**IN UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**

**SHERMAN DIVISION**

**DATE:** 12/19/2024

| **DISTRICT JUDGE** | **COURT REPORTER: Chris Bickham** |
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| **Amos L. Mazzant, III** | **COURTROOM DEPUTY: Keary Conrad** |
| United States of America<br><br>v.<br><br>Olamide Olatayo Bello | 4:19-CV-373 |

| **ATTORNEYS FOR GOVERNMENT** | **ATTORNEYS FOR DEFENDANT** |
|---|---|
| Sean Taylor | Pro Se (with standby counsel, Phillip Linder) |

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

| **TIME:** | **MINUTES: Status Conference/Motion(s) hearing** |
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| 1:30 p.m. | Court in session. Court notes appearances. |
| | The Court reviews and questions the defendant regarding his desire to waive jury trial. Court advises of 2 other defendants that have requested a jury trial. Even if the Court allows him to consent it could still be a jury trial because the Court will not separate the defendants. Defendant acknowledges that he understands. |
| | The Court advises the Defendant that he will allow the defendant to waive if no other co defendant goes to trial but defendant is advised that if other defendants proceed the court will go for a jury trial. Case is specially set for trial for 1/13/25. |
| | #287 – motion for hearing – deny as moot – because Defendant has been given a hearing on the issue; and its moot because the magistrate judge has issued a decision on the jurisdictional matter. |
| | #289 – speedy trial – Magistrate Judge Davis addressed in his R & R. Denied because addressed there; and a trial date has been set; the speedy trial act has not been violated in any way in this case. Objections to the R & R can be addressed at that time. |
| | #293 - motion for hearing – frivolous motion – no merit; Court denied. |
| | #294 – emergency pro se motions – denied as moot. |
| | #307 – ex parte relief – denied as moot – The Court has given the defendant a hearing |
| | #308 – strike - The Court is not going to reinstate those motions; motions were not properly filed because of hybrid representation. |

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| | #309 – revoke pretrial release and revocation - After hearing argument from the Defendant and the Government, the Court denies and finds that the defendant violated the conditions of release and his remand to custody was appropriate. |
| | #310 - denied. Defendant may object to findings of magistrate judge. In the Court's view speedy trial has not been violated and the case is specially set. |
| | #311 - motion to dismiss - pretrial cruel punishment. Court hears from Defendant. The Court finds that the Defendant is complaining of conditions at the jial and advises that he needs to pursue the grievance process. The Court will make inquiry with the USM but that is not a basis and not sufficient to dismiss the case. Court denies #311. Court advises defendant to prusue the grievance process.<br>Court hears from standby counsel Phillip Linder regarding printed records provided by the Government. The Court advises that the Court cannot control the jail access to the library. The Court does not dictate the rules to the facility. |
| | #313 - withdraw linder as counsel - Court advises Defendant that Mr. Linder is standby counsel. The Court advises that the Defendant has no right on whether or not he has standby counsel, the Court makes that decision. The Defenant is advised that he does not have to consult with him; but the Court appoints standby counsel. Defendant advises that this issue is resolved. The Court denies #313 as moot. |
| | #314 - denied as moot. |
| | #317 - denied. The issues raised in the R & R the Court will consider. |
| | #319 - denied. |
| | #321 - the Court advises the Defendant that there are limited issues for appeal. Court denies in the sense that it has to be a non-frivilous issue for appeal. Defendant is advised that he can file an IFP request at the end of the case; if the 5th circuit institutes and thinks that they need me to decide if you can proceed IFP; the motion is denied without prejudice. |
| | #322 - denied as moot; if there are no other defendants going to trial the Court will sign an order allowing the defendant to proceed without a jury. The Defendant has signed the consent. The Court will hold until closer to trial. |
| | #323 - frivolous motion; Court has already dealt with this. Court denies motion. |
| | #324 - Court denied. It is up to the facility regarding access to the law library and items provided to the cell of the Defendant. The Court will make an inquiry about the Defendant's access generally but it is not going to be a demand by the Court to allow access. |
| | #328 - Court denied. The Defendant is advised to raise any objections to Judge Davis' R & R. |
| | #329 - Denied. |

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| | #330 - Denied. |
| | #331 - improper joinder - The Court denies. |
| | #332 - Court reviewed the pending indictment and the Government has alleged all the necessary elements for the crime so the Court denies the motion. |
| | #333 - Court denied. The Court finds the pretrial release was properly revoked. |
| | #334 - Court reviewed the pending indictment and the Government has alleged all the necessary elements for the crime so the Court denies the motion. |
| | #335 - Court denied motion. No evidence that exculpatory evidence was destroyed. |
| | #336 - the Government did nothing in violation of the law and there is no basis to dismiss or any kind of delay. Court Denied. |
| | #337 - Court reviewed the pending indictment and the Government has alleged all the necessary elements for the crime so the Court denies the motion. |
| | #338 - Court denied as moot. Defendant received a hearing on all pending motions. |
| | #339 - Court denied. Court will make inquiry to the USM as to what the policies are regarding him getting his medical records but the Court will not order the facility to do anything that violates their policies. |
| | #340 - regarding *pro se* representation. Court denied as moot. The motions were not properly appealed to the District Court. The Defendant is representing himself and has a trial date. There is not a basis for dismissal. |
| | #341 - motion for summary judgment - denied. Not an appropriate motion to file |
| | #342 -Court reviewed the pending indictment and the Government has alleged all the necessary elements for the crime so the Court denies the motion. |
| | #343 - Court denied motion as frivolous. |
| | #345 - Court denied motion as frivolous. |
| | #346 - Court denied as moot. Investigator appointed has reached out to the Defendant. |
| | #349 - Court denied motion as frivolous. |
| | #350 - Court denied motion as frivolous. |

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| | #351 - Court denied as moot. The Government was advised that a copy should be provided to the Defendant in jail. The Court finds that there is no prejudice to the Defendant. The Court finds that there was no harm to the Defendant. |
| | #353, 354 - The Court notes that those motions are being handled by Magistrate Judge Davis. |
| | #355 - Court denied. |
| | #356 - Court denied as moot. |
| | #357 - The Court notes that this motion is being handled by Magistrate Judge Davis. |
| | #358 - Court will grant the motion to strike. The Court will consider the instructions during trial if we have a jury trial. The Court finds that they are irrelevant if there is no jury trial. |
| | #367- Court will take under advisement and the Court will enter an order. |
| | #368 - Bill of Particulars - The indictment is insufficient. The Court denied. |
| | #371 - Fratta right violation |
| | #372 - Court denied the motion. |
| | #373 - Court denied. |
| | #374 - The Court accepts the factual correction. Court grants on the basis of correcting the error made by the Defendant in his pleading. |
| | #375 - Denied. |
| | #382 - repetitive motion - Denied. |
| | #383 - Denied. |
| | #391 - Denied as moot. The Government has indicated that they will provide the defendant a copy in the future. The Court finds that there was no prejudice to the Defendant. |
| | #394 - Denied as moot. |
| | #395 - The Court will wait for Judge Davis' R & R |
| | #396 -Court will grant the motion. The Court will consider the instructions during trial if we have a jury trial. The Court finds that they are irrelevant if there is no jury trial. |

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| | #397 - not a remedy this Court does. |
| | #398 - The Court will wait for Judge Davis' R& R . |
| | #397, 398, 399, #400 are not motions but the Court takes notice of those. |
| | #411 - the Government will respond to that in due course. |
| | #412 - the Government will respond in due course. |
| | #414 - the Government will respond in due course. The Government will respond to the current pending motions that were just filed. |
| | #413 - The Court hears argument from Defendant and the Government. The Court finds that the Defendant violated his conditions of release. Defendant requests to be released to prepare for trial. The Court explains to the Defendant that he is in custody, rightfully so, and that the Court will discuss with the USM with access, but will not change the jail policies. The Court denied. |
| | Court discusses with Defendant his repeated filing of motions. Court advises Defendant that he should begin to prepare for trial and not file continual frivolous motions. |
| 3:16 p.m. | Defendant's standby counsel advises the Court and Defendant that on 12/30 the investigator is taking devices and will meet with the Defendant in the jail so that the Defendant can go through the devices. |
| 3:19 p.m. | Defendant requests the Court reconsider the issue of confinement. |
| 3:20 p.m. | The Court hears from AUSA Taylor regarding the Defendant's access to discovery in the jail and personal identifying information of 3rd parties. The Government requests that the 3rd party information be protected by the documents not being put in the possession of the Defendant. |
| 3:22 p.m. | The Court hears from AUSA Taylor regarding meet and confer obligations regarding the jury instructions. The Court instructs the Government to prepare their jury instructions and the pro se defendant will file his own jury instructions. |
| 3:23 p.m. | Court hears from AUSA Taylor that the Government has filed a notice under 9211 regarding the admissibility of certain records when an affidavit is provided by records custodian. No opposition to the authenticity of the records. A copy was provided to Mr. Bello by hand delivery today and all the affidavits for each record were provided to the Defendant. |
| 3:30 p.m. | Court adjourned. |

DAVID O'TOOLE, CLERK

BY: Keary Conrad

Courtroom Deputy Clerk