IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA	
v.	Case No. 1:23-cr-00026-GLR-1
RYAN E. DALES, Defendant.	

Baltimore, Maryland
October 28, 2024
10:03 a.m.

PRETRIAL CONFERENCE

BEFORE THE HONORABLE CHIEF JUDGE GEORGE LEVI RUSSELL III
Chief United States District Judge

A P P E A R A N C E S

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P R O C E E D I N G S

(Call to order of the Court.)

THE COURTROOM DEPUTY: All rise. The United States District Court for the District of Maryland is now in session, the Honorable Chief Judge George Levi Russell III is now presiding.

THE COURT: All right. You could be seated, everyone.

All right, good morning. Mr. Riley, why don't you call the case.

MR. RILEY: Good morning, Your Honor. Calling the case of United States America v. Ryan E. Dales. That's Criminal No. 23-00026-GLR. Assistant United States Attorneys Paul Riley and Rema Sood on behalf of the government -- with us today are two agents, Special Agent Brian Gorman of the Department of Labor, Office of Inspector General, as well as Special Agent Summer Baugh of the FBI -- here today this morning for a pretrial conference.

THE COURT: All right, very well. Good morning.

Mr. Bardos, it's always a pleasure, sir.

MR. BARDOS: Thank you. You, too, Your Honor.

Richard Bardos on behalf of Ryan Dales, who is present to my left.

THE COURT: All right, Mr. Dales, good morning to you, sir.

THE DEFENDANT: Good morning.

THE COURT: All right. We are here for the purposes of a pretrial conference. I note that there are a couple of motions pending, a motion in limine pending that I believe has been responded to, as well as a motion for reconsideration of the motion to suppress that has not been responded to as of yet. I will await responses before I take into consideration those individual motions.

So we are here for the purposes of the pretrial conference. Will Mr. Barron be joining the trial team?

MR. RILEY: At this time, the answer is yes to your question, Your Honor.

THE COURT: Okay, thank you. Well, I would hope that he would have been here.

MR. RILEY: Yes, Your Honor, understood.

THE COURT: I mean, he's -- and the pretrial conference is a critical portion of this case if he's planning on participating in the trial, and we outline -- and you've had trials with me before; we outline how the case is going to proceed, the expectations for the attorneys, so I --

MR. RILEY: Yes, Your Honor.

THE COURT: -- just ask that you convey that to him --

MR. RILEY: Understood, Your Honor.

THE COURT: -- and what we discuss.

MR. RILEY: Will do, Your Honor.

THE COURT: All right, very good.

Mr. Bardos.

MR. BARDOS: Your Honor, with regard to the motion in limine filed by the government, on the three points that they filed, I'm not objecting to -- I'm not opposing that motion.

THE COURT: Okay.

Okay, fantastic. So I'm going to go ahead and grant that motion in limine as unopposed, so whatever that ECF number is --

MR. RILEY: Thank you, Your Honor.

THE COURT: -- it's fine, and I will await the response to opposition to the motion for reconsideration in due course.

All right. Mr. Bardos, in the event that Mr. Dales wishes to speak to you, or Mr. Dales, you want to speak to Mr. Bardos, just let me know, because I'm going to be doing a lot of speaking, and I'd rather you listen to what's going on up here and not miss anything, because I'm speaking, and you were talking to Mr. Bardos. So if you wish to speak to Mr. Bardos, just let me know, and I will be more than happy to let you speak to him, okay?

THE DEFENDANT: Yes, sir.

THE COURT: Okay, fair enough.

All right. We are here for a pretrial conference. We are currently set for trial, for a trial that is to begin on December 2nd, 2024. The schedule will be 9:30 to 4:30 to 5:00.

I'll expect the lawyers to be here at 9:00 a.m. so that I can ferret out any preliminary matters that may come up among the parties or to bring those -- any matters to your attention so that we're not wasting the jury's time.

The case is set for -- currently set for five to six days. This is the gun case of the two-part case. Wire fraud will be at a later time.

I was getting prepared for the pretrial conference, and Mr. Riley, do you anticipate the gun portion to be five to six days?

MR. RILEY: No, no, Your Honor, and in fleshing out our witnesses and the proof, I think it's quite possible the government -- depending on what counsel does and any defense case and things like that, I think it's quite likely, certain, perhaps, that this trial will be done by Wednesday-Thursday the week of December 2nd. The government could be in a position to rest on Wednesday, the 4th of that week.

THE COURT: Okay, all right. So -- right, I didn't expect it to be that long.

Now, with regard to summonsing jurors, I had a trial that was set for the first part of January, specifically, January 13th. I could do the second trial January 13th, because it's going to be cumbersome to end up summonsing jurors that I don't know what day they're going to be coming, because I don't know what day that the government's going to be resting, and I

don't know -- it's hard for me to judge when -- you know, exact- -- with precision what's happening, so ...

MR. RILEY: Your Honor, I guess I would say, in talking to Counsel about this and talking internally, if the Court is open to doing the trials back to back, we've been planning to do it that way. Of course, we defer to the Court in terms of scheduling and understand the logistical concerns with respect to summonsing folks, but I think if Your Honor were to have folks come on December 9th, so one week after the December 2 date, I think that would -- that certainly works for the government; we would be prepared proceed in due course.

But we have been lining up our witnesses testifying in the fraud and ID theft case, but ultimately, we defer to the Court in terms of scheduling. If Your Honor wants to do it the week of January 13th, the government can certainly do that.

THE COURT: Yeah, and I'm glad we're doing this well in advance as well.

Mr. Bardos, what's your schedule like on the 13th?

MR. BARDOS: You mean for January, Your Honor?

THE COURT: Yeah.

MR. BARDOS: Well, along with Mr. Riley, I had booked December 9th, but I believe I'm open January 13th.

THE COURT: Okay.

MR. BARDOS: Also, the Court referred to the first trial as the gun case; it's the guns and --

THE COURT: Guns and drugs.

MR. BARDOS: Okay.

THE COURT: Correct, correct.

MR. BARDOS: I thought it was three trials -- well, I did want three trials, but I don't anymore in light of the Court's ruling.

THE COURT: Okay. So what we'll do is, we'll do the guns and the narcotics trial beginning on December 2nd. And again, I was just like, I don't see this lasting seven days, but then, summonsing jurors with deliberations taking place and the fact that I have a trial that fell out, if Counsel are available, then we can do the fraud case, if necessary, the week of January 13th and anticipate the week of January 13th -- and then, I think there's a holiday somewhere in there, but -- you know, one or two days after that. So that way, we can get jurors summonsed for that day and we're not worried about that.

So as far as discovery is concerned -- and we'll just make sure Nadine's aware of that, and we'll send out -- and we'll get come-ups and all of that taken care of as well.

MR. RILEY: Yes, Your Honor.

THE COURT: As far as discovery's concerned, everything's been turned over, Jencks, Brady, et cetera.

MR. RILEY: Jencks has not been turned over, Your Honor.

THE COURT: Okay.

MR. RILEY: I thought this might come up today. The government can be prepared -- or the government will -- the government will comply with whatever deadline Your Honor sets, but -- I mean, the government would propose two weeks before trial with disclosure of any Jencks material.

THE COURT: Okay. Mr. Bardos, is that okay with you, especially for the gun and drugs case?

MR. BARDOS: Yes, Your Honor.

THE COURT: Okay.

MR. RILEY: And with respect to -- I mean, Brady -- obviously, Brady -- to the extent there is any Brady material, Your Honor, it's been disclosed to Defendant. Discovery is substantially complete.

Your Honor, I will note -- and we're going to respond to the motion for reconsideration in due course. There was a suggestion that there was, you know, a document that should have been in discovery that was not in discovery by Counsel --

THE COURT: Then I may have misspoken when I issued my ruling with regard to the relationship that -- the establishment of probable cause based upon a secondary fraud claim that was not in existence at the time of the first application, so I may have mis- -- I'll have to look at the transcript and give the response. I don't know how that impacts Leon and the good faith exception, et cetera, or -- but I will wait to hear from you.

MR. RILEY: Yes, Your Honor. And I believe that the

deadline for our response is on Wednesday of this week. We are -- intend to file a response that day.

THE COURT: Okay.

MR. RILEY: With respect to discovery, there was an allegation or suggestion that a document was not disclosed by the government that should have been disclosed. That document was disclosed in our second production in this case, nearly two years ago. Counsel did correct his assertion, previous assertion to the Court, and I provided the document -- as soon as I saw that, the government saw that, we provided that document again to defense counsel.

I will say, Your Honor, that in the lead-up to trial, inevitably, the government takes certain additional investigative steps; perhaps we discover additional instances of fraud, additional evidence that might help us. As that's been happening, Your Honor, the government has been making additional subsequent disclosures. As soon as we have discoverable documents, we promptly disclose them to the defense.

So to answer Your Honor's question directly, it's -- so discovery is substantially complete, and to the extent we come on to new discoverable documents, we promptly disclose them to defense.

THE COURT: Okay, thank you.

Any comment from you, Mr. Bardos?

MR. BARDOS: No, Your Honor. Thank you.

THE COURT: All right. I have had the opportunity to review the voir dire. As is typically my practice, I gave you a bullet-point sort of checklist which outlines the various voir dire questions which will be asked. I will -- for Mr. Dales' benefit, I am going to go through each and every question or summarize each and every question that will be asked of the prospective jury panel and provide Mr. Dales with an outline of what he can expect related to the jury selection in the case.

I did receive the instructions. I have not reviewed the instructions yet; I will probably wait for a charging conference, maybe the day before the conclusion of the testimony, to review that with the lawyers.

Any objections should be limited to two- or three-word objections; hearsay, asked and answered, speculation, foundation, et cetera. In the event Counsel believes that they wish to make an additional record, they would just simply ask to approach, and we can do so under the cover of the noise button.

Any witness issues, Mr. Riley, as to the gun and drug case, witness availability issue, need to take witnesses out of turn, et cetera?

MR. RILEY: No, Your Honor. The vast majority of the government's witnesses are government-controlled witnesses, agents, et cetera. I will note, there's a heavy load of folks who will be testifying as experts as well, and the government

has made all of its expert disclosures, except for one, which we anticipate making this week for the defense.

THE COURT: Okay, very well. Thank you.

Any special needs from the government or defendant, special needs being, somebody's got some back problems, you take medication, you know, any other needs that you believe that I should be aware of?

MR. RILEY: Not that I'm aware of at this time, Your Honor.

THE COURT: Okay, thank you.

Mr. Bardos?

MR. BARDOS: None from the defense, thank you.

THE COURT: Okay. Any -- you both are very familiar with how the equipment is used. In the event that you need any assistance or tutorials related to equipment use, just simply contact the Clerk's Office.

Any issues that the Court needs to be aware of or the Marshals Service needs to be aware of regarding security?

MR. RILEY: No, Your Honor. And I will note, this case does involve drugs, firearms, and we'll be taking the appropriate precautions with respect to those items and will consult with the Marshals Service with respect to making firearms safe and so on.

THE COURT: All right. Any -- and to the extent that the parties reached an agreement regarding stipulations of the

genuineness and authenticity of certain documents or evidence and reports, just simply engage in those stipulations; otherwise, the custodian of records or whoever -- the appropriate person should be subpoenaed to testify.

We've already discussed the motions and pending motions. We will likely address those in due course, potentially at an additional pretrial conference prior to the January 13 trial.

So at this point in time, I'm going to go through with Counsel the joint proposed voir dire for Mr. Dales' benefit.

Mr. Dales, what will happen, members of the public who have been summonsed to this court for the purposes of being a possible juror in your case will be brought into this courtroom and lined up in the back of the jury room in the gallery. They'll be lined up in numerical order. The first thing we'll do will be, the courtroom deputy will swear in the individual panel members -- well, no, the first thing we'll do is take a roll call of the individual jurors, and they're going to identify themselves by their number only. They're going to stand, and "Raise your right hand," and say, "Here."

Next, the courtroom deputy will end up swearing in the panel collectively as a group, and I'm going to begin, after I introduce myself, to provide them with information related to the individual case so that they can be selected for jury service here. And you would have the opportunity to scrutinize

those jurors to make sure that they are suitable jurors in your case and in your trial.

The fact that I'm questioning them as a group doesn't lessen their obligations to accurately and truthfully make known the answers in response to the questions that I'm going to ask. If their answer is yes to any of the individual questions, they're going to stand up and say, "Yes," giving their juror number only.

At the second portion of the jury selection, under the cover of the noise button (indicating), they're going to respond up here, in front of me, providing additional details regarding their affirmative responses that they've already given. You will have the opportunity hear those responses through an earpiece. If for some reason, that earpiece stops working, I need you to sort of raise your hand to get your attention -- get the attention of the courtroom deputy, and he will make sure that you get another one that's charged and ready. And of course, I will stop speaking in the event that your earpiece stops working.

The number of questions that I'm going to ask in the case -- for example, "The case now under consideration is the United States of America v. Ryan Dales. As noted, Mr. Dales is charged with felon in possession of a firearm, possession with intent to distribute fentanyl, and possession of a firearm in furtherance of a drug-trafficking offense, as corresponding with

bullet No. 1 on the sheet that I just gave you. Other than what I told you, do you know anything at all about this case, either through your own personal knowledge, through media reports or social media or discussion with anyone else? If so, please stand." And then I will say something if no one stands up; "Let the record reflect there is no response."

Then, I'm going to next ask them whether or not they know you, and so I'm going to ask that you stand up and face the prospective members of the jury, and I will ask them, "Does anyone know the defendant, have any business or personal relationships either in the past or the present with the defendant? If so, please stand." Then I'll invite you have to a seat again. If no one knows you, I'll say, "Let the record reflect, there's no response.

Then, next, I will ask Mr. Bardos to stand up. He will remove his mask and show his face to the members of the jury, prospective members of the jury, and ask them the same questions. I'll go through that with the United States and the federal prosecutors, Mr. Riley and Ms. Sood, and Mr. Barron if he is here.

And then, I will introduce myself, and I'll say, "Does anyone know me or anyone else on my judicial staff? That corresponds with bullet point No. 5."

Then, we talk about witnesses. And I'll probably need the agents as well --

MR. RILEY: Yes, Your Honor.

THE COURT: -- if they're going to be here.

MR. RILEY: Your Honor, the government was planning to include a -- sort of a little more broader than simply a witness list. If there was a chance that a witness' name might be mentioned, we were going to include them on the list.

THE COURT: That's fine.

MR. RILEY: Thank you, Your Honor.

THE COURT: That's fine.

Then, "The next one corresponds with bullet No. 6. The following persons may be called as witnesses or mentioned in this matter. Please pay attention to their names; it's necessary that we are aware if you know any of them." Then I'll read off those witnesses. "Does anyone recognize or know any of these individuals? If so, please stand. That corresponds with bullet point No. 6."

Then, "Bullet point 7. Look around at the other members of the jury pool. Does anyone know a member of the panel or know -- does any member of the panel know any other member of the panel? If so, please stand."

Now, I'll go through each one of the questions in individual voir dire that corresponds to the bullet points. If someone asks me or affirmatively says, "Yes, I am aware of the case," or, "I know Mr. Bardos," or, "I know Mr. Riley," or "I know Ms. Sood," or "I know" any of the agents, when they come up

here, I will ask how they know them and whether or not their knowledge of them would affect their ability to be fair and impartial. And I will do that for each one of the affirmative questions that are asked.

If for some reason -- and we'll get to this. There's a question, "Have you ever been a victim of a crime?" If a person affirmatively responds to that particular question, I ask them, "Well, what crime were you the victim of?" And then they might say -- and then I'll ask them, "Well, were the perpetrators ever caught?" "Do you believe that the criminal justice system treated them fairly or treated you fairly?"

And then I will ask, as a conclusion, "Is there anything about that incident that will prevent you from being fair and impartial to the parties in the case?" And if the answer is no, that's fine; I'll ask -- if the answer is, "Yes," then I may end up having them elaborate on that further, but if the answer is "Yes," it very well could be that their responses created a circumstance where it's fairly clear that they should be struck for cause.

If that's the case in my mind, before we move on to any other questions in the voir dire, I'll just ask Counsel, "Counsel, do you have any questions?" "Do you have any questions?" And if the answer by both lawyers is, "No," then it seems as though we're all on the same page that the juror will be struck for cause, and I will invite the juror to sit back

down.

And then I will entertain what I presume to be an unopposed or joint motion to strike for cause, which I will end up granting, because it seems to me it doesn't make sense to go through all of the other individual voir dire questions if indeed, the witness has responded in a manner which clearly would affect the witness' bias or impartiality in the matter.

The next question will be question bullet point 8. That's whether or not you or a family member have been employed by or in connection with any law enforcement agency.

The next question is, employed by the Public Defender's Office, a federal, private criminal defense lawyer or other entity that provides service with the person convicted of a crime.

The next question deals with if you or an immediate family has ever been connected with a court or court-related agency.

The next question, 11, is whether or not any person has been employed in the Courthouse.

Next question, 12, will be, "is employed with or had a dispute with or legal dealings with the FBI or other federal agency that I mentioned."

13 is favorable or unfavorable opinions of law enforcement officers or any other police department or law enforcement agency.

14 are strong feelings that they might have about drugs or narcotics that would affect their ability to be fair and impartial.

15, for example, you might get a juror that says, "Yeah, I've got strong feelings, I have a cousin who overdosed on heroin," and, "Do you have such strong feelings that you don't believe you could be fair and impartial?" "Yeah, I can't a stand heroin and fentanyl." And that would, to me, be -- that response would prompt an inquiry to the two of you to say, "Do you have any questions?" "Do you have any questions?" And if the answer to that is no, then I would strike that particular juror for cause.

If it's a closer question, however, "Well, I'm not sure," then I would default to a question of, "Well, let me ask you this; are you capable of listening to the evidence and making a decision exclusively on the evidence whether or not the government has proven its case beyond a reasonable doubt? If the government has done so, you must find the defendant guilty; if the government hasn't done so, you must find the defendant not guilty. Are you capable of doing that?" And if they still say, "Hey, I'm not certain," then that also is a ground to strike them for cause." If for some reason they say, "Oh, okay, I can do that," then maybe not, and I would still entertain the balance of the voir dire questions that I've asked of them.

Question 15 talks about members of your -- their

immediate family; "Have you or a member of your immediate family been a victim of a crime, charged with a crime, accused of a crime, or arrested, as well as being a witness to a crime."

Mr. Riley, I took out -- and Mr. Bardos, I took out -- you don't have to get up for this. I took out question E, Has anybody -- "Has any member of the jury panel or any member of your immediate family ever been a witness to a crime?" I found that to be too vague, and -- because you see things going on all the time, but really, the focus is on whether or not you were a state's witness or a defense witness in a case in a trial.

No objection to that modification, Mr. Riley?

MR. RILEY: No, Your Honor.

THE COURT: Mr. Bardos?

MR. BARDOS: No, Your Honor.

THE COURT: 16 is whether or not -- it relates to individuals who have legal education or work for a law firm, or secretary, or private investigator.

17 is whether or not anyone has been a party to a criminal or civil case pending in this or any other federal or state court.

"Has any-" -- 18, whether or not they -- and I combined 18 and -- I'm sorry, I combined 20 and - 21 and 22, because I say, "whether or not you've been on a petit jury or 12-person jury or a grand juror." I will typically ask, if the answer is yes to any of those, "What kind of case was the

12-person jury, and how did you vote, how long ago was it, is there anything about that case that would affect your ability to be fair and impartial," et cetera.

Question 19 talks about legal disputes with the federal, state, or local government or an agency of that government, including the IRS, FBI, or Baltimore County Police Department.

20 deals with negative experiences with or negative feelings towards or have reservations or opinions about prosecutors or the U.S. Department of Justice -- and I just combined them -- or criminal defense lawyers or people they hire. So I've combined 24 and 25.

Bullet point 21 relates to the number of witnesses that -- "During a trial, a number of witnesses called by the government may be state or federal law enforcement officers; would you be inclined to give more our less weight to them just simply because they're law enforcement or police officers?"

I combined 27 and 28 to say, "more or less weight to the testimony of a witness called by the prosecution or the defense?" That's bullet point 22.

Bullet point 23 talks about, "Are you part of an advocacy group in our criminal justice system or -- that advocates for change to the sentencing guidelines of the criminal justice system? So that's bullet point 23.

24, any reservations concerning the administration of

the criminal justice in the courts that would prevent you from bringing a fair and impartial verdict.

25 talks about individuals unwilling to follow my instructions on the law even though they would disagree with them.

26 talks about not doing any internet research and their ability to obey an order regarding -- prohibiting them from engaging in internet research.

27 instructs them or questions them on whether or not they understand the concept of presumption of innocence, and just because a defendant is charged or arrested with a crime does not make him guilty.

28 deals with the presumption of innocence and the burden of proof beyond a reasonable doubt and any problems applying that standard.

30 deals with penalties and not considering the possible punishment in the event that they are convicted and whether or not there's any prospective juror that can -- is unable to put aside consideration of punishment.

31 deals with any philosophical, religious, or any other matter, fact, or thing that would prevent them from being impartial.

32 is, do they have any biases based upon race, sex, or age or any other characteristics that would prevent them from rendering a fair and impartial verdict in the case.

33, I combined 33 and 40 -- with 39, 40, and 41, talking about, does anyone have -- on the panel have physical or mental -- have any physical or mental impairment or medical condition of your vision, hearing, or caused by medication or language problems that would affect your ability to render a fair and impartial verdict in this case.

No objections to that modification?

MR. RILEY: Not from the government, Your Honor.

MR. BARDOS: No, Your Honor. Thank you.

THE COURT: Let's see. 34 would be the schedule. I thought your 43 was duplicative. I think we've caught everything.

Your 43 reads, "Does anyone on the panel have any personal, family, or other considerations that would make it difficult to serve as a juror for the full length of the trial?"

Any objection to excising that question?

MR. RILEY: No, Your Honor.

THE COURT: Mr. Bardos?

MR. BARDOS: No, Your Honor.

THE COURT: All right. Your No. 44, my number 34 talks about the schedule in the case. I think 45 is duplicative. Do Counsel agree?

MR. RILEY: Yes, Your Honor, I think it would be captured in other questions that talk about --

THE COURT: Yeah.

The same with you, Mr. Bardos?

MR. BARDOS: Yes.

THE COURT: All right.

I think 46 is duplicative as well. I think I've talked about any other matter, fact, or thing and everything else.

All right. 35 is our citizenship. I just added, "under the age of 18." I doubt we're going to have anybody under the age of 18 in our prospective jury panel that is either not a United States citizen under the age of 18, not a resident of the State of Maryland, and we've already dealt with, "cannot comprehend or understand the English language."

Okay. So that's the way that will end up -- the voir dire will end up proceeding.

Questions?

MR. RILEY: Not from the government.

MR. BARDOS: No, thank you.

THE COURT: In the event that there is a pretrial resolution of this case, I urge counsel to get in touch with me or get in touch with Chambers as soon as possible so that I can free up the court space as well as end the summonses of the jurors.

So right now, we're going to put in a panel for the 13th of January, and that's going to be for about five days, six days.

All right. Is there anything else?

MR. RILEY: Briefly, Your Honor. With respect to presentation at trial, does Your Honor intend to use the juror's systems, the juror electronic -- juror evidence review system?

THE COURT: I do.

MR. RILEY: Okay. Well, the government will coordinate further with Mr. Carrick on that, given the exhibits and the form that they need to be in.

The other question for the Court, Your Honor, concerns copies of materials. The government's happy to provide the Court as many binders as the Court wants.

THE COURT: I only need one set.

MR. RILEY: Understood. Thank you, Your Honor.

And the government does intend to provide our trial exhibits to defense counsel electronically as well, and we'll do that via the file share system on the deadline set by the Court. And with respect to that deadline, Your Honor, the government asked the Court for two additional weeks to provide trial exhibits to Counsel, and Your Honor granted that time request.

THE COURT: Right.

MR. RILEY: Given that the fraud case is now going to be on January 13, the government would ask for permission to provide the exhibits for that fraud case two to three weeks before that January 13 date.

THE COURT: Okay. That falls in like the middle of

the holiday. I mean -- you know, so Mr. Bardos getting dumped on with exhibits before the holidays.

MR. RILEY: Well, three weeks before the trial date, Your Honor, if that's acceptable to the Court?

THE COURT: Mr. Bardos?

MR. BARDOS: That's fine, Your Honor.

THE COURT: All right.

MR. RILEY: Thank you, Your Honor.

THE COURT: All right, fantastic.

Mr. Bardos?

MR. BARDOS: So Judge, the only issue I want to raise -- and I know it's premature, because you said, we're going to do a charge conference later, but I want to be clear for opening statement.

So one of the charges is felon in possession, and we are going -- I have to talk -- confirm this with Mr. Dales, but I expect we are going to stipulate that he had a prior felony conviction, he was not eligible, and that he knew that.

I would ask that that be the extent -- and whatever the sentence was but not the specific type of crime. And Mr. Riley and I have started talking about that.

THE COURT: That makes sense.

MR. BARDOS: But I just wanted to let -- bring that to your attention, because that's the only issue I really have. I have some other issues with instructions, but for that, I didn't

want the government standing up in opening statements, saying, by the way, he was convicted of this, prior.

So that's the only issue I wanted to raise.

THE COURT: Right.

Mr. Riley?

MR. RILEY: We'll confer with Counsel on this. I think under Old Chief, the government is required to do it. If the defense wants us to do it with respect to a prior conviction, the government's required to -- a stipulation shouldn't be an issue in this case.

The Government will research the specific point of whether the type of conviction itself can or should be mentioned in the stipulation or whether it can be mentioned by the government, and we'll confer with Mr. Bardos on it. And if we have a dispute, we'll bring it up with the Court promptly.

THE COURT: Yeah, I'm inclined to not bring up the precise conviction, especially in light of the stipulation so the defendant is not necessarily prejudiced by the type of conviction that created --

MR. RILEY: Say no more, Your Honor; understood.

THE COURT: Okay, very good.

Anything else, Mr. Bardos?

MR. BARDOS: No, thank you, Judge.

THE COURT: All right, thank you very much. Take care.

THE COURTROOM DEPUTY: All rise. This Honorable Court stands in recess.

(The proceedings were recessed at 10:38 a.m.)

CERTIFICATE OF OFFICIAL REPORTER

I, Patricia Klepp, Registered Merit Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 21st day of November, 2024.

/s/

PATRICIA KLEPP, RMR
Official Court Reporter