

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
CASE NO. 24-cr-80103-AMC-1

UNITED STATES OF AMERICA, Fort Pierce, Florida

Plaintiff, February 18, 2025

vs. 1:50 p.m. - 2:28 p.m.

DUSTIN SEAN MCCABE,

Defendant. Pages 1 to 35

---

TRANSCRIPT OF CALENDAR CALL  
BEFORE THE HONORABLE AILEEN M. CANNON  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

UNITED STATES ATTORNEY'S OFFICE  
ZACH KELLER, ESQ.  
99 NE 4th Street  
Miami, Florida 33132

FOR THE DEFENDANT:

TERRENCE O'SULLIVAN LAW, P.A.  
TERRENCE J. O'SULLIVAN, ESQ.  
3810 Murrell Road  
Suite 340  
Rockledge, Florida 32955

LAW OFFICE OF CALISHA A. FRANCIS  
CALISHA A. FRANCIS, ESQ.  
7481 NW 37th Court  
Lauderhill, Florida 33319

STENOGRAPHICALLY REPORTED BY:

LAURA E. MELTON, RMR, CRR, FPR  
Official Court Reporter to the  
Honorable Aileen M. Cannon  
United States District Court  
Fort Pierce, Florida

1 (Call to the Order of the Court.)

2 THE COURT: Good afternoon. You may be seated unless  
3 you're addressing the case.

4 Let's call the case.

5 COURTROOM DEPUTY: Yes, Judge.

6 The Court calls Case Number 24-cr-80103-Cannon, United  
7 States of America v. Dustin Sean McCabe.

8 Counsel, please state your appearances, starting with  
9 the government.

10 MR. KELLER: Good afternoon, Your Honor. Zachary  
11 Keller on behalf of the government.

12 THE COURT: Good afternoon, Mr. Keller.

13 MR. O'SULLIVAN: Good afternoon, Your Honor.  
14 Terrence O'Sullivan on behalf of the defendant, who is seated  
15 to my left.

16 THE COURT: Good afternoon, Mr. O'Sullivan.

17 MS. FRANCIS: Good afternoon. Calisha Francis on  
18 behalf of the defendant, Mr. Dustin Sean McCabe.

19 THE COURT: Good afternoon, Ms. Francis and Mr. McCabe.

20 All right. This is a calendar call in anticipation of  
21 trial, which is set to begin during the two-week period  
22 starting next week. I don't believe this case has been  
23 specially set yet. Is that correct, Mr. Keller?

24 MR. KELLER: So, Judge, from the last continuance order  
25 I thought it was going to be definitely going on February 24th,

1 but I don't know that it was specifically stated to be  
2 specially set.

3 THE COURT: Okay. Yes, that was a final continuance.  
4 But just for clarity's sake, we will go ahead and specially set  
5 this trial to begin Monday at 8:30 a.m., that is,  
6 February 24th.

7 Mr. Keller, can you update the Court on your timing  
8 expectations so we can plan with more specificity.

9 MR. KELLER: Yes, Judge.

10 So we anticipate calling -- you know, we listed 30  
11 witnesses in our witness exhibit list. We anticipate calling  
12 probably 27 of them. One of the witnesses has invoked his  
13 Fifth Amendment right, so we don't anticipate him being a part  
14 of this trial. Ms. Spurlock, in your order, we recognize is no  
15 longer necessary, and we have one investigator we think we  
16 don't need to call. So in terms of the scheduling that we have  
17 before us, we -- about half of our witnesses are being flown in  
18 here or receiving hotel arrangements.

19 In particular, the ones that I want to highlight for  
20 scheduling purposes involve the Small Business Administration,  
21 the banks that we're calling in. These witnesses are all  
22 hotels that we have reserved and flights we have reserved for  
23 the second week, the very beginning. So they're going to come  
24 in on Sunday, and we anticipate that they will testify on  
25 Monday or Tuesday, kind of over the course of that time.

1           The rest of the witnesses we have traveling in -- for  
2   the most part, the witnesses who need travel are coming in  
3   during the dates that we've kind of projected in our outline.  
4   It's possible that we would finish before Friday, with respect  
5   to these earlier witnesses, and take Friday off, but I don't  
6   think that's going to happen. My expectation, based on my  
7   outline now, is that we would complete our witnesses on  
8   March 4th.

9           THE COURT: Before you proceed with this taking Friday  
10   off, that's not a decision that counsel makes.

11          MR. KELLER: Yes.

12          THE COURT: And so I appreciate you trying to map this  
13   out, but we proceed with our trial days consecutively unless  
14   the Court orders otherwise.

15          MR. KELLER: Yes, Your Honor.

16          THE COURT: So you should have your witnesses lined up  
17   to go. I will be reasonable in making adjustments, given the  
18   out-of-town nature of your witnesses, or at least most of them,  
19   but I do want to make very clear that there is no unilateral  
20   taking days off allowance that counsel can make because of  
21   witness issues.

22          MR. KELLER: Yes, Your Honor. My apologies. We would  
23   seek leave of court; I should have said that instead.

24                I do anticipate that we will finish our witnesses on  
25   March 4th, that is -- that is my current expectation, which

1 will, of course, change based on how long witnesses take.

2 THE COURT: Okay. All right. And we're still planning  
3 on calling that one witness -- initials JH, I think; is that  
4 correct?

5 MR. KELLER: Yes, ma'am. Yes, Your Honor.

6 THE COURT: On the 24th?

7 MR. KELLER: Yes, Your Honor. And we've prepped with  
8 her at this point. I anticipate that her direct examination  
9 will be less than 90 minutes. So our expectation is that we  
10 will comfortably be able to complete her testimony on Monday.  
11 In fact, we are going to ask a second witness to come because  
12 we -- we hope that we will be able to start a second witness as  
13 well.

14 THE COURT: Okay. How much time are you requesting for  
15 opening statements?

16 MR. KELLER: We would need less than 20 minutes.  
17 we -- I anticipate it will probably be around 15. So if you  
18 had 20 as the cap, that would be...

19 THE COURT: Okay. So just to summarize, the government  
20 is prepared to proceed on the 24th.

21 MR. KELLER: Yes, Your Honor.

22 THE COURT: Okay. And you're estimating your  
23 presentation to last through March 4th?

24 MR. KELLER: Our -- our case in chief yes, Your Honor.

25 THE COURT: Okay. And you're asking for 20 minutes for

1 opening?

2 MR. KELLER: Yes, Your Honor.

3 THE COURT: Okay. All right. Let me hear from  
4 Mr. O'Sullivan, just on readiness and scheduling.

5 MR. O'SULLIVAN: Thank you, Your Honor.

6 I think Mr. Keller kind of summed it up. We are ready  
7 to go on Monday.

8 THE COURT: Okay. All right. Do you have any sense  
9 for how long your case, if any, will take?

10 MR. O'SULLIVAN: I think, if we put on a case, it would  
11 be less than a day.

12 THE COURT: Okay. All right then. So as far as  
13 projecting a timetable for your venire, I want to ensure the  
14 parties are okay with the Court transmitting to the venire that  
15 we're anticipating a nine-day trial running through March 6th,  
16 just to avoid any hiccups. But let me hear from Mr. Keller  
17 first.

18 MR. KELLER: Yes, Your Honor, I think that makes sense.

19 THE COURT: Would you shave it down to the 5th or is  
20 that too aggressive?

21 MR. KELLER: I think that's too aggressive. We're  
22 doing our best to anticipate how long things will take, but  
23 it's very difficult.

24 THE COURT: Okay. All right. Mr. O'Sullivan, what is  
25 your view on the March 6th endpoint?

1 MR. O'SULLIVAN: Thank you, Your Honor.

2 I think that makes sense. I think that's a good  
3 timetable.

4 THE COURT: Okay. All right. Well, then here we are  
5 scheduled for trial, specially set on the 24th, running that  
6 entire first week and then four days into the second week,  
7 concluding, anticipated, March 6th. So that will be the  
8 Court's projection and what I convey to the jurors.

9 All right then. Let me hear, Mr. O'Sullivan, from you  
10 on your request for time, opening statement-wise.

11 MR. O'SULLIVAN: Judge, we would request 30 minutes.

12 THE COURT: Okay. Given the time issues on day 1 with  
13 Ms. Jennifer Hester, I'm going to give each side 25 minutes and  
14 with the 5-minute warning, but you're not required, of course,  
15 to use up that whole time. So 25 minutes per side.

16 MR. O'SULLIVAN: Yes, ma'am.

17 THE COURT: Any questions with respect to voir dire or  
18 logistical issues?

19 MR. KELLER: As far as voir dire, do you permit any  
20 questioning of the jury by the counsel?

21 THE COURT: So you should refer to the scheduling order  
22 for the answer to that question, which generally allows for the  
23 submission of questions to be considered by the Court and then  
24 usually a limited period for attorney-conducted voir dire.

25 But to avoid confusion, what does the scheduling order

1 in this case say? There have been some changes to my standard  
2 order, which is why I'm not sure exactly what's in this  
3 version. I don't have a paper copy of that, Mr. Keller. Do  
4 you have it? It should -- it should contain a section on  
5 submitting proposed voir dire questions, which I don't think  
6 have been docketed, and those would have been due today. But  
7 anyhow, I will wait for you to look that up.

8 MR. KELLER: So, Judge, I believe that we did file voir  
9 dire questions.

10 THE COURT: You did? Those are on the docket?

11 MR. KELLER: At docket entry 50.

12 THE COURT: Okay, then. My error. Okay.

13 And what does the scheduling order say with respect to  
14 attorney-conducted voir dire?

15 MR. KELLER: And, Judge, I don't have the trial order  
16 in front of me.

17 THE COURT: Oh, okay. Ms. Francis?

18 MS. FRANCIS: Yes, Judge. I'm looking up the  
19 scheduling order that you have.

20 Yes, Your Honor.

21 Yes, Your Honor, number 5 of your scheduling order does  
22 say that each party may file no more than five voir dire  
23 questions. However, we will not be submitting any to the  
24 Court.

25 THE COURT: Okay. So, Mr. Keller, did you file those

1 on the docket, I think you said at docket entry 50?

2 MR. KELLER: Yes, Your Honor.

3 THE COURT: Okay. Well, let me review those then.

4 Okay. I have looked at the government's proposed  
5 questions. They seem acceptable.

6 Question 3 might engender some confusion. It asks  
7 whether anyone in the venire believes that the amount of time  
8 that passes between events happening, and then later being  
9 charged as a crime, has any bearing on the merits of the case.  
10 And I think the standard credibility instruction could be  
11 viewed as allowing consideration of a witness's recollection,  
12 and time elapsed might impact a witness's recollection. So I  
13 don't know if it would be fair to say that it would have zero  
14 bearing on the case. Is there any way to reformulate that  
15 question?

16 MR. KELLER: Well, just to be clear, Judge, in the  
17 question we're not asking -- we're not telling them about it  
18 not mattering, we're just asking if they think it matters.

19 THE COURT: So if the answer is, well, I think it  
20 matters because if a witness really doesn't remember anything  
21 because four years have passed, then, yeah, I think that that  
22 matters, then what is your response?

23 MR. KELLER: That would be a completely acceptable  
24 juror answer, and we would just, you know, know that about that  
25 juror. Whereas, someone else might say, well, what are we

1 doing here if, you know, it's been that much time? And then  
2 that would be that juror's answer, which would be helpful for  
3 us.

4 THE COURT: Okay. Well, I will consider that question.  
5 Other than that, I think they are acceptable, and I will let  
6 you know on Monday if there is any issue with that question.

7 But, otherwise, each side will be given ten minutes of  
8 attorney-conducted voir dire, that will include defense  
9 counsel. Because you have not submitted any questions, you  
10 won't be able to ask any sort of brand-new questions in terms  
11 of injecting new topics. But what you can do during those ten  
12 minutes is use that time to ask any follow-up questions of the  
13 jurors based on questions they've already answered or anything  
14 you particularly see in their questionnaires.

15 So the government will have license to probe those  
16 topics, if approved by the Court, because they submitted  
17 questions in advance. And the time for both sides will be ten  
18 minutes. I will say that I go through a fairly comprehensive  
19 voir dire Q and A, so you won't have to use your ten minutes  
20 for basic questions that will be covered elsewhere.

21 Any questions about voir dire?

22 MR. KELLER: Just this, Judge. And this is why I was  
23 asking the question. I'm looking at the trial order now and I  
24 see why -- and so, in the trial order it says that the  
25 questions be asked by the Court, except as determined by the

1 Court at the end. So, just to be clear, that means you're not  
2 going to ask these questions we filed. We are going to be  
3 asking them as the government --

4 THE COURT: Well, I will tell you, for example, the  
5 reasonable doubt instruction is something that I cover because  
6 it's standard fare. Question number 2, which concerns  
7 consideration of each crime separately as another "will you  
8 follow the law" question, and I will cover that myself. I will  
9 probably have a general question that just gives the jurors a  
10 little bit of background regarding the allegations and ask them  
11 if hearing those allegations prompts any of them to believe  
12 they cannot be fair and impartial in this case. So that will  
13 give them a sort of general factual reaction to the  
14 allegations. So that should assist you in planning for your  
15 ten minutes.

16 The rest of the questions related to the timing of the  
17 charges or the simple negligence standard, those are things  
18 that you should address in your ten minutes.

19 Any questions?

20 MR. KELLER: None about that, Judge.

21 And then the other question I have about voir dire,  
22 which is a broader question about your permitted uses of the  
23 courtroom by counsel, are we permitted to walk up to the jury  
24 box and talk to them with a lapel, or do we have to stay at the  
25 podium?

1 THE COURT: You have some latitude to move about the  
2 well, so long as you have a microphone or a portable one. But  
3 don't approach the jurors too closely and don't hover over  
4 them, obviously. But it's not a strict rule. In other words,  
5 you have some freedom of movement, and that would apply also in  
6 your opening and closing arguments.

7 MR. KELLER: Yes, Judge.

8 If I could ask one question about opening. Are we  
9 permitted to use photos and other types of media during our  
10 openings?

11 THE COURT: That depends on what is in your  
12 presentation. If these are evidence -- if these are exhibits  
13 that are disputed, then maybe not. You would not be permitted  
14 to use any evidence that -- whose admission is not either  
15 agreed to or already resolved by the Court.

16 So I don't know what the contents of your presentation  
17 are. If you want to raise that now, you may, but as a general  
18 rule, you should not be using anything in opening that you do  
19 not know with certainty will be admitted at trial. So...

20 MR. KELLER: Yes, Judge. I will confer with the  
21 defense after this hearing. And if there are any issues, we  
22 can raise them to the Court at the beginning of trial.

23 THE COURT: Okay. Mr. O'Sullivan, do you plan some  
24 sort of audio/visual or PowerPoint for your opening?

25 MR. O'SULLIVAN: No audio or visual, Judge. Perhaps

1 photographs. We're still conferring about that.

2 THE COURT: Okay. Well, then the parties should confer  
3 about their materials for opening.

4 MR. O'SULLIVAN: Yes, ma'am.

5 THE COURT: And it's also very important that you both  
6 test your electronic equipment before the trial.

7 MR. O'SULLIVAN: Yes, ma'am.

8 THE COURT: So that is something that should occur  
9 today or at some other point between now and 8:30 a.m. on  
10 Monday. I don't want to run into last-minute issues where your  
11 clips are not playing or your photos are not displaying. And,  
12 either way, you should have some ease with the Court's  
13 equipment, using the ELMO, and also any of your software  
14 presentation programs.

15 MR. O'SULLIVAN: Yes, ma'am.

16 THE COURT: Okay. So as far as voir dire, I will just  
17 remind the parties that no back strikes are permitted under any  
18 circumstances. We usually take up for-cause strikes first, and  
19 then we proceed to peremptories. The standard number of  
20 peremptories in the federal rules will be allotted. And again  
21 no back striking.

22 Please make sure you have a list of your witnesses  
23 handy so that you can read out loud the names for the venire.  
24 And I think that covers jury selection. Our hope is to be done  
25 by lunch so that we can proceed straight into opening and your

1 first witness.

2 Okay. Any further questions about jury selection?

3 MR. KELLER: No, Your Honor, none from the government.

4 THE COURT: Mr. O'Sullivan?

5 MR. O'SULLIVAN: No, ma'am. Thank you.

6 THE COURT: Okay. All right then. Are there any  
7 stipulations in this case? Mr. Keller.

8 MR. KELLER: I don't anticipate there being any.

9 THE COURT: Okay. Have the parties attempted to arrive  
10 at any?

11 MR. KELLER: This is a case where I'm not sure that  
12 there are any that are necessary.

13 THE COURT: Okay. All right then.

14 Okay. Mr. O'Sullivan, I will ask you the same  
15 question. Any stipulations you can anticipate?

16 MR. O'SULLIVAN: I agree with what Mr. Keller said that  
17 in this case I don't see that we have any.

18 THE COURT: Okay. Now, are there any exhibits on the  
19 government's exhibit list as to which the parties can advise  
20 the Court now there is no objection to their admission? In  
21 other words, it would be convenient if we could pre-admit at  
22 least some of the unobjected-to exhibits. So we won't do that  
23 today, but you should confer on that subject, in addition to  
24 the opening statement conferral, so that first thing, on  
25 Monday, we can address whether any exhibits can be admitted to

1 speed things up.

2 Mr. Keller, any questions?

3 MR. KELLER: No questions, Judge.

4 We produced a binder of our exhibits to the defense  
5 before calendar call. We anticipate that we will be able to  
6 stipulate to a lot of them because most of them are 902.11.

7 There are also many photographs that are probably --

8 THE COURT: Okay. Then, today is February 18th, I'm  
9 going to order the parties confer no later than the 20th and  
10 have a substantive conversation about these exhibit issues and  
11 the opening statement topic we've already covered.

12 Okay. All right. So that covers the preadmission of  
13 potential exhibits. Please make sure that you provide a binder  
14 to the Court, Mr. Keller, of your government proposed exhibits.  
15 The same applies to you, Mr. O'Sullivan, should you have any  
16 exhibits later on in the case. And you should mark them using  
17 the convention ordered in the scheduling order.

18 All right. Are there any motions to address at this  
19 time? As I'm sure you saw, the Court entered a written order  
20 on the government's motion in limine earlier today. So there  
21 don't appear to be any pending motions. But let me confirm  
22 that, Mr. Keller.

23 MR. KELLER: No pending motions, Judge.

24 THE COURT: Okay. Mr. O'Sullivan.

25 MR. O'SULLIVAN: No pending motions, Your Honor.

1 THE COURT: Okay. Any other legal or evidentiary  
2 issues that should be hashed out now, Mr. Keller?

3 MR. KELLER: The only evidentiary issue I will just put  
4 on the record is that the defense has not provided any  
5 discovery to us. We're not aware of any discovery, after  
6 numerous conversations with them. I talked to them before  
7 calendar call, told them I would put this on the record. So  
8 I'm just putting it on the record.

9 THE COURT: Okay. All right. Well, Mr. O'Sullivan,  
10 you're familiar with the rules, of course, and since there has  
11 been no disclosure by the defense, I anticipate there being  
12 no -- no documentary items of evidence that you wish to  
13 introduce. Is that correct?

14 MR. O'SULLIVAN: That is correct, Your Honor. The only  
15 issue that I would raise at this point regarding that is, one  
16 of the government's witnesses, Jonathan Miller, the government  
17 has now said are not going to call him.

18 THE COURT: Uh-huh.

19 MR. O'SULLIVAN: The defense plans to call him.

20 THE COURT: Okay. And who is he for my knowledge?

21 MR. O'SULLIVAN: He is essentially -- he was on the  
22 boat on the day of the incident. He is also the boat mechanic.

23 THE COURT: Okay. Jonathan Miller. Okay.

24 MR. KELLER: And, just to be clear, Judge, and I  
25 mentioned this before, that's the witness who -- and I sent

1 this letter to Mr. O'Sullivan. He has sent a formal letter  
2 from his attorney saying he intends to exercise or invoke his  
3 Fifth Amendment rights. So he will not testify.

4 THE COURT: Okay. Have you subpoenaed him,  
5 Mr. O'Sullivan?

6 MR. O'SULLIVAN: I have not yet, Your Honor.

7 THE COURT: Okay. Well, you should make sure to do  
8 that. And it will be important that, if he is represented, his  
9 attorney is here. So please ensure that you communicate with  
10 his attorney.

11 MR. O'SULLIVAN: Yes, ma'am.

12 THE COURT: Okay. All right. Anything else that needs  
13 to be covered today?

14 I will say as a general rule I don't like to be  
15 surprised at trial, so if big issues arise that could have been  
16 raised earlier, either as an evidentiary matter or some other  
17 issue, you should advise the Court now or as soon as practical  
18 because I don't want to delay the jury at all and conduct  
19 lengthy sidebars.

20 Mr. Keller, looking at your exhibit list, having  
21 conferred with counsel, I hope, are you aware of any sort of  
22 evidentiary issues or recurring problems that you might see as  
23 the case is presented?

24 MR. KELLER: None right now. The only thing that I  
25 have not yet conferred with the defense about recently -- I

1 think I talked to them about this before the new year -- was  
2 just making sure that they were not trying to introduce -- the  
3 victim, Ms. Ghiz-Flynn, had ingested some type of edible, like  
4 she had some type of medical marijuana prescription of some  
5 type. I didn't anticipate they were going to be getting into  
6 that. I think I talked to them before, but I haven't conferred  
7 with them recently about that. Their trial strategy may have  
8 changed. So I do just note that to Your Honor that I was  
9 planning on talking to them about that.

10 THE COURT: Okay. The victim's name in this case -- I  
11 thought her initials were MC. Is that incorrect?

12 MR. KELLER: It's -- MCGF were her initials.

13 THE COURT: Okay. So how do you plan on referring to  
14 her during the trial?

15 Ms. Flynn is -- what's her full name?

16 MR. KELLER: Her full name is Mollie Ghiz-Flynn.  
17 Mollie C. Ghiz-Flynn, G-H-I-Z, dash F-L-Y-N-N.

18 And I was planning to refer to her as "Ms. Ghiz-Flynn"  
19 or "Mollie."

20 THE COURT: Okay.

21 Okay. Mr. O'Sullivan, are you planning on introducing  
22 anything related to an edible that Ms. Flynn may or may not  
23 have taken?

24 MR. O'SULLIVAN: On cross-examination of the medical  
25 examiner, I was going to get into that because that's -- there

1 was drugs in her system.

2 THE COURT: Okay. Well, I haven't seen a motion on  
3 this topic.

4 Mr. Keller, what is your position on it?

5 MR. KELLER: We would object based on relevance; that  
6 there is no indication that it had any effect on anything here.  
7 So in the same way that you ruled out the drug testing for us  
8 by saying there is no clear connection, that there is nothing  
9 in the medical report, there is nothing from the medical  
10 examiner suggesting that the marijuana had anything to do with  
11 her being chopped up by a propeller and drowned.

12 THE COURT: Okay. All right. I will hear you out,  
13 Mr. O'Sullivan, briefly, but I think we can address this in the  
14 natural course during trial. What is your view at this point  
15 for relevance?

16 MR. O'SULLIVAN: I think it's relevant because  
17 marijuana and methamphetamines affect your judgment, and it  
18 could affect your memory, could affect how you swim, could  
19 affect a lot of things. So I do think it's relevant at an  
20 initial level. I'm certainly not trying to make it a feature  
21 of the trial, but there were drugs in her system and she was  
22 scuba diving, and I think that's relevant for a jury to  
23 consider.

24 THE COURT: Okay. All right. Well, we will just leave  
25 that issue for now tabled. You should confer with that and add

1 that to your agenda of conferral before the 20th.

2 MR. O'SULLIVAN: Yes, ma'am.

3 THE COURT: Okay.

4 MR. KELLER: And, Judge, if I could add one more thing  
5 about trial.

6 THE COURT: Okay.

7 MR. KELLER: So one thing I do at the office, which is  
8 an honor to do, is I bring people to their first trials. For  
9 Mr. Stiehl, who is the Coast Guard Special Assistant, I just  
10 wanted to flag to Your Honor that he has never tried a case.  
11 He has never done much in court. I have been preparing him. I  
12 have been working with him. But there may be times when I may  
13 need to approach him to kind of assist him, if Your Honor is  
14 okay with that. That's what I normally do in these types of  
15 trials when something happens that the person finds confusing.  
16 So I just wanted to raise that to Your Honor's attention.

17 THE COURT: Okay. Well, as a general level that seems  
18 okay, but, obviously, it shouldn't disrupt the proceedings, and  
19 if I need to manage it, I will. But, okay, so Mr. Stiehl -- he  
20 is an AUSA with you in the office?

21 MR. KELLER: He is a special assistant.

22 THE COURT: Okay.

23 MR. KELLER: He actually works for the Coast Guard. He  
24 is, kind of, detailed here.

25 THE COURT: Okay. All right then. Well, it seems like

1 we have covered everything that can be covered today. I will  
2 enter an order just specially setting trial with the timetable  
3 we've discussed.

4 As far as the proposed jury instructions, we received  
5 those. I haven't yet had an opportunity to review them in  
6 detail, but you should anticipate basically an initial charge  
7 conference likely wednesday evening or Thursday evening of that  
8 first week.

9 There will probably be, then, a final conference to  
10 hash out any final changes, but there should be at least  
11 planning for an initial substantive conference wednesday or  
12 Thursday evening; that would be the 26th or the 27th.

13 Let me just ask in terms of the substantive offense  
14 instruction, Mr. Keller. So I understand there is no pattern  
15 for seaman's manslaughter. You came up with this using what  
16 authorities?

17 MR. KELLER: Using U.S. v. O'Keefe. And these are  
18 things that I discussed in the trial brief at docket entry 29.  
19 So the primary source of authority is the U.S. v. O'Keefe jury  
20 instruction. I will note that one of the, kind of, odd things  
21 about how records are available is that I was not able to pull  
22 the original docket for that case. Where I got the jury  
23 instruction was actually from the appellate brief.

24 And then as far as the definition of proximate cause, I  
25 used the definition from the involuntary manslaughter

1 instruction and kind of created one definition of proximate  
2 cause using that. So that one is less on rails than the rest  
3 of the instruction.

4 THE COURT: Okay. Well, there is quite a bit of  
5 difference between the parties' proposals. And I understand  
6 the government wants to ask a question about the intent or lack  
7 of intent required in its voir dire examination.

8 MR. O'Sullivan, have you reviewed Mr. Keller's proposed  
9 questions for voir dire, and do you have any objection to any  
10 of those questions?

11 MR. O'SULLIVAN: Are we talking about the five  
12 questions?

13 THE COURT: Yes.

14 MR. O'SULLIVAN: I have no objection to those, Judge.  
15 I have reviewed those and I have no objection.

16 THE COURT: Okay. One of those concerns the simple  
17 negligence standard. And it does reference that the government  
18 need not prove that he acted knowing that his conduct would  
19 cause harm or that he intended that his conduct would cause  
20 harm. And I'm looking at your seaman's manslaughter defense  
21 proposal and it seems to differ.

22 So I just want to make sure that no question that is  
23 asked of the venire could ultimately create confusion in the  
24 legal standards that are ultimately made part of the final jury  
25 instructions. So having said all of that, do I need to concern

1 myself at all with the proposed questions submitted by the  
2 government?

3 MS. FRANCIS: Yes, Your Honor.

4 So we would object to any of the voir dire questions  
5 that the government submits that does refer to simple  
6 negligence. In our disputed jury instructions we did include  
7 that in there. We used instructions from the Ninth Circuit  
8 criminal jury. That is the other circuit that has really  
9 examined this particular statute.

10 So what we did was provide what the Ninth Circuit has  
11 used verbatim, and that does object to any mention of the act  
12 being simple negligence.

13 what we have requested in our jury instruction is what  
14 the Ninth Circuit model indicates, which would be gross  
15 negligence. And that is also on point with the recent case  
16 law.

17 THE COURT: And by "recent case law," what do you mean?

18 MS. FRANCIS: That would be, Judge,  
19 United States v. Garcia, United States v. Keith, and  
20 United States v. Rodriguez.

21 In addition, Judge --

22 THE COURT: So those are all Ninth Circuit cases. Do  
23 you have any Eleventh Circuit authority?

24 MS. FRANCIS: No, Your Honor. But these are more  
25 recent. So, the Ninth Circuit and the Eleventh Circuit, they

1 are not in agreement with this issue.

2 THE COURT: Well, I obviously work in the  
3 Eleventh Circuit.

4 So what does the Eleventh Circuit have to say about the  
5 legal standard for seaman's manslaughter, Mr. Keller?

6 MR. KELLER: Judge, U.S. v. Alvarez, which is the case  
7 that we cited in our trial brief, says that it is simple  
8 negligence. I also just note, in response to what Ms. Francis  
9 just said, that this Ninth Circuit model instruction is for  
10 Section 1 -- 11, 12, not 11, 15. These cases concern  
11 Section 1 -- 11, 12, not 11, 15, so they are different  
12 statutes. So they're inapposite and, really, have nothing to  
13 do with this case.

14 THE COURT: Okay. Well, then in Alvarez, were the jury  
15 instructions challenged? In other words, is there any actual  
16 legal discussion about the merits of those instructions?

17 MR. KELLER: So the procedural posture in Alvarez was  
18 that the defendant pled guilty on a conditional plea in which  
19 he was permitted to appeal specifically about the negligent  
20 standard in seaman's manslaughter cases. So that's kind of how  
21 it ended up getting to the Eleventh Circuit, despite the fact  
22 that he pled guilty.

23 THE COURT: Okay. So -- so the answer ultimately is,  
24 yes, you're saying the simple negligence question was raised  
25 and litigated and examined by the Eleventh Circuit in an

1 unpublished case?

2 MR. KELLER: Yes. The only reason I answered kind of  
3 in a lengthy way is because there were no jury instructions  
4 that were challenged. It was just --

5 THE COURT: Okay.

6 MR. KELLER: Whereas, in O'Keefe, the jury instructions  
7 were challenged. So that's the most direct, on point published  
8 case law. And that's a Fifth Circuit, I believe, 2005 case.

9 THE COURT: So is there any Eleventh Circuit case at  
10 this point, other than Alvarez, speaking to the legal standards  
11 applicable to seaman's manslaughter, Mr. Keller?

12 MR. KELLER: I don't believe there is another  
13 Eleventh Circuit case that specifically addresses that issue of  
14 what negligence standard is appropriate.

15 THE COURT: Okay. Ms. Francis, you wanted to say  
16 something?

17 MS. FRANCIS: Yes, Your Honor.

18 I was also going to mention that as well. There have  
19 been no cases in the Eleventh Circuit that are point on with  
20 this particular case. So the issue is still out there. It's  
21 still standing. The Fifth Circuit, the Ninth Circuit, and the  
22 Eleventh Circuit all have different rulings.

23 THE COURT: Okay then. We will have some research to  
24 do.

25 So you're not so uncomfortable hovering over, you can

1 remove that microphone, the base itself, or the long stem.

2 There you go.

3 MS. FRANCIS: Thank you, Judge.

4 THE COURT: Mr. Keller, just for my planning purposes,  
5 besides the disagreement on the substantive offense  
6 instruction, is there any other very significant difference in  
7 the parties' instructional proposals?

8 MR. KELLER: So I believe that the other main  
9 disagreement is on the wire fraud instruction, which is on  
10 page 33 of the instructions that we submitted. And what the  
11 defense is proposing is to supplement the pattern instruction,  
12 which would be bracketed language that is on the first page.

13 THE COURT: Okay. The Eleventh Circuit, correct me if  
14 I'm wrong, already updated its pattern wire fraud  
15 post-Takhalov. Is that right?

16 MR. KELLER: Judge, I could not say that with  
17 certainty.

18 THE COURT: Okay. That was -- I'm just looking at the  
19 scheme to defraud language that was added. It seems to be a  
20 growth -- or an outgrowth of Takhalov. And I just want to know  
21 whether the Eleventh Circuit's pattern encapsulates that  
22 Takhalov ruling, such that there wouldn't need to be an  
23 additional sentence added per the defendant's request.

24 So the parties should just update their knowledge on  
25 that issue for our conference.

1 All right. Let me just hear finally, Mr. O'Sullivan,  
2 any issues you wish to raise now regarding the instructions, to  
3 the extent these issues might become relevant earlier in the  
4 case?

5 MR. O'SULLIVAN: May I have one moment to confer with  
6 co-counsel, Your Honor?

7 THE COURT: Yes.

8 MR. O'SULLIVAN: I don't think there is anything we  
9 need to address right now.

10 THE COURT: Okay. Please make sure you test your  
11 equipment. Please be here at 8:30 a.m.

12 MR. O'SULLIVAN: Yes, ma'am.

13 THE COURT: And please ensure you do that substantive  
14 conferral by the 20th.

15 So that is it. Thank you all for being here. I will  
16 see you all Monday bright and early.

17 MR. O'SULLIVAN: Yes, ma'am.

18 MR. KELLER: Thank you, Judge.

19 MS. FRANCIS: Thank you.

20 (These proceedings concluded at 2:28 p.m.)

21

22

23

24

25

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate  
transcription of the proceedings in the above-entitled matter.

DATE: 05-06-2025 /s/Laura Melton  
LAURA E. MELTON, RMR, CRR, FPR  
Official Court Reporter  
United States District Court  
Southern District of Florida  
Fort Pierce, Florida

| 1                                           | 8                                                              |   |                                                                                                              |
|---------------------------------------------|----------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------|
| <b>1</b> [3] - 7:12, 24:10, 24:11           | <b>8:30</b> [3] - 3:5, 13:9, 27:11                             |   | <b>agree</b> [1] - 14:16                                                                                     |
| <b>11</b> [4] - 24:10, 24:11                |                                                                |   | <b>agreed</b> [1] - 12:15                                                                                    |
| <b>12</b> [2] - 24:10, 24:11                |                                                                | 9 | <b>agreement</b> [1] - 24:1                                                                                  |
| <b>15</b> [3] - 5:17, 24:10, 24:11          |                                                                |   | <b>ahead</b> [1] - 3:4                                                                                       |
| <b>18th</b> [1] - 15:8                      | <b>90</b> [1] - 5:9                                            |   | <b>allegations</b> [3] - 11:10, 11:11, 11:14                                                                 |
|                                             | <b>902.11</b> [1] - 15:6                                       |   | <b>allotted</b> [1] - 13:20                                                                                  |
| 2                                           | A                                                              |   | <b>allowance</b> [1] - 4:20                                                                                  |
| <b>2</b> [1] - 11:6                         |                                                                |   | <b>allowing</b> [1] - 9:11                                                                                   |
| <b>20</b> [3] - 5:16, 5:18, 5:25            | <b>a.m</b> [3] - 3:5, 13:9, 27:11                              |   | <b>allows</b> [1] - 7:22                                                                                     |
| <b>2005</b> [1] - 25:8                      | <b>able</b> [5] - 5:10, 5:12, 10:10, 15:5, 21:21               |   | <b>Alvarez</b> [4] - 24:6, 24:14, 24:17, 25:10                                                               |
| <b>20th</b> [3] - 15:9, 20:1, 27:14         | <b>acceptable</b> [3] - 9:5, 9:23, 10:5                        |   | <b>Amendment</b> [2] - 3:13, 17:3                                                                            |
| <b>24-cr-80103-Cannon</b> [1] - 2:6         | <b>act</b> [1] - 23:11                                         |   | <b>America</b> [1] - 2:7                                                                                     |
| <b>24th</b> [5] - 2:25, 3:6, 5:6, 5:20, 7:5 | <b>acted</b> [1] - 22:18                                       |   | <b>amount</b> [1] - 9:7                                                                                      |
| <b>25</b> [2] - 7:13, 7:15                  | <b>actual</b> [1] - 24:15                                      |   | <b>answer</b> [5] - 7:22, 9:19, 9:24, 10:2, 24:23                                                            |
| <b>26th</b> [1] - 21:12                     | <b>add</b> [2] - 19:25, 20:4                                   |   | <b>answered</b> [2] - 10:13, 25:2                                                                            |
| <b>27</b> [1] - 3:12                        | <b>added</b> [2] - 26:19, 26:23                                |   | <b>anticipate</b> [14] - 3:10, 3:11, 3:13, 3:24, 4:24, 5:8, 5:17, 6:22, 14:8, 14:15, 15:5, 16:11, 18:5, 21:6 |
| <b>27th</b> [1] - 21:12                     | <b>addition</b> [2] - 14:23, 23:21                             |   | <b>anticipated</b> [1] - 7:7                                                                                 |
| <b>29</b> [1] - 21:18                       | <b>additional</b> [1] - 26:23                                  |   | <b>anticipating</b> [1] - 6:15                                                                               |
| <b>2:28</b> [1] - 27:20                     | <b>address</b> [5] - 11:18, 14:25, 15:18, 19:13, 27:9          |   | <b>anticipation</b> [1] - 2:20                                                                               |
| 3                                           | <b>addresses</b> [1] - 25:13                                   |   | <b>anyhow</b> [1] - 8:7                                                                                      |
| <b>3</b> [1] - 9:6                          | <b>addressing</b> [1] - 2:3                                    |   | <b>apologies</b> [1] - 4:22                                                                                  |
| <b>30</b> [2] - 3:10, 7:11                  | <b>adjustments</b> [1] - 4:17                                  |   | <b>appeal</b> [1] - 24:19                                                                                    |
| <b>33</b> [1] - 26:10                       | <b>Administration</b> [1] - 3:20                               |   | <b>appear</b> [1] - 15:21                                                                                    |
| 4                                           | <b>admission</b> [2] - 12:14, 14:20                            |   | <b>appearances</b> [1] - 2:8                                                                                 |
| <b>4th</b> [3] - 4:8, 4:25, 5:23            | <b>admit</b> [1] - 14:21                                       |   | <b>appellate</b> [1] - 21:23                                                                                 |
| 5                                           | <b>admitted</b> [2] - 12:19, 14:25                             |   | <b>applicable</b> [1] - 25:11                                                                                |
| <b>5</b> [1] - 8:21                         | <b>advance</b> [1] - 10:17                                     |   | <b>applies</b> [1] - 15:15                                                                                   |
| <b>5-minute</b> [1] - 7:14                  | <b>advise</b> [2] - 14:19, 17:17                               |   | <b>apply</b> [1] - 12:5                                                                                      |
| <b>50</b> [2] - 8:11, 9:1                   | <b>affect</b> [4] - 19:17, 19:18, 19:19                        |   | <b>appreciate</b> [1] - 4:12                                                                                 |
| <b>5th</b> [1] - 6:19                       | <b>afternoon</b> [7] - 2:2, 2:10, 2:12, 2:13, 2:16, 2:17, 2:19 |   | <b>approach</b> [2] - 12:3, 20:13                                                                            |
| 6                                           | <b>agenda</b> [1] - 20:1                                       |   | <b>appropriate</b> [1] - 25:14                                                                               |
| <b>6th</b> [3] - 6:15, 6:25, 7:7            | <b>aggressive</b> [2] - 6:20, 6:21                             |   | <b>approved</b> [1] - 10:16                                                                                  |
|                                             |                                                                |   | <b>arguments</b> [1] - 12:6                                                                                  |
|                                             |                                                                |   | <b>arise</b> [1] - 17:15                                                                                     |
|                                             |                                                                |   | <b>arrangements</b> [1] - 3:18                                                                               |
|                                             |                                                                |   | <b>arrive</b> [1] - 14:9                                                                                     |
|                                             |                                                                |   | <b>assist</b> [2] - 11:14, 20:13                                                                             |
|                                             |                                                                |   | <b>Assistant</b> [1] - 20:9                                                                                  |
|                                             |                                                                |   | <b>assistant</b> [1] - 20:21                                                                                 |
|                                             |                                                                |   | <b>attempted</b> [1] - 14:9                                                                                  |
|                                             |                                                                |   | <b>attention</b> [1] - 20:16                                                                                 |
|                                             |                                                                |   | <b>attorney</b> [6] - 7:24, 8:14, 10:8, 17:2, 17:9, 17:10                                                    |
|                                             |                                                                |   | <b>attorney-conducted</b> [3] - 7:24, 8:14, 10:8                                                             |
|                                             |                                                                |   | <b>audio</b> [1] - 12:25                                                                                     |
|                                             |                                                                |   | <b>audio/visual</b> [1] - 12:24                                                                              |
|                                             |                                                                |   | <b>AUSA</b> [1] - 20:20                                                                                      |
|                                             |                                                                |   | <b>authorities</b> [1] - 21:16                                                                               |
|                                             |                                                                |   | <b>authority</b> [2] - 21:19, 23:23                                                                          |
|                                             |                                                                |   | <b>available</b> [1] - 21:21                                                                                 |
|                                             |                                                                |   | <b>avoid</b> [2] - 6:16, 7:25                                                                                |
|                                             |                                                                |   | <b>aware</b> [2] - 16:5, 17:21                                                                               |
|                                             |                                                                |   | B                                                                                                            |
|                                             |                                                                |   | <b>background</b> [1] - 11:10                                                                                |
|                                             |                                                                |   | <b>banks</b> [1] - 3:21                                                                                      |
|                                             |                                                                |   | <b>base</b> [1] - 26:1                                                                                       |
|                                             |                                                                |   | <b>based</b> [4] - 4:6, 5:1, 10:13, 19:5                                                                     |
|                                             |                                                                |   | <b>basic</b> [1] - 10:20                                                                                     |
|                                             |                                                                |   | <b>be.</b> [1] - 5:18                                                                                        |
|                                             |                                                                |   | <b>bearing</b> [2] - 9:9, 9:14                                                                               |
|                                             |                                                                |   | <b>become</b> [1] - 27:3                                                                                     |
|                                             |                                                                |   | <b>begin</b> [2] - 2:21, 3:5                                                                                 |
|                                             |                                                                |   | <b>beginning</b> [2] - 3:23, 12:22                                                                           |
|                                             |                                                                |   | <b>behalf</b> [3] - 2:11, 2:14, 2:18                                                                         |
|                                             |                                                                |   | <b>believes</b> [1] - 9:7                                                                                    |
|                                             |                                                                |   | <b>best</b> [1] - 6:22                                                                                       |
|                                             |                                                                |   | <b>between</b> [3] - 9:8, 13:9, 22:5                                                                         |
|                                             |                                                                |   | <b>big</b> [1] - 17:15                                                                                       |
|                                             |                                                                |   | <b>binder</b> [2] - 15:4, 15:13                                                                              |
|                                             |                                                                |   | <b>bit</b> [2] - 11:10, 22:4                                                                                 |
|                                             |                                                                |   | <b>boat</b> [2] - 16:22                                                                                      |
|                                             |                                                                |   | <b>box</b> [1] - 11:24                                                                                       |
|                                             |                                                                |   | <b>bracketed</b> [1] - 26:12                                                                                 |
|                                             |                                                                |   | <b>brand</b> [1] - 10:10                                                                                     |
|                                             |                                                                |   | <b>brand-new</b> [1] - 10:10                                                                                 |
|                                             |                                                                |   | <b>brief</b> [3] - 21:18, 21:23, 24:7                                                                        |
|                                             |                                                                |   | <b>briefly</b> [1] - 19:13                                                                                   |
|                                             |                                                                |   | <b>bright</b> [1] - 27:16                                                                                    |

**bring** <sup>[1]</sup> - 20:8  
**broaden** <sup>[1]</sup> - 11:22  
**Business** <sup>[1]</sup> - 3:20

---

## C

---

**calendar** <sup>[3]</sup> - 2:20\_,  
 15:5\_, 16:7  
**Calisha** <sup>[1]</sup> - 2:17  
**cannot** <sup>[1]</sup> - 11:12  
**cap** <sup>[1]</sup> - 5:18  
**case** <sup>[29]</sup> - 2:3\_, 2:4\_,  
 2:22\_, 5:24\_, 6:9\_, 6:10\_,  
 8:1\_, 9:9\_, 9:14\_, 11:12\_,  
 14:7\_, 14:11\_, 14:17\_,  
 15:16\_, 17:23\_, 18:10\_,  
 20:10\_, 21:22\_, 23:15\_,  
 23:17\_, 24:6\_, 24:13\_,  
 25:1\_, 25:8\_, 25:9\_, 25:13  
 \_ , 25:20\_, 27:4  
**Case** <sup>[1]</sup> - 2:6  
**cases** <sup>[4]</sup> - 23:22\_, 24:10  
 \_ , 24:20\_, 25:19  
**certainly** <sup>[1]</sup> - 19:20  
**certainty** <sup>[2]</sup> - 12:19\_,  
 26:17  
**challenged** <sup>[3]</sup> - 24:15\_,  
 25:4\_, 25:7  
**change** <sup>[1]</sup> - 5:1  
**changed** <sup>[1]</sup> - 18:8  
**changes** <sup>[2]</sup> - 8:1\_,  
 21:10  
**charge** <sup>[1]</sup> - 21:6  
**charged** <sup>[1]</sup> - 9:9  
**charges** <sup>[1]</sup> - 11:17  
**chief** <sup>[1]</sup> - 5:24  
**chopped** <sup>[1]</sup> - 19:11  
**Circuit** <sup>[20]</sup> - 23:7\_,  
 23:10\_, 23:14\_, 23:22\_,  
 23:23\_, 23:25\_, 24:3\_,  
 24:4\_, 24:9\_, 24:21\_,  
 24:25\_, 25:8\_, 25:9\_,  
 25:13\_, 25:19\_, 25:21\_,  
 25:22\_, 26:13  
**circuit** <sup>[1]</sup> - 23:8  
**Circuit's** <sup>[1]</sup> - 26:21  
**circumstances** <sup>[1]</sup> -  
 13:18  
**cited** <sup>[1]</sup> - 24:7  
**clarity's** <sup>[1]</sup> - 3:4  
**clear** <sup>[5]</sup> - 4:19\_, 9:16\_,  
 11:1\_, 16:24\_, 19:8

**clips** <sup>[1]</sup> - 13:11  
**closely** <sup>[1]</sup> - 12:3  
**closing** <sup>[1]</sup> - 12:6  
**co** <sup>[1]</sup> - 27:6  
**co-counsel** <sup>[1]</sup> - 27:6  
**Coast** <sup>[2]</sup> - 20:9\_, 20:23  
**comfortably** <sup>[1]</sup> - 5:10  
**coming** <sup>[1]</sup> - 4:2  
**communicate** <sup>[1]</sup> -  
 17:9  
**complete** <sup>[2]</sup> - 4:7\_,  
 5:10  
**completely** <sup>[1]</sup> - 9:23  
**comprehensive** <sup>[1]</sup> -  
 10:18  
**concern** <sup>[2]</sup> - 22:25\_,  
 24:10  
**concerns** <sup>[2]</sup> - 11:6\_,  
 22:16  
**concluded** <sup>[1]</sup> - 27:20  
**concluding** <sup>[1]</sup> - 7:7  
**conditional** <sup>[1]</sup> - 24:18  
**conduct** <sup>[3]</sup> - 17:18\_,  
 22:18\_, 22:19  
**conducted** <sup>[3]</sup> - 7:24\_,  
 8:14\_, 10:8  
**confer** <sup>[6]</sup> - 12:20\_, 13:2  
 \_ , 14:23\_, 15:9\_, 19:25\_,  
 27:5  
**conference** <sup>[4]</sup> - 21:7\_,  
 21:9\_, 21:11\_, 26:25  
**conferral** <sup>[3]</sup> - 14:24\_,  
 20:1\_, 27:14  
**conferred** <sup>[3]</sup> - 17:21\_,  
 17:25\_, 18:6  
**conferring** <sup>[1]</sup> - 13:1  
**confirm** <sup>[1]</sup> - 15:21  
**confusing** <sup>[1]</sup> - 20:15  
**confusion** <sup>[3]</sup> - 7:25\_,  
 9:6\_, 22:23  
**connection** <sup>[1]</sup> - 19:8  
**consecutively** <sup>[1]</sup> -  
 4:13  
**consider** <sup>[2]</sup> - 10:4\_,  
 19:23  
**consideration** <sup>[2]</sup> -  
 9:11\_, 11:7  
**considered** <sup>[1]</sup> - 7:23  
**contain** <sup>[1]</sup> - 8:4  
**contents** <sup>[1]</sup> - 12:16  
**continuance** <sup>[2]</sup> - 2:24

\_, 3:3  
**convenient** <sup>[1]</sup> - 14:21  
**convention** <sup>[1]</sup> - 15:17  
**conversation** <sup>[1]</sup> -  
 15:10  
**conversations** <sup>[1]</sup> -  
 16:6  
**convey** <sup>[1]</sup> - 7:8  
**copy** <sup>[1]</sup> - 8:3  
**correct** <sup>[5]</sup> - 2:23\_, 5:4\_,  
 16:13\_, 16:14\_, 26:13  
**counsel** <sup>[7]</sup> - 4:10\_, 4:20  
 \_ , 7:20\_, 10:9\_, 11:23\_,  
 17:21\_, 27:6  
**Counsel** <sup>[1]</sup> - 2:8  
**course** <sup>[5]</sup> - 3:25\_, 5:1\_,  
 7:14\_, 16:10\_, 19:14  
**court** <sup>[2]</sup> - 4:23\_, 20:11  
**Court** <sup>[16]</sup> - 2:1\_, 2:6\_,  
 3:7\_, 4:14\_, 6:14\_, 7:23\_,  
 8:24\_, 10:16\_, 10:25\_,  
 11:1\_, 12:15\_, 12:22\_,  
 14:20\_, 15:14\_, 15:19\_,  
 17:17  
**COURT** <sup>[82]</sup> - 2:2\_, 2:12  
 \_ , 2:16\_, 2:19\_, 3:3\_, 4:9\_,  
 4:12\_, 4:16\_, 5:2\_, 5:6\_,  
 5:14\_, 5:19\_, 5:22\_, 5:25  
 \_ , 6:3\_, 6:8\_, 6:12\_, 6:19\_,  
 6:24\_, 7:4\_, 7:12\_, 7:17\_,  
 7:21\_, 8:10\_, 8:12\_, 8:17  
 \_ , 8:25\_, 9:3\_, 9:19\_, 10:4  
 \_ , 11:4\_, 12:1\_, 12:11\_,  
 12:23\_, 13:2\_, 13:5\_, 13:8  
 \_ , 13:16\_, 14:4\_, 14:6\_,  
 14:9\_, 14:13\_, 14:18\_,  
 15:8\_, 15:24\_, 16:1\_, 16:9  
 \_ , 16:18\_, 16:20\_, 16:23\_,  
 17:4\_, 17:7\_, 17:12\_,  
 18:10\_, 18:13\_, 18:20\_,  
 19:2\_, 19:12\_, 19:24\_,  
 20:3\_, 20:6\_, 20:17, 20:22  
 \_ , 20:25\_, 22:4\_, 22:13\_,  
 22:16\_, 23:17\_, 23:22\_,  
 24:2\_, 24:14\_, 24:23\_,  
 25:5\_, 25:9\_, 25:15\_,  
 25:23\_, 26:4\_, 26:13\_,  
 26:18\_, 27:7\_, 27:10\_,  
 27:13  
**Court's** <sup>[2]</sup> - 7:8\_, 13:12  
**courtroom** <sup>[1]</sup> - 11:23  
**COURTROOM** <sup>[1]</sup> - 2:5  
**cover** <sup>[2]</sup> - 11:5\_, 11:8  
**covered** <sup>[5]</sup> - 10:20\_,  
 15:11\_, 17:13\_, 21:1

**covers** <sup>[2]</sup> - 13:24\_,  
 15:12  
**create** <sup>[1]</sup> - 22:23  
**created** <sup>[1]</sup> - 22:1  
**credibility** <sup>[1]</sup> - 9:10  
**crime** <sup>[2]</sup> - 9:9\_, 11:7  
**criminal** <sup>[1]</sup> - 23:8  
**cross** <sup>[1]</sup> - 18:24  
**cross-examination** <sup>[1]</sup>  
 \_ - 18:24  
**current** <sup>[1]</sup> - 4:25

---

## D

---

**dash** <sup>[1]</sup> - 18:17  
**dates** <sup>[1]</sup> - 4:3  
**days** <sup>[3]</sup> - 4:13\_, 4:20\_,  
 7:6  
**decision** <sup>[1]</sup> - 4:10  
**defendant** <sup>[3]</sup> - 2:14\_,  
 2:18\_, 24:18  
**defendant's** <sup>[1]</sup> - 26:23  
**defense** <sup>[9]</sup> - 10:8\_,  
 12:21\_, 15:4\_, 16:4\_,  
 16:11\_, 16:19\_, 17:25\_,  
 22:20\_, 26:11  
**definitely** <sup>[1]</sup> - 2:25  
**definition** <sup>[3]</sup> - 21:24\_,  
 21:25\_, 22:1  
**defraud** <sup>[1]</sup> - 26:19  
**delay** <sup>[1]</sup> - 17:18  
**DEPUTY** <sup>[1]</sup> - 2:5  
**despite** <sup>[1]</sup> - 24:21  
**detail** <sup>[1]</sup> - 21:6  
**detailed** <sup>[1]</sup> - 20:24  
**determined** <sup>[1]</sup> - 10:25  
**differ** <sup>[1]</sup> - 22:21  
**difference** <sup>[2]</sup> - 22:5\_,  
 26:6  
**different** <sup>[2]</sup> - 24:11\_,  
 25:22  
**difficult** <sup>[1]</sup> - 6:23  
**dire** <sup>[15]</sup> - 7:17\_, 7:19\_,  
 7:24\_, 8:5\_, 8:9\_, 8:14\_,  
 8:22\_, 10:8\_, 10:19\_,  
 10:21\_, 11:21\_, 13:16\_,  
 22:7\_, 22:9\_, 23:4  
**direct** <sup>[2]</sup> - 5:8\_, 25:7  
**disagreement** <sup>[2]</sup> -  
 26:5\_, 26:9  
**disclosure** <sup>[1]</sup> - 16:11

**discovery** [2] - 16:5  
**discussed** [2] - 21:3, 21:18  
**discussion** [1] - 24:16  
**displaying** [1] - 13:11  
**disputed** [2] - 12:13, 23:6  
**disrupt** [1] - 20:18  
**diving** [1] - 19:22  
**docket** [6] - 8:10, 8:11, 9:1, 21:18, 21:22  
**docketed** [1] - 8:6  
**documentary** [1] - 16:12  
**done** [2] - 13:24, 20:11  
**doubt** [1] - 11:5  
**down** [1] - 6:19  
**drowned** [1] - 19:11  
**drug** [1] - 19:7  
**drugs** [2] - 19:1, 19:21  
**due** [1] - 8:6  
**during** [6] - 2:21, 4:3, 10:11, 12:9, 18:14, 19:14  
**Dustin** [2] - 2:7, 2:18

---

## E

---

**early** [1] - 27:16  
**ease** [1] - 13:12  
**edible** [2] - 18:3, 18:22  
**effect** [1] - 19:6  
**either** [3] - 12:14, 13:12, 17:16  
**elapsed** [1] - 9:12  
**electronic** [1] - 13:6  
**Eleventh** [12] - 23:23, 23:25, 24:3, 24:4, 24:21, 24:25, 25:9, 25:13, 25:19, 25:22, 26:13, 26:21  
**ELMO** [1] - 13:13  
**elsewhere** [1] - 10:20  
**encapsulates** [1] - 26:21  
**end** [1] - 11:1  
**ended** [1] - 24:21  
**endpoint** [1] - 6:25  
**engender** [1] - 9:6  
**ensure** [3] - 6:13, 17:9,

27:13  
**enter** [1] - 21:2  
**entered** [1] - 15:19  
**entire** [1] - 7:6  
**entry** [3] - 8:11, 9:1, 21:18  
**equipment** [3] - 13:6, 13:13, 27:11  
**error** [1] - 8:12  
**essentially** [1] - 16:21  
**estimating** [1] - 5:22  
**evening** [3] - 21:7, 21:12  
**events** [1] - 9:8  
**evidence** [3] - 12:12, 12:14, 16:12  
**evidentiary** [4] - 16:1, 16:3, 17:16, 17:22  
**exactly** [1] - 8:2  
**examination** [3] - 5:8, 18:24, 22:7  
**examined** [2] - 23:9, 24:25  
**examiner** [2] - 18:25, 19:10  
**example** [1] - 11:4  
**except** [1] - 10:25  
**exercise** [1] - 17:2  
**exhibit** [4] - 3:11, 14:19, 15:10, 17:20  
**exhibits** [8] - 12:12, 14:18, 14:22, 14:25, 15:4, 15:13, 15:14, 15:16  
**expectation** [3] - 4:6, 4:25, 5:9  
**expectations** [1] - 3:8  
**extent** [1] - 27:3

---

## F

---

**F-L-Y-N-N** [1] - 18:17  
**fact** [2] - 5:11, 24:21  
**factual** [1] - 11:13  
**fair** [2] - 9:13, 11:12  
**fairly** [1] - 10:18  
**familiar** [1] - 16:10  
**far** [5] - 6:12, 7:19, 13:16, 21:4, 21:24  
**fare** [1] - 11:6  
**feature** [1] - 19:20

**February** [3] - 2:25, 3:6, 15:8  
**federal** [1] - 13:20  
**Fifth** [4] - 3:13, 17:3, 25:8, 25:21  
**file** [3] - 8:8, 8:22, 8:25  
**filed** [1] - 11:2  
**final** [4] - 3:3, 21:9, 21:10, 22:24  
**finally** [1] - 27:1  
**finish** [2] - 4:4, 4:24  
**first** [8] - 6:17, 7:6, 13:18, 14:1, 14:24, 20:8, 21:8, 26:12  
**five** [2] - 8:22, 22:11  
**flag** [1] - 20:10  
**flights** [1] - 3:22  
**flown** [1] - 3:17  
**Flynn** [6] - 18:3, 18:15, 18:16, 18:17, 18:18, 18:22  
**follow** [2] - 10:12, 11:8  
**follow-up** [1] - 10:12  
**for-cause** [1] - 13:18  
**formal** [1] - 17:1  
**four** [2] - 7:6, 9:21  
**FRANCIS** [8] - 2:17, 8:18, 23:3, 23:18, 23:24, 25:17, 26:3, 27:19  
**Francis** [5] - 2:17, 2:19, 8:17, 24:8, 25:15  
**fraud** [2] - 26:9, 26:14  
**freedom** [1] - 12:5  
**Friday** [3] - 4:4, 4:5, 4:9  
**front** [1] - 8:16  
**full** [2] - 18:15, 18:16

---

## G

---

**Garcia** [1] - 23:19  
**general** [5] - 11:9, 11:13, 12:17, 17:14, 20:17  
**generally** [1] - 7:22  
**Ghiz** [4] - 18:3, 18:16, 18:17, 18:18  
**GHIZ** [1] - 18:17  
**Ghiz-Flynn** [4] - 18:3, 18:16, 18:17, 18:18

**given** [3] - 4:17, 7:12, 10:7  
**government** [12] - 2:9, 2:11, 5:19, 10:15, 11:3, 14:3, 15:14, 16:16, 22:6, 22:17, 23:2, 23:5  
**government's** [4] - 9:4, 14:19, 15:20, 16:16  
**gross** [1] - 23:14  
**growth** [1] - 26:20  
**Guard** [2] - 20:9, 20:23  
**guilty** [2] - 24:18, 24:22

---

## H

---

**half** [1] - 3:17  
**handy** [1] - 13:23  
**harm** [2] - 22:19, 22:20  
**hash** [1] - 21:10  
**hashed** [1] - 16:2  
**hear** [5] - 6:3, 6:16, 7:9, 19:12, 27:1  
**hearing** [2] - 11:11, 12:21  
**helpful** [1] - 10:2  
**Hester** [1] - 7:13  
**hiccups** [1] - 6:16  
**highlight** [1] - 3:19  
**honor** [1] - 20:8  
**Honor** [26] - 2:10, 2:13, 4:15, 4:22, 5:5, 5:7, 5:21, 5:24, 6:2, 6:5, 6:18, 7:1, 8:20, 8:21, 9:2, 14:3, 15:25, 16:14, 17:6, 18:8, 20:10, 20:13, 23:3, 23:24, 25:17, 27:6  
**Honor's** [1] - 20:16  
**hope** [3] - 5:12, 13:24, 17:21  
**hotel** [1] - 3:18  
**hotels** [1] - 3:22  
**hover** [1] - 12:3  
**hovering** [1] - 25:25

---

## I

---

**impact** [1] - 9:12  
**impartial** [1] - 11:12  
**important** [2] - 13:5, 17:8

**inapposite** <sup>[1]</sup> - 24:12  
**incident** <sup>[1]</sup> - 16:22  
**include** <sup>[2]</sup> - 10:8, 23:6  
**incorrect** <sup>[1]</sup> - 18:11  
**indicates** <sup>[1]</sup> - 23:14  
**indication** <sup>[1]</sup> - 19:6  
**ingested** <sup>[1]</sup> - 18:3  
**initial** <sup>[3]</sup> - 19:20, 21:6, 21:11  
**initials** <sup>[3]</sup> - 5:3, 18:11, 18:12  
**injecting** <sup>[1]</sup> - 10:11  
**instead** <sup>[1]</sup> - 4:23  
**instruction** <sup>[12]</sup> - 9:10, 11:5, 21:14, 21:20, 21:23, 22:1, 22:3, 23:13, 24:9, 26:6, 26:9, 26:11  
**instructional** <sup>[1]</sup> - 26:7  
**instructions** <sup>[10]</sup> - 21:4, 22:25, 23:6, 23:7, 24:15, 24:16, 25:3, 25:6, 26:10, 27:2  
**intended** <sup>[1]</sup> - 22:19  
**intends** <sup>[1]</sup> - 17:2  
**intent** <sup>[2]</sup> - 22:6, 22:7  
**introduce** <sup>[2]</sup> - 16:13, 18:2  
**introducing** <sup>[1]</sup> - 18:21  
**investigator** <sup>[1]</sup> - 3:15  
**invoke** <sup>[1]</sup> - 17:2  
**invoked** <sup>[1]</sup> - 3:12  
**involuntary** <sup>[1]</sup> - 21:25  
**involve** <sup>[1]</sup> - 3:20  
**issue** <sup>[9]</sup> - 10:6, 16:3, 16:15, 17:17, 19:25, 24:1, 25:13, 25:20, 26:25  
**issues** <sup>[11]</sup> - 4:21, 7:12, 7:18, 12:21, 13:10, 15:10, 16:2, 17:15, 17:22, 27:2, 27:3  
**items** <sup>[1]</sup> - 16:12  
**itself** <sup>[1]</sup> - 26:1

---

## J

---

**Jennifer** <sup>[1]</sup> - 7:13  
**JH** <sup>[1]</sup> - 5:3  
**Jonathan** <sup>[2]</sup> - 16:16, 16:23

**Judge** <sup>[24]</sup> - 2:5, 2:24, 3:9, 7:11, 8:8, 8:15, 8:18, 9:16, 10:22, 11:20, 12:7, 12:20, 12:25, 15:3, 15:23, 16:24, 20:4, 22:14, 23:18, 23:21, 24:6, 26:3, 26:16, 27:18  
**judgment** <sup>[1]</sup> - 19:17  
**juror** <sup>[2]</sup> - 9:24, 9:25  
**juror's** <sup>[1]</sup> - 10:2  
**jurors** <sup>[4]</sup> - 7:8, 10:13, 11:9, 12:3  
**jury** <sup>[16]</sup> - 7:20, 11:23, 13:24, 14:2, 17:18, 19:22, 21:4, 21:19, 21:22, 22:24, 23:6, 23:8, 23:13, 24:14, 25:3, 25:6

---

## K

---

**Keith** <sup>[1]</sup> - 23:19  
**KELLER** <sup>[49]</sup> - 2:10, 2:24, 3:9, 4:11, 4:15, 4:22, 5:5, 5:7, 5:16, 5:21, 5:24, 6:2, 6:18, 6:21, 7:19, 8:8, 8:11, 8:15, 9:2, 9:16, 9:23, 10:22, 11:20, 12:7, 12:20, 14:3, 14:8, 14:11, 15:3, 15:23, 16:3, 16:24, 17:24, 18:12, 18:16, 19:5, 20:4, 20:7, 20:21, 20:23, 21:17, 24:6, 24:17, 25:2, 25:6, 25:12, 26:8, 26:16, 27:18  
**Keller** <sup>[20]</sup> - 2:11, 2:12, 2:23, 3:7, 6:6, 6:16, 8:3, 8:25, 14:7, 14:16, 15:2, 15:14, 15:22, 16:2, 17:20, 19:4, 21:14, 24:5, 25:11, 26:4  
**Keller's** <sup>[1]</sup> - 22:8  
**kind** <sup>[9]</sup> - 3:25, 4:3, 6:6, 20:13, 20:24, 21:20, 22:1, 24:20, 25:2  
**knowing** <sup>[1]</sup> - 22:18  
**knowledge** <sup>[2]</sup> - 16:20, 26:24

---

## L

---

**lack** <sup>[1]</sup> - 22:6  
**language** <sup>[2]</sup> - 26:12, 26:19  
**lapel** <sup>[1]</sup> - 11:24  
**last** <sup>[3]</sup> - 2:24, 5:23, 13:10  
**last-minute** <sup>[1]</sup> - 13:10  
**latitude** <sup>[1]</sup> - 12:1  
**law** <sup>[4]</sup> - 11:8, 23:16, 23:17, 25:8  
**least** <sup>[3]</sup> - 4:18, 14:22, 21:10  
**leave** <sup>[2]</sup> - 4:23, 19:24  
**left** <sup>[1]</sup> - 2:15  
**legal** <sup>[5]</sup> - 16:1, 22:24, 24:5, 24:16, 25:10  
**lengthy** <sup>[2]</sup> - 17:19, 25:3  
**less** <sup>[4]</sup> - 5:9, 5:16, 6:11, 22:2  
**letter** <sup>[2]</sup> - 17:1  
**level** <sup>[2]</sup> - 19:20, 20:17  
**license** <sup>[1]</sup> - 10:15  
**likely** <sup>[1]</sup> - 21:7  
**limine** <sup>[1]</sup> - 15:20  
**limited** <sup>[1]</sup> - 7:24  
**lined** <sup>[1]</sup> - 4:16  
**list** <sup>[4]</sup> - 3:11, 13:22, 14:19, 17:20  
**listed** <sup>[1]</sup> - 3:10  
**litigated** <sup>[1]</sup> - 24:25  
**logistical** <sup>[1]</sup> - 7:18  
**look** <sup>[1]</sup> - 8:7  
**looked** <sup>[1]</sup> - 9:4  
**looking** <sup>[5]</sup> - 8:18, 10:23, 17:20, 22:20, 26:18  
**loud** <sup>[1]</sup> - 13:23  
**lunch** <sup>[1]</sup> - 13:25

---

## M

---

**ma'am** <sup>[10]</sup> - 5:5, 7:16, 13:4, 13:7, 13:15, 14:5, 17:11, 20:2, 27:12, 27:17  
**main** <sup>[1]</sup> - 26:8  
**manage** <sup>[1]</sup> - 20:19

**manslaughter** <sup>[6]</sup> - 21:15, 21:25, 22:20, 24:5, 24:20, 25:11  
**map** <sup>[1]</sup> - 4:12  
**March** <sup>[6]</sup> - 4:8, 4:25, 5:23, 6:15, 6:25, 7:7  
**marijuana** <sup>[3]</sup> - 18:4, 19:10, 19:17  
**mark** <sup>[1]</sup> - 15:16  
**materials** <sup>[1]</sup> - 13:3  
**matter** <sup>[1]</sup> - 17:16  
**mattering** <sup>[1]</sup> - 9:18  
**matters** <sup>[3]</sup> - 9:18, 9:20, 9:22  
**MC** <sup>[1]</sup> - 18:11  
**McCabe** <sup>[3]</sup> - 2:7, 2:18, 2:19  
**MCGF** <sup>[1]</sup> - 18:12  
**mean** <sup>[1]</sup> - 23:17  
**means** <sup>[1]</sup> - 11:1  
**mechanic** <sup>[1]</sup> - 16:22  
**media** <sup>[1]</sup> - 12:9  
**medical** <sup>[4]</sup> - 18:4, 18:24, 19:9  
**memory** <sup>[1]</sup> - 19:18  
**mention** <sup>[2]</sup> - 23:11, 25:18  
**mentioned** <sup>[1]</sup> - 16:25  
**merits** <sup>[2]</sup> - 9:9, 24:16  
**methamphetamines** <sup>[1]</sup> - 19:17  
**microphone** <sup>[2]</sup> - 12:2, 26:1  
**might** <sup>[5]</sup> - 9:6, 9:12, 9:25, 17:22, 27:3  
**Miller** <sup>[2]</sup> - 16:16, 16:23  
**minute** <sup>[1]</sup> - 13:10  
**minutes** <sup>[12]</sup> - 5:9, 5:16, 5:25, 7:11, 7:13, 7:15, 10:7, 10:12, 10:18, 10:19, 11:15, 11:18  
**model** <sup>[2]</sup> - 23:14, 24:9  
**Mollie** <sup>[3]</sup> - 18:16, 18:17, 18:19  
**moment** <sup>[1]</sup> - 27:5  
**Monday** <sup>[8]</sup> - 3:5, 3:25, 5:10, 6:7, 10:6, 13:10, 14:25, 27:16  
**most** <sup>[4]</sup> - 4:2, 4:18, 15:6, 25:7

**motion** [2] - 15:20, 19:2  
**motions** [4] - 15:18, 15:21, 15:23, 15:25  
**move** [1] - 12:1  
**movement** [1] - 12:5  
**MR** [76] - 2:10, 2:13, 2:24, 3:9, 4:11, 4:15, 4:22, 5:5, 5:7, 5:16, 5:21, 5:24, 6:2, 6:5, 6:10, 6:18, 6:21, 7:1, 7:11, 7:16, 7:19, 8:8, 8:11, 8:15, 9:2, 9:16, 9:23, 10:22, 11:20, 12:7, 12:20, 12:25, 13:4, 13:7, 13:15, 14:3, 14:5, 14:8, 14:11, 14:16, 15:3, 15:23, 15:25, 16:3, 16:14, 16:19, 16:21, 16:24, 17:6, 17:11, 17:24, 18:12, 18:16, 18:24, 19:5, 19:16, 20:2, 20:4, 20:7, 20:21, 20:23, 21:17, 22:11, 22:14, 24:6, 24:17, 25:2, 25:6, 25:12, 26:8, 26:16, 27:5, 27:8, 27:12, 27:17, 27:18  
**MS** [8] - 2:17, 8:18, 23:3, 23:18, 23:24, 25:17, 26:3, 27:19

---

## N

---

**name** [3] - 18:10, 18:15, 18:16  
**names** [1] - 13:23  
**natural** [1] - 19:14  
**nature** [1] - 4:18  
**necessary** [2] - 3:15, 14:12  
**need** [9] - 3:16, 4:2, 5:16, 20:13, 20:19, 22:18, 22:25, 26:22, 27:9  
**needs** [1] - 17:12  
**negligence** [8] - 11:17, 22:17, 23:6, 23:12, 23:15, 24:8, 24:24, 25:14  
**negligent** [1] - 24:19  
**never** [2] - 20:10, 20:11  
**new** [3] - 10:10, 10:11, 18:1  
**next** [1] - 2:22

**nine** [1] - 6:15  
**nine-day** [1] - 6:15  
**Ninth** [7] - 23:7, 23:10, 23:14, 23:22, 23:25, 24:9, 25:21  
**none** [3] - 11:20, 14:3, 17:24  
**normally** [1] - 20:14  
**note** [3] - 18:8, 21:20, 24:8  
**nothing** [3] - 19:8, 19:9, 24:12  
**Number** [1] - 2:6  
**number** [3] - 8:21, 11:6, 13:19  
**numerous** [1] - 16:6

---

## O

---

**O'Keefe** [3] - 21:17, 21:19, 25:6  
**O'SULLIVAN** [27] - 2:13, 6:5, 6:10, 7:1, 7:11, 7:16, 12:25, 13:4, 13:7, 13:15, 14:5, 14:16, 15:25, 16:14, 16:19, 16:21, 17:6, 17:11, 18:24, 19:16, 20:2, 22:11, 22:14, 27:5, 27:8, 27:12, 27:17  
**O'Sullivan** [17] - 2:14, 2:16, 6:4, 6:24, 7:9, 12:23, 14:4, 14:14, 15:15, 15:24, 16:9, 17:1, 17:5, 18:21, 19:13, 22:8, 27:1  
**object** [3] - 19:5, 23:4, 23:11  
**objection** [4] - 14:20, 22:9, 22:14, 22:15  
**obviously** [3] - 12:4, 20:18, 24:2  
**occur** [1] - 13:8  
**odd** [1] - 21:20  
**offense** [2] - 21:13, 26:5  
**office** [2] - 20:7, 20:20  
**one** [13] - 3:12, 3:15, 5:3, 12:2, 12:8, 16:15, 20:4, 20:7, 21:20, 22:1, 22:2, 22:16, 27:5  
**ones** [1] - 3:19

**opening** [11] - 5:15, 6:1, 7:10, 12:6, 12:8, 12:18, 12:24, 13:3, 13:25, 14:24, 15:11  
**openings** [1] - 12:10  
**opportunity** [1] - 21:5  
**Order** [1] - 2:1  
**order** [15] - 2:24, 3:14, 7:21, 7:25, 8:2, 8:13, 8:15, 8:19, 8:21, 10:23, 10:24, 15:9, 15:17, 15:19, 21:2  
**ordered** [1] - 15:17  
**orders** [1] - 4:14  
**original** [1] - 21:22  
**otherwise** [2] - 4:14, 10:7  
**out-of-town** [1] - 4:18  
**outgrowth** [1] - 26:20  
**outline** [2] - 4:3, 4:7

---

## P

---

**p.m** [1] - 27:20  
**page** [2] - 26:10, 26:12  
**paper** [1] - 8:3  
**part** [3] - 3:13, 4:2, 22:24  
**particular** [3] - 3:19, 23:9, 25:20  
**particularly** [1] - 10:14  
**parties** [7] - 6:14, 13:2, 13:17, 14:9, 14:19, 15:9, 26:24  
**parties'** [2] - 22:5, 26:7  
**party** [1] - 8:22  
**passed** [1] - 9:21  
**passes** [1] - 9:8  
**pattern** [4] - 21:14, 26:11, 26:14, 26:21  
**pending** [3] - 15:21, 15:23, 15:25  
**people** [1] - 20:8  
**per** [2] - 7:15, 26:23  
**peremptories** [2] - 13:19, 13:20  
**perhaps** [1] - 12:25  
**period** [2] - 2:21, 7:24  
**permit** [1] - 7:19  
**permitted** [6] - 11:22, 11:23, 12:9, 12:13,

13:17, 24:19  
**person** [1] - 20:15  
**photographs** [2] - 13:1, 15:7  
**photos** [2] - 12:9, 13:11  
**plan** [3] - 3:8, 12:23, 18:13  
**planning** [7] - 5:2, 11:14, 18:9, 18:18, 18:21, 21:11, 26:4  
**plans** [1] - 16:19  
**playing** [1] - 13:11  
**plea** [1] - 24:18  
**pled** [2] - 24:18, 24:22  
**podium** [1] - 11:25  
**point** [8] - 5:8, 13:9, 16:15, 19:14, 23:15, 25:7, 25:10, 25:19  
**portable** [1] - 12:2  
**position** [1] - 19:4  
**possible** [1] - 4:4  
**post** [1] - 26:15  
**post-Takhalov** [1] - 26:15  
**posture** [1] - 24:17  
**potential** [1] - 15:13  
**PowerPoint** [1] - 12:24  
**practical** [1] - 17:17  
**pre** [1] - 14:21  
**pre-admit** [1] - 14:21  
**preadmission** [1] - 15:12  
**prepared** [1] - 5:20  
**preparing** [1] - 20:11  
**prepped** [1] - 5:7  
**prescription** [1] - 18:4  
**presentation** [4] - 5:23, 12:12, 12:16, 13:14  
**presented** [1] - 17:23  
**primary** [1] - 21:19  
**probe** [1] - 10:15  
**problems** [1] - 17:22  
**procedural** [1] - 24:17  
**proceed** [5] - 4:9, 4:13, 5:20, 13:19, 13:25  
**proceedings** [2] - 20:18, 27:20  
**produced** [1] - 15:4  
**programs** [1] - 13:14  
**projected** [1] - 4:3

**projecting** [1] - 6:13  
**projection** [1] - 7:8  
**prompts** [1] - 11:11  
**propeller** [1] - 19:11  
**proposal** [1] - 22:21  
**proposals** [2] - 22:5-, 26:7  
**proposed** [6] - 8:5-, 9:4-, 15:14-, 21:4-, 22:8-, 23:1  
**proposing** [1] - 26:11  
**prove** [1] - 22:18  
**provide** [2] - 15:13-, 23:10  
**provided** [1] - 16:4  
**proximate** [2] - 21:24-, 22:1  
**published** [1] - 25:7  
**pull** [1] - 21:21  
**purposes** [2] - 3:20-, 26:4  
**put** [3] - 6:10-, 16:3-, 16:7  
**putting** [1] - 16:8

---

## Q

---

**questioning** [1] - 7:20  
**questionnaires** [1] - 10:14  
**questions** [25] - 7:17-, 7:23-, 8:5-, 8:9-, 8:23-, 9:5-, 10:9-, 10:10-, 10:12-, 10:13-, 10:17-, 10:20-, 10:21-, 10:25-, 11:2-, 11:16-, 11:19-, 14:2-, 15:2-, 15:3-, 22:9-, 22:10-, 22:12-, 23:1-, 23:4  
**quite** [1] - 22:4

---

## R

---

**rails** [1] - 22:2  
**raise** [5] - 12:17-, 12:22-, 16:15-, 20:16-, 27:2  
**raised** [2] - 17:16-, 24:24  
**reaction** [1] - 11:13  
**read** [1] - 13:23  
**readiness** [1] - 6:4  
**ready** [1] - 6:6  
**really** [3] - 9:20-, 23:8-,

24:12  
**reason** [1] - 25:2  
**reasonable** [2] - 4:17-, 11:5  
**received** [1] - 21:4  
**receiving** [1] - 3:18  
**recent** [3] - 23:15-, 23:17-, 23:25  
**recently** [2] - 17:25-, 18:7  
**recognize** [1] - 3:14  
**recollection** [2] - 9:11-, 9:12  
**record** [3] - 16:4-, 16:7-, 16:8  
**records** [1] - 21:21  
**recurring** [1] - 17:22  
**refer** [3] - 7:21-, 18:18-, 23:5  
**reference** [1] - 22:17  
**referring** [1] - 18:13  
**reformulate** [1] - 9:14  
**regarding** [3] - 11:10-, 16:15-, 27:2  
**related** [2] - 11:16-, 18:22  
**relevance** [2] - 19:5-, 19:15  
**relevant** [4] - 19:16-, 19:19-, 19:22-, 27:3  
**remember** [1] - 9:20  
**remind** [1] - 13:17  
**remove** [1] - 26:1  
**report** [1] - 19:9  
**represented** [1] - 17:8  
**request** [3] - 7:10-, 7:11-, 26:23  
**requested** [1] - 23:13  
**requesting** [1] - 5:14  
**required** [2] - 7:14-, 22:7  
**research** [1] - 25:23  
**reserved** [2] - 3:22  
**resolved** [1] - 12:15  
**respect** [3] - 4:4-, 7:17-, 8:13  
**response** [2] - 9:22-, 24:8  
**rest** [3] - 4:1-, 11:16-, 22:2  
**review** [2] - 9:3-, 21:5

**reviewed** [2] - 22:8-, 22:15  
**rights** [1] - 17:3  
**Rodriguez** [1] - 23:20  
**rule** [3] - 12:4-, 12:18-, 17:14  
**ruled** [1] - 19:7  
**rules** [2] - 13:20-, 16:10  
**ruling** [1] - 26:22  
**rulings** [1] - 25:22  
**run** [1] - 13:10  
**running** [2] - 6:15-, 7:5

---

## S

---

**sake** [1] - 3:4  
**saw** [1] - 15:19  
**scheduled** [1] - 7:5  
**scheduling** [9] - 3:16-, 3:20-, 6:4-, 7:21-, 7:25-, 8:13-, 8:19-, 8:21-, 15:17  
**scheme** [1] - 26:19  
**scuba** [1] - 19:22  
**seaman's** [5] - 21:15-, 22:20-, 24:5-, 24:20-, 25:11  
**Sean** [2] - 2:7-, 2:18  
**seated** [2] - 2:2-, 2:14  
**second** [4] - 3:23-, 5:11-, 5:12-, 7:6  
**Section** [2] - 24:10-, 24:11  
**section** [1] - 8:4  
**see** [5] - 10:14-, 10:24-, 14:17-, 17:22-, 27:16  
**seek** [1] - 4:23  
**seem** [1] - 9:5  
**selection** [2] - 13:24-, 14:2  
**sense** [3] - 6:8-, 6:18-, 7:2  
**sent** [2] - 16:25-, 17:1  
**sentence** [1] - 26:23  
**separately** [1] - 11:7  
**set** [5] - 2:21-, 2:23-, 3:2-, 3:4-, 7:5  
**setting** [1] - 21:2  
**shave** [1] - 6:19  
**side** [3] - 7:13-, 7:15-, 10:7

**sidebars** [1] - 17:19  
**sides** [1] - 10:17  
**significant** [1] - 26:6  
**simple** [6] - 11:17-, 22:16-, 23:5-, 23:12-, 24:7-, 24:24  
**Small** [1] - 3:20  
**so..** [1] - 12:19  
**software** [1] - 13:13  
**someone** [1] - 9:25  
**soon** [1] - 17:17  
**sort** [4] - 10:10-, 11:13-, 12:24-, 17:21  
**source** [1] - 21:19  
**speaking** [1] - 25:10  
**Special** [1] - 20:9  
**special** [1] - 20:21  
**specially** [5] - 2:23-, 3:2-, 3:4-, 7:5-, 21:2  
**specifically** [3] - 3:1-, 24:19-, 25:13  
**specificity** [1] - 3:8  
**speed** [1] - 15:1  
**Spurlock** [1] - 3:14  
**standard** [9] - 8:1-, 9:10-, 11:6-, 11:17-, 13:19-, 22:17-, 24:5-, 24:20-, 25:14  
**standards** [2] - 22:24-, 25:10  
**standing** [1] - 25:21  
**start** [1] - 5:12  
**starting** [2] - 2:8-, 2:22  
**state** [1] - 2:8  
**statement** [3] - 7:10-, 14:24-, 15:11  
**statement-wise** [1] - 7:10  
**statements** [1] - 5:15  
**States** [4] - 2:7-, 23:19-, 23:20  
**statute** [1] - 23:9  
**statutes** [1] - 24:12  
**stay** [1] - 11:24  
**stem** [1] - 26:1  
**Stiehl** [2] - 20:9-, 20:19  
**still** [4] - 5:2-, 13:1-, 25:20-, 25:21  
**stipulate** [1] - 15:6  
**stipulations** [2] - 14:7-,

14:15  
**straight** <sup>[1]</sup> - 13:25  
**strategy** <sup>[1]</sup> - 18:7  
**strict** <sup>[1]</sup> - 12:4  
**strikes** <sup>[2]</sup> - 13:17\_,  
 13:18  
**striking** <sup>[1]</sup> - 13:21  
**subject** <sup>[1]</sup> - 14:23  
**submission** <sup>[1]</sup> - 7:23  
**submits** <sup>[1]</sup> - 23:5  
**submitted** <sup>[4]</sup> - 10:9\_,  
 10:16\_, 23:1\_, 26:10  
**submitting** <sup>[2]</sup> - 8:5\_,  
 8:23  
**subpoenaed** <sup>[1]</sup> - 17:4  
**substantive** <sup>[5]</sup> - 15:10  
 \_, 21:11\_, 21:13\_, 26:5\_,  
 27:13  
**suggesting** <sup>[1]</sup> - 19:10  
**summarize** <sup>[1]</sup> - 5:19  
**summed** <sup>[1]</sup> - 6:6  
**Sunday** <sup>[1]</sup> - 3:24  
**supplement** <sup>[1]</sup> - 26:11  
**surprised** <sup>[1]</sup> - 17:15  
**swim** <sup>[1]</sup> - 19:18  
**system** <sup>[2]</sup> - 19:1\_, 19:21

---

## T

---

**tabled** <sup>[1]</sup> - 19:25  
**Takhalov** <sup>[3]</sup> - 26:15\_,  
 26:20\_, 26:22  
**ten** <sup>[6]</sup> - 10:7\_, 10:11\_,  
 10:17\_, 10:19\_, 11:15\_,  
 11:18  
**terms** <sup>[3]</sup> - 3:16\_, 10:10\_,  
 21:13  
**Terrence** <sup>[1]</sup> - 2:14  
**test** <sup>[2]</sup> - 13:6\_, 27:10  
**testify** <sup>[2]</sup> - 3:24\_, 17:3  
**testimony** <sup>[1]</sup> - 5:10  
**testing** <sup>[1]</sup> - 19:7  
**THE** <sup>[82]</sup> - 2:2\_, 2:12\_,  
 2:16\_, 2:19\_, 3:3\_, 4:9\_,  
 4:12\_, 4:16\_, 5:2\_, 5:6\_,  
 5:14\_, 5:19\_, 5:22\_, 5:25  
 \_, 6:3\_, 6:8\_, 6:12\_, 6:19\_,  
 6:24\_, 7:4\_, 7:12\_, 7:17\_,  
 7:21\_, 8:10\_, 8:12\_, 8:17  
 \_, 8:25\_, 9:3\_, 9:19\_, 10:4  
 \_, 11:4\_, 12:1\_, 12:11\_,

12:23\_, 13:2\_, 13:5\_, 13:8  
 \_, 13:16\_, 14:4\_, 14:6\_,  
 14:9\_, 14:13\_, 14:18\_,  
 15:8\_, 15:24\_, 16:1\_, 16:9  
 \_, 16:18\_, 16:20\_, 16:23\_,  
 17:4\_, 17:7\_, 17:12\_,  
 18:10\_, 18:13\_, 18:20\_,  
 19:2\_, 19:12\_, 19:24\_,  
 20:3\_, 20:6\_, 20:17, 20:22  
 \_, 20:25\_, 22:4\_, 22:13\_,  
 22:16\_, 23:17\_, 23:22\_,  
 24:2\_, 24:14\_, 24:23\_,  
 25:5\_, 25:9\_, 25:15\_,  
 25:23\_, 26:4\_, 26:13\_,  
 26:18\_, 27:7\_, 27:10\_,  
 27:13

**they've** <sup>[1]</sup> - 10:13  
**Thursday** <sup>[2]</sup> - 21:7\_,  
 21:12  
**timetable** <sup>[3]</sup> - 6:13\_,  
 7:3\_, 21:2  
**timing** <sup>[2]</sup> - 3:7\_, 11:16  
**today** <sup>[7]</sup> - 8:6\_, 13:9\_,  
 14:23\_, 15:8\_, 15:20\_,  
 17:13\_, 21:1

**topic** <sup>[2]</sup> - 15:11\_, 19:3  
**topics** <sup>[2]</sup> - 10:11\_, 10:16  
**town** <sup>[1]</sup> - 4:18  
**transmitting** <sup>[1]</sup> - 6:14  
**travel** <sup>[1]</sup> - 4:2  
**traveling** <sup>[1]</sup> - 4:1  
**trial** <sup>[21]</sup> - 2:21\_, 3:5\_,  
 3:14\_, 4:13\_, 6:15\_, 7:5\_,  
 8:15\_, 10:23\_, 10:24\_,  
 12:19\_, 12:22\_, 13:6\_,  
 17:15\_, 18:7\_, 18:14\_,  
 19:14\_, 19:21\_, 20:5\_,  
 21:2\_, 21:18\_, 24:7  
**trials** <sup>[2]</sup> - 20:8\_, 20:15

**tried** <sup>[1]</sup> - 20:10  
**trying** <sup>[3]</sup> - 4:12\_, 18:2\_,  
 19:20

**Tuesday** <sup>[1]</sup> - 3:25  
**two** <sup>[1]</sup> - 2:21  
**two-week** <sup>[1]</sup> - 2:21  
**type** <sup>[3]</sup> - 18:3\_, 18:4\_,  
 18:5  
**types** <sup>[2]</sup> - 12:9\_, 20:14

---

## U

---

**U.S** <sup>[3]</sup> - 21:17\_, 21:19\_,  
 24:6  
**ultimately** <sup>[3]</sup> - 22:23\_,

22:24\_, 24:23  
**uncomfortable** <sup>[1]</sup> -  
 25:25  
**under** <sup>[1]</sup> - 13:17  
**unilateral** <sup>[1]</sup> - 4:19  
**United** <sup>[4]</sup> - 2:6\_, 23:19\_,  
 23:20  
**unless** <sup>[2]</sup> - 2:2\_, 4:13  
**unobjected** <sup>[1]</sup> - 14:22  
**unobjected-to** <sup>[1]</sup> -  
 14:22  
**unpublished** <sup>[1]</sup> - 25:1  
**up** <sup>[12]</sup> - 4:16\_, 6:6\_, 7:15  
 \_, 8:7\_, 8:18\_, 10:12\_,  
 11:23\_, 13:18\_, 15:1\_,  
 19:11\_, 21:15\_, 24:21

**update** <sup>[2]</sup> - 3:7\_, 26:24  
**updated** <sup>[1]</sup> - 26:14  
**uses** <sup>[1]</sup> - 11:22

---

## V

---

**venire** <sup>[5]</sup> - 6:13\_, 6:14\_,  
 9:7\_, 13:23\_, 22:23  
**verbatim** <sup>[1]</sup> - 23:11  
**version** <sup>[1]</sup> - 8:3  
**victim** <sup>[1]</sup> - 18:3  
**victim's** <sup>[1]</sup> - 18:10  
**view** <sup>[2]</sup> - 6:25\_, 19:14  
**viewed** <sup>[1]</sup> - 9:11  
**visual** <sup>[1]</sup> - 12:25  
**voir** <sup>[15]</sup> - 7:17\_, 7:19\_,  
 7:24\_, 8:5\_, 8:8\_, 8:14\_,  
 8:22\_, 10:8\_, 10:19\_,  
 10:21\_, 11:21\_, 13:16\_,  
 22:7\_, 22:9\_, 23:4

---

## W

---

**wait** <sup>[1]</sup> - 8:7  
**walk** <sup>[1]</sup> - 11:23  
**wants** <sup>[1]</sup> - 22:6  
**warning** <sup>[1]</sup> - 7:14  
**Wednesday** <sup>[2]</sup> - 21:7\_,  
 21:11  
**week** <sup>[6]</sup> - 2:21\_, 2:22\_,  
 3:23\_, 7:6\_, 21:8  
**whereas** <sup>[2]</sup> - 9:25\_,  
 25:6  
**whole** <sup>[1]</sup> - 7:15  
**wire** <sup>[2]</sup> - 26:9\_, 26:14

**wise** <sup>[1]</sup> - 7:10  
**wish** <sup>[2]</sup> - 16:12\_, 27:2  
**witness** <sup>[8]</sup> - 3:11\_, 4:21  
 \_, 5:3\_, 5:11\_, 5:12\_, 9:20  
 \_, 14:1\_, 16:25  
**witness's** <sup>[2]</sup> - 9:11\_,  
 9:12  
**witnesses** <sup>[14]</sup> - 3:11\_,  
 3:12\_, 3:17\_, 3:21\_, 4:1\_,  
 4:2\_, 4:5\_, 4:7\_, 4:16\_,  
 4:18\_, 4:24\_, 5:1\_, 13:22  
 \_, 16:16  
**words** <sup>[3]</sup> - 12:4\_, 14:21  
 \_, 24:15  
**works** <sup>[1]</sup> - 20:23  
**written** <sup>[1]</sup> - 15:19

---

## Y

---

**year** <sup>[1]</sup> - 18:1  
**years** <sup>[1]</sup> - 9:21

---

## Z

---

**Zachary** <sup>[1]</sup> - 2:10  
**zero** <sup>[1]</sup> - 9:13