.

12 THE COURT: Do you like any type of reading?

13 JUROR: *Wall Street Journal*.

14 THE COURT: Are you involved in clubs or
15 organizations?

16 JUROR: No.

17 THE COURT: How do you spend your spare time?

18 JUROR: I don't have much spare time really. I work a
19 lot and so maybe travel, but that's about it. Nothing too
20 exciting.

21 THE COURT: Is there anything that would prevent you
22 from being a fair and impartial juror in this case?

23 JUROR: No.

24 THE COURT: Okay. If you could please pass the
25 microphone to No. 14.

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1 JUROR: He's not here.

2 THE COURT: He's not here?

3 Okay. Then to No. 15.

4 If you would state your number.

5 JUROR: No. 15. Manhattan, Manhattan Valley.

6 THE COURT: And you've been there for the last five
7 years?

8 JUROR: Yes.

9 THE COURT: How far did you go in school?

10 JUROR: Master's of business administration.

11 THE COURT: Your current job?

12 JUROR: SVP of marketing and fund raising.

13 THE COURT: What type of setting?

14 JUROR: Healthcare. Nonprofit.

15 THE COURT: And you've been doing that for five years?

16 JUROR: Yes.

17 THE COURT: Are you married or in a significant
18 relationship.

19 JUROR: Married.

20 THE COURT: And your spouse, what does that person do
21 for a living?

22 JUROR: He's a medical receptionist.

23 THE COURT: Did you say medical receptionist?

24 JUROR: Correct.

25 THE COURT: Any other adults in the house who work?

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1 JUROR: No.

2 THE COURT: Do you like any type of reading?

3 JUROR: Yeah. I like mysteries, I read *The New York*
4 *Times* if I have time, BBC.

5 THE COURT: Any clubs or organizations?

6 JUROR: No.

7 THE COURT: How do you spend your spare time?

8 JUROR: Travel. I love the theater. Enjoying New
9 York.

10 THE COURT: Is there anything that would prevent you
11 from being a fair and impartial juror in this case?

12 JUROR: No.

13 THE COURT: If you would please hand the microphone to
14 No. 29 -- I'm sorry -- yeah, No. 29.

15 No. 34. Please state your number, your county of
16 residence, and your neighborhood during the last five years.

17 JUROR: No. 34. Bronx. Pelham Bay.

18 THE COURT: How far did you go in school?

19 JUROR: Bachelor's.

20 THE COURT: What subject?

21 JUROR: Economics.

22 THE COURT: What is your job of the last five years?

23 JUROR: Well, I just became a director eight months
24 ago. Before that I was an administrative manager for the
25 Department of Housing, Preservation and Development.

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1 THE COURT: If you could speak up into the microphone.
2 You said you were a director?

3 JUROR: I am currently.

4 THE COURT: You're currently a director of what?

5 JUROR: Of HPD, Housing, Preservation and Development.

6 THE COURT: And you used to do what?

7 JUROR: I was an admin manager before that.

8 THE COURT: And that accounts for the last five years?

9 JUROR: Yeah.

10 THE COURT: Are you married or in a significant
11 relationship?

12 JUROR: Significant relationship.

13 THE COURT: And your significant other, what does that
14 person do for a living?

15 JUROR: He's retired.

16 THE COURT: What did he used to do?

17 JUROR: Construction.

18 THE COURT: Are there any other adults in the
19 household who work?

20 JUROR: No.

21 THE COURT: Do you like any type of reading?

22 JUROR: Novels, romantic.

23 THE COURT: Okay. I want you to keep your voice up.
24 You said you like novels?

25 JUROR: Romantic novels.

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1 THE COURT: Romance novels.

2 Okay. Any clubs or organizations?

3 JUROR: No.

4 THE COURT: Your spare time?

5 JUROR: Puzzles. Spend with my family.

6 THE COURT: Is there anything that would prevent you
7 from being a fair and impartial juror in this case?

8 JUROR: No.

9 THE COURT: Please go to No. 49.

10 If you would state your number, your county, and your
11 neighborhood.

12 JUROR: 49. Manhattan, East Village.

13 THE COURT: You've been there for the last five years?

14 JUROR: Yes.

15 THE COURT: How far did you go in school?

16 JUROR: High school.

17 THE COURT: What is your job?

18 JUROR: Porter.

19 THE COURT: Water?

20 JUROR: Porter, like a janitor.

21 THE COURT: Porter.

22 Are you married or in a significant relationship?

23 JUROR: No.

24 THE COURT: Are there other people in your house who
25 work?

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1 JUROR: No.

2 THE COURT: Do you like any type of books or magazines
3 or the websites?

4 JUROR: Sports, religion, and stuff.

5 THE COURT: Are you involved in clubs or
6 organizations?

7 JUROR: No.

8 THE COURT: How do you spend your spare time?

9 JUROR: Hanging out with family.

10 THE COURT: Is there anything that would prevent you
11 from being a fair and impartial juror in this case?

12 JUROR: No.

13 THE COURT: If you would please hand the mic to No.
14 51.

15 If you would state your number, your county of
16 residence, and neighborhood of the last five years.

17 JUROR: Number is 51. I live in Brooklyn; Green
18 Point, Brooklyn.

19 THE COURT: How long have you been living in Brooklyn?

20 JUROR: Since September.

21 THE COURT: Counsel, would you step up, please.

22 (At sidebar)

23 THE COURT: So it's my understanding that a Brooklyn
24 resident is not qualified to be a juror in the S.D.N.Y.;
25 correct?

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1 MS. SHROFF: Yes, your Honor.

2 THE COURT: So I will dismiss her. I'll just move on
3 to the next person. Okay.

4 (In open court)

5 THE COURT: If you would pass the microphone to No.
6 58.

7 JUROR: 58.

8 THE COURT: And your county of residence and
9 neighborhood during the last five years?

10 JUROR: Westchester County, New Rochelle.

11 THE COURT: How far did you go in school?

12 JUROR: I have my doctorate.

13 THE COURT: In what subject?

14 JUROR: Physical therapy.

15 THE COURT: And you've been doing physical therapy for
16 the last five years?

17 JUROR: Yes.

18 THE COURT: Are you married or in a significant
19 relationship?

20 JUROR: Yes.

21 THE COURT: And your significant other, what does that
22 person do?

23 JUROR: They are a mechanic. Mechanic.

24 THE COURT: Mechanic.

25 Are there other adults in the house who work?

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1 JUROR: No.

2 THE COURT: Do you like any type of reading?

3 JUROR: Mostly business magazines.

4 THE COURT: Any clubs or organizations?

5 JUROR: No.

6 THE COURT: Your spare time?

7 JUROR: I volunteer at the Humane Society.

8 THE COURT: Is there anything that would prevent you
9 from being a fair and impartial juror in this case?

10 JUROR: No.

11 THE COURT: All righty.

12 If you would please pass the microphone to No. 69.

13 JUROR: No. 69.

14 THE COURT: Your county?

15 JUROR: Rockland County, Congers.

16 THE COURT: I'm sorry. Oh, there you are.

17 Rockland County in Congers. And you've been there for
18 at least the last five years?

19 JUROR: Yes.

20 THE COURT: And how far did you go in school?

21 JUROR: Three years' college.

22 THE COURT: What subject?

23 JUROR: Engineering and computer science.

24 THE COURT: Your current job?

25 JUROR: I am an associate director of a facilities

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1 department.

2 THE COURT: Associate director. What type of
3 facility?

4 JUROR: It's a pharmaceutical manufacturing facility.

5 THE COURT: Are you married or in a significant
6 relationship?

7 JUROR: I am married.

8 THE COURT: And your spouse, what does that person do
9 for a living?

10 JUROR: She's an accountant.

11 THE COURT: Are there other adults in the house who
12 work?

13 JUROR: No.

14 THE COURT: Do you like any type of reading?

15 JUROR: Yes, I do. I read engineering and science
16 books mostly.

17 THE COURT: Any clubs or organizations?

18 JUROR: I belong to a boat club and I also belong to
19 some religious ministries.

20 THE COURT: In your spare time?

21 JUROR: The ministries and the book club.

22 THE COURT: Is there anything that would prevent you
23 from being a fair and impartial juror in this case?

24 JUROR: No.

25 THE COURT: Please pass the mic to No. 70.

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1 And if you would state your number, your county of
2 residence, and neighborhood over the last five years.

3 JUROR: No. 70. Lower East Side.

4 THE COURT: And you've been there for the last five
5 years?

6 JUROR: Yes.

7 THE COURT: And how far did you go in school?

8 JUROR: I dropped out in high school and I'm in
9 college now.

10 THE COURT: So you got a GED?

11 JUROR: Yeah.

12 THE COURT: Great. And what are you studying now?

13 JUROR: Liberal arts.

14 THE COURT: And your current job?

15 JUROR: Maintenance. And I own two online stores.

16 THE COURT: What do you sell?

17 JUROR: Vitamins, my own product vitamins, and
18 clothing.

19 THE COURT: Are you married or in a significant
20 relationship?

21 JUROR: Yes, married.

22 THE COURT: And your spouse, what does that person do
23 for a living?

24 JUROR: She's a teacher assistant.

25 THE COURT: Anybody else in the household who works?

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1 JUROR: No.

2 THE COURT: Do you like any type of reading?

3 JUROR: Stephen King.

4 THE COURT: Any clubs or organizations?

5 JUROR: No.

6 THE COURT: Your spare time?

7 JUROR: Just with my store and my kids.

8 THE COURT: Is there anything that would prevent you
9 from being a fair and impartial juror in this case?

10 JUROR: No.

11 THE COURT: Would you pass the microphone to number
12 73.

13 If you'd state your number, your county of residence,
14 and your neighborhood during the last five years.

15 JUROR: 73. Westchester. Yonkers.

16 THE COURT: You've been there for at least five years?

17 JUROR: Yes.

18 THE COURT: And your current job?

19 JUROR: Associate director of finance budget.

20 THE COURT: In what sort of a setting?

21 JUROR: I'm sorry?

22 THE COURT: What type of a setting do you work in?

23 JUROR: In financial, yeah.

24 THE COURT: Okay. And you've been doing that for the
25 last five years?

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1 JUROR: Yes.

2 THE COURT: Are you married or in a significant
3 relationship?

4 JUROR: Significant, long distance. The Philippines.

5 THE COURT: You said a significant long distant what?

6 JUROR: Philippines. In the Philippines.

7 THE COURT: In the Philippines.

8 JUROR: Yes.

9 THE COURT: Okay. And your significant other, does
10 that person work?

11 JUROR: Banking.

12 THE COURT: Are there any adults in the household who
13 work other than you?

14 JUROR: Brother, a nurse assistant at St. Barnabas.

15 THE COURT: Do you like any type of reading?

16 JUROR: Financial Access.

17 THE COURT: Any clubs or organizations?

18 JUROR: None.

19 THE COURT: How do you spend your spare time?

20 JUROR: House chores, documentaries.

21 THE COURT: Anything that would prevent you from being
22 a fair and impartial juror in this case?

23 JUROR: None.

24 THE COURT: No. 77, please.

25 If you'd state your name, your county of residence,

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1 and neighborhood of the last five years.

2 JUROR: 77. Manhattan. Central Harlem.

3 THE COURT: How far did you go in school?

4 JUROR: Bachelor of science and computer science.

5 THE COURT: What is your job?

6 JUROR: I'm currently not working.

7 THE COURT: And how recently did you have a job?

8 JUROR: Four and a half years ago.

9 THE COURT: And what did you do five and a half years
10 ago?

11 JUROR: I was in IT in a large financial institution.

12 THE COURT: And how long did you have that job?

13 JUROR: 23 years.

14 THE COURT: Are you married or in a significant
15 relationship?

16 JUROR: Significant relationship.

17 THE COURT: And your significant other, does that
18 person work?

19 JUROR: No.

20 THE COURT: And are there any other adults in the
21 household who work?

22 JUROR: No.

23 THE COURT: Any type of reading that you like?

24 JUROR: Spirituality, esoteric art, photography, and
25 other things.

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1 THE COURT: Are you involved in clubs or
2 organizations?

3 JUROR: Yes. I'm a community leader in the Atlassian
4 user group. Atlassian is a software company.

5 THE COURT: I'm sorry, I am not following you. You
6 said you were a community leader in what kind of group?

7 JUROR: It's a user group of Atlassian software. It's
8 a collection of people that use software products by the
9 Atlassian Company. And so we plan and host events of other
10 people that use those products.

11 THE COURT: How do you spend your spare time?

12 JUROR: Gardening and photography.

13 THE COURT: Is there anything that would prevent you
14 from being a fair and impartial juror in this case?

15 JUROR: No.

16 THE COURT: Would you pass the mic to No. 78.

17 JUROR: No. 78. I live in Manhattan county; been
18 living here for a little bit over five years. I live now in
19 the Upper East Side. The past five years I also lived in
20 Hell's Kitchen and Greenwich Village.

21 THE COURT: How far did you go in school?

22 JUROR: Bachelor's in business management.

23 (Continued on next page)

24

25

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1 THE COURT: And your current job.

2 JUROR: I work in commercial lending. I've been doing
3 it for almost six years. Titles have changed, but it's the
4 same—pretty much the same work.

5 THE COURT: Are you married or in a significant
6 relationship?

7 JUROR: Engaged to be married, living in the same
8 apartment.

9 THE COURT: Congratulations. And your fiancée, what
10 does that individual do?

11 JUROR: She—she's a social worker.

12 THE COURT: And any other adults in the household who
13 work?

14 JUROR: No.

15 THE COURT: What type of reading do you like?

16 JUROR: Self-help, mystery, and I—a little bit of
17 news from different sources. Mainly through Google News.

18 THE COURT: Namely through?

19 JUROR: Google News.

20 THE COURT: Google.

21 JUROR: Yeah.

22 THE COURT: Any clubs or organizations?

23 JUROR: No.

24 THE COURT: Your spare time?

25 JUROR: Either running, reading, TV. Nothing in

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1 particular.

2 THE COURT: Is there anything that would prevent you
3 from being a fair and impartial juror in this case?

4 JUROR: No.

5 THE COURT: If you'd pass the mic to juror 79.

6 Could you tell me your number, your county of
7 residence, and neighborhood of the last five years.

8 JUROR: No. 79. Manhattan, Hell's Kitchen.

9 THE COURT: I'm having difficulty hearing you.

10 JUROR: Sorry. No. 79, Manhattan, Hell's Kitchen.

11 THE COURT: How far did you go in school?

12 JUROR: Bachelor's of science.

13 THE COURT: And your current job.

14 JUROR: I'm a portfolio manager.

15 THE COURT: I'm sorry. I didn't get that.

16 JUROR: Portfolio manager.

17 THE COURT: And you've been doing that for the last
18 five years?

19 JUROR: Basically the same, different titles.

20 THE COURT: Are you married or in a significant
21 relationship?

22 JUROR: Significant relationship.

23 THE COURT: And your significant other, what does that
24 person do for a living?

25 JUROR: She's an attorney.

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1 THE COURT: What sort of law does she practice?

2 JUROR: Bankruptcy restructuring.

3 THE COURT: So would you be able to put aside anything
4 that you have learned about bankruptcy law, bankruptcy
5 proceedings, and only follow the evidence that you hear in this
6 case?

7 JUROR: Yes.

8 THE COURT: Do you like any type of reading?

9 JUROR: Science fiction. Whatever the Hudson News has
10 when I'm about to travel.

11 THE COURT: Science fiction, and did you say travel?

12 JUROR: Like whatever the Hudson News has before I—

13 THE COURT: I'm sorry. I'm having trouble hearing
14 you, sir. If you would please speak up.

15 JUROR: Sorry. It's whatever the bookstore has
16 available before I get on a flight.

17 THE COURT: If you could speak louder and slower.

18 JUROR: Whatever the bookstore has before I get on a
19 flight, so really anything.

20 THE COURT: And are there any other adults in your
21 household who work?

22 JUROR: No.

23 THE COURT: Are you involved in clubs or
24 organizations?

25 JUROR: Yeah, Jacques Pépin Foundation.

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1 THE COURT: What is that?

2 JUROR: It's—well, he's a TV chef, and the
3 organization writes grants to smaller nonprofits that train
4 people on culinary or professional skills.

5 THE COURT: How do you spend your spare time?

6 JUROR: Video games, cooking.

7 THE COURT: Video games and what?

8 JUROR: Cooking.

9 THE COURT: Cooking. Is there anything that would
10 prevent you from being a fair and impartial juror in this case?

11 JUROR: No.

12 THE COURT: Would you pass the mic to No. 81, please.

13 JUROR: No. 81. From Westchester County, New
14 Rochelle.

15 THE COURT: And you've been there for at least five
16 years?

17 JUROR: Yes.

18 THE COURT: How far did you go in school?

19 JUROR: Master's in information technology management.

20 THE COURT: And your current job.

21 JUROR: I'm a field service engineer for a medical
22 instruments company.

23 THE COURT: You've been doing that for the last five
24 years?

25 JUROR: Yeah. More than that. Ten. I'm also a

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1 member of Air Force Reserves.

2 THE COURT: You're also a member of the Air Force
3 Reserves?

4 JUROR: Yes.

5 THE COURT: Are you married or in a significant
6 relationship?

7 JUROR: Married.

8 THE COURT: And your spouse, what does that person do
9 for a living?

10 JUROR: She works in retail management.

11 THE COURT: Do you like any type of reading?

12 JUROR: Yes. I like reading about technology, about
13 health, and religious books, self-help.

14 THE COURT: Are you involved in clubs or
15 organizations?

16 JUROR: I just help out in my church with the youth;
17 that's it.

18 THE COURT: And how do you spend your spare time?

19 JUROR: I like doing outdoor stuff, hiking, running; I
20 also love—like cooking and learning new things.

21 THE COURT: Is there anything that would prevent you
22 from being a fair and impartial juror in this case?

23 JUROR: No.

24 THE COURT: Would you pass the mic to No. 83, please.

25 JUROR: 83. Westchester. South Salem.

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1 THE COURT: You've been there for the last five years?

2 JUROR: Yes. Yes.

3 THE COURT: How far did you go in school?

4 JUROR: I have a PhD.

5 THE COURT: In what subject?

6 JUROR: English and American literature.

7 THE COURT: Your current job?

8 JUROR: I'm retired. I was previously—I taught
9 English at the college level.

10 THE COURT: And how long have you been retired?

11 JUROR: 2003.

12 THE COURT: And how long did you work for?

13 JUROR: 20 years.

14 THE COURT: Are you married or in a significant
15 relationship?

16 JUROR: I'm married.

17 THE COURT: And your spouse, what does that person do
18 for a living?

19 JUROR: He's retired. He was previously an
20 advertising executive.

21 THE COURT: Do you like any type of reading?

22 JUROR: Yes. I read literary fiction, I read *The New*
23 *Yorker*, *The New York Times*, the *New York Review of Books*,
24 poetry.

25 THE COURT: And are there any adults in your house who

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1 work other than—

2 JUROR: No.

3 THE COURT: —both you and your—well, you do not
4 work, but there are no others who work in the house?

5 JUROR: No.

6 THE COURT: Any clubs or organizations?

7 JUROR: Yes. My local alumni club, yachting club.

8 THE COURT: So the yachting club and what other club?

9 JUROR: The Wellesley alumni club.

10 THE COURT: How would you describe what you do in your
11 spare time?

12 JUROR: Sailing, gardening, yoga. I'm interested in
13 ancestry so I help people discover their ancestry; Italian,
14 usually.

15 THE COURT: And is there anything that would prevent
16 you from being a fair and impartial juror in this case?

17 JUROR: No.

18 THE COURT: Would you please pass the microphone to
19 No. 88.

20 JUROR: No. 88. Manhattan. Greenwich Village.

21 THE COURT: And you've lived there for at least five
22 years?

23 JUROR: Yes.

24 THE COURT: How far did you go in school?

25 JUROR: Four years. Didn't graduate. Field was

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1 communications.

2 THE COURT: Your current job?

3 JUROR: I am an audio book narrator and I also work as
4 a standardized patient at a couple of medical schools.

5 THE COURT: Did you say a standardized patient?

6 JUROR: Standardized patient.

7 THE COURT: What does that mean?

8 JUROR: I pretend to be sick so the med students can
9 figure out what's wrong with me.

10 THE COURT: And this work that you've been doing as an
11 audio book narrator and a standardized patient, you've been
12 doing that for the last five years?

13 JUROR: Yes, ma'am.

14 THE COURT: Are you married or in a significant
15 relationship?

16 JUROR: No.

17 THE COURT: Any adults in the house other than
18 yourself who work?

19 JUROR: No.

20 THE COURT: Do you like any type of reading?

21 JUROR: I like politics, the arts, music.

22 THE COURT: Are you involved in any clubs or
23 organizations?

24 JUROR: I'm a member of the Screen Actors Guild and
25 also the musicians union. That's about it.

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1 THE COURT: How do you spend your spare time?

2 JUROR: Practicing, surfing the web.

3 THE COURT: Practicing what?

4 JUROR: I play clarinet, sax, and flute also.

5 THE COURT: Is there anything that would prevent you
6 from being a fair and impartial juror in this case?

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

8 THE COURT: All right. This calls for a yes or no
9 answer. Is there anything that would prevent you from being a
10 fair and impartial juror in this case?

11 JUROR: No.

12 THE COURT: Please pass the mic to No. 90.

13 JUROR: No. 90. Westchester County. The Village of
14 Pelham Manor. I have a master's of art in teaching. I work at
15 a cultural institute, and I'm an associate director there of
16 education.

17 THE COURT: And you've been living in Pelham Manor for
18 the last five years?

19 JUROR: Yes.

20 THE COURT: And your work at a cultural institute,
21 you've also been doing that for at least five years?

22 JUROR: Yes.

23 THE COURT: What is your marital status? Are you
24 married or in a significant relationship?

25 JUROR: I'm married.

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1 THE COURT: And your spouse, what does that person do
2 for a living?

3 JUROR: He is head of North American sales at S&P
4 Global, Dow Jones indices.

5 THE COURT: Any other adults in the household who
6 work?

7 JUROR: No.

8 THE COURT: Do you like any type of reading?

9 JUROR: I like to read historical fiction.

10 THE COURT: And any clubs or organizations?

11 JUROR: I belong to a few environmental organizations,
12 as well as the Pelham Country Club.

13 THE COURT: How do you spend your spare time?

14 JUROR: Playing tennis and golf and gardening.

15 THE COURT: Is there anything that would prevent you
16 from being a fair and impartial juror in this case?

17 JUROR: No.

18 THE COURT: Please pass the microphone back to one of
19 my law clerks.

20 And counsel, I'll see you at sidebar.

21 (At the sidebar)

22 THE COURT: With regard to Juror No. 8, I don't think
23 he is sufficiently fluent in English to serve as a juror. Is
24 there any objection to my dismissing him?

25 MR. FINKEL: Not from the government.

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1 MR. KAMARAJU: No, your Honor.

2 THE COURT: All right. So I want to go over—well,
3 first of all, are there any questions that you want me to pose
4 to any particular jurors who are left?

5 MR. FINKEL: No, your Honor.

6 MR. KAMARAJU: We're going to make a for-cause
7 challenge to No. 7 at the time your Honor thinks is
8 appropriate.

9 THE COURT: On what grounds?

10 MR. KAMARAJU: Her husband is a retired NYPD
11 detective. Originally when your Honor asked her whether she
12 was biased against the defendant, she said yes based on the
13 conversations that her—I want to make sure I'm not too
14 close—based on conversations she had overheard with her
15 husband and a friend, and while your Honor asked a subsequent
16 question, she seemed very hesitant, to us, to answer in the
17 affirmative, and her most definitive and clear answer was that
18 she would be biased against the defendant.

19 MR. FINKEL: Your Honor, you followed up and asked
20 that potential juror whether she agreed with everything her
21 husband says and she said no. You said, are you able to put
22 aside opinions you may have heard from other people and decide
23 the issues in this case based on what you hear in this
24 courtroom, are you biased against any of the people in this
25 courtroom, she said no, and she said she could be a fair and

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1 impartial juror.

2 THE COURT: That's right. I'm not going to dismiss
3 her for cause.

4 Anybody else?

5 MR. KAMARAJU: No, your Honor.

6 THE COURT: Okay. So I just want to go over, is there
7 any individual that I have not gotten to? Oh, that means other
8 than 14 and 29, who did not come back after lunch.

9 MR. KAMARAJU: Oh, yeah. Thank you, your Honor.

10 MR. FINKEL: Nothing from the government.

11 THE COURT: All right, then.

12 MS. SHROFF: Could we have one—

13 MR. KAMARAJU: Was 96 addressed?

14 MR. FINKEL: We have 96 struck, but—

15 THE COURT: Let me see.

16 MS. SHROFF: So, your Honor, we would request that the
17 Court bring No. 7 back and ask her if she can actually be fair
18 and impartial in this case because I don't think the way she
19 answered, after a long pause and said yes—essentially, in
20 light of her previous answer that she said she could not be
21 fair, I would ask that the Court make a last inquiry of her.

22 THE COURT: So I think she was rehabilitated
23 completely and so I am not going to pursue this any further.
24 Juror 96 was struck.

25 All righty. So I am going to excuse those people who

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1 have been dismissed, and those who have not, I'll have them
2 wait and we'll go through the peremptory challenges.

3 MR. FINKEL: Your Honor, can I make sure we understand
4 the peremptory system. So is it correct that essentially the
5 first 12 remaining jurors, whoever is last, that the defense
6 can strike as many as they want up to 10, and after they choose
7 those 10, whoever's left, the government can strike whichever
8 six, up to six, it wants?

9 THE COURT: Okay. So no.

10 MS. SHROFF: No.

11 THE COURT: So we start in round one, and the defense
12 strikes whomever they decide to. Now they might take all 10,
13 but I highly doubt it. So let's assume that they take two.
14 Then you're going to have a stab at the remaining 10.

15 MR. FINKEL: Okay.

16 THE COURT: Then there's another round with the
17 defense, and they get to strike as many as they have left, and
18 then you get your opportunity to do the same, and we just go
19 like that until they have eliminated all of their strikes.

20 MR. FINKEL: I see. In groups of 12 then.

21 THE COURT: Always in a group of 12.

22 MR. FINKEL: Okay. And sorry to—so we will know who
23 they're going to strike.

24 THE COURT: It's going to be out loud. I'm going to
25 announce it, and it will be obvious.

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1 MR. FINKEL: Okay. Thank you.

2 MS. SHROFF: Your Honor—

3 MR. FERGENSON: Your Honor—oh, go ahead.

4 MS. SHROFF: Okay. So your Honor, two things. One
5 is, does the defense go first each time or do we rotate, we go
6 first and then they go?

7 THE COURT: The defense goes first every time.

8 MS. SHROFF: Okay. And two, your Honor, we do need to
9 talk to the client before we exercise the peremptories. So
10 you're not going to make me do it tonight?

11 THE COURT: Oh, no, no, no, we are doing it today. If
12 you want to talk to your client, then he's sitting right next
13 to you.

14 MS. SHROFF: I just didn't know. I thought we ended
15 at 5.

16 THE COURT: It's not 5 yet.

17 MS. SHROFF: It's past 5.

18 THE COURT: I'm sorry. I read my clock wrong. So
19 forgive me for that. We're going to have to come back
20 tomorrow.

21 MS. SHROFF: Okay. Thank you. I appreciate that.
22 Thank you, your Honor.

23 MR. KAMARAJU: I was just going to ask a numbers
24 question. Do we have the count of nonstruck jurors? I wasn't
25 sure if there was enough.

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1 MS. MURRAY: 21; 23 with the two who didn't come back
2 from lunch. So if they come back and they do the individual
3 tomorrow, it would be 23, but right now there are 21.

4 MR. KAMARAJU: Is that enough? Do we need more?

5 THE COURT: Well, we can go with the ones that we
6 have, and then we're going bring up another bunch.

7 MR. KAMARAJU: Okay. That's what I wasn't sure, your
8 Honor, if you wanted to do that first, bring up the others
9 first.

10 THE COURT: I want to do this group first.

11 MS. SHROFF: All right. Thank you, your Honor.

12 MR. FINKEL: Your Honor, just a logistical point. So
13 it appears we're going to be finished with jury selection
14 tomorrow. We'll go right into witnesses? We flew in witnesses
15 from out of state. We expect to be going. We're ready. And
16 we just want to make sure that expectation is correct and not
17 wrong.

18 MS. SHROFF: Are we sitting this Friday?

19 MR. FINKEL: Yes.

20 THE COURT: Remember I said we're on Fridays.

21 MS. SHROFF: No, no. I thought there was some
22 disagreement this morning. That's why I'm asking.

23 THE COURT: Yeah. We're going to go.

24 MR. FINKEL: Thank you, your Honor.

25 MR. FERGENSON: Your Honor, I'm sorry. I just wanted

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1 to make sure I understood the peremptories. So in your
2 hypothetical, we had 12, defense struck two, and suppose we
3 didn't strike any; are those 10 people on the jury?

4 THE COURT: They're on the jury.

5 MR. FERGENSON: Got it.

6 THE COURT: If you don't strike any, then we're just
7 going to add another couple and you're going to be then dealing
8 with those two. Exactly.

9 MR. FINKEL: Oh, okay.

10 THE COURT: Yes.

11 MS. SHROFF: Your Honor, if you could excuse me at
12 1:00 tomorrow for ten minutes.

13 THE COURT: Yes. Absolutely.

14 THE COURT: All right. The jurors are going to be
15 housed in 26A when they come back tomorrow morning. Okay.

16 MR. KAMARAJU: Thank you, your Honor.

17 (In open court)

18 THE COURT: All right, then. At this time
19 Mr. Steinberg is going to read a list of those individuals who
20 are being excused from jury service.

21 THE LAW CLERK: No. 80, No. 75, No. 89, No. 96,
22 No. 82, No. 84, No. 85, No. 86, No. 98, No. 99, No. 100,
23 No. 33, No. 3, No. 52, No. 76, No. 40, No. 42, No. 47, No. 60,
24 No. 16, No. 46, No. 94, No. 95, No. 22, No. 51, No. 8. Those
25 are the jurors who are excused. The rest of the jurors, please

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1 return tomorrow.

2 Those who I just named or listed, you may leave now.
3 We thank you for your jury service today. The rest, please
4 remain here.

5 THE COURT: Those of you who are remaining in the
6 courtroom, you must come back to the courthouse tomorrow and be
7 in the hallway ready to go into courtroom 26A—which is a
8 different courtroom from this—courtroom 26A at 9 a.m. sharp.
9 Remember that you're not allowed to discuss the case amongst
10 yourselves or with anyone else. Don't permit anyone to discuss
11 the case in your presence. And also remember that the
12 attorneys are not allowed to have any contact with you, so
13 don't hold it against them if they don't acknowledge you if you
14 see them.

15 So have a good evening, and I will see you tomorrow at
16 9 a.m.

17 MS. SHROFF: Your Honor, I'm sorry. May we just have
18 a quick sidebar for a moment.

19 THE COURT: Yes.

20 (At the sidebar)

21 MS. SHROFF: Maybe I missed it, but there is a juror
22 who is sitting there who was—I don't think he was ever
23 questioned, right? I think he's a late return.

24 MR. FINKEL: Wait a minute.

25 THE COURT: Wait one second. Which number is it?

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1 MS. SHROFF: I don't know his number. He's the young
2 man who's sitting there. I think your law clerk knows.

3 THE LAW CLERK: 29. He came back late. He was one of
4 the ones who we were going to question tomorrow.

5 THE COURT: He'll have to come in with the remaining
6 75.

7 MR. FINKEL: What is the issue? I'm sorry. I missed
8 it.

9 MS. SHROFF: He wasn't questioned, Juror No. 29.
10 That's all.

11 THE COURT: Okay. I wanted to clarify something also
12 about the jury selection. It's in groups of 12. I just want
13 to make sure that everybody understands it. The first round is
14 a group of 12. The second round is a group of 12. Okay.

15 MS. MURRAY: Just one logistical question. If we do
16 impanel a jury tomorrow at some point before the 2:45, which
17 would be a typical trial day cutoff, do we expect to sit a full
18 day until 5 and go straight into openings or would you envision
19 that once the jury is impaneled, we go back to the Court's
20 typical trial day schedule?

21 THE COURT: So I just don't think that we're going to
22 finish in time to get started with openings. So I'll say we'll
23 finish with jury selection tomorrow and then open on the
24 following day.

25 MR. FINKEL: So we won't have any witnesses until

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1 Friday.

2 THE COURT: Understood.

3 MR. FINKEL: Thank you, your Honor.

4 MS. SHROFF: Thank you, your Honor.

5 (In open court)

6 THE COURT: All right, then. So tomorrow morning,
7 26A, 9 a.m. Have a good evening.

8 (Jury venire not present)

9 THE COURT: So in my eagerness to push through, I lost
10 track of the time. You shouldn't hesitate to ask for a sidebar
11 to address that.

12 All right. See you tomorrow.

13 ALL COUNSEL: Thank you, your Honor.

14 (Adjourned to May 23, 2024, at 9:00 a.m.)

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