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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

17 Cr. 548 (JMF)

5 JOSHUA ADAM SCHULTE,

6 Defendant.

Voir Dire

7
8 New York, N.Y.
9 June 13, 2022
10:45 a.m.

10 Before:

11 HON. JESSE M. FURMAN,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

15 United States Attorney for the
16 Southern District of New York

BY: DAVID W. DENTON JR.

MICHAEL D. LOCKARD

17 Assistant United States Attorneys

18
19 JOSHUA A. SCHULTE, Defendant *Pro Se*

20 SABRINA P. SHROFF

21 DEBORAH A. COLSON

Standby Attorneys for Defendant

22 Also Present: Charlotte Cooper, Paralegal Specialist

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1 (Prospective jurors present)

2 THE COURT: All right. Good morning, ladies and
3 gentlemen. I'm actually going to remove my mask. The current
4 rules, which I will get to in a moment, permit me to unmask as
5 long as there is no one unmasked in the vicinity of the bench.
6 So on the theory that you'd prefer to see me talk without my
7 mask, and I would very much prefer to talk without it, I am
8 going to proceed that way.

9 Welcome to the United States District Court for the
10 Southern District of New York. My name is Jesse Furman, and I
11 am the judge in this matter.

12 Let me start by thanking you all for being here. Jury
13 service is one of the most important, indeed, one of the only
14 duties of citizenship in this country, and our system of
15 justice depends on folks like you who are willing to meet their
16 civic responsibilities and show up when summoned. And so while
17 I know that this may well not be the most convenient time for
18 you to be here and this may not be the place you would most
19 like to be today, I thank you. Your presence is important --
20 indeed, critical -- and we are all grateful for you being here.

21 Your commitment is especially significant and
22 noteworthy in light of the still ongoing COVID-19 Pandemic.
23 The court has been in continuous operation for over 230 years,
24 through several wars, the flu Pandemic of 1918, the Great
25 Depression, the attack of September 11, 2001, to name just a

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1 few crises. And as it did through those crises, the court has
2 continued to operate through the present pandemic, thanks to
3 the tireless efforts of the court staff, some of whom have
4 helped you here this morning.

5 That is because the wheels of justice must continue to
6 turn. Jury trials are an essential part of that wheel, and
7 they can happen only if people like you show up to do your
8 civic duty. So I'm profoundly grateful for your service during
9 these challenging times.

10 Following the regular advice of medical experts, we
11 have adopted various COVID-19 protocols that have enabled us to
12 safely conduct trials throughout most of the pandemic. Indeed,
13 since September 2020, the court has safely conducted, I think,
14 close to 150 jury trials, including through the various
15 variants and surges, and the like.

16 We have taken, and will continue to take, every
17 appropriate precaution to ensure your safety. For example,
18 people entering the building must complete an electronic
19 questionnaire, and everyone -- except, as I noted, me, when
20 everyone else is masked in the vicinity as well as the witness
21 and person questioning the witness -- is required to and will
22 wear an n95, KN95, or KF94 mask at all times.

23 In short, we have endeavored to think through every
24 relevant detail, and our Covid protocols have proven effective
25 in dozens of trials -- really, over a hundred trials -- over

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1 the last 20-some-odd months. I appreciate your compliance with
2 these protocols today, and I thank those of you who are
3 selected as jurors for your continuing compliance throughout
4 the case. It is part of what has enabled us to keep the system
5 going and keep those who are selected as jurors and the
6 participants in trials safe throughout the process.

7 As you entered this courtroom, you should have
8 received a written questionnaire. I think you should also have
9 a pen or pencil. If you don't, I will make sure you get one in
10 short order. In fact, if you could raise your hand if you need
11 a pen or a pencil, at this time I'll have those handed out.
12 Keep your hands up prominently, and my law clerks will come by
13 and hand you a pen or a pencil.

14 While that is happening, let me just underscore don't
15 yet read the written questionnaire or write anything on the
16 questionnaire. I will give you some preliminary instructions
17 first, and I want you to listen carefully to those before we go
18 through the questionnaire. So for the moment, just please
19 listen carefully. Keep your hands up prominently if you need a
20 pen or a pencil so that my staff can find you and get you one,
21 please.

22 Anyone else? Hands up.

23 All right. Again, for the moment, please listen
24 carefully. Don't yet look at the questionnaire, and definitely
25 don't write anything on the questionnaire.

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1 We are here to select a jury to try a criminal case
2 titled United States v. Joshua Adam Schulte. This trial is
3 likely to last up to five or six weeks at most. So it should
4 end no later than the middle or end of July. It could end
5 sooner than that; these things are hard to predict. And just
6 so you know, we will not be sitting on the federal holidays of
7 June 20th or July 4th. Nor will we be sitting next Wednesday
8 and Thursday, June 22nd and 23rd.

9 Our purpose, as I'm sure you understand, is to make
10 sure that we have a jury of citizens who will try the issues in
11 this case both fairly and impartially and without any bias or
12 prejudice in favor of or against either side and who will
13 decide the case based only on the evidence that is presented in
14 court during the trial. In order to do that, I'm going to ask
15 certain questions of you today -- questions about your personal
16 backgrounds, your families, some of your beliefs and attitudes
17 about certain matters, how you are employed, and so forth.

18 You should understand that my questioning is not
19 intended to pry into your lives but to make sure that we select
20 fair and impartial jurors who can listen to the evidence with
21 an open mind and decide the issues in the case based only on
22 the sworn testimony given in the courtroom, on whatever
23 exhibits may be received in evidence, and on my instructions as
24 to the law. The selection of such a jury is our sole goal at
25 this point in the case.

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1 From your answers to my questions, I will be able to
2 determine whether you should be excused for cause -- that is,
3 for a good reason. Your answers will also allow the parties to
4 make intelligent use of what are known as peremptory
5 challenges. Peremptory challenges give each party the right to
6 excuse a certain number of jurors without giving any reason for
7 doing so.

8 If you are excused as a juror in this case, you'll
9 return your questionnaire to my staff. I don't know if we're
10 using jury cards.

11 Are we using jury cards?

12 THE DEPUTY CLERK: We have them.

13 THE COURT: OK.

14 You'll get your jury card from Mr. Lee, who is serving
15 as courtroom deputy here today, and you'll go back down to the
16 jury assembly room on the first floor from whence you just came
17 and report there for further instructions, where you may well
18 be sent to another case to go through the jury selection
19 process again. And for all I know, that case will be even
20 longer than this one, so be forewarned about that possibility.

21 If you are excused, do not consider that to be a
22 reflection on you personally. This is all part of our system
23 of justice, which is intended to provide all parties with a
24 fair and impartial jury, and you will have done your duty by
25 your presence and your readiness to serve if chosen.

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1 My questions to you and your answers to them are not
2 evidence in this case, and you should not regard them as having
3 any bearing in this case.

4 Even though what you and I say here is not evidence,
5 it is very important that you, in responding to my questions,
6 not say openly anything about the parties in this case, the
7 issues in this case, or about any other matter that might
8 affect the open-mindedness and fairness of the other jurors.
9 If there are any matters that you feel should be disclosed to
10 me that might influence the other jurors or any matters of a
11 sensitive nature, please ask to approach the bench and discuss
12 them at the sidebar here with me and the parties in the case.

13 As I said, this is a criminal case. The charges
14 against the defendant are set forth in an indictment. An
15 indictment is a formal method of accusing a defendant of a
16 crime. It is not evidence of any crime. It is merely states
17 what crimes the government intends to prove at trial. It is
18 the government's burden to establish a defendant's guilt beyond
19 a reasonable doubt. I will instruct the jury on what that
20 burden of proof means after the evidence is presented.

21 The defendant, Mr. Schulte, has pleaded not guilty to
22 the charges in the indictment; that is, he has denied the
23 charges made by the government. The accusations and the
24 defendant's denial of those accusations raise issues of fact
25 that must be decided by a jury on the basis of evidence that

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1 will be presented in court. Unless and until the government
2 proves the defendant's guilt by competent evidence beyond a
3 reasonable doubt, the defendant is presumed to be innocent of
4 the charges contained in the indictment. Again, the defendant
5 is presumed to be innocent of all charges in the indictment.

6 Before we proceed any further, let me give you a brief
7 summary of the case so that you have some sense of what it is
8 about as we go through the jury selection process. However, as
9 I told you a moment ago, nothing that I say is evidence. This
10 is merely to assist as we select the jury, but nothing that I
11 say is evidence.

12 Joshua Schulte is the defendant in this case. The
13 indictment charges Mr. Schulte with nine crimes, or counts.
14 First, Mr. Schulte, who was previously employed by the Central
15 Intelligence Agency, or CIA, is charged in several counts with
16 unlawfully taking national defense information from CIA
17 computers and leaking that information to an organization
18 called WikiLeaks. In connection with the allegedly unlawful
19 disclosure of that national defense information, Mr. Schulte is
20 also charged with accessing CIA computers without authorization
21 and using computer commands to hide and delete evidence. The
22 information Mr. Schulte is alleged to have leaked was posted
23 online by WikiLeaks under the names of Vault 7 and Vault 8
24 between March and November 2017 after Mr. Schulte had left the
25 CIA.

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1 Mr. Schulte is also charged with one count of
2 obstruction of justice for allegedly making false statements to
3 the FBI during its investigation of the leak of the information
4 disclosed by WikiLeaks. And finally, Mr. Schulte is separately
5 charged with two counts of disclosing or attempting to disclose
6 documents containing national defense information between July
7 and October of 2018.

8 As I've told you, Mr. Schulte denies these
9 allegations, and he has pleaded not guilty to these charges.
10 And again, keep in mind that the indictment is not evidence.
11 It merely contains formal accusations. The government at all
12 times has the burden of producing evidence sufficient to prove
13 Mr. Schulte's guilt beyond a reasonable doubt. And Mr. Schulte
14 is at all times presumed innocent unless and until the
15 government carries that burden.

16 Before I ask you specific questions, let me explain a
17 few basic rules that must guide all of us during this trial.

18 The function of the jury is to decide questions of
19 fact. You who are chosen as jurors will be the only judges of
20 the facts, and nothing that the Court -- that is, me -- or the
21 parties say or do may in any way intrude on your role as the
22 exclusive fact finders based only on the evidence presented.
23 When it comes to the law, as distinguished from the facts,
24 however, you must take your instructions from the Court -- that
25 is, from me -- and you are bound by those instructions. You

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1 may not substitute your own ideas of what the law is or what
2 you think it should be. At the conclusion of the case, your
3 job will be to determine whether the government has proved the
4 defendant's guilt beyond a reasonable doubt. During the course
5 of trial, you will receive all the evidence you properly may
6 consider to decide the case. Because of this, unless and until
7 you are excused as a juror, you may not and you should not --
8 you must not -- attempt to gather any information on your own
9 relating to the case. Do not engage in any outside reading on
10 this case. Do not attempt to visit any places mentioned in the
11 case. Do not use the internet, including Google, Facebook,
12 Twitter, any search engine or any social media to learn
13 anything about this case or about anyone involved in the case.
14 Do not do any research of any nature or talk to anyone about
15 the facts of the case or anyone involved in it.

16 These rules apply from this moment until you are
17 excused as a jury. So if you have breaks today, as I
18 anticipate there will be, do not talk to anyone about the case.
19 Do not do any research about the case. Don't do anything that
20 I just said you may not do.

21 The reason for these rules, as I'm certain you
22 understand, is that your decision in this case must be based
23 solely on the evidence presented at the trial.

24 Before we turn to the questionnaire, let me briefly
25 tell you about the schedule, although I will return to the

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1 topic later with the jurors who are selected.

2 I have chosen to follow a growing trend in this
3 courthouse by keeping shorter, more compact trial days. Once
4 we have selected a jury -- so hopefully beginning tomorrow, but
5 until we have selected a jury, this will not apply -- we will
6 generally start testimony promptly at or right after 9 a.m. in
7 the morning, and we will end each day by 3 p.m. at the latest,
8 with one, and usually only one, half-hour break in the middle
9 of the day. That said, once we get to the parties' closing
10 arguments, my instructions and your deliberations -- that is,
11 at the conclusion of the case -- I will ask you to sit longer
12 hours, but that will not be for several weeks.

13 I keep that schedule in part because it allows you to
14 take care of what you need to take care of in the afternoon: to
15 pick up your kids from school if you need to, to go to your
16 office, to do work, whatever. It also allows the parties and
17 me to take care of legal issues when you are not here so that
18 the trial can be completed more quickly. And so long as we
19 keep to that schedule -- and as you will see, I will do my part
20 to make sure that we do -- we will get as much trial time each
21 day as if we sat a longer day with more breaks during the day.

22 In just a moment, I will start to go through the
23 questionnaire and I'll explain how we will do that, but before
24 we proceed any further, I will ask you to please rise and raise
25 your right hands so that we can administer the oath to you at

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1 this time.

2 (Prospective jurors sworn)

3 THE DEPUTY CLERK: Please be seated.

4 THE COURT: All right.

5 Having been sworn, you're now under oath and must make
6 sure that your answers are truthful and accurate.

7 With that, I will ask Mr. Lee -- Mr. Lee is going to
8 call the names of 36 people based on a computer-generated
9 randomized list. As your name is called, if you're one of the
10 first 18 names that are called, I'm going to ask you to get up
11 from wherever you're seated and make your way to the jury box
12 here. The first name, juror No. 1, will sit in the seat
13 closest to me in the front row; juror No. 2 in the seat next to
14 that seat, so on, down the first row until juror No. 6. And
15 then juror No. 7 will be in the second row, the seat closest to
16 me, and we'll continue until the jury box is filled.

17 Once the jury box has been filled, the next 18 names
18 I'm going to ask to sit in the front rows -- so the folks in
19 really the first and second rows will end up having to move,
20 but you can stay where you are for the moment -- beginning from
21 the left side of the courtroom proceeding down the first row
22 and then the same for the second. So bottom line, listen
23 carefully. If your name is called, and particularly if your
24 name is in the first 18, please get up, take your belongings,
25 take your questionnaire and make your way to the appropriate

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1 seat.

2 Mr. Lee.

3 THE DEPUTY CLERK: Fredelino Castro Jr., please take
4 the first seat in the first row of the jury box.

5 Mariana Pérez, please take the second seat in the
6 first row.

7 Stephanie Tuck, please take the third seat in the
8 first row.

9 Wendy Varner, please take the fourth seat in the first
10 row.

11 Renuka Chirakuzhiyil, take the fifth seat in the first
12 row.

13 Jonathan Moskowitz, please take the sixth seat in the
14 first row.

15 Dominic Veltri, please take the first seat in the
16 second row.

17 Russell Schneider, please take the second seat in the
18 second row.

19 Sashine Rivera, please take the third seat in the
20 second row.

21 Laura Ramirez, please take the fourth seat in the
22 second row.

23 Edgar Castillo, please take the fifth seat in the
24 second row.

25 India Harris, please take the sixth seat in the second

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1 row.

2 Brian Loesch, please take the first seat in the third

3 row.

4 Andrew Diperna, please take the second seat in the

5 third row.

6 Armando Jusino, please take the third seat in the

7 third row.

8 Anil Pathak, please take the fourth seat in the third

9 row.

10 Thomson Thomas, please take the fifth seat in the

11 third row.

12 Sarah Otero, please take the sixth seat in the third

13 row.

14 If the prospective jurors could vacate the first row

15 and just sit in the back.

16 Meei Shiou Liu, please take the first seat in the

17 first row. Just sit at the Post-it. There's a Post-it note at

18 the front. Just sit there.

19 Rosa Arena, please take the second seat in the first

20 row.

21 THE COURT: No, no. On this side, please.

22 THE DEPUTY CLERK: You may have to move over a little

23 bit.

24 Erin McAward, please take the third seat in the first

25 row.

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1 Jonathan Williams, please take the first seat in the
2 first row on that side.

3 Suzanne Wise, please take the second seat in the first
4 row.

5 Weimin Zhang, please take the third seat in the first
6 row.

7 Glenford Walker, please take the fourth seat in the
8 first row.

9 Catherine Song, please take the fifth seat in the
10 first row.

11 Scott Lloyd, please take the sixth seat in the first
12 row.

13 Everybody's going to have to squeeze in a little bit.

14 Will members of the jury please vacate the second row.

15 Melissa Schori, please take the first seat in the
16 second row, left side, and you can sit behind the other juror.

17 Benjamin Schwartz, please take the second seat in the
18 second row.

19 Olga Matisbekker, please take the third seat in the
20 second row.

21 Alyce Foster, please take the second seat in the
22 second row.

23 Allison Martin, please take the third seat in the
24 second row.

25 Atiyah Gay, please take the fourth seat in the second

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1 row.

2 Joseph Harbeson, please take the fifth seat in the
3 second row.

4 Peter White, please take the sixth seat in the second
5 row.

6 I just need the jurors to vacate the third row on the
7 left side.

8 THE COURT: I think juror No. 30 --

9 THE DEPUTY CLERK: Ms. Pérez, Angelica Pérez.

10 THE COURT: Juror No. 30, Ms. Matsibekker, I think
11 there might be room for you on the other side of the aisle, and
12 if everybody could slide over, that way we can use the first
13 two rows.

14 Ms. Pérez, Angelica Pérez, if you could take the last
15 seat on the right there in the second row, that would be great.

16 All right. Thank you, Mr. Lee.

17 Please listen carefully as I explain how this will
18 work. And let me stress that it is important that you listen
19 carefully no matter where you are seated, whether your name was
20 called a moment ago or not, for reasons that I will explain in
21 a second. I will begin with juror No. 1.

22 If you can just pick up the mike, I think that will
23 avoid the background feedback.

24 I'll begin with juror No. 1. I'm going to read
25 through the questionnaire, each question in the questionnaire.

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1 As I do so, I'll ask him to answer each of my questions, but
2 I'm going to ask each of the rest of you, whether your name was
3 called or you're still sitting in the back there, to follow
4 along. So listen carefully as I read the questions, and if
5 your answer to a question is yes -- all right, listen
6 carefully. Don't read the questionnaire just yet. You'll read
7 it with me. But as I go along if I read a question and your
8 answer to that question is yes, you're going to circle the
9 number of that question. All right?

10 Please do not make any other marks on your
11 questionnaire other than circling any question for which your
12 answer is yes. Do not write your name on it. Do not make any
13 other notations. The only notations should be circling those
14 questions for which your answer is yes.

15 When I finish with juror No. 1, I will ask juror No. 2
16 if she has any "yes" answers to any of the questions, and I
17 will expect her to list the questions for which her answers
18 were yes. All right? And after juror No. 2, I'll do the same
19 with juror No. 3, and so on, down the list.

20 Here is the key point, though. After juror No. 1, I'm
21 not going to be reading the questions aloud, because that would
22 make this process even slower and more laborious than it will
23 feel. So trust me. I'm doing this as efficiently as we can.
24 Instead, I will ask of juror No. 2 and all later jurors if your
25 answers to any questions were yes, and I'll expect you to be

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1 able to tell me the questions that triggered a "yes" answer.

2 That's why it's very important that you listen
3 carefully the first time and that as I read each question you
4 circle the number of the question if your answer was yes. If
5 your name was not called by Mr. Lee, you should do the exact
6 same thing; that is, you should follow along and you should use
7 your pen or pencil to circle any question for which your answer
8 was yes. That is because the jurors whose names were called
9 may be excused during this process, and if or when that
10 happens, we will call another name to fill that juror's seat
11 and you may be called upon at that time to give me your "yes"
12 answers. So I'll expect you as well to be following along and
13 expect you, if called upon, to give me the number of any
14 questions for which your answer was yes.

15 If at any point in answering a question, again, you
16 want to disclose something that may influence other jurors, if
17 you have any information about anyone involved in the case or
18 about the issues or charges in the case, anything that may
19 influence the other jurors or anything of a sensitive nature,
20 please let me know and we'll discuss it with the parties here
21 at sidebar but out of earshot of the rest of the jury.
22 Regardless, it is of the utmost importance that you give
23 truthful and complete answers to my questions, as you're sworn
24 to do.

25 With that, we will turn to the questionnaire and I'll

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1 ask you to follow along. Don't read ahead. Just read each
2 question as I read it aloud to juror No. 1.

3 Juror No. 1, I will begin with you.

4 First, as I noted, this trial is expected to last up
5 to five or six weeks. Do you have any commitments that would
6 interfere with your serving as a juror at a trial that is
7 expected to last that long?

8 JUROR: No.

9 THE COURT: Two, do you have any difficulty
10 understanding or reading English?

11 JUROR: No.

12 THE COURT: Just put the microphone close to your
13 mask, please, and speak loudly, as loudly as you can to make
14 sure everyone can hear you.

15 JUROR: Yes, sir.

16 THE COURT: Three, do you have any ideas or prejudices
17 that would make it difficult for you to follow my instructions
18 as to the law?

19 JUROR: No.

20 THE COURT: Four, do you have any doubt that you would
21 be able to apply the law as I explain it even if you disagree
22 with it?

23 JUROR: No.

24 THE COURT: Five, in our criminal justice system, the
25 defendant is presumed to be innocent, not only at the outset of

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1 the trial but throughout the entire trial unless and until the
2 government proves his guilt beyond a reasonable doubt. Would
3 you have any trouble following my instructions on these points?

4 JUROR: No.

5 THE COURT: Six, because the burden rests with the
6 government at all times, the defendant has no obligation to
7 offer evidence or to testify in his own defense. If the
8 defendant chooses not to testify, as is his absolute right,
9 would you have any trouble following my instruction that you
10 may not consider that fact in any way in your deliberations in
11 the jury room?

12 JUROR: No.

13 THE COURT: Seven, do you have any religious or
14 ethical beliefs that would prevent you from passing judgment on
15 another person?

16 JUROR: No.

17 THE COURT: Eight, have you or has any close friend or
18 relative ever studied or practiced law or worked in any
19 capacity for a law office?

20 JUROR: No.

21 THE COURT: No. 9, have you or has any close friend or
22 relative ever worked for any law enforcement agency, such as
23 the New York City Police Department; the Department of
24 Corrections; the Federal Bureau of Investigation, also known as
25 the FBI; the Drug Enforcement Administration, also known as the

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1 DEA; the Bureau of Alcohol, Tobacco, Firearms and Explosives,
2 also known as the ATF; the U.S. Marshals Service; the District
3 Attorney; the United States Attorney; the Department of
4 Justice; probation or parole, the Bureau of Prisons, or any
5 other such agency?

6 JUROR: No.

7 THE COURT: 10, have you, or has any close friend or
8 relative, ever worked for an intelligence agency or spy agency,
9 such as the Central Intelligence, also known as the CIA, or the
10 National Security Agency, also known as the NSA?

11 JUROR: No.

12 THE COURT: 11, do you know or do you have any
13 association with any member of the staff of the United States
14 Attorney's Office for the Southern District of New York?

15 JUROR: No.

16 THE COURT: 12, do you have any bias or prejudice for
17 or against the United States Attorney's Office or any other law
18 enforcement agency?

19 JUROR: No.

20 THE COURT: No. 13, have you, or has any member of
21 your family, either as an individual or in the course of
22 business, ever been involved in any legal action or dispute
23 with the United States or any of the offices, departments,
24 agencies, or employees of the United States or had any interest
25 in any such legal action or dispute or its outcome?

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1 JUROR: No.

2 THE COURT: 14, do you have any expectations about the
3 type or types of evidence that the government should or will
4 present in criminal trials?

5 JUROR: No.

6 THE COURT: 15, do you have any personal knowledge of
7 this case, or have you heard or read anything about the charges
8 as I have described them?

9 JUROR: No.

10 THE COURT: 16, as I explained earlier, the defendant
11 in this case is charged with offenses relating to the
12 disclosure of national defense information and the alleged
13 transmission of that information to WikiLeaks. Do you believe
14 that such offenses should not be illegal? Do you feel that you
15 could not view fairly and impartially a case involving such
16 charges?

17 JUROR: No.

18 THE COURT: 17, do you have any views about the CIA,
19 including, but not limited to, views about intelligence
20 gathering, that would affect your ability to be fair and
21 impartial in this case?

22 JUROR: No, your Honor.

23 THE COURT: 18, do you have any views about the
24 organization WikiLeaks or Julian Assange that would affect your
25 ability to be fair and impartial in this case?

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1 JUROR: No.

2 THE COURT: 19, the government witnesses in this case
3 may include employees and former employees of the CIA and law
4 enforcement officers. Would you have any difficulty assessing
5 the credibility of a former or current member of the CIA or law
6 enforcement officer just like you would any other witness?

7 JUROR: No.

8 THE COURT: 20, some of the CIA witnesses may testify
9 using only their first name or other protective measures
10 because of the nature of their work with the CIA. Would the
11 fact that a witness may testify without using his or her true
12 name or use some other means of concealing his or her identity
13 affect your ability to assess the credibility of that witness
14 or your ability to be an impartial juror?

15 JUROR: No.

16 THE COURT: 21, the evidence in this case may include
17 classified information. For trial purposes, I may authorize
18 the use of classified documents with redactions of certain
19 information and the substitution of certain words or phrases
20 for the redacted material in order to protect classified
21 information. Is there anything about the use of classified
22 documents, the use of redacted documents, or the use of
23 documents that have had some words or phrases replaced with
24 unclassified substitutions that would affect your ability to
25 weigh fairly the evidence received at trial or your ability to

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1 be an impartial juror?

2 JUROR: No, your Honor.

3 THE COURT: 22, if the evidence in this case includes
4 classified information, I will instruct the jurors who are
5 selected regarding the handling of such information, including
6 the obligation not to disclose such information to anyone,
7 including a spouse, relatives, or friends, even after your jury
8 service ends. Would you have any trouble following my
9 instructions on these issues? And would this obligation affect
10 your ability to serve as a juror in this case?

11 JUROR: No.

12 THE COURT: 23, have you, or has any close relative,
13 ever received any training regarding classified information?
14 Have you or has any close relative ever possessed and/or lost a
15 security clearance for classified information?

16 JUROR: No.

17 THE COURT: 24, do you, or does anyone close to you,
18 have experience working with computer code?

19 JUROR: No.

20 THE COURT: 25, you may hear testimony from expert
21 witnesses. Have you had any experiences with expert witnesses,
22 or do you have any general feeling about the use of expert
23 witnesses, that would affect your ability to be fair and
24 impartial in this case?

25 JUROR: No.

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1 THE COURT: 26, some of the evidence in this trial may
2 have been obtained through searches and seizures by law
3 enforcement officers and may take the form of recorded
4 conversations, text message, emails, and social media. Any
5 such evidence that will be presented was lawfully obtained. Do
6 you have any feelings or opinions about the use of evidence
7 obtained in law enforcement searches and seizures or from
8 recorded conversations that could make it difficult for you to
9 evaluate the evidence fairly and impartially?

10 JUROR: No.

11 THE COURT: 27, the government is not required to use
12 any particular investigative technique uncovering evidence of
13 or prosecuting a crime. Would you have any trouble following
14 my instructions on that score?

15 JUROR: No.

16 THE COURT: 28, you might hear evidence in this trial
17 of criminal activity committed by people other than
18 Mr. Schulte. Those people are not on trial here. You may not
19 draw any inference, favorable or unfavorable, toward the
20 government or Mr. Schulte from that fact. Nor may you
21 speculate as to the reason why other people are not on trial.
22 Would you have any trouble following my instructions on these
23 points?

24 JUROR: No.

25 THE COURT: A defendant in a criminal case has a

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1 constitutional right to waive his right to a lawyer and to
2 represent himself in court and to act as his own attorney.
3 Mr. Schulte has chosen to do that in this case, and he will be
4 representing himself in this trial and acting as his own
5 attorney during the proceedings in this case. Do you have any
6 opinions or beliefs about a defendant who chooses to represent
7 himself that might prevent you from being fair and impartial in
8 this case?

9 JUROR: No.

10 THE COURT: No. 30, from now until your jury service
11 is complete, you must, as I've noted, avoid any discussion of
12 this case, whether in the media, on social media, on the
13 internet, or elsewhere; that is, you are forbidden from
14 consuming any news media or social media or any discussion of
15 this case or of anyone participating in this case outside of
16 the courtroom whatsoever. You also must not discuss this case
17 with anyone. That includes your family, friends, spouse,
18 domestic partner, colleagues, and coworkers. These
19 instructions apply from now until you are either dismissed from
20 jury selection or chosen as a juror and the trial is complete.
21 Do you have any reservations or concerns about your ability or
22 willingness to follow these instructions?

23 JUROR: No.

24 THE COURT: 31, is there anything about this case or
25 the charges as I've described them that would affect your

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1 ability to be impartial in this case?

2 JUROR: No.

3 THE COURT: 32, the government is represented here, as
4 in all cases where it is a party before this Court, by the
5 United States Attorney for the Southern District of New York,
6 who is Damian Williams. The conduct of the trial will be in
7 the immediate charge of Assistant United States Attorneys David
8 Denton and Michael Lockard. They will be assisted at trial by
9 Sean Collins and Vincent Lai, who are special agents of the
10 FBI, and by Charlotte Cooper, who is a paralegal with the U.S.
11 Attorney's Office.

12 I'd ask anyone from the government to please rise and
13 if you could just make your way around the jury, to the back,
14 and just remove your masks while you're doing so, so everybody
15 can get a good look at you, please.

16 All right. You may be seated.

17 Do you know, or have you had any dealings with, any of
18 the people that I've named or the people whom you've seen
19 stand?

20 JUROR: No.

21 THE COURT: As I mentioned, the defendant in this case
22 is Joshua Schulte. Although he is representing himself, he
23 will be assisted at trial by several lawyers -- Sabrina Shroff,
24 Deborah Colson, and Shane Kadidal -- who are called standby
25 counsel. They do not represent him, but they will be assisting

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1 him.

2 I'll ask them to please rise, and if you could remove
3 your masks, please look at the jurors in the jury box and then
4 turn so those jurors in the back can see you as well.

5 All right. You may be seated, and put your masks back
6 on, please.

7 Do you know or have you had any dealings with any of
8 them, either those that I've just mentioned or those who were
9 standing?

10 JUROR: No.

11 THE COURT: 34, to your knowledge, do you have any
12 relatives, friends, associates, or employers who have had any
13 dealings with the United States attorney's office for the
14 Southern District of New York or Mr. Schulte or his standby
15 counsel?

16 JUROR: No.

17 THE COURT: 35, have you or your family members or
18 close friends had any dealings, either directly or indirectly,
19 with the United States Attorney's Office or anyone who works at
20 the United States Attorney's Office or the FBI or the CIA?

21 JUROR: No.

22 THE COURT: 36 -- actually, you haven't yet gotten
23 this, but my staff will now hand out a separate list to
24 everyone of names and places that may be mentioned at trial,
25 and as you get it, I'm going to give everybody a couple of

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1 minutes just to read through it. Please, please read it slowly
2 and carefully. I'll make sure you have enough time to do so,
3 but I want to make sure that you review each and every one of
4 the names and places on the list. If you know any of the
5 people who are listed on it, you should mark their names, and I
6 will give you further instructions in a moment.

7 So, for now, review the list as you get it, and if you
8 know any of the names or places that are listed on the list,
9 please circle that name or place, and when we resume, we will
10 pick up from there.

11 All right. If you have not gotten a list, can you
12 raise your hand.

13 Anyone else?

14 All right. If you can please read the list -- it's a
15 long one, so please read it to yourself -- and when you're
16 done, put it down and look up so that I know you're done and we
17 can proceed. But I want to wait until everyone has read
18 through it, and then we'll pick up from there.

19 All right. Raise your hand if you need more time.
20 That is totally fine. I want to make sure you read it
21 carefully. Please raise your hand if you need more time.

22 OK. All right. Anyone else need more time? Raise
23 your hand up high.

24 Very good. We will proceed.

25 Let me take the opportunity just to say at some point

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1 it may be that you need to use the restroom. I would ask you
2 to please remain in the courtroom for me to complete the
3 questionnaire with juror No. 1 -- this is a critical part --
4 that you listen as I go along and circle any questions for
5 which your answer is yes. So please don't leave while I'm
6 going through the questionnaire with juror No. 1. If, after I
7 am done with juror No. 1, you need to use the restroom --
8 you're not here to be tormented -- you're welcome to step out
9 briefly, go to the restroom on this floor, and then come
10 immediately back. But it is important that you are here for
11 most of what follows, because things happen, and so for that
12 reason really do it as expeditiously as you can, but you're not
13 here to be tormented.

14 For now, though, please remain where you are.

15 (Continued on next page)

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1 THE COURT: Having read the list of names and places,
2 going back to juror no. 1, do you know of or have you heard of
3 any of the people named on that list who may testify or whose
4 names may be mentioned during the course of the trial?

5 JUROR: No.

6 THE COURT: 37. Do you have any familiarity with any
7 of the places mentioned on that list that would interfere with
8 your ability to be fair and impartial in this case and to
9 decide the case based solely on the evidence presented in
10 court?

11 JUROR: No.

12 THE COURT: 38. So my normal courtroom deputy is
13 actually out, she is under the weather and given the times we
14 are in she is not here, so her name is Alexander Smallman.
15 While she is absent I am being assisted by Mike Lee -- Mr. Lee
16 who you have already met -- and by my law clerk Sarah Coco.

17 If you guys can please rise and lower your masks? All
18 right.

19 And I may be assisted during the course of the trial
20 by my other law clerks Hanna Miles, who was here earlier; and
21 Jade Ford.

22 Are you familiar with any of those people or with me?

23 JUROR: No.

24 THE COURT: 39. Are you familiar with anyone else
25 present in the courtroom including your fellow jurors and all

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1 court personnel?

2 JUROR: Yes.

3 THE COURT: OK. Who do you know?

4 JUROR: Keisha.

5 THE COURT: Who is that?

6 JUROR: Keisha Bramble.

7 THE COURT: Is that another juror?

8 JUROR: Yes.

9 THE COURT: And how do you know that person?

10 JUROR: We work together.

11 THE COURT: Where do you work?

12 JUROR: Montefiore.

13 THE COURT: Is there anything about your relationship
14 that if you were both to end up on the jury together, is there
15 anything about your relationship that would interfere with your
16 ability to be fair and impartial and to offer your opinion as
17 you would with any other juror?

18 JUROR: No.

19 THE COURT: Anyone else that you are familiar with in
20 the courtroom?

21 JUROR: No, your Honor.

22 THE COURT: No. 40. If you or any member of your
23 immediate family has ever brought a lawsuit against anyone or
24 been sued, would that experience affect your ability to be fair
25 and impartial in this case?

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1 JUROR: No.

2 THE COURT: 41. Have you or any member of your
3 immediate family ever appeared as a witness at a trial?

4 JUROR: No.

5 THE COURT: 42. Have you or any of your close friends
6 or relatives ever been involved, been questioned, or appeared
7 as a witness in any investigation including any investigation
8 by a federal or state grand jury or law enforcement agency?

9 JUROR: No.

10 THE COURT: 43. Have you ever been a witness or a
11 victim in any federal or state prosecution?

12 JUROR: No.

13 THE COURT: 44. Have you or any of your close friends
14 or relatives ever been the victim of a crime other than one you
15 have mentioned in connection with a previous question?

16 JUROR: No.

17 THE COURT: 45. Have you or any of your relatives,
18 associates, or close friends ever been the subject of any
19 investigation or accusation by any federal or state grand jury?

20 JUROR: No.

21 THE COURT: 46. Have you or any member of your
22 immediate family ever been a defendant in a criminal case or
23 been incarcerated?

24 JUROR: No.

25 THE COURT: 47. As I described earlier, the Court is

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1 taking precautions to prevent the spread of COVID-19 including
2 requiring everyone in the courtroom, other than the witness and
3 an examining attorney and, as you have heard, occasionally me
4 to wear masks. Do you have any concerns about your ability to
5 follow these rules as I have described?

6 JUROR: No.

7 THE COURT: Is there anything about COVID-19 or safety
8 protocols that we will use during the trial that would affect
9 your ability to be a fair and impartial juror in this case?

10 JUROR: No.

11 THE COURT: 49. Do you have any problem with your
12 hearing or vision, or any physical or medical issues including
13 any medication you may be taking that would prevent you from
14 giving your full attention to all of the evidence presented
15 during this trial?

16 JUROR: No.

17 THE COURT: Question 50. The question of punishment
18 is for me alone to decide, and the possible punishment must not
19 enter into your deliberations as to whether the defendant is
20 guilty or not guilty. Would you have any trouble following
21 that instruction if you were selected to serve as a juror?

22 JUROR: No.

23 THE COURT: And finally, in these questions I have
24 tried to direct your attention to possible reasons why you
25 might not be able to be fair and impartial in this case. Apart

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1 from any prior question that I have asked you, is there any
2 reason that you could not be a conscientious, fair, and
3 impartial juror in this case and render a true and just verdict
4 without fear, favor, sympathy or prejudice according to the law
5 as I will explain it to you?

6 JUROR: No.

7 THE COURT: And hopefully you have a page of questions
8 for individual jurors on the back of the questionnaire? Is
9 there a page of individual questions?

10 JUROR: Yes.

11 THE COURT: All right, good. Turning to those, let me
12 run through those. First, can you state your full name,
13 please.

14 JUROR: Fredelino Castro, Jr.

15 THE COURT: What county or counties have you lived in
16 during the last five years?

17 JUROR: Westchester.

18 THE COURT: How old are you?

19 JUROR: 40.

20 THE COURT: How far did you go in school?

21 JUROR: Bachelors degree.

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

23 JUROR: Respiratory therapist.

24 THE COURT: And that's at Montefiore Hospital?

25 JUROR: Yes.

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1 THE COURT: And how long have you had that job?

2 JUROR: Seven years.

3 THE COURT: Do you live with anyone and, if so, what
4 do they do?

5 JUROR: My mother; she is a retired nurse.

6 THE COURT: Do you have any grown children?

7 JUROR: No.

8 THE COURT: If are you comfortable sharing, are you
9 fully vaccinated?

10 JUROR: Yes.

11 THE COURT: And have you received one or more booster
12 shots?

13 JUROR: One.

14 THE COURT: Where do you typically get your news? For
15 example, what print newspaper, magazines, television shows,
16 radio shows, podcasts, or Internet app or news sites do you
17 read, watch, or listen to on a regular basis?

18 JUROR: The Internet.

19 THE COURT: And anything in particular on the
20 Internet?

21 JUROR: News on YouTube.

22 THE COURT: Do you watch any shows dealing with the
23 criminal justice system such as investigative news programs
24 like Dateline, 48 Hours, or 20/20 or police drama shows like
25 Law & Order or CSI.

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1 JUROR: Law & Order, CSI.

2 THE COURT: Any trouble -- those are TV dramas. TV
3 and reality are obviously very different. Would you have any
4 trouble distinguishing those two and recognizing that what
5 happens on TV isn't necessarily the way trials work?

6 JUROR: I don't think so, your Honor.

7 THE COURT: Do you belong to any -- do you belong to
8 or volunteer your time to any associations, organizations,
9 clubs, or unions?

10 JUROR: No.

11 THE COURT: Sorry?

12 JUROR: No, your Honor.

13 THE COURT: What do you like to do in your spare time?

14 JUROR: Bike. Exercise.

15 THE COURT: Have you ever served as a juror in another
16 case?

17 JUROR: No.

18 THE COURT: Great. If you can pass the microphone to
19 juror no. 2, please?

20 Juror no. 2, any "yes" answers to any of the
21 questions?

22 JUROR: No.

23 THE COURT: Just to be clear, questions 1 through 51 I
24 think it is, your answers to every one of those questions is
25 no?

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1 JUROR: No.

2 THE COURT: You mean that's correct?

3 JUROR: Yes to your question.

4 THE COURT: Very good. In that case we can turn
5 directly to the individual questions at the end. First, what
6 is your full name?

7 JUROR: Mariana Perez.

8 THE COURT: And what county or counties have you lived
9 in for the last five years?

10 JUROR: The Bronx.

11 THE COURT: How old are you?

12 JUROR: 26.

13 THE COURT: How far did you go in school?

14 JUROR: I have a bachelors degree.

15 THE COURT: And what do you do for a living?

16 JUROR: I'm a teacher.

17 THE COURT: How long have you been a teacher?

18 JUROR: Two years.

19 THE COURT: Three?

20 JUROR: Two years.

21 THE COURT: Two.

22 And what level do you teach?

23 JUROR: Middle school.

24 THE COURT: God help you, but that's OK.

25 What did you do before you were a teacher?

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1 JUROR: I was a barista.

2 THE COURT: How long were you a barista?

3 JUROR: Five years.

4 THE COURT: Do you live with anyone, and if so, what
5 do they do?

6 JUROR: I live with my mother and my fiancée, and she
7 works for the City and he works for UPS.

8 THE COURT: What does your mother do for the City?

9 JUROR: Human resources, I believe.

10 THE COURT: In any particular department?

11 JUROR: Child support.

12 THE COURT: In this context I don't like to make any
13 assumptions so I will ask you anyway, but any grown children?

14 JUROR: No.

15 THE COURT: Are you fully vaccinated?

16 JUROR: Yes.

17 THE COURT: And boosted?

18 JUROR: Yes; one shot.

19 THE COURT: How do you like to get your news?

20 JUROR: Through the Google news app on my phone.

21 THE COURT: And do you watch any criminal justice-type
22 shows?

23 JUROR: No.

24 THE COURT: Do you belong to any clubs, associations,
25 organizations, etc.?

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1 JUROR: No.

2 THE COURT: How do you like to spend your spare time?

3 JUROR: Watching TV.

4 THE COURT: Anything in particular?

5 JUROR: Comedies.

6 THE COURT: And have you ever served on a jury before?

7 JUROR: No.

8 THE COURT: All right. You can pass the microphone to
9 juror no. 3.

10 Juror no. 3, any "yes" answers to any of the
11 questions?

12 JUROR: Yes.

13 THE COURT: Which numbers, please?

14 JUROR: No. 1.

15 THE COURT: Any other "yes" answers?

16 JUROR: Yes.

17 THE COURT: Just tell me all of them and then we will
18 go through them.

19 JUROR: No. 15, 16, and 29.

20 THE COURT: Any others?

21 JUROR: No.

22 THE COURT: I want to start with question 15 but I
23 want to do that at the side bar, so if the parties could please
24 approach -- and you can come here, you can leave the microphone
25 where you are -- and everyone join me up here but you can wait

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1 one moment, please, until everyone is assembled.

2 Parties can approach.

3 Ma'am, you can come join us, please.

4 (At side bar)

5 THE COURT: You have to speak loudly for all of us to
6 hear you but hopefully not for anyone else.

7 JUROR: Sure. I would like to think I can be
8 impartial but I do think it can be heroic for people to share
9 information with the media. I am a former member of the media.

10 THE COURT: OK. Just let me stop you for a second.
11 Question 15, you said you had some familiarity with the --

12 JUROR: That's just from reading about it in the
13 Times, just general information. It is not depth of
14 information but I am aware.

15 THE COURT: What do you remember reading and --

16 JUROR: I think if I recall, just that another person
17 was arrested for sharing information with WikiLeaks.

18 THE COURT: Another person aside from Mr. Schulte
19 or --

20 JUROR: No. I don't recall his name specifically but
21 just that it was another person was caught sharing information.

22 THE COURT: And when do you recall reading that or how
23 long ago?

24 JUROR: I don't have a clear date. I read the Times
25 every day. I am a bit of a news junkie so it is just generally

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1 aware.

2 THE COURT: Are there other publications that you
3 read?

4 JUROR: I surf Twitter every night before I go to
5 sleep for about 45 minutes so I get a lot of my news from
6 various sources off of Twitter, people like Angry White House
7 Staffer and other places like that, people who claim to be
8 inside the government and are posting a lot on Twitter about
9 things they're finding.

10 THE COURT: OK. So going back to what you started
11 with, I guess the question I have is this case does involve
12 allegations that the defendant illegally leaked information --

13 JUROR: Yeah.

14 THE COURT: -- and that that information qualifies as
15 what is known as national defense information because it
16 relates to national defense is closely held sort of
17 classified-type information. Would that -- would your views of
18 leaking and --

19 JUROR: I would like to think I am impartial. Things
20 like the Pentagon Papers I think are heroic and I think that
21 there are times that it is a citizen's wonderful responsibility
22 to share that information if they really find something the
23 government did that was wrong. But, I would like to be
24 impartial. I would like to hope I can be impartial.

25 THE COURT: So my question is only you can tell us do

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1 you think --

2 JUROR: I lean in the direction of thinking that it is
3 heroic but I would like to think if I was on this case I could
4 deliberate but I -- my beliefs are: Pretty heroic.

5 THE COURT: OK. And you also said "yes" to question
6 no. 29. Can you tell me about that?

7 JUROR: I feel bad for somebody who doesn't have a
8 lawyer and I feel it sets them off on a bad foot and this is --
9 it doesn't -- forgive me -- it doesn't show a lot of
10 understanding of the judicial system to represent yourself.
11 You are starting off kind of in a hole.

12 THE COURT: Do you understand, as I said, that the
13 defendant in a criminal case has a constitutional right --

14 JUROR: Yes.

15 THE COURT: -- to make that choice?

16 JUROR: I do, but it indicates to me that the person
17 might be naive.

18 THE COURT: Now you can speak louder because the white
19 noise is working.

20 JUROR: It indicates to me the person might be naive
21 and not be understanding how to represent themself well.

22 THE COURT: OK. I guess my response would be that
23 that may well be so but it's a constitutional right and would
24 you hold that against either --

25 JUROR: It just makes me feel bad for that person.

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1 THE COURT: And I guess last, for the moment, perhaps
2 question no. 1 you said?

3 JUROR: I'm going to a social justice conference at
4 the end of July so I just have to be there for that.

5 THE COURT: And what is it?

6 JUROR: It is out-of-state.

7 THE COURT: What is it and when is it?

8 JUROR: It is the last week in July, it is about
9 institutional racism, it is in New Hampshire. I am also
10 helping my 82-year-old mother move for a week in July; she is
11 moving on July 11th and I need to go to Boston and pack her up.

12 THE COURT: OK. Is there anyone else who can help
13 your mother?

14 JUROR: No. She has one daughter and one son so the
15 two of us are assisting her.

16 THE COURT: And how flexible is that date?

17 JUROR: It's -- movers are --

18 THE COURT: Sorry.

19 JUROR: Movers are coming, it is done. Like, she sold
20 her house.

21 THE COURT: OK. Can I ask you just to step back into
22 the well there for one moment?

23 JUROR: Sure.

24 THE COURT: Thank you.

25 (Juror not present)

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1 THE COURT: Counsel, thoughts?

2 MR. DENTON: It seems like the logistical issues may
3 moot the substantive discussion. I think to the extent that
4 she has expressed views that the commission of crimes is
5 heroic, that that's a basis to excuse her for cause. At a
6 minimum, I think the Court should inquire whether she
7 understands that regardless of her personal views, the conduct
8 is criminal and could she vote to convict someone whose guilt
9 is proven beyond a reasonable doubt.

10 THE COURT: Mr. Schulte?

11 MR. SCHULTE: I mean, I think she said she thinks she
12 can be impartial. She has some issues, she said, about the
13 leaking and some issues about someone representing themselves
14 so I think that kind of also balances but she does say she
15 think she could be impartial, so.

16 THE COURT: I think Mr. Denton is not wrong in saying
17 that the logistics issues may moot the others in the sense that
18 I'm not concerned about the conference at the end of July, but
19 helping her 82-year-old mother who has sold her house and needs
20 to get out on July 11 seems like a legitimate issue so I'm
21 inclined to let her go on that basis.

22 MR. SCHULTE: I think July 11th is a long time away
23 and there may be some reasonable ways to let her be able to
24 accomplish that. She says she has a brother that can help too
25 so I don't think there should be any logistic issues.

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1 THE COURT: I am going to, I think, let her go on that
2 basis. This trial is going to be challenging enough to get
3 done without worrying about juggling different jurors'
4 schedules. And while she said there was a brother involved,
5 she said that in reference as to why she needed help so I will
6 excuse her.

7 (In open court)

8 THE COURT: Juror no. 3, I am going to excuse you. If
9 you could take your -- hang on one second. Give your juror
10 questionnaire to Mr. Lee with the list of names and places, the
11 questionnaire, you can take your card, get your belongings, and
12 go back down to the jury assembly room on the first floor. You
13 are excused.

14 I am going to call another name from those of you in
15 the back tow take juror no. 3's seat. If you can make your way
16 to that seat, please?

17 Minerva Ong, O-N-G, please take seat no. 3. And if
18 you could grab the microphone there? Juror no. 3, any yes
19 answers to any of the questions?

20 JUROR: Yes. 41.

21 THE COURT: Any others? Just 41?

22 JUROR: No.

23 THE COURT: Can you tell me about that, why you said
24 yes to no. 41?

25 JUROR: Can I tell you privately?

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1 THE COURT: Yes.

2 Court reporter and parties, if you can approach,
3 please?

4 And one second and, then you can join us.

5 (At side bar)

6 THE COURT: All right. So if you can speak loudly
7 enough for us to hear since the white noise machine is on? No
8 one else can hear you.

9 JUROR: I had to testify in a family court against my
10 father.

11 THE COURT: Against your father. You had to or you
12 have to?

13 JUROR: I had to.

14 THE COURT: And how long ago was that?

15 JUROR: 30 -- I don't know how many years. I don't
16 know how old I was.

17 THE COURT: You were young?

18 JUROR: Yeah.

19 THE COURT: So that --

20 JUROR: Maybe 26 years ago, give or take.

21 THE COURT: And was it a criminal proceeding or just a
22 family court sort of domestic-type relations dispute?

23 JUROR: Yeah. I told my mother that he was sexually
24 abusing me.

25 THE COURT: OK. Was he arrested or prosecuted?

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1 JUROR: Not that I know of.

2 THE COURT: Did you deal with the police or just sort
3 of child welfare-type people?

4 JUROR: I don't remember seeing the police but
5 definitely Child Services, and I had to give a testimony on
6 video in the court and I was also -- I was also in the court
7 one time.

8 THE COURT: In connection with that?

9 JUROR: Yeah.

10 THE COURT: So needless to say I am sorry to dredge
11 that up, I am sure it is not the most pleasant memory. My
12 question for you, that's a very different legal proceeding, a
13 very different court. Is there anything about that experience,
14 either your dealings with people from the government or law
15 enforcement or with the court system that would affect your
16 ability to be fair and impartial here?

17 JUROR: No.

18 THE COURT: And would it be difficult for to you sit
19 through this case, would it bring up bad memories or anything
20 of that nature that would interfere with your ability to follow
21 the evidence and pay attention?

22 JUROR: No.

23 THE COURT: Great. Thanks for sharing that with us
24 and again you can go back to your seat.

25 JUROR: OK.

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1 (In open court)

2 THE COURT: So, with that, if you can turn to the
3 individual questions at the end of the questionnaire and start
4 with your full name, please?

5 JUROR: Minerva Ong.

6 THE COURT: What county or counties have you lived in
7 for the last five years?

8 JUROR: Manhattan.

9 THE COURT: Manhattan?

10 JUROR: Uh-huh.

11 THE COURT: Keep your voice up if you don't mind.
12 How old are you?

13 JUROR: 34.

14 THE COURT: How far did you go in school?

15 JUROR: Bachelors degree.

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

17 JUROR: I'm a shift supervisor at Starbucks.

18 THE COURT: How long have you held that job?

19 JUROR: 15 years.

20 THE COURT: Do you live with anyone and, if so, what
21 do they do?

22 JUROR: My boyfriend; he manages the building that we
23 live in.

24 THE COURT: And I again I don't like to make any
25 assumptions, do you have any grown children?

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1 JUROR: No.

2 THE COURT: Are you fully vaccinated?

3 JUROR: Yes.

4 THE COURT: Boosted?

5 JUROR: Yes.

6 THE COURT: And how do you like to get your news?

7 JUROR: Like online, phone, the stocks app, just
8 looking at stocks.

9 THE COURT: Business news?

10 JUROR: Yes.

11 THE COURT: Do you watch any criminal justice-type
12 shows?

13 JUROR: No.

14 THE COURT: Clubs, associations, unions, anything of
15 that sort?

16 JUROR: No.

17 THE COURT: What do you like to do in your spare time?

18 JUROR: Watch TV, indoor rock climbing.

19 THE COURT: Any particular kind of TV?

20 JUROR: No, just series, whatever is hip.

21 THE COURT: Have you ever served on a jury?

22 JUROR: Never.

23 THE COURT: Great. So pass the microphone to juror
24 no. 4, please.

25 Juror no. 4, any "yes" answers to any of the

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1 questions?

2 JUROR: No.

3 THE COURT: Turning to the individual questions then,
4 what's your full name?

5 JUROR: Wendy Varner.

6 THE COURT: And county or counties you have lived in
7 for the last five years?

8 JUROR: Westchester.

9 THE COURT: And how old are you?

10 JUROR: 55.

11 THE COURT: How far did you go in school?

12 JUROR: High school.

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

14 JUROR: Retired.

15 THE COURT: What did you do before you retired?

16 JUROR: I was a stylist.

17 THE COURT: Stylist?

18 JUROR: Yes.

19 THE COURT: What kind of stylist.

20 JUROR: Clothing.

21 THE COURT: Clothing?

22 JUROR: Uh-huh.

23 THE COURT: And how long have you been retired?

24 JUROR: Five years.

25 THE COURT: Do you live with anyone and, if so, what

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1 do they do.

2 JUROR: I live with my daughter, she is a nurse.

3 THE COURT: Any other grown children?

4 JUROR: Yes.

5 THE COURT: What do they do?

6 JUROR: One is, has a business, a car dealership and
7 my daughter is -- she is in nursing school also.

8 THE COURT: In the same school?

9 JUROR: Nursing school.

10 THE COURT: Nursing school.

11 OK. So you have three grown children total; is that
12 right?

13 JUROR: Yes.

14 THE COURT: Are you fully vaccinated?

15 JUROR: Yes.

16 THE COURT: Boosted?

17 JUROR: Yes.

18 THE COURT: How do you like to get your news?

19 JUROR: Television, Internet.

20 THE COURT: Any particular TV shows?

21 JUROR: MSNBC.

22 THE COURT: What about Internet, anything in
23 particular there?

24 JUROR: I just surf the net, nothing in particular.

25 THE COURT: Any criminal justice shows that you watch?

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1 JUROR: No.

2 THE COURT: And what about clubs, organizations,
3 unions, etc.?

4 JUROR: No.

5 THE COURT: What do you like to do in your spare time?

6 JUROR: Gardening and watch television.

7 THE COURT: Any particular kind of shows beyond those
8 you have mentioned?

9 JUROR: Nothing really.

10 THE COURT: Have you ever served on a jury?

11 JUROR: No.

12 THE COURT: All right. You can pass the microphone to
13 juror no. 5, please.

14 Juror no. 5, any "yes" answers?

15 JUROR: No.

16 THE COURT: State your full name, please, and if you
17 could spell it for us?

18 JUROR: Renuka Chirakuzhiyil. Do you want me to spell
19 the last name?

20 THE COURT: You know what, it was spelled earlier so
21 that's OK and I apologize for the fact that I am sure it was
22 mispronounced earlier.

23 Can you first tell me what county or counties you have
24 lived in for the last five years?

25 JUROR: Westchester.

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1 THE COURT: And how old are you?

2 JUROR: 57.

3 THE COURT: How far did you go in school?

4 JUROR: Bachelors.

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

6 JUROR: I'm a registered nurse.

7 THE COURT: How long have you done that?

8 JUROR: 28 years.

9 THE COURT: Have you do you live with anyone and, if
10 so, what do they do?

11 JUROR: My husband and two children. My husband works
12 for the City, MTA; and the kids are in college.

13 THE COURT: Aside from those two children, any other
14 grown children?

15 JUROR: No.

16 THE COURT: Are you fully vaccinated.

17 JUROR: Yes; and one booster.

18 THE COURT: And how do you get your news?

19 JUROR: From the TV.

20 THE COURT: Anything in particular, any shows or
21 stations?

22 JUROR: No.

23 THE COURT: And what about criminal justice-type
24 shows? Do you watch any on a regular basis?

25 JUROR: No.

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1 THE COURT: Clubs, associations, unions?

2 JUROR: Only my religious association. That's it.

3 THE COURT: Your religious association?

4 JUROR: Yes.

5 THE COURT: Are you personally involved or just in
6 terms of attending religious services?

7 JUROR: I attend the meetings, and a couple of years
8 ago I was the president of the association.

9 THE COURT: What do you like to do in your spare time?

10 JUROR: Cooking.

11 THE COURT: Have you ever served on a jury?

12 JUROR: Yes. Almost 10 years ago in White Plains.

13 THE COURT: Almost 10 years ago?

14 JUROR: Yeah.

15 THE COURT: Don't tell us what the verdict was but
16 first of all, was it in state court or federal court?

17 JUROR: Just state court.

18 THE COURT: And do you remember if it was criminal or
19 civil?

20 JUROR: I don't remember.

21 THE COURT: And without telling us what it was, did
22 the jury reach a verdict?

23 JUROR: The first day itself when we came back from
24 lunch, they settled it out of court or something like that.

25 THE COURT: I see. So you were not asked to reach a

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1 verdict?

2 JUROR: No.

3 THE COURT: All right. You can pass the microphone on
4 to juror no. 6.

5 Please, juror no. 6, any "yes" answers to any of the
6 questions?

7 JUROR: Yes.

8 THE COURT: What numbers, please?

9 JUROR: 8, 9, 10, 12, 23, 35, 36, 41, 43.

10 THE COURT: All right. Give me one moment. So,
11 beginning I guess with let's say 9, 10, and 12, I don't know if
12 those are overlapping or not but if you can tell me why you
13 said yes to those, please?

14 JUROR: One of my close friends practiced as an ADA
15 out of law school.

16 THE COURT: OK.

17 JUROR: One of my family members worked for the
18 Central Intelligence Agency.

19 THE COURT: Tell me about that. Who?

20 JUROR: My uncle.

21 THE COURT: And do you know what he did at the CIA?

22 JUROR: I do not.

23 THE COURT: And is he still employed by the CIA?

24 JUROR: No.

25 THE COURT: Has he talked to you about what he did or

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1 about his employment there?

2 JUROR: No.

3 THE COURT: Is there anything about his employment by
4 the CIA that would interfere with your ability to be fair and
5 impartial in this case?

6 JUROR: No.

7 THE COURT: Tell me why you said "yes" to question
8 no. 12.

9 JUROR: It relates to some later yeses. I was a
10 witness for the prosecution for the U.S. Attorney's office on a
11 case. Based on my dealings with them, I have a positive view
12 on the work they've done and some -- my lawyer that was
13 representing me was a former AUSA.

14 THE COURT: OK. Let's unpack that a little.

15 JUROR: OK.

16 THE COURT: You appeared as that witness.

17 JUROR: I did.

18 THE COURT: Tell me about that; when and in what
19 capacity.

20 JUROR: Five or six years ago in Judge Rakoff's
21 courtroom.

22 THE COURT: In a criminal matter or civil matter?

23 JUROR: It was a criminal matter.

24 THE COURT: Can you tell me what the nature of the
25 case was?

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1 JUROR: A gentleman was accused of trying to defraud
2 investors.

3 THE COURT: And you were called by the government on
4 that case?

5 JUROR: That's correct.

6 THE COURT: And who represented you in that?

7 JUROR: My attorney's name that was representing me
8 was Brian Poscablo.

9 THE COURT: And he was previously at the U.S.
10 Attorney's office?

11 JUROR: That's correct.

12 THE COURT: And what you are saying is that your
13 experience in connection with that case left you with a
14 positive impression of the U.S. Attorney's office or at least
15 of those AUSAs that you worked with or dealt with?

16 JUROR: That's correct.

17 THE COURT: Is there anything about -- all well and
18 good, I suppose, but my question for you is would that positive
19 feeling interfere with your ability to be fair and impartial in
20 this case and render a verdict based solely on the evidence and
21 whether you would believe if the government had proved the
22 defendant's guilt beyond a reasonable doubt?

23 JUROR: No.

24 THE COURT: Going back to question no. 8, can you tell
25 me about that one?

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1 JUROR: My father and my brother and my sister-in-law
2 are all attorneys.

3 THE COURT: And what kind of law, or do any of them do
4 criminal law or have any of them done criminal law?

5 JUROR: No.

6 THE COURT: And you mentioned your friend was -- a
7 college friend worked as an ADA. Does he or she still work as
8 an ADA?

9 JUROR: She does not.

10 THE COURT: Anything about her job or experience that
11 would affect your ability to be fair and impartial in this
12 case?

13 JUROR: No.

14 THE COURT: Anything about your relatives' work as
15 lawyers or training as lawyers that would affect your ability
16 to be fair and impartial in this case?

17 JUROR: No.

18 THE COURT: And no. 9, have we covered that or
19 anything else on that one?

20 JUROR: No. Covered that.

21 THE COURT: And no. 10, have we covered that as well?

22 JUROR: Correct.

23 THE COURT: 12 we have covered? All right. Jumping
24 ahead to 23; is that reference to your uncle?

25 JUROR: That's correct; and my brother worked on the

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1 Hill on a Homeland Security committee also.

2 THE COURT: In that capacity did he have security
3 clearance?

4 JUROR: He did.

5 THE COURT: Have you discussed the process of getting
6 security clearance or the obligations of having security
7 clearance with either your uncle or your brother?

8 JUROR: My brother when he was pursuing it, yes.

9 THE COURT: Anything about that or your knowledge of
10 what that entails that would interfere, number one, with your
11 ability to be fair and impartial here; and number two, base
12 your verdict solely on the evidence that you hear and see in a
13 courtroom and on my instructions as to the law?

14 JUROR: Yes.

15 THE COURT: That would interfere with your --

16 JUROR: No, that would not interfere.

17 THE COURT: Sorry. Bad question.

18 Anything else on 23?

19 JUROR: Nope.

20 THE COURT: And 35, is there somebody on that list
21 that you -- sorry -- was that already answered, your dealings
22 with U.S. Attorney's office?

23 JUROR: Yes. We addressed that.

24 THE COURT: And do you remember the name or names of
25 the prosecutors that you dealt with in that case?

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1 JUROR: I don't.

2 THE COURT: Do you remember the name of the case?

3 JUROR: I think it was the U.S. versus Calvin -- sorry
4 Harvey Newkirk.

5 THE COURT: Do you know how Newkirk is spelled?

6 JUROR: N-E-W-K-I-R-K.

7 THE COURT: Anything else on 35 or have we covered
8 that?

9 JUROR: No, covered that.

10 THE COURT: And 36?

11 JUROR: I couldn't tell you if it was the person but
12 there is somebody on this list who has the same name as
13 somebody I do business with.

14 THE COURT: And which number -- don't say the name but
15 which number is it on the list?

16 JUROR: 79.

17 THE COURT: And what nature of business do you do or
18 does this person do that you do work with?

19 JUROR: They work for a bank.

20 THE COURT: Do you know what they do for a bank.

21 JUROR: They are a lending officer.

22 THE COURT: Anyone want to signal if that's a --
23 should I inquire further or does anyone know? All right, it
24 doesn't sound like it is the same person but thank you for
25 letting us know.

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1 Anything else on that one, no. 36?

2 JUROR: No.

3 THE COURT: No. 41, have we covered that already?

4 JUROR: That's correct.

5 THE COURT: And 43, have we covered that?

6 JUROR: Yes.

7 THE COURT: Any other "yes" answers?

8 JUROR: No.

9 THE COURT: With that, turn to the individual
10 questions and start with your name, please.

11 JUROR: Jonathan Moskowitz.

12 THE COURT: County or Counties you have lived in for
13 the last five years?

14 JUROR: New York.

15 THE COURT: How old are you?

16 JUROR: 38.

17 THE COURT: How far did you go in school?

18 JUROR: Masters degree.

19 THE COURT: In what?

20 JUROR: Business administration.

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

22 JUROR: I'm in wealth management.

23 THE COURT: How long have you done that?

24 JUROR: I have been doing that for the past eight
25 years.

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1 THE COURT: Do you live with anyone and, if so, what
2 do they do?

3 JUROR: I do; I live with my wife and two kids. She
4 takes care of our children.

5 THE COURT: And do they go to school?

6 JUROR: Barely.

7 THE COURT: Any grown children?

8 JUROR: No.

9 THE COURT: I'm hoping that's because of their age and
10 not still COVID, but in any event.

11 Are you vaccinated?

12 JUROR: Yes.

13 THE COURT: Boosted?

14 JUROR: Yes.

15 THE COURT: How do you like to get your news?

16 JUROR: CNN, Wall Street Journal, other apps,
17 Barron's. Things like that.

18 THE COURT: And criminal justice-type shows?
19 Anything?

20 JUROR: Occasionally if it is on.

21 THE COURT: Would you have any trouble distinguishing
22 that that's television and this is reality and they are not
23 necessarily similar?

24 JUROR: No.

25 THE COURT: Clubs, organizations, afflations, etc.?

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1 JUROR: No.

2 THE COURT: How do you like to spend your spare time?

3 JUROR: Spending it with my kids, travel.

4 THE COURT: Have you ever served as a juror?

5 JUROR: Yes.

6 THE COURT: And how long ago?

7 JUROR: 10 years ago maybe.

8 THE COURT: Criminal or civil?

9 JUROR: Criminal.

10 THE COURT: State or federal?

11 JUROR: State court.

12 THE COURT: And without telling us what it was if the

13 jury did reach a verdict, did the jury reach a verdict?

14 JUROR: It did.

15 THE COURT: All right. If you can pass the microphone

16 down row 2 to juror no. 7?

17 Juror no. 7, any "yes" answers?

18 JUROR: Can you just clarify the dates of the court

19 case for question 1? It is going to end in July, correct?

20 THE COURT: Yes.

21 JUROR: So I have yes to question 8, 9, 13, 23, 24,

22 and 44.

23 THE COURT: All right. Give me one moment. So let's

24 go through these one at a time. No. 8., tell me about that.

25 JUROR: I have a lot of close friends that are

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1 practicing attorneys.

2 THE COURT: And any of them practice criminal law?

3 JUROR: Maybe. Mostly civil-type matters. I do have
4 a close family friend who is a high-ranking justice in the New
5 York State Court System.

6 THE COURT: OK. And have you discussed their work
7 with any of them -- well, to the extent that any of them does
8 any criminal work, have you discussed that with any of them?

9 JUROR: Not really.

10 THE COURT: Anything about any of them or the work
11 that they do or your knowledge thereof that would affect your
12 ability to be fair and impartial here?

13 JUROR: No.

14 THE COURT: Anything else on no. 8?

15 JUROR: No.

16 THE COURT: No. 9, tell me about that.

17 JUROR: I do have four, I call them nephews. They are
18 sons of cousins that are police officers -- active police
19 officers. My father-in-law is a retired police officer. My
20 future father-in-law is a retired New York State Corrections
21 Officer.

22 THE COURT: I don't think this case involved NYPD but
23 it does involve law enforcement and law enforcement witnesses
24 are likely to testify. Would your relationship to any of those
25 people or your knowledge of what they do for a living affect

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1 your ability to be fair and impartial in this case and evaluate
2 all of the witnesses as you would any other witness?

3 JUROR: No.

4 THE COURT: No. 13, tell me about that.

5 JUROR: We are currently -- my wife and I are
6 currently in a couple of legal matters, civil cases.

7 THE COURT: Involving the government or --

8 JUROR: Not the government, just -- well, we have a --
9 we are party to a case in our town against the town.

10 THE COURT: OK.

11 JUROR: It is on an appeal.

12 THE COURT: So question no. 13 was just whether you
13 have been party to or involved in any legal action or dispute
14 with the United States or a federal agency or department or
15 anything of that sort?

16 JUROR: Nothing federal, no.

17 THE COURT: 23; anything you can tell me about that?

18 JUROR: I used to work for a defense contractor when I
19 first graduated school in the late '80s. I did have classified
20 clearance for some of the matters that I worked on and I do
21 have a very close friend that is actively involved with
22 classified material for defense contracts.

23 THE COURT: First, focusing on your own experience,
24 tell me how long you worked there and when you had -- what
25 years you had clearance.

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1 JUROR: I worked -- it was from 1985 to 1989, I worked
2 for Grumman Aerospace which did work for the United States
3 Navy.

4 THE COURT: In those regards did you have any dealings
5 with the CIA or just the Navy?

6 JUROR: No.

7 THE COURT: Anything about your training or experience
8 handling classified information or anything about that that
9 would affect your ability to be fair and impartial in this
10 case?

11 JUROR: No.

12 THE COURT: And what about your friend? Do you
13 discuss the sort of classified -- obviously you don't
14 discuss --

15 JUROR: We don't discuss it but occasionally he will
16 put me down as a reference because he does have to get
17 re-interviewed or cleared for something he is working on.

18 THE COURT: Anything about his experience with the
19 system or process or handling of classified information that
20 would affect your ability to be fair and impartial here?

21 JUROR: No.

22 THE COURT: How about no. 24, tell me about that.

23 JUROR: 24. When I first graduated college, again
24 working in the late '80s, I was very active with computer code.
25 I have a son who is a computer engineering major that does work

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1 with computer code right now.

2 THE COURT: So do you think that this case will
3 involve some evidence and testimony regarding computer code
4 encoding type things, the nature of the information that is at
5 issue involved various computer programs and coding and the
6 like so -- and I think some of the evidence will relate to sort
7 of forensic examination of computer systems, that kind of
8 thing, and I would expect some expert testimony covering those
9 areas. Would your knowledge or familiarity with computers or
10 computer coding interfere with your ability to be fair and
11 impartial and evaluate that evidence?

12 JUROR: No.

13 THE COURT: Could you put aside whatever knowledge you
14 have and base your verdict solely on the evidence that you hear
15 and see in this courtroom?

16 JUROR: Yes, sir.

17 THE COURT: Finally, no. 44 you said?

18 JUROR: Yes, 44.

19 THE COURT: Tell me about that, please?

20 JUROR: A long time ago my wife and I were robbed in
21 our house, had a car stolen, had another car vandalized and
22 broken into.

23 THE COURT: And did you report each of those incidents
24 to the police?

25 JUROR: Yes.

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1 THE COURT: To your knowledge, was anyone arrested?

2 JUROR: No.

3 THE COURT: For none of them?

4 JUROR: None of them. But I did get a car back.

5 THE COURT: OK. That's nice to hear.

6 So I take it you never appeared in court?

7 JUROR: No.

8 THE COURT: There were no court proceedings?

9 JUROR: No.

10 THE COURT: Anything about that experience, either
11 being a victim of a crime or your dealings with law
12 enforcement, that would affect your ability to be fair and
13 impartial in this case?

14 JUROR: No, your Honor.

15 THE COURT: Any other "yes" answers?

16 JUROR: No.

17 THE COURT: So then turning to the individual
18 questions, please and start with your full name.

19 JUROR: My name is Dominic Veltri.

20 THE COURT: And what county or counties have you lived
21 in?

22 JUROR: Westchester County.

23 THE COURT: Just wait for me to finish my question,
24 otherwise it makes the court reporter's job very difficult so
25 even if you know what I am about to ask.

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1 How old are you?

2 JUROR: 59 years old.

3 THE COURT: How far did you go in school?

4 JUROR: Two masters degrees; is one in engineering,
5 one in business.

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

7 JUROR: I run an engineering department for a
8 communication company.

9 THE COURT: How long have you done that?

10 JUROR: 31 years.

11 THE COURT: Do you live with anyone and, if so, what
12 do they do?

13 JUROR: I live with my wife who is retired.

14 THE COURT: How long has she been retired?

15 JUROR: About five years.

16 THE COURT: And what did she do before she retired?

17 JUROR: She was an HR executive.

18 THE COURT: Any grown children?

19 JUROR: Yeah. I have a daughter who is 26 who does
20 not live in the house.

21 THE COURT: And what does she do?

22 JUROR: She is a physical therapist.

23 THE COURT: And I think you said you have a son?

24 JUROR: I have a son who is -- he just finished his
25 sophomore year in college, computer engineering, and he lives

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1 at home.

2 THE COURT: Any other grown children?

3 JUROR: No.

4 THE COURT: Are you fully vaccinated?

5 JUROR: Yes.

6 THE COURT: Boosted?

7 JUROR: Yes.

8 THE COURT: And how do you like to get your news?

9 JUROR: Various sources, mostly cable news channels,
10 Sirius radio, Internet, Google feeds, news feeds.

11 THE COURT: Any particular channel or shows?

12 JUROR: For news?

13 THE COURT: Yes.

14 JUROR: I do watch Fox and CNN.

15 THE COURT: What about Sirius, any particular shows or
16 channels?

17 JUROR: Just the CNN channel and the Fox channel.

18 THE COURT: And criminal justice-type shows?

19 JUROR: Nothing in particular.

20 THE COURT: Clubs, associations, etc.?

21 JUROR: I do belong to a couple of sporting clubs;
22 Putnam County Fish and Game Club and the Falcons Sportsman Club
23 in Auburn, New York.

24 THE COURT: What do you like to do in your spare time?

25 JUROR: I am an active trap shooter, I do play golf,

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1 and then furniture and gardening, barbecue.

2 THE COURT: Have you ever served as a juror?

3 JUROR: Yes, I have.

4 THE COURT: How many times?

5 JUROR: Once. I believe once on a jury once in this
6 court.

7 THE COURT: In this court; federal court here?

8 JUROR: Federal court here in Southern District.

9 THE COURT: How long ago was that.

10 JUROR: 2017, I believe.

11 THE COURT: And criminal or civil?

12 JUROR: Criminal case.

13 THE COURT: And without telling me what it was, did
14 the jury reach a verdict?

15 JUROR: Yes.

16 THE COURT: And I assume that was not in front of me?

17 JUROR: Not in front of you.

18 THE COURT: Very good. If you can pass the microphone
19 to your neighbor there?

20 Juror no. 8, any "yes" answers to any of the
21 questions?

22 JUROR: Yes; 1, 8, 9 and 46.

23 THE COURT: And tell me --

24 JUROR: Well, I'm a sole caregiver to my three
25 grandchildren right now. My daughter works part-time and she

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1 is going to school, she is taking summer courses. She is going
2 for her masters in education. She was in retail, she had a
3 bachelors degree in business but retail just shut down after
4 COVID so now she is pursuing a teachers degree so she can
5 become a teacher. So I usually watch them four days a week. I
6 have a 16-month old grandson, I have a three and a
7 half-year-old granddaughter, and my other granddaughter is
8 going to be 7 in October, she is in first grade. So usually I
9 pick them up, take them to school, bring them back home and
10 watch them.

11 THE COURT: Is there anyone else who could perform
12 those duties?

13 JUROR: Not at the moment, no. Her husband works, my
14 wife works, so it's all she really has.

15 THE COURT: OK. Well, given that we are entering the
16 summer months, given that your grandchildren will not be in
17 school, given those circumstances I will excuse you from this
18 trial. There might be a shorter trial that would be more
19 suited to your current schedule so why don't you give your
20 questionnaire and list to Mr. Lee and get your jury card and
21 you can go back down to the jury assembly room.

22 In the meantime, I will call another juror to take
23 juror no. 8's seat. That name is: Juan Flores, Jr.,
24 F-L-O-R-E-S. If you can make your way to juror no. 8's seat,
25 please?

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1 In the meantime, let me assure everyone, I told you
2 earlier I am not here to torment you, and one way in which I am
3 not going to torment you is you will be allowed to get lunch.
4 Don't worry about that. My intention is to go to about 1:00 to
5 get as much as we can done before breaking and then we will
6 break for lunch, it is 12:35 now so if you can bear with me for
7 another 25 minutes or so then we will take a break for lunch
8 and we will pick you up after lunch. And I will give you
9 further instructions before you let go for lunch.

10 In the meantime, juror no. 8, any "yes" answers to any
11 of the questions, please?

12 JUROR: No, your Honor.

13 THE COURT: In that case, going to the individual
14 questions, your full name, please?

15 JUROR: Juan Flores.

16 THE COURT: County or counties you have lived in for
17 the last five years?

18 JUROR: New York.

19 THE COURT: How old are you?

20 JUROR: 69.

21 THE COURT: How far did you go in school?

22 JUROR: Two masters degrees.

23 THE COURT: In what?

24 JUROR: Teaching and school administration.

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

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1 JUROR: Retired.

2 THE COURT: How long have you been retired?

3 JUROR: Seven years.

4 THE COURT: And what did you do before you retired?

5 JUROR: I was an assistant principal.

6 THE COURT: And do you live with anyone and, if so,
7 what do they do?

8 JUROR: My husband.

9 THE COURT: What does he do?

10 JUROR: Retired.

11 THE COURT: What did he do before he was retired?

12 JUROR: He was an attorney.

13 THE COURT: What kind of an attorney?

14 JUROR: Labor law.

15 THE COURT: Any experience with the criminal justice
16 system?

17 JUROR: No.

18 THE COURT: Any reason that your, whatever knowledge
19 or relationship you have with him concerning his practice as a
20 lawyer or training as a lawyer that would interfere with your
21 ability to follow my instructions and be fair and impartial
22 here?

23 JUROR: No, your Honor.

24 THE COURT: Any grown children?

25 JUROR: No.

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1 THE COURT: Are you fully vaccinated?

2 JUROR: Yes, sir.

3 THE COURT: Boosted?

4 JUROR: Yes.

5 THE COURT: How do you like to get your news?

6 JUROR: From cable networks; CNN.

7 THE COURT: Any others?

8 JUROR: Reading New York Times, Washington Post.

9 THE COURT: What about criminal justice-type shows,
10 anything there?

11 JUROR: Not really. CSI.

12 THE COURT: Clubs, associations, organizations,
13 unions?

14 JUROR: The administrators' union.

15 THE COURT: What do you like to do in your spare time?

16 JUROR: Work out. Eat. Cook. Travel.

17 THE COURT: And then I just want to make sure, you
18 definitely have no "yes" answers to any of the questions?
19 Because one of the questions was whether you had any close
20 friends or relatives who studied or practiced law and you
21 mentioned your husband is a lawyer. I just want to make sure
22 no other "yes" answers, though?

23 JUROR: No.

24 THE COURT: That's correct? OK.

25 JUROR: He is my husband, he is not a friend.

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1 THE COURT: Gotcha. Well, relative I would think he
2 qualifies, but I understand.

3 Have you ever served on a jury?

4 JUROR: No, sir.

5 THE COURT: OK if you can pass the microphone to your
6 neighbor juror no. 9, please?

7 Or no. 9 any "yes" answers to the questions?

8 JUROR: No.

9 THE COURT: If can you please turn to the individual
10 and starting with your full name, please.

11 JUROR: Sashine Rivera.

12 THE COURT: County or counties you have lived in?

13 JUROR: Bronx.

14 THE COURT: How old are you?

15 JUROR: 43.

16 THE COURT: How far did you go in school?

17 JUROR: Bachelors.

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

19 JUROR: I do -- I'm a spelling specialist.

20 THE COURT: How long have you done that?

21 JUROR: Five years.

22 THE COURT: Do you live with anyone and, if so, what
23 do they do?

24 JUROR: Boyfriend; he is security council.

25 THE COURT: Do you have any grown children?

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1 JUROR: No.

2 THE COURT: Fully vaccinated?

3 JUROR: Yes.

4 THE COURT: Boosted?

5 JUROR: Yes.

6 THE COURT: How do you like to get your news?

7 JUROR: Streaming online.

8 THE COURT: Anything in particular?

9 JUROR: CBS. I'm not sure if it falls in the category
10 but I watch a YouTuber that follows mainstream media news.

11 THE COURT: She comments on the news, that kind of
12 thing?

13 JUROR: Yes.

14 THE COURT: What about criminal justice-type shows, do
15 you watch any of those?

16 JUROR: Not televised but mainly streamlined media.

17 THE COURT: And what about clubs, associations,
18 organizations, unions, etc.?

19 JUROR: No.

20 THE COURT: What do you like to do in your spare time?

21 JUROR: Art and planting.

22 THE COURT: Have you ever served as a juror before?

23 JUROR: No.

24 THE COURT: If you can pass the microphone on to your
25 neighbor there, please?

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1 Any "yes" answers to any of the questions?

2 JUROR: Yes; to 8 and 9.

3 THE COURT: Any other yes answers, just 8 and 9?

4 JUROR: Just 8 and 9.

5 THE COURT: Start with 8, tell me about that.

6 JUROR: I have a friend who is a lawyer, she works for
7 a music company in corporate law.

8 THE COURT: Any criminal legal experience do you know?

9 JUROR: No.

10 THE COURT: And anything about your friend or what he
11 or she does as a lawyer that would affect your ability to
12 follow my instructions and be fair and impartial?

13 JUROR: No.

14 THE COURT: And anything else on no. 8?

15 JUROR: No. Just that.

16 THE COURT: What about no. 9?

17 JUROR: I have a cousin that just finished the
18 academy, the NYPD.

19 THE COURT: NYPD. OK.

20 Anything about your relationship with your cousin or
21 your cousin's experience in the academy or future employment
22 that would affect your ability to be fair and impartial in this
23 case?

24 JUROR: No.

25 THE COURT: Any other "yes" answers?

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1 JUROR: No.

2 THE COURT: All right. In that case, individual
3 questions. Start with your name, please?

4 JUROR: Laura Ramirez.

5 THE COURT: And county or counties you have lived in
6 for the last five years?

7 JUROR: The Bronx.

8 THE COURT: How old are you?

9 JUROR: 36.

10 THE COURT: How far did you go in school?

11 JUROR: Bachelors.

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

13 JUROR: I'm unemployed right now.

14 THE COURT: Thank you.

15 How long have you been unemployed?

16 JUROR: About a year.

17 THE COURT: What did you do before?

18 JUROR: I was a manager at Michaels until it closed.

19 THE COURT: Michaels, the art supply store?

20 JUROR: Yes.

21 THE COURT: How long did you do that?

22 JUROR: 10 years.

23 THE COURT: Good luck to you in finding your next
24 employment.

25 Do you live with anyone?

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1 JUROR: I live with my parents; they're retired.

2 THE COURT: What did they do before they were retired.

3 JUROR: My father worked at an MRI manufacturing
4 company, and my mother took care of the kids.

5 THE COURT: Any grown children?

6 JUROR: No.

7 THE COURT: Are you fully vaccinated?

8 JUROR: Yes, I am.

9 THE COURT: Boosted?

10 JUROR: Yes.

11 THE COURT: How do you like to get your news?

12 JUROR: Google, CNN, Univision.

13 THE COURT: Criminal justice-type shows, anything of
14 that nature?

15 JUROR: Law & Order sometimes.

16 THE COURT: And same question I asked earlier.

17 Anything about that experience that would interfere with your
18 ability to evaluate the evidence here?

19 JUROR: No.

20 THE COURT: Not based on what you have seen on the TV?

21 JUROR: No.

22 THE COURT: Clubs, associations, organizations,
23 unions; anything of that nature?

24 JUROR: No.

25 THE COURT: What do you like to do in your spare

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1 time?

2 JUROR: Reading, hanging out with my nieces.

3 THE COURT: Have you ever served on a jury?

4 JUROR: Yes.

5 THE COURT: How long ago?

6 JUROR: Last year.

7 THE COURT: Really?

8 JUROR: I did not keep the paper.

9 THE COURT: Oh dear. You shouldn't have been recalled
10 so quickly but here you are. Was in it in federal court or
11 state court?

12 JUROR: State court in the Bronx, civil.

13 THE COURT: Without telling us what it was, did the
14 jury reach a verdict?

15 JUROR: Yes.

16 THE COURT: Hang on one second.

17 You heard me mention earlier that the burden of proof
18 in a criminal case is on the government at all times and is
19 beyond a reasonable doubt, that's different than the burden in
20 a civil case. Would you have any trouble following my
21 instructions on that?

22 JUROR: No, I wouldn't.

23 THE COURT: OK. All right. You can pass the
24 microphone on to your neighbor, please.

25 Juror no. 11, any "yes" answers?

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1 JUROR: No.

2 THE COURT: Turning then to the individual questions,
3 start with your full name, please.

4 JUROR: Edgar Castillo.

5 THE COURT: County or counties?

6 JUROR: Westchester.

7 THE COURT: How old are you?

8 JUROR: 43.

9 THE COURT: How far did you go in school?

10 JUROR: High school.

11 THE COURT: What did you do for a living?

12 JUROR: I'm an electrician.

13 THE COURT: How long have you done that?

14 JUROR: Five years.

15 THE COURT: Do you live with anyone?

16 JUROR: My wife and my daughter.

17 THE COURT: And what does your wife do?

18 JUROR: She stays home to take care of my daughter.

19 THE COURT: Is your daughter in school?

20 JUROR: Yes.

21 THE COURT: Any grown children?

22 JUROR: No.

23 THE COURT: Are you fully vaccinated?

24 JUROR: Yes.

25 THE COURT: Boosted?

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1 JUROR: No.

2 THE COURT: How do you like to get your news?

3 JUROR: Google.

4 THE COURT: Criminal justice-type shows?

5 JUROR: No.

6 THE COURT: Clubs, unions, organizations, etc.?

7 JUROR: No.

8 THE COURT: What do you like to do in your spare time?

9 JUROR: Play with my daughter.

10 THE COURT: Sorry?

11 JUROR: Play with my daughter.

12 THE COURT: Have you ever served as a juror?

13 JUROR: No.

14 THE COURT: All right. You can pass the microphone on
15 to juror no. 12 there at the end of the row.

16 Any "yes" answers, please?

17 JUROR: Yes; no. 8, no. 9 and no. 46.

18 (Continued on next page)

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1 THE COURT: All right. Tell me about No. 8 first,
2 please.

3 JUROR: Close friend of mine that is an attorney, not
4 criminal attorney, she works for Google. I don't know exactly
5 what kind of law she's doing, but --

6 THE COURT: All right.

7 JUROR: It's not criminal.

8 THE COURT: Anything about her job or your
9 relationship with her that would affect your ability to be fair
10 and impartial here?

11 JUROR: No.

12 THE COURT: No. 9, tell me about that.

13 JUROR: My grandfather was an NYPD officer, and my
14 husband was a corrections officer.

15 THE COURT: All right. First, your grandfather,
16 anything about what he did or your relationship with him that
17 would affect your ability to be fair and impartial here?

18 JUROR: No.

19 THE COURT: And, sorry, you said your husband was --

20 JUROR: Yeah, he used to work for the Department of
21 Corrections.

22 THE COURT: When and for how long and in what
23 capacity?

24 JUROR: 2006 to 2009, he was a C.O., a corrections
25 officer.

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1 THE COURT: Where?

2 JUROR: SingSing, state.

3 THE COURT: OK. Were you married at the time?

4 JUROR: Yes.

5 THE COURT: And anything --

6 JUROR: Well, for part of the time, yeah.

7 THE COURT: All right. And what does he do now?

8 JUROR: He works for MTA now.

9 THE COURT: All right. Anything --

10 JUROR: Bus operator.

11 THE COURT: Bus operator?

12 JUROR: Uh-huh.

13 THE COURT: Anything about his experiences as a
14 corrections officer, dealings with the criminal justice system,
15 that would affect your ability to be fair and impartial in this
16 case?

17 JUROR: No.

18 THE COURT: Did he ever have to testify in court or
19 appear in court?

20 JUROR: Well, that has to do with No. 46.

21 THE COURT: OK. Tell me about that.

22 JUROR: Yeah.

23 THE COURT: Tell me about that.

24 JUROR: Oh. So, can I privately?

25 THE COURT: Sure. Just wait until the parties and the

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1 court reporter are assembled here at the sidebar, and then you
2 can approach. Leave the microphone there.

3 (At sidebar; juror present)

4 THE COURT: Hi. Just keep your voice up so that we
5 can all hear you, since the noise machine is on. Go ahead.

6 JUROR: No problem. No problem.

7 So, my husband was incarcerated. At the time he was a
8 corrections officer, served 20 months in state prison for -- it
9 was a narcotics possession charge.

10 THE COURT: OK.

11 JUROR: So that's what the 46 was, but he was a
12 correction officer. So that's why it kind of melded into two
13 things.

14 THE COURT: I'm a little confused.

15 JUROR: Sure.

16 THE COURT: Forgive me.

17 JUROR: No problem, your Honor.

18 THE COURT: Was he prosecuted for something he did as
19 a corrections officer?

20 JUROR: So, he -- no, it actually didn't have to do
21 with the job, but it occurred while he was working as a
22 corrections officer.

23 THE COURT: OK. And was he -- were you married at the
24 time that he was --

25 JUROR: Yes, yeah, yeah.

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1 THE COURT: And was he prosecuted in the state court
2 system?

3 JUROR: State court system, yeah.

4 THE COURT: OK. Anything about his experience --
5 well, actually before I get to that, did he go to trial? Did
6 he plead guilty?

7 JUROR: He pled. He pled guilty.

8 THE COURT: OK. Anything about his experience either
9 with law enforcement or in the criminal justice system or in
10 jail that would affect your ability to be fair and impartial.

11 JUROR: No, I don't think so. I think I would be able
12 to be fair and impartial.

13 THE COURT: Any hesitation about that, or are you --

14 JUROR: I just look at things the way they are and
15 then make a decision from that. It wouldn't -- that would have
16 no bearing on -- what happened then would have no bearing on me
17 deciding anything now.

18 THE COURT: All right. Great. And no other "yes"
19 answers, I take it.

20 JUROR: No. It was just those three.

21 THE COURT: OK. You can make your way back to your
22 seat. Thank you.

23 JUROR: No problem.

24 (Juror not present)

25 THE COURT: Before we resume, I just wanted to check

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1 if there's any follow-up on anyone to date.

2 MR. DENTON: I don't think so, your Honor.

3 THE COURT: Mr. Schulte.

4 MR. SCHULTE: No.

5 THE COURT: All right. Go back to your seats, and
6 we'll pick up.

7 (In open court)

8 THE COURT: All right. Juror No. 12, turning to the
9 individual questions, your full name, please.

10 JUROR: India Harris.

11 THE COURT: And county or counties you've lived in for
12 the last five years.

13 JUROR: Westchester.

14 THE COURT: How old are you?

15 JUROR: 46.

16 THE COURT: How far did you go in school?

17 JUROR: Master's in public health.

18 THE COURT: And what do you do for a living?

19 JUROR: I'm a supervising public health nurse.

20 THE COURT: How long have you done that?

21 JUROR: 21 years.

22 THE COURT: And do you live with anyone?

23 JUROR: I live with my husband, my daughter, and my
24 mother.

25 THE COURT: All right. Your husband, you said, works

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1 as a bus operator.

2 JUROR: Correct.

3 THE COURT: And your mother.

4 JUROR: Mother's a retired nurse.

5 THE COURT: And your daughter.

6 JUROR: She's about to go into fifth grade.

7 THE COURT: All right. And any grown children?

8 JUROR: Stepdaughter. She is a resident director at a
9 university in Connecticut.

10 THE COURT: All right. Are you fully vaccinated?

11 JUROR: Yes.

12 THE COURT: Boosted?

13 JUROR: Yes.

14 THE COURT: How do you like to get your news?

15 JUROR: CNN, CBS News, CNN app.

16 THE COURT: All right. Criminal justice-type shows?

17 JUROR: No.

18 THE COURT: What about clubs, organizations, unions,
19 etc.?

20 JUROR: New York State Nurses Association.

21 THE COURT: And what do you like to do in your spare
22 time?

23 JUROR: Spend time with family, watch a little TV.

24 THE COURT: And any particular kind of TV other than
25 what you mentioned?

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1 JUROR: I like nature shows, those veterinarian shows.

2 THE COURT: And have you ever served as a juror?

3 JUROR: No.

4 THE COURT: All right. You can pass the microphone
5 all the way down row three to the seat closest to me.

6 Juror No. 13, any "yes" answers?

7 JUROR: Yes. No. 1, 8, 9, 35, and 36.

8 THE COURT: All right. Start with No. 1, please.
9 Tell me about that.

10 JUROR: Family vacation planned in the third week in
11 July with my family.

12 THE COURT: And third week in July being when?

13 JUROR: On the 23rd, Saturday.

14 THE COURT: All right. And where are you going?

15 JUROR: It's my son's seventh birthday. We're
16 bringing him down to Baltimore, Maryland, for a baseball game,
17 and after that we're going to Washington, D.C.

18 THE COURT: Have you booked things?

19 JUROR: So far the hotels are booked, yes.

20 THE COURT: And you're leaving on the 23rd, you say?

21 JUROR: That's correct.

22 THE COURT: I'm reasonably confident that won't be an
23 issue.

24 Turn to No. 8 and tell me about that.

25 JUROR: I just have a friend who practices real

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1 estate -- she's a real estate attorney.

2 THE COURT: All right. Any criminal law experience?

3 JUROR: No.

4 THE COURT: Anything about his or her experience or
5 training that would affect your ability to be fair and
6 impartial?

7 JUROR: No, no.

8 THE COURT: All right. Just remember to wait until I
9 finish.

10 What about No. 9? Tell me about that.

11 JUROR: My uncle was a New York City cop. His son, my
12 cousin, was a New York City police officer, and many friends
13 over the years who are also police officers.

14 THE COURT: OK. And anything about their experiences
15 or your relationships with any of them that would affect your
16 ability to be fair and impartial in this case, including the
17 fact that there will be some law enforcement witnesses
18 testifying?

19 JUROR: No.

20 THE COURT: OK. No. 35, tell me about that.

21 JUROR: That goes back a long time ago, but I was
22 dating a woman whose brother was wanted by the FBI.

23 THE COURT: OK. How long ago?

24 JUROR: The early '90s.

25 THE COURT: And what was he wanted for?

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1 JUROR: Bank robbery.

2 THE COURT: And to your knowledge, was he ever
3 arrested?

4 JUROR: Yes.

5 THE COURT: And were you still dating the person at
6 that time?

7 JUROR: Was I still dating the person when he was
8 arrested?

9 THE COURT: Yes.

10 JUROR: I believe so.

11 THE COURT: All right. Did you have any connection to
12 what followed, the criminal charges, anything of that nature?

13 JUROR: Absolutely not.

14 THE COURT: All right. Anything about that experience
15 that would affect your ability to be fair and impartial in this
16 case?

17 JUROR: No.

18 THE COURT: OK. No. 36, tell me what number on the
19 list you think --

20 JUROR: Just by name only, No. 18.

21 THE COURT: And what's your connection? I don't think
22 this is P. Diddy.

23 JUROR: That's what I was thinking.

24 THE COURT: OK. Let me confirm this is not P. Diddy.

25 JUROR: OK. So cross out 36.

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1 THE COURT: For future reference, everyone else, No.
2 18, it's not P. Diddy, or whatever other names he has gone by
3 over the course of his career.

4 Any other "yes" answers?

5 JUROR: No, sir.

6 THE COURT: Let's turn to the individual questions,
7 starting with your full name, please.

8 JUROR: My name is Brian Loesch.

9 THE COURT: And county or counties in the last five
10 years.

11 JUROR: New York.

12 THE COURT: How old are you?

13 JUROR: 61.

14 THE COURT: How far did you go in school?

15 JUROR: Master's degree in education.

16 THE COURT: And what do you do for a living?

17 JUROR: I'm a high school teacher.

18 THE COURT: What do you teach?

19 JUROR: I teach U.S. history and economics.

20 THE COURT: And how long have you done that?

21 JUROR: Just finishing up my 24th year.

22 THE COURT: Great.

23 Do you live with anyone?

24 JUROR: I live with my wife and two young children.

25 THE COURT: And what does your wife do?

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1 JUROR: She's also a high school teacher.

2 THE COURT: And your children are in school?

3 JUROR: Yes.

4 THE COURT: Any grown children?

5 JUROR: No.

6 THE COURT: Are you fully vaccinated?

7 JUROR: Yes.

8 THE COURT: Boosted?

9 JUROR: Yes.

10 THE COURT: And how do you like to get your news?

11 JUROR: I usually get it from online newspapers, cable
12 TV, nightly news.

13 THE COURT: Any particular shows or channels or
14 newspapers?

15 JUROR: I mean newspapers, Wall Street Journal, New
16 York Times, New York Post, BBC, cable news networks, Fox, CNN,
17 and again nightly news.

18 THE COURT: All right. What about criminal
19 justice-type shows?

20 JUROR: We watch FBI. We also watch Blue Bloods.

21 THE COURT: Same question as before. Do you
22 anticipate any trouble recognizing that this is reality, that's
23 TV?

24 JUROR: Not at all.

25 THE COURT: OK. And clubs, organizations,

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1 associations, etc.?

2 JUROR: Just Little League.

3 THE COURT: Little League?

4 JUROR: Yeah, with my kids.

5 THE COURT: All right. And what do you like to do in
6 your spare time?

7 JUROR: Hang out with my family, travel. I play golf,
8 like to cook.

9 THE COURT: And have you ever served as a juror?

10 JUROR: Once before, yes.

11 THE COURT: How long ago?

12 JUROR: Like, probably 20 years ago.

13 THE COURT: And civil or criminal?

14 JUROR: Civil.

15 THE COURT: State or federal?

16 JUROR: It was state.

17 THE COURT: And without telling us what it was, did
18 the jury reach a verdict?

19 JUROR: I think it was settled out of court.

20 THE COURT: All right. And same question as I asked
21 earlier, standard in a civil case is different than a criminal
22 case. In this setting it's proof beyond a reasonable doubt,
23 and the burden is always on the government. Any trouble
24 following my instructions on that score?

25 JUROR: Not at all.

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1 THE COURT: All right. Great. Let's do one more
2 before we break. So bear with me, please, and if you could
3 pass the microphone to juror No. 14.

4 Any "yes" answers, please?

5 JUROR: Yes to question 1.

6 THE COURT: Any other "yes" answers?

7 JUROR: No.

8 THE COURT: OK. Tell me about No. 1.

9 JUROR: It's just that I have appointments three days
10 out of the week. I can cancel them. I just need to know ahead
11 of time what's going on.

12 THE COURT: OK. What's the nature of the
13 appointments?

14 JUROR: One -- well, two appointments are on the same
15 day. They're basically therapy, and the other two are
16 basically -- I just need to organize and whatnot.

17 THE COURT: OK. You'll know if you're seated as a
18 juror, you'll certainly know.

19 JUROR: Yes. I just wanted to know ahead of time when
20 that's going to happen.

21 THE COURT: OK. So that shouldn't be a problem then.

22 No other "yes" answers?

23 JUROR: No.

24 THE COURT: Turn to the individual questions, and
25 start with your full name.

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1 JUROR: Andrew Diperna.

2 THE COURT: County or counties, please?

3 JUROR: Manhattan.

4 THE COURT: And how old are you?

5 JUROR: 31.

6 THE COURT: How far did you go in school?

7 JUROR: High school.

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

9 JUROR: I'm a fast food worker.

10 THE COURT: How long have you done that?

11 JUROR: Seven years now.

12 THE COURT: And do you live with anyone?

13 JUROR: No.

14 THE COURT: Any grown children?

15 JUROR: Nope.

16 THE COURT: And are you fully vaccinated?

17 JUROR: Yes.

18 THE COURT: Boosted?

19 JUROR: Twice.

20 THE COURT: And how do you like to get your news?

21 JUROR: CNN, New York Times, AM New York, YouTube.

22 THE COURT: Criminal justice-type shows?

23 JUROR: No.

24 THE COURT: Clubs, associations, organizations,

25 unions, etc.?

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1 JUROR: No, your Honor.

2 THE COURT: What do you like to do in your spare time?

3 JUROR: Cook, read books, go on walks.

4 THE COURT: And have you ever served as a juror?

5 JUROR: No.

6 THE COURT: All right. We can shut the microphone
7 off.

8 Let me give everyone some instructions before we take
9 our break for lunch.

10 First, I'm going to ask you to do the following, which
11 is, in a moment -- or when you leave, I'm going to ask you to
12 hand in your list of names and places to my staff as you leave
13 the courtroom. So because of that, I'd asked you earlier to
14 circle the name or place on that list, but I'm going to ask you
15 to take a moment and actually write the associated number on
16 your questionnaire. So, in other words, any name or place
17 you've circled, write the corresponding number from the list on
18 the questionnaire by the question that it relates to, just so
19 when you come back you don't actually need the list of names or
20 places and you just have your questionnaire. So take a moment
21 to do that, and then I'll give you further instructions in a
22 second.

23 All right. Here's the deal. Please remain where you
24 are until I finish my instructions. I promise they won't be
25 too long, but I want to make sure you listen carefully.

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1 When you are excused, I want you to leave your
2 questionnaire -- the questionnaire itself, only the
3 questionnaire -- on the seat you're sitting in and remember
4 where you're sitting. If you want to put your initials on the
5 first page, you can do that, just to ensure that you find the
6 questionnaire that belongs to you when you come back. I want
7 you to take the list of names and places, which you'll no
8 longer need after the break, and give those to my law clerk,
9 who is standing at the back of the courtroom there as you leave
10 the courtroom.

11 So again, when you're excused -- you're not excused
12 yet; stay where you are -- leave your questionnaire on your
13 chair. Just put your initials on it so that you can find your
14 way back and find it when we resume. But bring your list of
15 names and places and give those to my law clerk as you leave
16 the courtroom.

17 Two things:

18 No. 1, I told you before until you are excused as a
19 juror, you may not discuss this case. You may not do any
20 research about this case. You may not talk to anyone about it.
21 All right? Those are very, very important. When you get out
22 of this courtroom, I assume you'll have access to your phones,
23 etc., etc. I don't want you to use them in connection with
24 this case. Please don't do any research about it. Don't look
25 up anyone, including me, involved in it. Don't do anything of

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1 that sort. All right? It will only cause trouble not just for
2 us but also for you, so don't do it.

3 Similarly, don't talk to anyone about the case. Don't
4 talk to one another about the case. Don't talk to anyone --
5 your employers, your relatives, your spouses, your partners.
6 Don't talk to anyone about the case. You may tell your
7 employers or your partners, family members, that you are being
8 questioned for potential service in a criminal matter in this
9 court, but you should not tell them anything else about the
10 case. That's all you can or should tell them. You shouldn't
11 tell them the name of the case. You shouldn't tell them
12 anything about the case whatsoever. All right? That's
13 important.

14 Don't talk to one another about it either. All these
15 rules are intended to ensure that you decide this case based
16 only on the evidence that you hear and see in the courtroom and
17 that you keep an open mind until the end of the case, when you
18 have heard all of the evidence. You have not heard any of the
19 evidence yet.

20 Again, nothing that I have said, nothing that any
21 juror here has said is evidence. So it is critical that you
22 not do any research about the case, read anything about the
23 case or talk to anyone about the case.

24 You probably were told this downstairs, but if not,
25 I'll tell you. You can't go to the cafeteria in this

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1 courthouse or, for that matter, the courthouse across the
2 street. That is to ensure that you don't run into anyone
3 connected to the case. On that score, let me stress to you
4 that the parties, the lawyers, everyone involved in the case is
5 under very strict instructions that they are not to communicate
6 in any way, shape or form with you. So if you happen to bump
7 into anyone outside of the courtroom who is involved in this
8 case and they don't smile at you, they don't say hi to you,
9 they acknowledge you, they don't hold the door for you, don't
10 be offended. They're not being rude. They're just following
11 my instructions and obeying those instructions. So please note
12 that.

13 Don't go anywhere just yet. Some important final
14 instructions. It is 1:04 now. Thank you for the four extra
15 minutes. We will pick up again at 2:00, so what I want you to
16 do is the following, and this is very important, so listen to
17 me. I want you to be outside in the outside hallway here. We
18 are in courtroom 23A. All right? 23A, as in apple. I want
19 you to assemble in the hallway outside at no later than five
20 minutes to two. OK? Again, at 1:55 you should be outside in
21 the hallway outside courtroom 23A.

22 Do not come into the courtroom. OK? Again, do not
23 come into the courtroom until you are called in by the court
24 staff, and that's just to ensure that if we're doing something
25 that doesn't relate to you you're not present for that. So we

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1 will call you in when it's time to come in, but please be there
2 no later than 1:55. Do not be late. OK? This process
3 requires all of you to be here. If someone is late, we may
4 have to wait for you. It will only annoy everybody else in the
5 jury pool. It will only annoy me. It will only lengthen this
6 process. I assure you that I am doing my level best to get
7 this process done as quickly and fairly as possible, but that
8 requires your help and participation as well. So please,
9 please, please be on time.

10 There are a number of restaurants in the neighborhood
11 Chinese restaurants in Chinatown, others nearby. So you should
12 be able to find a place to get a bite to eat.

13 With that, let me give you some final instructions.

14 No. 1, keep an open mind. You haven't heard any of
15 the evidence in the case.

16 No. 2, just to reiterate, don't discuss the case.
17 Don't do any research about the case.

18 And then the last instruction, please leave your
19 questionnaire on your chair. When it comes time to enter the
20 courtroom, only enter when you're summoned by the staff, but
21 find your way to the same seat that you're in, and we'll pick
22 up where we left off.

23 At this point, you are now excused. You may make your
24 way out, and please give the list of names to my law clerk.

25 Thank you very much. We'll see you at 2:00.

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1 (Prospective jurors not present)

2 THE COURT: All right. You may be seated.

3 Let me just confirm there's no one else in the
4 courtroom that's a prospective juror, I'm quite confident.

5 Very good.

6 All right. Anything to raise from the government?

7 MR. DENTON: It's not a strong view, your Honor. I
8 think based on what we heard from juror No. 14, the last juror,
9 we thought it might make sense to ask him at least a follow-up
10 question about his health, since it sounds like he has some
11 sort of recurring appointment. I don't know exactly what that
12 is, but to the extent that's relevant for how long this trial's
13 going to be and how long we're all going to be here, I just
14 wanted to flag it.

15 THE COURT: All right. I don't think it's necessary.
16 One of the questions asks specifically that, and he said no to
17 that. Sounds more like a regular therapy-type appointment, and
18 he just needs advance notice about rescheduling. So I don't
19 think that's necessary.

20 I assume no applications to strike anyone for cause
21 from the first 14 that have been qualified.

22 MR. DENTON: Not from the government, your Honor.

23 THE COURT: OK.

24 Mr. Schulte, any follow-up from you?

25 MR. SCHULTE: Yes.

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1 No. 6, we think, should be struck for cause. He said
2 he has very strong positive views for the U.S. attorneys, and
3 he actually said yes on a question about bias. So I think if
4 that's his first indication when he reads the question and
5 thinks bias, I think that's cause.

6 THE COURT: All right. I think in light of the
7 follow-up, there's no basis to excuse him for cause. I assume
8 he answered yes just out of an abundance of caution because he
9 has favorable views about the office or those attorneys he
10 dealt with and Mr. Poscablo, who was indeed in the office, and
11 of the office generally from his own personal experience. But
12 I did follow up with several additional questions, and he
13 assured me, and I certainly saw no reason to question it, short
14 of me knowing in certain terms he could be fair and impartial.

15 Mr. Denton, do you have anything you want to say on
16 that?

17 MR. DENTON: No, your Honor. We think your Honor
18 followed up appropriately.

19 THE COURT: All right.

20 Any other follow-up or applications, Mr. Schulte?

21 MR. SCHULTE: No.

22 THE COURT: All right. Anything else that we need to
23 discuss before I give you your breaks?

24 Government.

25 MR. DENTON: No, your Honor.

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1 THE COURT: Mr. Schulte.

2 MR. SCHULTE: I think there just may be one issue.

3 We're talking with the tech person from Federal Defenders, and
4 whenever we do testimony from the --

5 (Counsel conferred with defendant)

6 MR. SCHULTE: OK. We think we may be able to get it
7 resolved, so -- if not, then I'll bring it up.

8 THE COURT: That's fine. It doesn't sound like we
9 need to right now.

10 I know that you have the list of names and places. I
11 don't know if there's any hesitation about you holding on to
12 your copies until the end of the day. Obviously we all need it
13 to know who someone is talking about.

14 Mr. Denton, any concerns on that front? Should we
15 collect them and then give them back when we resume?

16 MR. DENTON: I think as long as we keep track of them,
17 at the end of the day, I don't think we care what happens to
18 them along the way.

19 THE COURT: All right. Tell you what. I don't see
20 any reason you need them over the break. Why don't you each
21 give whatever copies of those lists there are to my law clerk
22 and then we'll give you the lists back when we resume after the
23 break.

24 Please be in here by 1:55 as well, and I'll make sure
25 no jurors enter until everybody is assembled. And I will see

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1 you then, and we'll hopefully pick up promptly at 2:00.

2 Thank you very much. Enjoy your break.

3 (Luncheon recess)

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AFTERNOON SESSION

1:55 p.m.

THE COURT: You may be seated.

Anyone know where Ms. Shroff and Ms. Colson are?

I assume there's nothing we need to discuss before we pick up where we left off.

Government.

MR. DENTON: Nothing from the government, your Honor.

THE COURT: Mr. Schulte.

MR. SCHULTE: No.

THE COURT: Ms. Shroff, I said 1:55. I think you know I mean it when I give you a time.

Any idea where Ms. Colson is?

MS. SHROFF: I'm sorry, your Honor. We had some traffic issues with the elevator, and I needed a cup for Mr. Schulte, but I will make sure I do that going forward.

THE COURT: All right. Since standby counsel are both here, let's get the jury in and we'll continue where we left off.

(Prospective jurors present)

THE COURT: The parties can have a seat while we wait for the remaining jurors to trickle in.

Mr. Lee, do you want to wait outside, since I had given instructions for people not to enter until they were brought in? I want to make sure they know they can come in

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1 now.

2 THE DEPUTY CLERK: Yes.

3 THE COURT: Let's just wait one second or so longer
4 for the stragglers to get here. I do thank those of you who
5 were here on time for your punctuality.

6 All right. I think I'm going to get started.
7 Unfortunately, there are still one or two people not back. As
8 you know, I wanted to start promptly at two and thank those of
9 you who were here on time for us to do that. So we'll pick up
10 where we left off.

11 If you could hand over the microphone to juror No. 15
12 please, and turn it back on.

13 Any "yes" answers to any other questions?

14 JUROR: No.

15 THE COURT: All right. Just keep your voice up, and
16 put it close to the mask, please.

17 JUROR: OK.

18 THE COURT: That was a no?

19 JUROR: Yes.

20 THE COURT: All right. Could you tell me your full
21 name, please.

22 JUROR: Armando Jusino.

23 THE COURT: All right. What county or counties have
24 you lived in for the last five years?

25 JUROR: Bronx.

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1 THE COURT: How old are you?

2 JUROR: 62.

3 THE COURT: And how far did you go in school?

4 JUROR: High school.

5 THE COURT: And what do you do for a living?

6 JUROR: I'm a painter right now.

7 THE COURT: How long have you done that?

8 JUROR: Three years.

9 THE COURT: What did you do before that?

10 JUROR: Self-employed.

11 THE COURT: Self-employed?

12 JUROR: Yes.

13 THE COURT: One second, please. Can we just shut off
14 the microphones at the tables.

15 When you say you were self-employed, what was the
16 nature of your employment?

17 JUROR: Odd jobs.

18 THE COURT: Odd jobs?

19 JUROR: Yes.

20 THE COURT: OK. Do you live with anyone?

21 JUROR: Yes.

22 THE COURT: And what does he or she do?

23 JUROR: She's a retired teacher.

24 THE COURT: All right. And what's the nature of your
25 relationship with her?

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1 JUROR: My spouse.

2 THE COURT: All right. And how long has she been
3 retired?

4 JUROR: Eight years.

5 THE COURT: OK. Any grown children?

6 JUROR: One.

7 THE COURT: What does he or she do?

8 JUROR: She's not living with me.

9 THE COURT: Sorry?

10 JUROR: She's not living with me.

11 THE COURT: What does she do, though? What does she
12 do for a living?

13 JUROR: Oh. She's not doing nothing now.

14 THE COURT: Are you fully vaccinated?

15 JUROR: Yes.

16 THE COURT: Boosted?

17 JUROR: Yes.

18 THE COURT: And how do you like to get your news?

19 JUROR: TV.

20 THE COURT: And any particular shows or channels?

21 JUROR: No.

22 THE COURT: And criminal justice-type shows --

23 JUROR: No.

24 THE COURT: -- anything there?

25 JUROR: No.

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1 THE COURT: Clubs, associations, organizations, or
2 unions?

3 JUROR: No.

4 THE COURT: And what do you like to do in your spare
5 time?

6 JUROR: I go fishing.

7 THE COURT: And have you ever served on a jury?

8 JUROR: Yes.

9 THE COURT: How long ago?

10 JUROR: Eight years ago.

11 THE COURT: And state or federal?

12 JUROR: State.

13 THE COURT: Civil or criminal?

14 JUROR: Civil.

15 THE COURT: Did the jury reach a verdict?

16 JUROR: Yes.

17 THE COURT: And you understand that the standard in
18 this case, in a criminal case is a lot different and higher
19 standard, and would you have any trouble following my
20 instructions on that?

21 JUROR: No, no problem.

22 THE COURT: OK. If you can hand the microphone to
23 your neighbor, juror No. 16, please.

24 Any "yes" answers, please?

25 MR. DENTON: Yes. No. 1.

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1 THE COURT: All right. Tell me about that.

2 JUROR: I'm a physician and working for the neonatal
3 intensive care unit, and two of my colleagues just resigned,
4 and I do shifts which are eight hours, 16 hours or 24 hours.
5 And given the duration of this trial, I don't think that I
6 would be able to manage even trying to ask for a favor that my
7 colleagues, because it goes so long.

8 I just did a shift on Friday morning, and I started
9 Friday morning and up all night, left Sunday morning hospital.
10 So we are in a situation where it's extremely difficult for me
11 to continue for a long trial.

12 THE COURT: And what hospital do you work at?

13 JUROR: The Harlem Hospital.

14 THE COURT: And you're in the emergency care?

15 JUROR: In the unit, intensive unit.

16 THE COURT: Which unit?

17 JUROR: Neonatal.

18 THE COURT: Neonatal.

19 JUROR: Yes.

20 THE COURT: And how many other physicians are there in
21 that unit?

22 JUROR: We have four physicians now after the two left
23 and we cover day, night interventions.

24 THE COURT: How many are there when it's fully
25 staffed?

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1 JUROR: Fully staffed would be six.

2 THE COURT: And what do they do when people are on
3 vacation or that sort of thing?

4 JUROR: We try to make the schedule so that only one
5 person can be on vacation and the fact that if I'm on trial,
6 people would still go on vacation, which may, I guess, leave
7 even a shorter staff.

8 THE COURT: All right. I think I will excuse you. I
9 obviously don't want anyone to not receive the care that they
10 should get on account of your serving on a jury. Given the
11 length of this trial and the current circumstances in your
12 department, I think it makes sense to excuse you from this
13 trial and perhaps have you considered for a shorter trial. So
14 if you can get your card from Mr. Lee and give him your
15 questionnaire, you're excused.

16 JUROR: I thank you for that.

17 THE COURT: And I will call another juror to take your
18 place.

19 Kara Jones.

20 All right. New juror No. 16, any "yes" answers to any
21 of the questions?

22 JUROR: Yes.

23 THE COURT: What numbers, please?

24 JUROR: One and nine.

25 THE COURT: All right. Tell me about No. 1 first.

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1 JUROR: I'm a case worker, and I have kids that I
2 can't transfer over to other case workers, because we're short
3 staffed as well. So for five to six weeks it's a bit of a
4 stretch.

5 THE COURT: Where do you work?

6 JUROR: Green Chimneys in Brewster, New York.

7 THE COURT: And what is that?

8 JUROR: It's a children's services. We cater to five
9 to 21.

10 THE COURT: And what do you mean by children's
11 services?

12 JUROR: That we care about the community and schools.

13 THE COURT: All right. Just keep your voice up if you
14 don't mind.

15 What's the nature of your job as a case worker? What
16 do you do?

17 JUROR: We are the case managers, so we manage their
18 care, their support services, therapy services, in the home, in
19 public.

20 THE COURT: And what do you do when somebody in your
21 unit is on vacation?

22 JUROR: I don't do anything because I don't -- we
23 don't cover any other people's cases.

24 THE COURT: So what happens to your charges when
25 you're on vacation?

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1 JUROR: They get on pause for, like, a week, tops.

2 THE COURT: All right. Well, for the same reason I
3 will excuse you, and perhaps there is a shorter trial that
4 would be more suitable, but I don't want anybody to go without
5 needed care for the duration of this case. So you can take
6 your card and go downstairs to the jury assembly room as well,
7 and I'll call another name.

8 Claire Lovell.

9 All right. I'll try again. Any "yes" answers?

10 JUROR: Yes. One, eight, 23, 24, 29, 30 -- that's it.

11 THE COURT: OK. Why don't you start with No. 1. Tell
12 me about that.

13 JUROR: Yes. Nothing like the previous two people,
14 but I have a trip planned for July 21.

15 THE COURT: OK. Where are you going, and what have
16 you booked?

17 JUROR: L.A., both flights and hotel.

18 THE COURT: OK. I would say I'm cautiously optimistic
19 that we'll be done by then, so I understand and appreciate your
20 telling me, but I don't think that's a problem.

21 Tell me about No. 8.

22 JUROR: No. 8, I have a close friend who just
23 graduated from law school. Not criminal or not planning to go
24 into criminal, so --

25 THE COURT: All right. Anything about that person or

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1 your relationship with them that would affect your ability to
2 serve as a juror in this case?

3 JUROR: No.

4 THE COURT: What about 23? Tell me about that.

5 JUROR: 23 and 24 are kind of the same. I have an
6 aunt who works at a company that produces things for the
7 department of defense and has security clearance, also managing
8 code and other people who are building things for that.

9 THE COURT: OK. Does your aunt have any dealings with
10 the CIA?

11 JUROR: No.

12 THE COURT: Is your aunt involved in coding or
13 computer work?

14 JUROR: She oversees the coding, so she, like, reviews
15 it.

16 THE COURT: And have you discussed her work with her?

17 JUROR: No, but, like, the process of getting the
18 security clearance or the interviews that they all went
19 through. So that much. Obviously not anything classified.

20 THE COURT: OK. Anything about what she does or your
21 knowledge of what she does or your relationship with her that
22 would affect your ability to be fair and impartial in this
23 case?

24 JUROR: No.

25 THE COURT: All right. That covers 24 as well?

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1 JUROR: Yes.

2 THE COURT: What about 29 then?

3 JUROR: 29, I just have questions.

4 THE COURT: OK. Is it something that you think is
5 appropriate to discuss publicly, or --

6 JUROR: It's just a personal opinion that I find it to
7 be questionable.

8 THE COURT: Questionable just as a strategic matter,
9 or --

10 JUROR: Yes.

11 THE COURT: OK. Obviously people may have opinions of
12 that sort or another, but I do instruct you that it's a
13 defendant's constitutional right in our country to -- they're
14 entitled to counsel even if they can't afford counsel. But if
15 they prefer to represent themselves and forgo and waive
16 counsel, they're entitled to do that and that's their right
17 under the Constitution of our country. So whatever views you
18 may have about the wisdom of that decision or not, would you be
19 able to put aside your views and render a verdict in this case
20 based solely on the evidence that you hear and see at trial?

21 JUROR: I believe so.

22 THE COURT: OK. What about No. 30?

23 JUROR: I would not search out information, but I just
24 feel like it's really hard to avoid information coming in on
25 social media. So, again, not going to seek it out, but if it

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1 shows up, it shows up.

2 THE COURT: OK. I recognize and understand that, and
3 we live in a world where it is definitely hard to avoid
4 information. There are push alerts, and if you're a user of
5 Twitter, you may come across things not intentionally. So I
6 certainly understand that. I'm not asking people on the jury
7 to cocoon themselves and avoid any contact with the outside
8 world.

9 That being said, it is your obligation if you see
10 something that you think may relate to this case to ensure that
11 you don't click on it or read it and also would need to report
12 it to my staff and my staff alone. Would you have any trouble
13 following those instructions?

14 JUROR: No.

15 THE COURT: OK. Anything else? Any other "yes"
16 answers?

17 JUROR: No.

18 THE COURT: All right. Turning to the individual
19 questions, your full name, please.

20 JUROR: My name is Claire Lovell.

21 THE COURT: And county or counties?

22 JUROR: Manhattan.

23 THE COURT: How old are you?

24 JUROR: 31.

25 THE COURT: And how far did you go in school?

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1 JUROR: I have a master's in integrated marketing
2 communication.

3 THE COURT: And what do you do for a living?

4 JUROR: I work in advertising.

5 THE COURT: How long have you done that?

6 JUROR: About seven years.

7 THE COURT: And what do you do; what's the nature of
8 your job?

9 JUROR: I plan and buy advertising space by media, so
10 putting messages out there.

11 THE COURT: All right? And do you live with anyone,
12 and if so, what do they do.

13 JUROR: No.

14 THE COURT: Any grown children?

15 JUROR: No.

16 THE COURT: Are you fully vaccinated?

17 JUROR: Yes.

18 THE COURT: Boosted?

19 JUROR: Yes.

20 THE COURT: And how do you like to get your news, or
21 how do you get your news?

22 JUROR: Social media and podcasts, What A Day
23 specifically.

24 THE COURT: Which one?

25 JUROR: What A Day.

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1 THE COURT: OK. I don't know that one, but I'll check
2 it out.

3 And let me go back to the social media. Can you just
4 tell me what kind of social media you rely on --

5 JUROR: Yeah.

6 THE COURT: -- or you view regularly?

7 JUROR: Instagram and Twitter.

8 THE COURT: I think I know a little more about Twitter
9 than I do Instagram, but in either case, I gather what you see
10 is dictated a little bit by what you follow and what you
11 select. Is that correct?

12 JUROR: Correct. And the algorithm.

13 THE COURT: Based on the people you follow, would you
14 expect that if there were any news coverage of this case -- and
15 there may or may not be -- that it would show up in your feed?

16 JUROR: Yeah. I follow, like, New York Times, Wall
17 Street Journal, New Yorker, those, and therefore get their
18 posts, their updates.

19 THE COURT: OK. I'm not saying that there have been
20 any, but have you seen anything of that nature that might
21 relate to this case from any of those publications or
22 otherwise?

23 JUROR: Not that I remember.

24 THE COURT: And again, recognizing that you might come
25 across something inadvertently, you would try your best to

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1 avoid it and certainly wouldn't click on anything if you felt
2 that it related to this case or anyone involved in this case.
3 Is that right?

4 JUROR: Correct.

5 THE COURT: Any criminal justice-type shows?

6 JUROR: Yes. I watch a lot of dramas and true crime.

7 THE COURT: And any trouble understanding, recognizing
8 that this is real and that's drama?

9 JUROR: No problems.

10 THE COURT: OK. Clubs, associations, organizations,
11 unions, etc.?

12 JUROR: No.

13 THE COURT: What do you like to do in your spare time?

14 JUROR: Go out to eat, drink. Bars, restaurants,
15 clubs. Hang out with friends.

16 THE COURT: All right. Have you ever served as a
17 juror?

18 JUROR: No.

19 THE COURT: All right. If you can pass the mike to
20 juror No. 17.

21 Any "yes" answers, please?

22 JUROR: One and 24.

23 THE COURT: All right. Tell me about No. 1, please.

24 JUROR: It's simply a child-care issue. I have to
25 drop my daughter at -- she's an infant, at 7:15. I explained

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1 that downstairs. They said it shouldn't be a problem as long
2 as the courthouse is OK with me coming anywhere between ten --
3 I'm sorry, nine and ten, I'm OK with it. I have no other
4 sources of having my child dropped off. My wife is an OR
5 nurse, and she's on probation. So she can't even take days
6 off.

7 THE COURT: OK. And you're in Westchester, is that
8 right?

9 JUROR: I'm in Rockland County. I was in Westchester,
10 and I moved to Rockland County a year and a half ago. And day
11 care is in Woodcliff, New Jersey.

12 THE COURT: And you think you wouldn't be able to get
13 here until sometime between nine and ten, is that right?

14 JUROR: I left today at 5:30. I got here at 7:45
15 driving my car to the four train, taking the four train to --
16 so two hours and 15 minutes.

17 THE COURT: All right. I think that's not going to
18 work on my schedule because I do start pretty promptly and
19 strictly at nine. Sounds to me like a trial in the White
20 Plains division would be more appropriate for your
21 circumstances and schedule. So I'll excuse you from this case.
22 I would just instruct you when you're downstairs to mention
23 that to them, and it may be that they'll give you further
24 instructions. But in any case, I just can't start that late.

25 JUROR: OK.

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1 THE COURT: So thank you, and you're excused.

2 And I'll call upon Hua Yang to please take juror No.

3 17's seat.

4 All right. Any "yes" answers, please?

5 JUROR: Yes. 1, 22, 28 --

6 THE COURT: Just keep the microphone close to the --

7 JUROR: Oh.

8 THE COURT: Just take your time. Get the

9 questionnaire out. 1?

10 JUROR: 1, 22, 28, 30, 42.

11 THE COURT: OK. All right. Tell me about No. 1,

12 please.

13 JUROR: Oh, I'm a physician. I'm a cardiologist, and
14 I work in a hospital. I see patients in clinic and also see
15 patient in the hospital. It's very hard to -- it's very hard
16 for me to be away from my work for five to six weeks, and I do
17 think that for my specialty there are urgent issues, and I
18 already canceled my clinic today and try to -- I had to -- it's
19 really hard for me to keep on canceling patients and canceling
20 procedures that I scheduled for patients for, like, whole
21 month.

22 THE COURT: OK. Sorry. What was the nature of your
23 practice?

24 JUROR: I'm a cardiologist.

25 THE COURT: What kind of setting do you work in?

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1 JUROR: In a hospital.

2 THE COURT: And how big is your staff, how many other
3 doctors?

4 A. Well -- well -- it's a subspecialty inside cardiology. So
5 we have -- we do -- we do some invasive procedures, and there
6 are four of us inside the department. We -- we are already
7 overworked, every one of us. When we have to take days off, we
8 arrange it very, rearrange it in advance and if we -- I never
9 really take more than one week off from my work.

10 THE COURT: OK. And you heard earlier my schedule.
11 Generally we finish by 3:00. You wouldn't be able to structure
12 your coverage accordingly?

13 JUROR: No. It's not like a nine to five work. It's
14 more than like 12-hour work, and if I have clinic every week
15 and I have to cancel all the clinic patients, usually 20 or 30
16 of them every day. And we also cover hospital patients, and if
17 there are any urgent cases, we'll have to do it in the
18 hospital.

19 THE COURT: All right. Well, I'm going to let you go
20 as well and instruct you to take your card downstairs and ask
21 them if there's a shorter case that would be more suitable
22 given your occupation.

23 I'll ask Janelle Bawayan to take the seat of juror No.
24 17.

25 All right. Any "yes" answers, please?

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1 JUROR: Yes, to 1 and also -- sorry; one second -- 49.

2 THE COURT: OK. Can you tell me about 49 first,
3 please.

4 JUROR: Yeah. So, I suffer from constant migraines,
5 stress, light-related, computer-related due to work. I have to
6 even take medication ahead of time, and it does mess with my
7 focus, if that makes any sense.

8 THE COURT: Meaning not your vision focus but your
9 mental acuity?

10 JUROR: Mental, yes.

11 THE COURT: OK. And how often do you have to take the
12 medication?

13 JUROR: This past year, probably I've taken it around
14 two to three times a week.

15 THE COURT: And what triggers the migraines? You said
16 light?

17 JUROR: It's -- technically, it's a temporal -- TMJ,
18 temporal mandibular disorder. It's an issue with my jaw that
19 causes stress buildup from either just the -- my joints aren't,
20 like, the muscle in my jaw is actually tensing a lot, and it
21 causes a lot of headaches and sensitivity due to work. So when
22 I'm staring at the screen or if I'm stressed out, it will cause
23 a lot of migraines.

24 THE COURT: And that happens, you would say, two to
25 three times a week in your experience?

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1 JUROR: Yes, daily, weekdays mostly.

2 THE COURT: OK. Well, it doesn't sound like this
3 makes sense for you. We certainly need to make sure that the
4 jury can pay careful attention, and if you have to take
5 medication with that regularity, I think this is probably not
6 the right case for you. You can leave the microphone there.
7 Give your questionnaire to Mr. Lee. Get your card from
8 Mr. Lee, and go back downstairs.

9 I will try again. Next, I would ask Carolyn Gillis.
10 All right. Any "yes" answers?

11 JUROR: Yes. Just -- sorry. 1, 8 and 9.

12 THE COURT: All right. Tell me about No. 1, please.

13 JUROR: I just have a trip out of state for the Fourth
14 of July long weekend, from the 1st to the 5th.

15 THE COURT: Can you be more precise both in terms of
16 when you're leaving and where you're going?

17 JUROR: Leaving Friday, the 1st, I believe it is, to
18 Boston, and then coming back on the 5th, which is a Tuesday.

19 THE COURT: And what time on the 5th?

20 JUROR: I think 2 p.m. on the train.

21 THE COURT: And if you were seated, could you cut that
22 back by a day? What's the nature of the trip, just pleasure?

23 JUROR: Yeah, visiting family. I'd have to, like,
24 rearrange and figure out how to, you know, switch tickets
25 around.

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1 THE COURT: All right. I think we will cross that
2 bridge if we get there, but thank you for letting me know.

3 No. 8, tell me about that.

4 JUROR: I just have a really close friend that's in
5 law school right now. I'm not sure exactly what she's
6 studying, though.

7 THE COURT: Anything about what she's studying or your
8 relationship with her that would affect your ability to be fair
9 and impartial here?

10 JUROR: No.

11 THE COURT: What about No. 9?

12 JUROR: I just have two close relatives that are
13 police officers, but back in Boston, not in New York City.

14 THE COURT: Anything about your relationship with them
15 or what they do that would affect your ability to be fair and
16 impartial here?

17 JUROR: No.

18 THE COURT: All right. Any other "yes" answers?

19 JUROR: Nope.

20 THE COURT: OK. Then turn to the individual
21 questions, please, and start with your full name.

22 JUROR: Carolyn Gillis.

23 THE COURT: County or counties?

24 JUROR: Manhattan.

25 THE COURT: And five or more years?

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1 JUROR: Before that, my last year at Syracuse,
2 upstate, at school.

3 THE COURT: How old are you?

4 JUROR: 26.

5 THE COURT: How far did you go in school?

6 JUROR: Bachelor's degree.

7 THE COURT: And what do you do for a living?

8 JUROR: I'm an assistant buyer at Macy's.

9 THE COURT: How long have you had that job?

10 JUROR: Since 2018, four years almost.

11 THE COURT: And before that you were in school.

12 JUROR: Yes.

13 THE COURT: And do you live with anyone, and if so,
14 what do they do?

15 JUROR: Yeah, I have two roommates. One of them also
16 works at Macy's as a manager in the Queens center store, and
17 then the other one works is a health care, works in the
18 healthcare field.

19 THE COURT: Any grown children?

20 JUROR: No.

21 THE COURT: Are you fully vaccinated?

22 JUROR: Yes.

23 THE COURT: Boosted?

24 JUROR: No.

25 THE COURT: How do you like to get your news?

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1 JUROR: Mostly social media, like Twitter, Instagram,
2 just, like, the notifications that you get on the iPhone, kind
3 of everywhere.

4 THE COURT: And let me ask you, similar to what I
5 asked your colleague there, anything about who you follow or
6 the algorithm that you think it would be likely that things
7 related to this case, if there was coverage of this case, that
8 would show up in your feed?

9 JUROR: No.

10 THE COURT: OK. Could you follow my instructions that
11 you should do your best to avoid any coverage of anyone
12 involved in this case or of this case and not read anything?

13 JUROR: Yes.

14 THE COURT: Criminal justice shows, anything there?

15 JUROR: No.

16 THE COURT: Clubs, organizations, unions,
17 associations?

18 JUROR: No.

19 THE COURT: What do you like to do in your spare time?

20 JUROR: Hang out with my friends and go to -- try new
21 restaurants.

22 THE COURT: Have you ever served as a juror?

23 JUROR: No.

24 THE COURT: All right. If you could pass the
25 microphone, please, to No. 18.

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1 Any "yes" answers, please?

2 JUROR: No.

3 THE COURT: All right. Turning to the individual
4 questions, your full name, please.

5 JUROR: Sarah Otero.

6 THE COURT: And county or counties?

7 JUROR: Manhattan and Brooklyn.

8 THE COURT: How old are you?

9 JUROR: 58.

10 THE COURT: How far did you go in school?

11 JUROR: Associate's in business.

12 THE COURT: And what do you do for a living?

13 JUROR: I am retired, two years.

14 THE COURT: What did you do before you retired?

15 JUROR: Federal government.

16 THE COURT: And what did you do for the federal
17 government?

18 JUROR: I was a supervisory tech specialist.

19 THE COURT: In what office?

20 JUROR: IRS.

21 THE COURT: In that capacity, did you have any
22 dealings with the U.S. Attorney's Office?

23 JUROR: No.

24 THE COURT: Were you involved in any sort of
25 criminal-type proceedings, that sort of thing?

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1 JUROR: No.

2 THE COURT: OK. Anything about your employment with
3 the federal government that would interfere with your ability
4 to be fair and impartial in this case?

5 JUROR: I'm good.

6 THE COURT: OK. You have to say --

7 JUROR: Sorry. I'm sorry.

8 THE COURT: That was a no?

9 JUROR: That's a no. I'm sorry.

10 THE COURT: OK. Do you live with anyone, and if so,
11 what do they do?

12 JUROR: Yes. He's retired, and he worked for IRS as
13 well, but he was a supervisor appeals officer.

14 THE COURT: All right. Did he have anything to do
15 with the U.S. Attorney's Office?

16 JUROR: I believe so, but I'm not too sure.

17 THE COURT: All right.

18 JUROR: Because we didn't discuss our --

19 THE COURT: All right. Is that your husband or
20 partner?

21 JUROR: My partner.

22 THE COURT: OK. Anything about that -- to the extent
23 that he did have any dealings with the U.S. Attorney's Office,
24 would that affect your ability to be fair and impartial in this
25 case?

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1 JUROR: No, no.

2 THE COURT: Any grown children?

3 JUROR: Yes, five.

4 THE COURT: Tell me what each of them does, please.

5 JUROR: One of them works for Oppenheim. Two of them
6 works for Guardian Life. One is a home dad; he takes care of
7 his children. And the other one works for 311.

8 That's five, right?

9 THE COURT: That's five, exactly. I'm sure they'd be
10 pleased to know that you got them all.

11 Are you fully vaccinated?

12 JUROR: Yes.

13 THE COURT: Boosted?

14 JUROR: Yes.

15 THE COURT: How do you like to get your news?

16 JUROR: I watch channels 7, 2 and 4. Plus I watch CNN
17 and the stock channel.

18 THE COURT: And criminal justice-type shows?

19 JUROR: Law & Order.

20 THE COURT: And any trouble recognizing that that's
21 drama and this is reality?

22 JUROR: No.

23 THE COURT: Clubs, organizations, associations?

24 JUROR: No.

25 THE COURT: What do you like to do in your spare time?

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1 JUROR: I do travel a lot, read, and crochet.

2 THE COURT: Have you ever served as a juror?

3 JUROR: Yes, a very long time ago.

4 THE COURT: Civil or criminal?

5 JUROR: I don't remember.

6 THE COURT: And do you remember if it was state or
7 federal?

8 JUROR: I don't remember.

9 THE COURT: And do you remember if the jury reached a
10 verdict?

11 JUROR: It did reach a verdict.

12 THE COURT: All right. Could you do me a favor and
13 actually pass the microphone to juror No. 5 here in the front
14 row -- well, actually, I'll circle back to juror No. 5. That's
15 fine.

16 All right. Juror No. 19, any "yes" answers to any of
17 the questions, please?

18 JUROR: Literally.

19 THE COURT: Sorry?

20 JUROR: What?

21 THE COURT: Any "yes" answers?

22 JUROR: Yes.

23 THE COURT: Which numbers, please?

24 JUROR: No. 2, 3, 4, 7, 21 --

25 THE COURT: OK. Let me ask you about --

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1 JUROR: -- 26.

2 THE COURT: OK.

3 JUROR: There's more.

4 THE COURT: I'm sorry?

5 Let me just ask you about No. 2.

6 JUROR: Yeah.

7 THE COURT: Tell me about that.

8 JUROR: Because I'm border -- just a legal
9 communication, I can understand about what you say, but the big
10 communication I cannot understand.

11 THE COURT: What kind of communication?

12 JUROR: The legal thing or you said more like the law.

13 THE COURT: More complicated terms?

14 JUROR: Yeah, yeah.

15 THE COURT: All right. English is your second
16 language?

17 JUROR: Yes, is my second language.

18 THE COURT: All right. And you're worried that you
19 wouldn't understand if it was more complicated instructions, is
20 that --

21 JUROR: Yeah.

22 THE COURT: All right. I think I'll excuse you and
23 send you back downstairs and let them know, and they'll give
24 you further instructions. And in the meantime, I'll call
25 someone to take your place. Please leave your questionnaire

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1 with Mr. Lee and get your card from him.

2 The following juror will replace juror No. 19:

3 Richard Collins, please.

4 Mr. Collins, if you could just slide over a couple
5 inches so I can see you. Thank you.

6 Any "yes" answers?

7 JUROR: Yeah, there's actually more "yes" answers than
8 "no" answers.

9 THE COURT: OK. Why don't you slowly read those
10 numbers out to me.

11 JUROR: One, three, four, five, six, seven, eight,
12 nine, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 28,
13 29, 30, 31, 34, 35, 40, 41, 44, 45, 46, 50, and 51.

14 THE COURT: All right. Let me cut to the chase. It
15 doesn't sound like you want to be here, but tell me --

16 JUROR: It's not necessarily that. I just -- I do
17 know several, you know, things about the case, about the
18 situation.

19 THE COURT: OK. Don't talk about it publicly. Just
20 tell me generally, from reading about it or you have personal
21 knowledge of it, or --

22 JUROR: From reading about it, hearing about it from
23 other sources as well.

24 THE COURT: OK. About this particular case and the
25 charges in this case?

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1 THE DEFENDANT: Not necessarily the charges in the
2 case, but I guess -- I guess, yeah, you could probably say
3 that, something to that nature.

4 THE COURT: OK. On that basis alone, I will excuse
5 you, and we won't have to go through all 30-some-odd of those
6 questions. I'm sure that's much to the relief of everybody
7 here. Get your card. Give the questionnaire to Mr. Lee, and
8 you can go downstairs. Tell the jury department that this was
9 not the right case for you.

10 With that, I'll ask the following person to take seat
11 No. 19: Audrey Cohen, please.

12 All right. In that case, Khoa Chau.

13 Sir, if you can just slide over five inches or so.
14 Thank you.

15 Any "yes" answers, please?

16 JUROR: Yes. Nine, 24, and 44.

17 THE COURT: OK. Starting with No. 9, tell me about
18 that.

19 JUROR: I think I have a friend in the NYPD.

20 THE COURT: Anything about your relationship or what
21 your friend does that would affect your ability to be fair and
22 impartial?

23 JUROR: No.

24 THE COURT: No. 24, tell me about that.

25 JUROR: I do work in news industry. I work for Conde

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1 Nast as a developer, dev ops.

2 THE COURT: Developer in what?

3 JUROR: IT operations. Basically, we code platforms,
4 and Conde Nast is a publication company that runs Wired, GQ,
5 Vanity Fair, things like that.

6 THE COURT: OK. And you're involved in coding areas?

7 JUROR: Yes.

8 THE COURT: And what's the nature? Like, what kind
9 of --

10 JUROR: We run the backroom websites. What you see in
11 the front page of Vogue, GQ, is what my team does on the back
12 end.

13 THE COURT: You heard me say earlier I think some of
14 the evidence and testimony in this case will concern computer
15 coding both because some of the information involved is in the
16 form of computer programs and code, and in addition, I think
17 some of the investigation concerns sort of forensic examination
18 of computer-type of evidence. Would you be able to put aside
19 whatever your knowledge of computers and computer coding is and
20 evaluate the evidence based on what you hear and see in the
21 courtroom?

22 JUROR: I'll try my best.

23 THE COURT: How confident are you that you would be
24 able to do that?

25 JUROR: It's my first time, so I don't really know

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1 until it happens, I guess. I don't know.

2 THE COURT: If you had trouble with it and, for some
3 reason, had some exterior knowledge that you were bringing into
4 the case, would you let me know?

5 JUROR: Yes.

6 THE COURT: OK. And what about No. 44? Tell me about
7 that.

8 JUROR: No. 44 is -- oh, yes. So I grew up in the
9 Bronx, got robbed twice, the third time at gunpoint, and I had
10 my car stolen.

11 THE COURT: OK. And did you report those incidents to
12 the police?

13 JUROR: As a youth and a minor, no. I did report the
14 car stolen, yes.

15 THE COURT: And anyone arrested in any of those
16 incidents?

17 JUROR: No. Unfortunately, that was -- I filed the
18 report to the police department where I was living, and then it
19 turned out the junkyard sent me a letter saying that I owed
20 them \$4,000 for storage because the cop had my car towed. But
21 when I filed the report, it wasn't in the paperwork. And so I
22 lost my car, and nothing happened.

23 THE COURT: Did you have to pay the bill?

24 JUROR: No. I told the owner of the lot that he's in
25 possession of a stolen vehicle and I was not paying.

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1 THE COURT: All right. Glad to hear of that. It
2 would have added insult to injury.

3 Anything about that experience or any of those
4 experiences or your dealings with the police that would affect
5 your ability to be fair and impartial in this case?

6 JUROR: No. Just bad luck.

7 THE COURT: Sorry?

8 JUROR: No. It was just a case of bad luck on my
9 behalf.

10 THE COURT: OK. Any other "yes" answers?

11 JUROR: No.

12 THE COURT: Turning to the individual questions, your
13 full name, please.

14 JUROR: Khoa Chau.

15 THE COURT: And your county or counties in the last
16 five years?

17 JUROR: Bronx, New York.

18 THE COURT: How old are you?

19 JUROR: 43.

20 THE COURT: How far did you go in school?

21 JUROR: Some college.

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

23 JUROR: Dev ops. IT.

24 THE COURT: Conde Nast?

25 JUROR: Yes, Conde Nast.

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- 1 THE COURT: And how long have you done that?
- 2 JUROR: Four, almost five years.
- 3 THE COURT: And what did you do before that?
- 4 JUROR: The letters.
- 5 THE COURT: Sorry?
- 6 JUROR: The letters. It was at one point LinkedIn's
7 sequel, but it fell from grace.
- 8 THE COURT: Gotcha. Don't take my ignorance to mean
9 anything, but good to know.
- 10 Do you live with anyone, and if so, what do they do?
- 11 JUROR: My fiancée. She's a doctor.
- 12 THE COURT: Any grown children?
- 13 JUROR: No.
- 14 THE COURT: Are you fully vaccinated?
- 15 JUROR: Yes.
- 16 THE COURT: Boosted?
- 17 JUROR: Yes.
- 18 THE COURT: How do you get your news?
- 19 JUROR: Through internet channels, Apple News, Google
20 News and through the media company that I work for.
- 21 THE COURT: And criminal justice-type shows?
- 22 JUROR: No, not, not really.
- 23 THE COURT: What about clubs, associations, etc.?
- 24 JUROR: No.
- 25 THE COURT: What do you like to do in your spare time?

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1 JUROR: Currently, a drone enthusiast. Trying to get
2 my pilot's license.

3 (Continued on next page)

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M6D5schVD4

1 THE COURT: And have you ever served on a jury?

2 JUROR: No.

3 THE COURT: You can hand the microphone to the person
4 next to you, please.

5 Any "yes" answers to any of the questions?

6 JUROR: Yes.

7 THE COURT: What numbers, please?

8 JUROR: No. 1.

9 THE COURT: Tell me about that.

10 JUROR: Well, these are the last two weeks of school,
11 I have two kids, 11 -- one 11-year-old girl, 13-year-old boy.
12 Next week is his eighth grade graduation ceremony. I'm afraid
13 that if I leave here at 3:00, I'm not sure if I will be home in
14 time to prepare them and get them to school. I mean, I can
15 arrange for someone else to take them but it's kind of hard not
16 to be there for them. Next week is my kids' band concert as
17 well so same thing. If I leave here at 3:00 it is kind of hard
18 for me to be there on time. Today, just to get here, I drove
19 an hour and a half and, you know, traffic at the end, it's kind
20 of hard.

21 THE COURT: OK. And what day is the graduation and
22 the band thing that you mentioned?

23 JUROR: The band concert is Thursday at 6:00 but the
24 kids have to be there earlier, half an hour before, and next
25 Thursday, the 23rd, I believe it is, my son's eighth grade

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1 graduation ceremony.

2 THE COURT: So, I have good news for you which is I
3 mentioned earlier but maybe you missed it, that we won't
4 actually be sitting next Wednesday and Thursday, so the 22nd
5 and 23rd there won't be any trial so that won't pose any
6 problem. Given that we will finish on this Thursday by 3:00 I
7 am guessing that you will be able to get home in time and if
8 you can get coverage in the morning I would certainly
9 appreciate that.

10 JUROR: Yes. In the morning is fine, my husband can
11 put them on the bus; it is fine.

12 THE COURT: OK.

13 JUROR: It is just afternoon events that I was just
14 worried about.

15 THE COURT: Understood. So I appreciate your letting
16 us know and that is part of why I end early when I do, to let
17 folks like you get your afternoon responsibilities met.

18 Any other yes answers?

19 JUROR: No.

20 THE COURT: So turning to the individual questions,
21 your full name, please?

22 JUROR: It is Rosa Arena.

23 THE COURT: And county or counties for the last five
24 years?

25 JUROR: Westchester County.

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- 1 THE COURT: How old are you?
- 2 JUROR: 46.
- 3 THE COURT: How far did you go in school?
- 4 JUROR: I have a masters in health administration.
- 5 THE COURT: What do you do for a living?
- 6 JUROR: I do remote coding -- medical coding.
- 7 THE COURT: So I take it that's not computer coding,
8 it is coding for --
- 9 JUROR: It is coding for medical diagnosis and
10 procedures.
- 11 THE COURT: How long have you done that?
- 12 JUROR: Nine years.
- 13 THE COURT: And any members of your household and what
14 do they do?
- 15 JUROR: I live with my husband and my two kids. My
16 husband owns an auto body business.
- 17 THE COURT: And your kids are in school, I guess?
- 18 JUROR: Yes; in sixth and eighth grade.
- 19 THE COURT: Any grown children?
- 20 JUROR: No.
- 21 THE COURT: Are you fully vaccinated?
- 22 JUROR: Yes.
- 23 THE COURT: Boosted?
- 24 JUROR: Yes.
- 25 THE COURT: How do you like to get your news?

M6D5schVD4

1 JUROR: Cable TV.

2 THE COURT: Any particular channel or show?

3 JUROR: Sometimes I watch Fox, Newsmax.

4 THE COURT: Criminal justice-type shows?

5 JUROR: Sometimes do I watch it; 48 Hours, things like
6 that, for entertainment.

7 THE COURT: Any trouble distinguishing what you see on
8 TV from the fact that this is a real trial and may not be the
9 same?

10 JUROR: No.

11 THE COURT: Clubs, associations, organizations,
12 unions?

13 JUROR: I belong to the American Health Information
14 Management Association.

15 THE COURT: What do you like to do in your spare time?

16 JUROR: I like to do gardening, jogging, walking.

17 THE COURT: Have you ever served on a jury?

18 JUROR: No.

19 THE COURT: If you can pass the microphone to your
20 neighbor, I don't know if you can either -- if you can all
21 slide down one seat then I will be able to see you or -- you
22 know what? Even better, because I am concerned about the
23 parties, why don't you stand up. Is that OK?

24 JUROR: Sure.

25 THE COURT: Any "yes" answers?

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1 JUROR: Yeah. I had 24 and 30.

2 THE COURT: So, no. 24, tell me about that.

3 JUROR: My brother works in coding, he is a data
4 scientist.

5 THE COURT: Where does he work? What does he do?

6 JUROR: He works for Ernst & Young in financial data.

7 THE COURT: Anything about what he does or your
8 knowledge of what he does or your relationship with him that
9 would affect your ability to be fair and impartial here?

10 JUROR: Nope.

11 THE COURT: No. 30 you said?

12 JUROR: Yeah.

13 THE COURT: Tell me about that.

14 JUROR: So I do public relations for cyber security
15 companies and I just am concerned that this type of issue might
16 be something I have to talk about with my clients.

17 THE COURT: So tell me a little bit more about that;
18 what do you do and what makes you think that?

19 JUROR: One of our main things --

20 THE COURT: Speak a little more slowly and little more
21 loudly.

22 JUROR: Sorry.

23 So one of the things that we do for our clients is
24 called rapid response, and it is like engaging them in the
25 current news cycle. And many of them work with government

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1 agencies, they're fed rep certified so they're going to want to
2 speak on this topic and I don't want to not be able to talk
3 about it with them.

4 THE COURT: OK. So, I think I mentioned earlier the
5 case relates to conduct that happened in 2016, '17, '18, that
6 period of time so it is several years old. Has it come up in
7 your job to date?

8 JUROR: I started in 2018 so it did back then.

9 THE COURT: This case did, or issue?

10 JUROR: Not this particular case but the incident.

11 THE COURT: OK. Tell you what, why don't you come to
12 side bar in a moment so we can speak a little more freely about
13 it and why don't you hold off one second, and when the parties
14 are assembled and the court reporter is here, you can join us
15 as well.

16 (At side bar)

17 JUROR: Hi.

18 THE COURT: All right. So just slow down a little.

19 JUROR: Sorry.

20 THE COURT: You are a fast talker.

21 JUROR: I know.

22 THE COURT: And it makes her job hard.

23 JUROR: Sorry about that.

24 THE COURT: That's OK.

25 JUROR: I do public relations for a bunch of cyber

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1 security companies and a lot of our job is listening to the
2 media and paying attention to these stories as they pop up --

3 THE COURT: Slow down.

4 JUROR: -- and having our clients comment on them and
5 dive deep and some of them are involved with government
6 agencies. I just don't want to cross any lines.

7 THE COURT: OK.

8 JUROR: I don't know if it will. I would love not to
9 if it doesn't.

10 THE COURT: Let me ask you something. You said
11 something about starting in 2018 and that you did have some
12 knowledge or discussion about the -- quote unquote -- incident
13 I think you said?

14 JUROR: Yes. Because my clients are analysts and they
15 have opinions. I don't know if they have insights that are
16 specific to this but they do work within that space.

17 THE COURT: Do you recall discussions about this
18 particular incident?

19 JUROR: Not specifically.

20 THE COURT: OK.

21 JUROR: Just in general.

22 THE COURT: And the kinds of issues that you are
23 dealing with, is it more sort of computer hacking type of --

24 JUROR: Are you familiar with RSA security?

25 THE COURT: Assume no.

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1 JUROR: They are kind of like authentication so
2 getting into any types of files, even buildings, anything like
3 that.

4 THE COURT: OK.

5 JUROR: So that's like it is hard to describe. It is
6 a token and it has a code and you can get in and access and
7 permissions and identity and things like that but they also
8 have scanning the network, things of that nature.

9 THE COURT: Do you have familiarity with the
10 technology or you are just dealing with it?

11 JUROR: I do. I have to write about it.

12 THE COURT: OK. Why don't you just step back to the
13 well there.

14 (Juror not present)

15 THE COURT: Thoughts?

16 MR. DENTON: I think, your Honor, our view is that it
17 would be worth just asking the final question, is there
18 anything about that experience that would keep her from being
19 impartial or able to consider the evidence in the case. It
20 sounds like she did not have specific knowledge of this case
21 but just sort of the general area and so I think a lot may turn
22 on what her answer is to that question.

23 THE COURT: Agreed, and I will certainly ask that but
24 in terms of the concerns, it seems to me that given the conduct
25 in this case is four-plus years old that it is not likely to be

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1 the kind of thing that her clients would be asking about
2 because it's not a recent incident, it is not a hacking
3 incident so I think that was the origin of her concern. That
4 doesn't strike me as a big issue. Obviously I would instruct
5 her to let me know if she heard anything about it as well.

6 Do you agree with that?

7 MR. DENTON: Yes, your Honor; particularly given that
8 we had a trial already.

9 THE COURT: That's a good point as well.

10 Yes, Mr. Schulte?

11 MR. SCHULTE: Yes.

12 So I guess she mentioned before something about an
13 incident but she wasn't really specific to that so I don't know
14 if there is a follow-up question there. And then she mentioned
15 that she was -- or something about an analyst so I'm not
16 entirely clear about that. And, she mentioned RSA. Is she
17 talking about the technology or the company RSA? So that may
18 be another follow-up.

19 THE COURT: Does that matter?

20 MR. SCHULTE: It could. I mean, if she's a specialist
21 or analyst in RSA technology or something with the actual
22 technology, some of the SSH-type stuff, some of the technical
23 stuff would be involved and so then her clientele may tell --
24 it may come up there. If there is just the RSA security
25 company that deals with the tokens and stuff it is a less

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1 likely.

2 THE COURT: While we are here, any thoughts or
3 follow-up on anyone else? Government?

4 MR. DENTON: Not from the government, your Honor.

5 MR. SCHULTE: 19 we thought was problematic because
6 he -- you know he never -- he said that he doesn't know that it
7 could be a problem. He said later on it could be a problem but
8 he was never able to say that he could be an unbiased source.
9 If that comes up he may be inclined, based on his background to
10 introduce that, it is a natural kind of information. If he is
11 not willing to say before the trial starts that he is willing
12 to be unbiased to be fair.

13 THE COURT: Mr. Denton, it is definitely close to the
14 line.

15 MR. DENTON: Certainly. I don't think we would have
16 any objection if the Court wanted to ask him further. I think
17 it was just a function of a certain natural ambiguity and not
18 knowing what is coming up. We certainly don't ask people to
19 leave their lives at the door so I'm not sure it is
20 disqualifying but if the Court wanted to ask him another
21 question or two, I don't think we would have any objection to
22 that.

23 THE COURT: I think that is probably appropriate.

24 Any others?

25 MR. SCHULTE: No. I think that's it.

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1 THE COURT: Thank you. Back to your seats.

2 (In open court)

3 THE COURT: You can take your seat.

4 Let me follow up. You motioned at side bar something
5 called RSA which I understand is a technology or a company.

6 JUROR: Security, yes.

7 THE COURT: Is it a company named or technology.

8 JUROR: It is a corporation and a company. They own
9 several arms.

10 THE COURT: And do you have sort of technical
11 involvement in that stuff?

12 JUROR: Can you define technical?

13 THE COURT: I guess what is the nature of your
14 knowledge and relationship with RSA?

15 JUROR: I represent them for public relations so I
16 sort of get the insights on what is happening before it is
17 released. I do writing for them. Things like that.

18 THE COURT: Recognizing the issue that you raised that
19 concerns about if this case, for example, were to come up with
20 your clients that you may be in a position where you would have
21 to talk to them about it, number one, if that happened, would
22 you be able to say I can't talk about that and would you be
23 able to bring it promptly to my staff's attention?

24 JUROR: I have more than one client that would be
25 looking to discuss it. I'm not sure I could get out of it

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1 across all of them. Sometimes the team is just me.

2 THE COURT: OK. But I guess my point is would you be
3 able to alert me before you actually did talk about it so that
4 we could address any issues?

5 JUROR: It is situation. I don't know how quickly I
6 would be able to do that.

7 THE COURT: I guess put it differently, assuming you
8 were put in a position where you felt like you had to talk
9 about something relating to this case, would you then be able
10 to promptly bring it to my attention before you resumed with
11 this case?

12 JUROR: Sure.

13 THE COURT: OK. And then a slightly different
14 question, whatever knowledge or involvement you may have in
15 these issues or areas, would you be able to put that aside and
16 evaluate the evidence in this case and render a verdict based
17 solely on what you hear and see in the courtroom?

18 JUROR: I think so.

19 THE COURT: OK. All right. In that case, any other
20 yes answers?

21 JUROR: Nope.

22 THE COURT: Turning to the individual questions, your
23 full name, please?

24 JUROR: Erin McAward?

25 THE COURT: And county or counties?

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1 JUROR: Manhattan, Westchester, and Suffolk County in
2 Massachusetts.

3 THE COURT: How old are you?

4 JUROR: 27.

5 THE COURT: How far did you go in school?

6 JUROR: Bachelors.

7 THE COURT: You told us what do you for a living. How
8 long have you done that?

9 JUROR: Five years.

10 THE COURT: Do you live with anyone and, if so, what
11 do they do?

12 JUROR: I have one roommate and she does marketing for
13 a company called Mind Moo.

14 THE COURT: Mind Moo?

15 JUROR: Yeah.

16 THE COURT: Any grown children?

17 JUROR: No, sir.

18 THE COURT: Fully vaccinated?

19 JUROR: Yes.

20 THE COURT: Boosted?

21 JUROR: Yep.

22 THE COURT: How do you like to get your news?

23 JUROR: Through the work I am assaulted by the news at
24 all angles so it comes from everywhere.

25 THE COURT: TV?

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1 JUROR: TV, social, e-mail. Everything.

2 THE COURT: I guess the same sorts of things I
3 discussed with several other jurors. Recognizing that you
4 don't necessarily control what comes over your feed, number
5 one, do you think that the kinds of issues involved in this
6 case might come over your feed?

7 JUROR: I do.

8 THE COURT: And would you be able to avoid clicking on
9 things if there was anything to click on.

10 JUROR: Unfortunately it is my job to click on them.

11 THE COURT: You would have to follow my instructions
12 that you would need to avoid any news related to this case if
13 there is any news.

14 JUROR: OK.

15 THE COURT: Do you feel that would put you in an
16 untenable position vis-à-vis your job?

17 JUROR: I think it would.

18 THE COURT: All right. I think you know what? This
19 is probably not the right case for you given the proximity to
20 the kinds of things you are dealing with on a daily basis so I
21 will excuse you. Give your questionnaire to Mr. Lee and take
22 your card downstairs and tell them to give you a case that
23 doesn't involve these issues. If you can hand the microphone
24 over to juror 19?

25 Let me circle back to you on a question of your

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1 experience as a coder and whether you feel you can put it
2 aside. I recognize that no one here as a crystal ball and you
3 don't necessarily know what the evidence will be or what it
4 would involve, but only you can tell me how confident you are
5 that you would be able to put aside whatever knowledge and
6 expertise you may have. All of us come to this courtroom with
7 different experience and background and you are not supposed to
8 be an empty vessel, you can bring that to the courtroom, but
9 you would have to base your verdict on whatever evidence you
10 saw and heard in the case. Would you think you would be able
11 to do that?

12 JUROR: I -- I don't -- maybe not. I'm pretty -- I
13 know of the story of Edward Snowden and Julian Assange from
14 work. We did publish many articles on those two individuals.
15 And for coding, I honestly can't tell you. I don't know.

16 THE COURT: OK. Any sense one way or another?

17 JUROR: I know that I do work with my co-worker and I
18 know when things change and how things change. So with that
19 respect, if I see what I know that I can judge on that. Would
20 that make sense?

21 THE COURT: I think a little bit.

22 I think, upon reflection, I think that this case
23 involves issues that are a bit too close to home for your
24 purposes, too, so will excuse you and you can let the folks
25 downstairs know that maybe there is a different kind of case

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1 that would be more appropriate.

2 So with that, I will call two jurors' names and the
3 first name can take juror no. 19's seat; that is Keisha
4 Bramble-Hines. K-E-I-S-H-A, Bramble-Hines, B-R-A-M-B-L-E
5 hyphen H-I-N-E-S. Take juror no. 19's seat.

6 And Denise Arrington, A-R-R-I-N-G-T-O-N, please take
7 seat 21.

8 So starting with juror no. 19, if you can slide over a
9 little this direction, please? I assume you know juror no. 1,
10 you know that already; is that correct?

11 JUROR: Yes.

12 THE COURT: Aside from that, any "yes" answers?

13 JUROR: Yes.

14 THE COURT: Tell me which ones.

15 JUROR: No. 1 and 39, 42, 45, 46, and 49.

16 THE COURT: Can you start with no. 49 and tell me
17 about that?

18 JUROR: I take medication, blood pressure medication.

19 THE COURT: Is there something about that that would
20 affect your ability to be a juror?

21 JUROR: I have an appointment -- I have a doctor's
22 appointment, I have to be following up.

23 THE COURT: When? When is that?

24 JUROR: The end of this month.

25 THE COURT: And given the trial schedule, number one,

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1 there will be several days next week that we wouldn't be
2 sitting, and number two, we would finish each day at 3:00. Is
3 there any reason you couldn't go to your appointment then?

4 JUROR: I have to find out -- I have to find out from
5 my doctor.

6 THE COURT: OK. Anything else on no. 49?

7 JUROR: Just that.

8 THE COURT: OK. So number one, tell me about that.

9 JUROR: I have a vacation with my family the beginning
10 of July, supposed to be to Jamaica.

11 THE COURT: And what dates?

12 JUROR: Like, the first week.

13 THE COURT: Have you bought tickets already or what's
14 the status?

15 JUROR: Hotel.

16 THE COURT: When? The first week in July meaning July
17 4th?

18 JUROR: Yes.

19 THE COURT: During the week too or just the weekend of
20 July 4th?

21 JUROR: Excuse me?

22 THE COURT: Just the weekend of July 4th or during the
23 week? What dates?

24 JUROR: During the week.

25 THE COURT: I'm going to keep you for the moment but I

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1 will circle back, if need be, on that front. So tell me about
2 no. 39.

3 JUROR: I have my co-worker Fredelino Castro, we work
4 together as respiratory therapists.

5 THE COURT: Anything about your relationship with him
6 that would affect your ability if you were both on the jury to
7 be --

8 JUROR: No.

9 THE COURT: Anything else on 39? That's it?

10 JUROR: Yes.

11 THE COURT: And 42, tell me about that.

12 JUROR: I have a stepdaughter, she's arrested.

13 THE COURT: For what?

14 JUROR: Scamming.

15 THE COURT: Scamming you said?

16 JUROR: Yes.

17 THE COURT: And was she arrested by federal or state?

18 JUROR: Yes; federal and state, in Tennessee.

19 THE COURT: In Tennessee?

20 JUROR: Yes.

21 THE COURT: And when was that?

22 JUROR: December 12. She was going to Jamaica to pick
23 up her daughter and TSA stopped her at the airport saying that
24 they had a warrant out for her arrest -- she wasn't aware --
25 because a couple months back she had rented a car and a hotel

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1 for her cousin and the car, the cousin was driving, although I
2 guess there was something and they got caught, she was in the
3 hotel. But the fact that they hold on to her is because she
4 used her credit card to rent the car and the hotel. So right
5 now she is in federal custody.

6 THE COURT: Anything about that, the charges or about
7 how she is being treated that would affect your ability to be
8 fair and impartial in this case?

9 JUROR: No.

10 THE COURT: Anything else on 42?

11 JUROR: Just that.

12 THE COURT: And 45; is that the same?

13 JUROR: Yes.

14 THE COURT: And what about 46; same?

15 JUROR: The same thing.

16 THE COURT: 49 we have already covered.

17 JUROR: Yes.

18 THE COURT: I may circle back to you on the vacation
19 situation but let's move to the individual questions. Start
20 with your full name, please.

21 JUROR: Keisha J. Bramble-Hines.

22 THE COURT: County or counties?

23 JUROR: Bronx.

24 THE COURT: Age?

25 JUROR: 44.

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1 THE COURT: How far did you go in school?

2 JUROR: Bachelors.

3 THE COURT: And you are a respiratory therapist?

4 JUROR: Yes.

5 THE COURT: Do you live with anyone and, if so, what
6 do they do?

7 JUROR: Yes. I live with my husband and my two boys.

8 THE COURT: And what does your husband do?

9 JUROR: My husband is a welder and a taxi driver.

10 THE COURT: And your boys, are they in school?

11 JUROR: Yes.

12 THE COURT: Do you have any grown children?

13 JUROR: I have four step-kids.

14 THE COURT: And what do they do? You told me about
15 the one.

16 JUROR: One of them is incarcerated; the next girl is
17 a student; one of the -- the two boys, one is a chef and one
18 works at Montefiore as a transporter.

19 THE COURT: Are you fully vaccinated?

20 JUROR: Yes, I am; and boosted.

21 THE COURT: How do you like to get your news?

22 JUROR: I watch Channel 7, 11, and 12. Once in a
23 while CNN.

24 THE COURT: Any criminal justice-type shows?

25 JUROR: No.

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1 THE COURT: What about clubs, associations,
2 organizations?

3 JUROR: No.

4 THE COURT: How do you like to spend your spare time?

5 JUROR: With my family; we like to go on cruises,
6 vacations, out to dinner, shopping, with my kids. Going to the
7 park.

8 THE COURT: Have you ever served as a juror?

9 JUROR: No.

10 THE COURT: You can pass it two down to juror no. 21.

11 And are you able to stand? OK. Thank you. Any "yes"
12 answers, please?

13 JUROR: Yes; one.

14 THE COURT: Tell me about that.

15 JUROR: No, the number is 9.

16 THE COURT: 9.

17 JUROR: I have one. Yes.

18 THE COURT: OK. Thank you. All right, no. 9, tell me
19 about that.

20 JUROR: I work for New York City Police Department.

21 THE COURT: What do you do there?

22 JUROR: I'm a PCT -- Police Commission Technician
23 which we take 911 calls and police dispatch.

24 THE COURT: How long have you done that?

25 JUROR: 14 years.

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1 THE COURT: Anything about your employment or
2 experience that would affect your ability to be fair and
3 impartial in this case?

4 JUROR: No.

5 THE COURT: Any other "yes" answers? That's it?

6 JUROR: That was the only one.

7 THE COURT: OK. Turning to the individual questions,
8 your full name, please?

9 JUROR: Denise Arrington.

10 THE COURT: County or counties?

11 JUROR: The Bronx.

12 THE COURT: How old are you?

13 JUROR: 64.

14 THE COURT: How far did you go in school?

15 JUROR: High school.

16 THE COURT: You already told me what you do. Anyone
17 else live with you and, if so, what do they do?

18 JUROR: I live alone.

19 THE COURT: Any grown children?

20 JUROR: Grandchildren and one daughter; three grand.

21 THE COURT: And your daughter, what does she do?

22 JUROR: She is a customer service for Access-A-Ride.

23 THE COURT: And are the grandchildren --

24 JUROR: In school.

25 THE COURT: Are you fully vaccinated?

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1 JUROR: Yes.

2 THE COURT: Boosted?

3 JUROR: Yes.

4 THE COURT: How do you get your news?

5 JUROR: CNN, MSNBC.

6 THE COURT: Criminal justice-type shows? Do you watch
7 any?

8 JUROR: 48 hours, 20/20.

9 THE COURT: And do you have any trouble recognizing
10 that this is a real trial and it may be different than what you
11 see on TV?

12 JUROR: No problem.

13 THE COURT: Clubs, organizations, associations,
14 unions? Anything?

15 JUROR: No.

16 THE COURT: What do you like to do in your spare time?

17 JUROR: I like to read, be with the family, crochet,
18 scrapbooking. Crafty stuff.

19 THE COURT: And have you ever served as a juror?

20 JUROR: Yes. Multiple times.

21 THE COURT: How long ago?

22 JUROR: I think the last might have been like 2015.
23 It might have been one behind that but I wasn't picked.

24 THE COURT: So just the ones you were picked, how many
25 times were you picked?

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1 JUROR: I served for grand jury, I served for
2 criminal, and I served for civil.

3 THE COURT: So let's go through those one at a time.
4 First, grand jury, how long ago was that?

5 JUROR: That was years ago, I was a young -- maybe
6 20s.

7 THE COURT: And in the grand jury the standard is very
8 different than in a criminal trial, it is a probable cause
9 standard, but in a criminal trial, which is what we are doing
10 here, the standard is proof beyond a reasonable doubt. Would
11 you have any trouble following my instructions on that?

12 JUROR: No problem at all.

13 THE COURT: To the extent you have been in a civil
14 trial the standard there is also different. Any trouble
15 following my instructions here?

16 JUROR: No problem at all.

17 THE COURT: The civil trial, is that state court?
18 Federal court?

19 JUROR: It is state.

20 THE COURT: How long ago?

21 JUROR: It was years ago as well.

22 THE COURT: And did the jury reach a verdict?

23 JUROR: Yes.

24 THE COURT: And what about the criminal case, state or
25 federal?

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1 JUROR: That was state.

2 THE COURT: And did the jury reach a verdict?

3 JUROR: Yes.

4 THE COURT: How long ago was that, also a while?

5 JUROR: Yes.

6 THE COURT: So it has been a while?

7 JUROR: Yes.

8 THE COURT: Very good. Thank you very much. You can
9 hand the microphone across the aisle, please, to juror no. 22.

10 Any "yes" answers, please?

11 JUROR: Yes; no. 8.

12 THE COURT: Any others?

13 JUROR: That's it.

14 THE COURT: Tell me about that.

15 JUROR: I have a very close friend that just passed
16 the bar recently.

17 THE COURT: Has your friend done any criminal law?

18 JUROR: No.

19 THE COURT: Anything about your friend or your
20 relationship or knowledge of what he or she may do or does that
21 would affect your ability to be fair and impartial here?

22 JUROR: No.

23 THE COURT: All right. Turning to the individual
24 questions start with your full name, please.

25 JUROR: Jonathan Williams.

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1 THE COURT: And county or counties?

2 JUROR: Bronx.

3 THE COURT: How old are you?

4 JUROR: 30.

5 THE COURT: How far did you go in school?

6 JUROR: Some college.

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

8 JUROR: I work at Rising Ground. I am a senior youth
9 counselor.

10 THE COURT: How long have you done that?

11 JUROR: Eight years.

12 THE COURT: Do you live with anyone and, if so, what
13 do they do?

14 JUROR: My spouse and my son.

15 THE COURT: What does your spouse do?

16 JUROR: She is a social worker.

17 THE COURT: And your son is in school?

18 JUROR: Yes.

19 THE COURT: Any grown children?

20 JUROR: No.

21 THE COURT: Are you fully vaccinated?

22 JUROR: Yes.

23 THE COURT: Boosted?

24 JUROR: No.

25 THE COURT: And how do you get your news?

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1 JUROR: My spouse, mostly.

2 THE COURT: How does your spouse get news?

3 JUROR: She is the one that watches the news.

4 THE COURT: Do you know what she watches?

5 JUROR: CNN, stuff like that.

6 THE COURT: Do you watch any criminal justice-type
7 shows?

8 JUROR: No. I used to, but not anymore. It is
9 boring.

10 THE COURT: Clubs, organizations, associations,
11 unions? Anything of that sort?

12 JUROR: No.

13 THE COURT: What do you like to do in your spare time?

14 JUROR: I volunteer in the community center where I
15 grew up and I like to travel, exercise, play sports, and hang
16 out with my son, my family.

17 THE COURT: Have you ever served as a juror?

18 JUROR: No.

19 THE COURT: All right. You can pass the microphone to
20 23, please.

21 Any "yes" answers?

22 JUROR: Yes. No. 1.

23 THE COURT: Any other numbers?

24 JUROR: No.

25 THE COURT: Tell me about that.

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1 JUROR: May I speak to you privately?

2 THE COURT: Sure. With the parties, yes. I will give
3 them a moment to assemble and then you may approach.

4 (At side bar)

5 THE COURT: Hi.

6 JUROR: Hi. So I am experiencing a severe financial
7 crisis. I am unemployed, have been for over six months, and I
8 am currently interviewing every single day. I can't imagine
9 not being able to interview for five weeks. My unemployment
10 ends in August, it doesn't even cover my rent. I have reached
11 out to government help to see if I can get that to help me as
12 well and waiting for it to be approved. However, I checked my
13 messages at lunch today, for example, I have an interview
14 tomorrow, someone is supposed to be contacting me to follow up
15 for my Friday interview about a second interview, second round.
16 I have a third round with another entity on Friday. It has to
17 be every single day. I would not be able to sit here and focus
18 on anything.

19 THE COURT: I understand. I'm going to excuse you.
20 It is quite clear you are very concerned about it, and
21 understandably, and I don't want it to prevent you from getting
22 a job and being able to support yourself. So why don't you get
23 your card, you can go downstairs, let them know, maybe they can
24 excuse you more generally but I certainly don't want to make
25 you sit here for as long as this trial is.

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1 JUROR: Thank you so much, I appreciate.

2 MS. SHROFF: Good luck.

3 THE COURT: Yes, good luck.

4 (In open court)

5 THE COURT: I excuse juror no. 22 so let me call
6 another name: Elizabeth Levy, L-E-V-Y. If you can make your
7 way up to seat 22, please?

8 JUROR: What is the name, your Honor? What is the
9 name you called?

10 THE COURT: Elizabeth Levy, L-E-V-Y. Sorry, 23. I'm
11 sorry.

12 23, any "yes" answers to any of the questions, please?

13 JUROR: Yes; no. 8, 9, and 44.

14 THE COURT: Starting with eight, tell me about that,
15 please.

16 JUROR: My mom and my brother are both litigators in
17 civil practice.

18 THE COURT: Civil practice?

19 JUROR: Yes.

20 THE COURT: Where do they practice?

21 JUROR: In Chicago.

22 THE COURT: Anything about what they do or your
23 relationship with them that would affect your ability to be
24 fair and impartial in this case?

25 JUROR: No.

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1 THE COURT: No. 9, tell me about that.

2 JUROR: My mom interned at the district attorney in
3 Chicago way back in 1980 and she worked for the federal
4 government before that.

5 THE COURT: What did she do for the federal
6 government?

7 JUROR: I can't remember, it was before I was born.

8 THE COURT: Anything about those experiences or
9 relationship with her that would affect your ability to be fair
10 and impartial here?

11 JUROR: No.

12 THE COURT: No. 44, tell me about that.

13 JUROR: My grandmother was raped and my sister was
14 also a victim of rape.

15 THE COURT: Sorry to hear that.

16 Did they report it to the police or law enforcement?

17 JUROR: My grandmother, yes, but I don't believe
18 anybody was arrested. My sister I don't believe so; it was a
19 date rape and it came to the surface many years later.

20 THE COURT: And do you know if anyone -- you said no
21 one was arrested?

22 JUROR: No.

23 THE COURT: And were you alive at that time?

24 JUROR: For my grandmother, no, it was before I was
25 born.

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1 THE COURT: Anything about those incidents or anything
2 relating to them whatsoever that would affect your ability to
3 be fair and impartial in this case?

4 JUROR: No.

5 THE COURT: Any other "yes" answers?

6 JUROR: No.

7 THE COURT: In that case, turning to the individual
8 questions, your full name, please.

9 JUROR: Elizabeth Ann Wilson Levy.

10 THE COURT: And county or counties?

11 JUROR: New York and Westchester.

12 THE COURT: How old are you?

13 JUROR: 40.

14 THE COURT: How far did you go in school?

15 JUROR: I have a masters.

16 THE COURT: In what?

17 JUROR: Masters of science in education.

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

19 JUROR: I am a high school science teacher.

20 THE COURT: How long have you done that?

21 JUROR: 12 years.

22 THE COURT: Do you live with anyone and, if so, what
23 do they do?

24 JUROR: My husband is a financial analyst and my three
25 children are 7, 5, and 3.

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1 THE COURT: Any grown children?

2 JUROR: No.

3 THE COURT: Are you fully vaccinated?

4 JUROR: Yes.

5 THE COURT: Boosted?

6 JUROR: Yes.

7 THE COURT: How do you get your news?

8 JUROR: Mostly online; CNN, other random sources,
9 whatever kind of pops up; ABC 7NY.

10 THE COURT: Criminal justice-type shows?

11 JUROR: No.

12 THE COURT: Clubs, associations, organizations,
13 unions?

14 JUROR: I am the chapter leader for the United
15 Federation of Teachers at my school.

16 THE COURT: What do you like to do in your spare time?

17 JUROR: Read, garden, exercise.

18 THE COURT: Have you ever served on a jury?

19 JUROR: No.

20 THE COURT: You can hand the microphone to no. 24,
21 please.

22 Any "yes" answers, please?

23 JUROR: Yes; no. 1 and no. 24.

24 THE COURT: So starting with no. 1?

25 JUROR: No. 1, I have a court date on June 30th.

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1 THE COURT: June 30th?

2 JUROR: Yes; June 30th.

3 THE COURT: Meaning your birthday or --

4 JUROR: No, the Court -- Court date. I need to go to
5 be in Long Island Court.

6 THE COURT: A court date.

7 JUROR: Yes.

8 THE COURT: I thought you said birthday.

9 JUROR: Not birthday, court.

10 THE COURT: What kind of court date? We are getting
11 some sort of feedback here.

12 JUROR: Yes. I was playing with my kids down at Jones
13 beach and the police gave me a license -- fishing without
14 license.

15 THE COURT: Fishing without license?

16 JUROR: Yes. It is a free registration. Anyway, I
17 forgot the date and they gave me the fish license.

18 THE COURT: OK.

19 JUROR: Yes. I said do I have an option? They said,
20 no, you to have to be in court on June 30th.

21 THE COURT: What court is that?

22 JUROR: It's in Long Island in somewhere. I have the
23 ticket with me.

24 THE COURT: You do have the papers with you?

25 JUROR: I have tickets with me, yes, if you want to

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1 see it.

2 THE COURT: If can you hand that to Mr. Lee I will
3 take a look at them and then -- all right. Thanks for letting
4 me know. If you are seated as a juror I will make a call and
5 make sure that you are allowed to report at a different time.

6 So turning to no. 24, tell me about that.

7 JUROR: 24; my wife works for the -- computer
8 programmer for the pharmaceutical company Regeneron.

9 THE COURT: For Regeneron?

10 JUROR: Yes.

11 THE COURT: She is a computer programmer?

12 JUROR: Yes.

13 THE COURT: What kind of programming does she do?

14 JUROR: I don't know.

15 THE COURT: Anything about her experience that would
16 affect your ability to be fair and impartial in this case?

17 JUROR: No.

18 THE COURT: And forgive me for asking, you have a
19 little bit of a thick accent, it has been hard for me to
20 understand. You are able to understand me, I take it?

21 JUROR: Yes.

22 THE COURT: Ok.

23 JUROR: Speak louder.

24 THE COURT: You are able to understand me?

25 JUROR: Yes, I do. Yeah.

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1 THE COURT: Turning to the individual questions, your
2 full name, please?

3 JUROR: Weimin Zhang.

4 THE COURT: And county or counties?

5 JUROR: Rockland County.

6 THE COURT: How old are you?

7 JUROR: 51.

8 THE COURT: How far did you go in school?

9 JUROR: I have Ph.D in chemistry.

10 THE COURT: Ph.D in chemistry?

11 JUROR: Yes.

12 THE COURT: Where did you get that?

13 JUROR: At CUNY, City University of New York.

14 THE COURT: What do you do for a living.

15 JUROR: I am manager of research and development for
16 leading pharmaceutical.

17 THE COURT: Who do you live with and -- do you live
18 with your wife?

19 JUROR: My wife and two kids; middle school and high
20 school -- elementary school and high school.

21 THE COURT: You told us what your wife did already.
22 Any grown children?

23 JUROR: No.

24 THE COURT: Are you vaccinated? Fully vaccinated?

25 JUROR: Yes.

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1 THE COURT: Boosted?

2 JUROR: Yes.

3 THE COURT: How do you get your news?

4 JUROR: Twitter, Yahoo Finance, and CNN sometimes Fox
5 News.

6 THE COURT: You said Twitter.

7 JUROR: Yes, twitter.

8 THE COURT: Do you think your feed would turn up
9 things relating to this case if there was any news coverage or
10 the like?

11 JUROR: No, I do not see anything like this.

12 THE COURT: And criminal justice-type shows? Anything
13 of that nature?

14 JUROR: No, I don't watch any.

15 THE COURT: Clubs, associations, organizations,
16 unions?

17 JUROR: Yes. I'm the Board of director and treasurer
18 of Bergen County Sunday School.

19 THE COURT: What do you like to do in your spare time?

20 JUROR: I like to read books and play with my kids,
21 play with my family.

22 THE COURT: Have you ever served as a juror?

23 JUROR: No.

24 THE COURT: Thank you. You can pass the microphone on
25 to no. 25, please.

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1 Any "yes" answers, please?

2 JUROR: Yes, sir. Yes, your Honor. 49.

3 THE COURT: Can you tell me about that?

4 JUROR: Your Honor, this courtroom sitting is very
5 difficult for me. The reason, I'm blind in one eye and I am
6 partially blind in the other eye and I have to come here in
7 Manhattan which is very difficult to get around. It is very
8 challenging. Very, very challenging.

9 THE COURT: OK. So you are blind in all but half an
10 eye?

11 JUROR: Yes. One eye is blind so I am here and this
12 one is partially blind. I can hardly see your face.

13 THE COURT: I think that it is best that you are not a
14 juror, at least in this case, so I will excuse you and you can
15 go downstairs with your jury card. Let them know about your
16 disability and they will give you some further instructions.

17 JUROR: Thank you, your Honor.

18 THE COURT: With that, I will ask the following juror
19 to take seat no. 25: Juan Palencia, P-A-L-E-N-C-I-A.

20 Any "yes" answers, please?

21 JUROR: Two.

22 THE COURT: Tell me about that.

23 JUROR: No. 1 and no. 2.

24 THE COURT: Tell me about no. 2 first, please.

25 JUROR: I speak English but not enough, I don't

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1 believe enough to be effective on this.

2 THE COURT: Keep your microphone and speak a little
3 louder. You speak English but not well enough?

4 JUROR: Not well enough, and I don't read enough to be
5 part of this case.

6 THE COURT: Obviously it is important that you are
7 able to understand and follow complex language and terms. You
8 would have difficulty understanding. Is that what you are
9 saying?

10 JUROR: Yes.

11 THE COURT: So I will excuse you. You can let them
12 know downstairs as well and I will ask Bruce Brooks to please
13 take no. 25's seat, please.

14 May I ask, is Audrey Cohen here by chance?

15 So any "yes" answers, sir?

16 JUROR: Yes, I do.

17 No. 8, 18 I think it was, 29, 24.

18 THE COURT: So start with no. 8, please.

19 JUROR: My daughter just finished second year of law
20 school.

21 THE COURT: And has she had any involvement in
22 criminal justice-type issues?

23 JUROR: Not yet.

24 THE COURT: Anything about her training, experience,
25 your relationship with her that would affect your ability to be

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1 impartial here?

2 JUROR: Probably not.

3 THE COURT: What you say probably not, what does
4 your --

5 JUROR: I will say no on that one.

6 THE COURT: No. 18?

7 JUROR: 18, plus the other one about the defendant
8 representing himself. I'm struggling -- I have been thinking
9 about it the whole time we have been here and I'm struggling
10 with the idea of being impartial on that. I think it is a bad
11 mistake on his part so at this point I'm just -- you are asking
12 for impartiality and honesty on that and I'm not sure I am
13 there.

14 THE COURT: OK. So I am definitely asking for
15 impartiality and asking for honesty so I appreciate you being
16 honest and forthcoming. Tell me a little bit more about that.
17 Again, as I discussed with one of the earlier jurors, one can
18 have a strongly held view about the wisdom of the choice to
19 represent oneself but it is a well-founded and long-standing
20 constitutional right that anyone charged with a crime in our
21 country has the right to waive counsel and represent himself,
22 and if you were seated as a juror you could not allow your own
23 views about the wisdom of that choice affect your ability.

24 JUROR: I understand that, sir, that plus the Julian
25 Assange question, yeah, I could try but I want to be honest

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1 with you and say that my impartiality -- I'm on the fence on
2 it.

3 THE COURT: OK. Tell me -- I'm not sure what the
4 connection is between those two things, between Julian Assange
5 connection.

6 JUROR: Well, you asked the question -- I'm not sure I
7 am connecting them. I am saying on both of those questions I
8 struggle with the impartiality.

9 THE COURT: OK. Tell me a little bit more about
10 Julian Assange question.

11 JUROR: Julian Assange as far as I remember -- I
12 haven't looked at it in a while but I did read about him years
13 ago, he spent several years in asylum in the -- I think it was
14 the Ecuadorian Embassy in the UK avoiding being shipped off to
15 I think it was Sweden where he was accused of crimes against
16 underaged children.

17 THE COURT: OK.

18 JUROR: Plus he also sponsored WikiLeaks which seeks
19 to have people from within the CIA and other agencies, whether
20 U.S. or others, to reveal certain things that are going on.

21 THE COURT: OK. So, I think Mr. Assange's connection
22 to this case, if any, is his involvement is he is someone
23 associated publicly with WikiLeaks and, as I said earlier, this
24 case does involve the leaking of -- alleged leaking of
25 information from the CIA to WikiLeaks so the other charges

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1 against Mr. Assange may or may not have existed are certainly
2 not related to this case.

3 Is there something about WikiLeaks that would affect
4 your ability to be fair and impartial here?

5 JUROR: I don't know yet. I could say no right now
6 but I want to be open and honest about what my thoughts are.

7 THE COURT: And I appreciate that and indeed demand
8 it. I guess the question is I am just trying to understand
9 what the nature of it is. You have strongly held views about
10 WikiLeaks? Is that what you are saying?

11 JUROR: I think I did years ago. And like I said at
12 the beginning, it has been a few years since he has been in the
13 news so not right now, but from the past, yeah. I have
14 strongly held views against it.

15 THE COURT: OK. And would you be able to put those
16 views aside and render a verdict in this case based solely on
17 the evidence?

18 JUROR: I could try. Sure.

19 THE COURT: What is your confidence level in your
20 ability to do that?

21 JUROR: I don't know.

22 THE COURT: In other words, I don't think there is
23 any -- well, let me not put it that way.

24 There is no dispute that the leaking of national
25 defense information to WikiLeaks is a crime. In that sense

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1 your personal views of WikiLeaks are not necessarily or you
2 can -- I guess the question I have is would you be able to put
3 aside whatever views you may have of WikiLeaks or Mr. Assange
4 and decide whether Mr. Schulte did in fact do what he is
5 charged with doing which is leaking information to WikiLeaks.
6 That's the allegation. Would you be able to decide that
7 question based solely on the evidence presented at trial and
8 put aside any feelings that you may have about WikiLeaks or you
9 are not sure?

10 JUROR: Right now I'm not sure.

11 THE COURT: OK.

12 JUROR: That was the reason for raising it.

13 THE COURT: No, no. I appreciate that.

14 I think given that you can't unqualifiedly tell me
15 that you are sure I think I'm going to exercise -- out of an
16 abundance of caution I will excuse you from this case and I
17 think another case might be more appropriate for you.

18 So with that, I will ask the following juror to take
19 your seat no. 25 and that is Vincent Castellano,
20 C-A-S-T-E-L-L-A-N-O. Any "yes" answers, please?

21 JUROR: Yes, a few. 1, 8, 9, 13, 42, 44, and 45.

22 THE COURT: Let's start with no. 1, please.

23 JUROR: I work for a small firm. There is no one in
24 my -- there is nobody else in my capacity to pick up my work
25 for a five to six-week period. Even though the Court may end

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1 at 3:00 it is really not sufficient.

2 THE COURT: Keep your voice up and microphone close.

3 JUROR: Sorry. Even though Court may end at 3:00,
4 that is really not sufficient time for me to be able to
5 complete my work for that day.

6 THE COURT: What do you do?

7 JUROR: I'm an accountant for a healthcare venture
8 fund.

9 THE COURT: How many other accountants are there
10 there?

11 JUROR: One other accountant. But we don't overlap in
12 our capacity.

13 THE COURT: Tell me about no. 8.

14 JUROR: My girlfriend who I live with is an attorney.
15 She worked eight years in the Manhattan DA's office as a
16 prosecutor. She currently works for a private firm doing
17 corporate internal investigations on white collar defense
18 crimes.

19 THE COURT: Anything about her experience in the
20 criminal justice field that would affect your ability to be
21 fair and impartial here?

22 JUROR: I truly don't know. I mean, I have heard
23 stories not about particular cases but about general practice
24 and procedure. I'm not sure.

25 THE COURT: And why would you be hesitant? In other

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1 words, certainly everyone who is involved in the criminal
2 justice world has stories. What about those stories would make
3 your wonder on your ability to be fair and impartial?

4 JUROR: I just look at the level of work they do, the
5 amount of research they do, and it always seems kind of
6 thorough. So I think generally what they come out with, I
7 think it would sway -- I think that the general research that
8 is done may indicate what the outcome of the case should be.

9 THE COURT: Tell me about 13.

10 JUROR: Can I speak privately?

11 THE COURT: Well, before you get there let's jump to a
12 different question. No. 42. Unless it is same thing.

13 JUROR: It is on related topics, yes.

14 THE COURT: 44 as well?

15 JUROR: Yes.

16 THE COURT: And 45 as well?

17 JUROR: Yes.

18 THE COURT: All right. I skipped 9, tell me about 9
19 then.

20 JUROR: That was what I mentioned about my girlfriend
21 that she worked for the Manhattan District Attorney's office.

22 THE COURT: Why don't you give the parties and the
23 court reporter a moment to gather round and then you can
24 approach and talk to me at side bar.

25 (At side bar)

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1 JUROR: Hi.

2 THE COURT: OK. Go ahead.

3 JUROR: Those all relate to the same topic.

4 My last name is Castellano. I was related is to
5 several members who were involved in organized crime;
6 convicted, questioned, still keep in contact with some of them
7 in my personal circle.

8 I just wanted you to know that.

9 THE COURT: I certainly appreciate that.

10 JUROR: Yes.

11 THE COURT: You mean in the Castellano crime family?

12 JUROR: Yes.

13 THE COURT: Can you tell me about how closely related
14 any of them were to you?

15 JUROR: Paul Castellano is my grandfather's first
16 cousin. We still keep in touch with his two children, spend
17 holidays together, family gatherings.

18 THE COURT: I think given the assembly of issues that
19 you have recited I'm going to excuse you and it seems like --

20 JUROR: I just want to be forthcoming.

21 THE COURT: I very much appreciate that and think a
22 civil case might be more appropriate for you. Why don't you
23 just give your questionnaire to Mr. Lee and you can get your
24 card and go downstairs.

25 JUROR: Thank you.

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1 THE COURT: Thank you. All right.

2 (Continued on next page)

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1 (In open court)

2 THE COURT: I'll ask Lucia Landicino to take that
3 seat.

4 Any "yes" answer, please?

5 JUROR: Yes.

6 THE COURT: Put the microphone close to your mouth,
7 please.

8 JUROR: No. 8 and No. 11.

9 THE COURT: Tell me about No. 8, please.

10 JUROR: My husband is a justice.

11 THE COURT: A justice on the New York Supreme Court?

12 JUROR: Yes.

13 THE COURT: In what part, and what kind of cases?

14 JUROR: Civil. Civil.

15 THE COURT: OK. Does he have any experience involving
16 criminal cases?

17 JUROR: No.

18 THE COURT: Anything about his experiences -- did he
19 have any involvement in criminal cases before he became a
20 judge?

21 JUROR: No.

22 THE COURT: And anything about his experiences as
23 either a lawyer or as a judge that would affect your ability to
24 be fair and impartial in this case?

25 JUROR: No.

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1 THE COURT: OK. I assume, given what he does, that
2 you may have other friends and acquaintances who are lawyers?

3 JUROR: Correct.

4 THE COURT: Any of them involved in criminal cases?
5 Or let me put it this way. Would your relationship with any of
6 them or your knowledge of what any of them do affect your
7 ability to be fair and impartial and follow my instructions
8 about the law?

9 JUROR: No.

10 THE COURT: OK. I assume that you could refrain until
11 the case is over from discussing any of the particulars with
12 your husband --

13 JUROR: Correct.

14 THE COURT: -- or commenting on your opinions of me?

15 JUROR: Yes.

16 THE COURT: OK. Very good.

17 No. 11, tell me about that.

18 JUROR: Well, we have a friend that we met through our
19 community. He's a federal prosecutor. So, I'm not sure -- we
20 haven't seen him in, like, six years, but I thought I'd
21 disclose that.

22 THE COURT: What's his name?

23 JUROR: Perry Carbone.

24 THE COURT: And you haven't seen Mr. --

25 JUROR: I haven't seen him in six years, but you know,

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1 we've been to his house, he's been to our house. And I'm not
2 sure if he's in Southern District, or where he is, but I
3 thought I'd disclose it.

4 THE COURT: And fair to say to the extent you haven't
5 seen him in six years, you could refrain from seeing him
6 through the duration of the trial?

7 JUROR: Yes.

8 THE COURT: Anything about your relationship with him,
9 your friendship with him, your knowledge of what he does or has
10 done that would affect your ability to be fair and impartial in
11 this case?

12 JUROR: No.

13 THE COURT: And I assume you can refrain from
14 communicating with him about this case?

15 JUROR: Correct, yes.

16 THE COURT: All right. Any other "yes" answers?

17 JUROR: No.

18 THE COURT: All right. Just keep your voice up, if
19 you don't mind. It's a little hard to hear you.

20 JUROR: Sure.

21 THE COURT: Can you state your full name, please.

22 JUROR: Sure. Lucia Landicino.

23 THE COURT: County or counties?

24 JUROR: Westchester.

25 THE COURT: And how old are you?

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1 JUROR: 55.

2 THE COURT: How far did you go in school?

3 JUROR: Bachelor's.

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

5 JUROR: I'm a financial consultant for an insurance
6 company.

7 THE COURT: How long have you done that?

8 JUROR: I've been with them for 30 years; in this
9 capacity for about seven years or so.

10 THE COURT: And other members of your household?

11 JUROR: Yes, three grown children.

12 THE COURT: And you live with your husband?

13 JUROR: Yes.

14 THE COURT: And you've told us what he does. And the
15 three grown children, what do they do?

16 JUROR: My daughter works for Société Générale, which
17 is a French bank. She's an HR consultant going on to law
18 school. I have a son in grad school and a son in undergrad.

19 THE COURT: And your daughter's going to law school,
20 you said?

21 JUROR: Yes.

22 THE COURT: But hasn't yet begun?

23 JUROR: No. Starting in August.

24 THE COURT: All right. And are you fully vaccinated?

25 JUROR: Yes.

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1 THE COURT: Boosted?

2 JUROR: Yes.

3 THE COURT: And how do you get your news?

4 JUROR: Predominantly New York Times, CNN. I am on
5 social media, but again, my feeds are mostly personal.

6 THE COURT: All right.

7 JUROR: But I do have New York Times coming through my
8 Instagram.

9 THE COURT: And criminal justice-type shows?

10 JUROR: No.

11 THE COURT: Any clubs, associations, organizations,
12 etc.?

13 JUROR: No.

14 THE COURT: And what do you like to do in your spare
15 time?

16 JUROR: Bake, cook.

17 THE COURT: All right. And have you ever served as a
18 juror?

19 JUROR: No.

20 THE COURT: All right. If you can pass the microphone
21 to No. 26, please.

22 Any "yes" answer, please?

23 JUROR: Yes, your Honor.

24 THE COURT: What numbers?

25 JUROR: Eight and -- apologies -- 46. And possibly 29

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1 and 36; I have a couple of clarification questions.

2 THE COURT: OK. Let's start with No. 8 first.

3 JUROR: I am an attorney. I am in global -- equity
4 compensation and employment practice.

5 THE COURT: Any criminal background, criminal law,
6 that is?

7 JUROR: No.

8 THE COURT: Anything about your training and
9 experience that would affect your ability to follow my
10 instructions about the law and to be fair and impartial?

11 JUROR: No.

12 THE COURT: All right. To the extent that you may
13 have friends who are lawyers, any of those relationships or
14 what they do that would affect your ability to be fair and
15 impartial in this case?

16 JUROR: No. I do have friends who are criminal
17 lawyers, but not -- my knowledge of what they do is not to the
18 extent that would prevent me from being fair and impartial.

19 THE COURT: OK. Keep your voice up, if you don't
20 mind.

21 No. 29, you said?

22 JUROR: OK. I'm not entirely clear on what the role
23 of supporting or standby counsel is, so I just wanted to get
24 some more background on what they're doing for the defendant as
25 opposed to what counsel would do.

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1 THE COURT: So the short answer is that it's not
2 actually relevant for your purposes; that is to say, that the
3 instruction is that you are not consider the fact that
4 Mr. Schulte has elected to waive counsel and represent himself
5 in any way, shape or form in your deliberations in this case,
6 and your job is to evaluate and decide whether the government
7 has proved beyond a reasonable doubt with the evidence admitted
8 that Mr. Schulte is guilty regardless of who is representing
9 him.

10 But the longer answer is that when a defendant elects
11 to represent himself, it's quite common for a judge to do what
12 I've done, which is have lawyers who are available just to
13 assist him and provide him with information, sort of
14 clarification of procedures, and things like that. But he
15 represents himself. He controls his defense. He will be the
16 one asking questions of witnesses, and so on and so forth.
17 They're just here to basically provide him with a little bit of
18 help and assistance on the side.

19 Again, the most important thing is that the fact that
20 he represents himself, the fact that he has standby counsel,
21 and anything they do, none of that should affect in any way,
22 shape or form your deliberations as a juror in this case. Do
23 you have any belief that you would have any trouble following
24 my instructions about that?

25 JUROR: No, but I do have some views on

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1 self-representation, which is why I asked the question, not so
2 much whether it would impact how I deliberate.

3 THE COURT: Again, a couple of other jurors have said
4 they have views on that.

5 JUROR: Of course.

6 THE COURT: And people may have views on that. Seems
7 like something one might have a view on, but putting aside
8 whatever your views may be, would you be able to put aside your
9 views of the wisdom of that choice and decide this case based
10 solely on the evidence presented at trial?

11 JUROR: Probably. I don't feel comfortable with an
12 unqualified answer, but yes. I think, ironically, because I'm
13 an attorney I am looking a little bit more in granular
14 perspective what the situation means for the defendant. I
15 don't know if that makes sense, but --

16 THE COURT: OK.

17 JUROR: Probably, probably.

18 THE COURT: Probably you'd be able to put it aside?

19 JUROR: Yes.

20 THE COURT: OK. And when you say that, it may well
21 give you a greater appreciation of the consequences of making
22 that decision. That's understandable, but --

23 JUROR: That's certainly part of it, yes.

24 THE COURT: OK. But again, could you put that aside
25 and your views as to the wisdom of that decision aside and

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1 decide this case based solely on the evidence and my
2 instructions on the law?

3 JUROR: Qualified yes, but yes.

4 THE COURT: OK. And No. 36, tell me about that.

5 JUROR: No. 79, I want to say she was a college
6 classmate of mine, but it's one of those situations where I'm
7 not sure if it's the name that's triggering, or maybe it's a
8 person who I'm thinking of that's not this name.

9 THE COURT: Do you know what your college classmate
10 does?

11 JUROR: No.

12 THE COURT: And when's the last time you've been in
13 touch with your classmate.

14 JUROR: It would have been back in college.

15 THE COURT: And --

16 JUROR: That was 25 years ago.

17 THE COURT: So anything about your relationship with
18 that person, assuming it's the same person, and it may or may
19 not be, anything about your relationship that would affect your
20 ability to be fair and impartial and evaluate the witness's
21 credibility based on the same considerations you'd apply to any
22 other witness?

23 JUROR: No.

24 THE COURT: OK. And No. 46, then, please.

25 JUROR: I would like to disclose that privately --

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1 THE COURT: OK.

2 JUROR: -- if you don't mind.

3 THE COURT: Sure. Give everyone a moment to assemble,
4 and then you can approach.

5 (At sidebar; juror present)

6 JUROR: OK. So, my father was incarcerated, I
7 believe, for multiple DUI's. I'm not sure. I don't have all
8 the details. I was just told that he was incarcerated and that
9 it probably had something to do with his drinking while
10 driving.

11 THE COURT: And doesn't sound like you have any
12 personal knowledge of that. Was that before you were born?

13 JUROR: It was while I was living in California.

14 THE COURT: OK. And were you -- I take it you didn't
15 have any involvement in the proceedings or the case in any way?

16 JUROR: No.

17 THE COURT: Anything about the way he was treated by
18 either the police or the criminal justice system that would
19 affect your ability to be fair and impartial in this case?

20 JUROR: Not to my knowledge, no.

21 THE COURT: OK. And while we have you here, can I
22 just press you to elaborate a little on your answer to question
23 29 about self-representation. Can you spell that out a little
24 bit more?

25 JUROR: I tend to be thorough in my due diligence, and

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1 I think that's the reason why when I -- my views on *pro se*
2 defendants are, like, I would want to know what their knowledge
3 of the law is. I would want to know why they've chosen to
4 represent themselves and not engage counsel. And I was not
5 familiar with the role of standby counsel being just -- almost
6 like a curiosity, why didn't I ever learn about standby counsel
7 in law school? So I was just, like, that struck me as strange
8 just because I -- for whatever reason, I was never taught that
9 *pro se* defendants could have standby counsel.

10 THE COURT: OK. And I certainly understand as an
11 attorney why you might wonder about the first two things you
12 mentioned, but those would have no relevance to your decision
13 in this case if you were seated as a juror, which is to say you
14 would have to, as I said, not speculate about why Mr. Schulte
15 has decided to represent himself or consider that decision in
16 any way in rendering your verdict. Do you have any hesitation
17 in your ability to do that? Again, you may ultimately form a
18 judgment about whether it was a wise decision or not a wise
19 decision, but that couldn't infect your perception of the
20 evidence.

21 JUROR: I don't think so in this case, because it's a
22 white collar crime, and you know, the defendant is obviously
23 somebody who's probably highly educated. Ultimately no
24 problem.

25 THE COURT: OK.

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1 JUROR: I mean ultimately, no, I would not let that
2 impact how I deliberated and decided.

3 THE COURT: And you just explained that that's because
4 your assessment is that Mr. Schulte might have more ability to
5 defend himself than --

6 JUROR: Exactly.

7 THE COURT: All right. You can go back to your seat.

8 (Juror not present)

9 THE COURT: Mr. Denton, any thoughts?

10 MR. DENTON: I think there was a lot of qualification
11 in her various answers, your Honor, and it seems like
12 ultimately her answer was not that she would be able to put it
13 out of her mind as much as she would reach a satisfactory
14 resolution of her questions. So it's hard to put a finger on a
15 particular comment, but I think overall, it's not clear that
16 that's something she could put aside here.

17 MR. SCHULTE: I think -- yeah, on the record, she said
18 two things: She can't give an unqualified answer, and her
19 "yes" is qualified. So I think it's clear on the record that I
20 don't think she can -- I think she needs to have an unqualified
21 answer as to "yes," and if not, I think it's for cause.

22 THE COURT: All right. I'm going to excuse her. I
23 think she did qualify all of her answers sufficiently, but it
24 gives me pause, so we will carry on.

25 (In open court)

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1 THE COURT: All right. I'm going to excuse you, juror
2 No. 26, and I'll call another juror to take that seat.

3 JUROR: Juror No. 25 just had a --

4 JUROR: I had a question. No. 46 -- I apologize.

5 THE COURT: OK.

6 JUROR: Would I be able to approach privately?

7 THE COURT: Sure. I'll tell you what. Hold off for
8 the moment.

9 JUROR: Fine.

10 THE COURT: When we're assembled for another reason, I
11 will then bring you up at that time.

12 JUROR: OK.

13 THE COURT: In the meantime, let me ask the following
14 juror to take seat 26. That is Michael Zablin. If you could
15 make your way to seat 26, please.

16 Any "yes" answer, please?

17 JUROR: Yes, your Honor. No. 1.

18 THE COURT: Tell me about that.

19 JUROR: OK. I work in a small -- well, little
20 hospital, and I'm the only anesthesia tech. And one week or
21 two weeks is good, probably, but five weeks to six weeks, I
22 don't think I could make it.

23 THE COURT: OK. Tell me how the hospital could cover
24 for two weeks but wouldn't be able to in four or five.

25 JUROR: Of course, two weeks I could order -- most of

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1 them are logistics and order, and for the first weeks or two
2 weeks the CNRA, nurse anesthetist can call in the supply, but
3 I'm the one ordering supplies for the anesthesia department.

4 THE COURT: OK. Again, there are a couple days next
5 week and July 4th and other days we wouldn't be sitting; you
6 couldn't make those arrangements on those days?

7 JUROR: Depends on the consumption, on the -- it does
8 peaks and valley, so that's way I look at it, check on our
9 orders.

10 THE COURT: OK. Is there anyone else who does your
11 job there?

12 JUROR: No. I'm the only anesthesia tech.

13 THE COURT: When you say anesthesia tech, can you
14 explain what that involves?

15 JUROR: I do the orders on -- the ordering of the
16 supplies of the anesthesia department, and supplying carts and
17 troubleshooting the machines. And I also help intubation with
18 the, with the anesthesiologist.

19 THE COURT: OK. And as you heard, I end my trial day
20 at 3 p.m. Is there any reason you couldn't use the rest of the
21 day to do the ordering and things you need to do on a regular
22 basis?

23 JUROR: First two weeks, I could, but two weeks is
24 actually pushing already. Five weeks is hard.

25 THE COURT: And what hospital do you work at?

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1 JUROR: New Rochelle, Montefiore New Rochelle. It was
2 Sound Shore before. It was a small hospital, and we were
3 acquired by Montefiore.

4 THE COURT: OK. But it's part of the Montefiore
5 Hospital system?

6 JUROR: Yeah.

7 THE COURT: And they couldn't cover --

8 JUROR: Nobody's covering because we were, like,
9 bought by them and nobody was -- we were at this time, like,
10 how do you put it? I don't want to say we're the stepchild,
11 but we are, like, you know, the small Montefiore Hospital in
12 New Rochelle.

13 THE COURT: All right. I'm not saying that I will
14 necessarily keep you here, but I want to think a little about
15 it. Any other "yes" answers?

16 JUROR: That's it, your Honor.

17 THE COURT: Your full name, please.

18 JUROR: Michael Zablin.

19 THE COURT: And county or counties?

20 JUROR: Westchester.

21 THE COURT: And how old are you?

22 JUROR: 54.

23 THE COURT: How far did you go in school?

24 JUROR: College.

25 THE COURT: And you've told us what you do for a

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1 living. Do you live with anyone?

2 JUROR: Yes, my wife, an R.N., and my two children.
3 One is 26 -- 25 years old, who just finished his graduate, and
4 junior, going to senior.

5 THE COURT: All right. And the one who just
6 graduated, congratulations.

7 JUROR: Sure.

8 THE COURT: Does he or she have a job?

9 JUROR: Oh, no, no. Just finished and hopefully will
10 get a job.

11 THE COURT: Indeed. Good luck.

12 Are you fully vaccinated?

13 JUROR: Yeah.

14 THE COURT: Boosted?

15 JUROR: Boosted.

16 THE COURT: How do you get your news?

17 JUROR: Google feeds and i24 and Fox.

18 THE COURT: What was the second?

19 JUROR: Fox, Fox News.

20 THE COURT: What was the second one that you said?

21 JUROR: I24.

22 THE COURT: All right. And criminal justice-type
23 shows?

24 JUROR: Not really. Perry Mason.

25 THE COURT: All right. Obviously, TV, not real

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1 trials --

2 JUROR: Yeah. No, no.

3 THE COURT: Clubs, organizations, associations,
4 unions?

5 JUROR: Union, 1199.

6 THE COURT: You're a member or --

7 JUROR: Member.

8 THE COURT: -- leadership position.

9 JUROR: Member, member.

10 THE COURT: What do you like to do in your spare time?

11 JUROR: Watch TV, spend with my kids, vacation.

12 THE COURT: Have you ever served as a juror?

13 JUROR: No. No, your Honor.

14 THE COURT: All right. Thank you.

15 You can hand the microphone to your neighbor there,
16 No. 27.

17 JUROR: 27.

18 THE COURT: Thank you.

19 Any "yes" answers?

20 JUROR: Yes, sir. Yes, your Honor.

21 THE COURT: Go ahead.

22 JUROR: OK. No. 8, No. 9, 23 and 24.

23 THE COURT: All right. Start with No. 8. Tell me
24 about that.

25 JUROR: My youngest brother is a real estate lawyer.

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1 THE COURT: All right. Any criminal justice
2 experience?

3 JUROR: No.

4 THE COURT: And anything about him, your relationship
5 with him, what he does, that would affect your ability to be
6 fair and impartial?

7 JUROR: No.

8 THE COURT: All right. What about No. 9?

9 JUROR: No. 9, I -- my younger brother is a retired
10 Yonkers policeman, and I have two friends who are in the
11 marshals service.

12 THE COURT: All right. Starting with your brother,
13 anything about what he does or did --

14 JUROR: Not really.

15 THE COURT: OK. What about your friends in the
16 marshals service; do you know what they do in the marshals
17 service?

18 JUROR: They protect judges, one of them.

19 THE COURT: In this district or another district?

20 JUROR: Yeah. They moved back out to Texas.

21 THE COURT: All right. And anything about what
22 they've done or do that would affect your ability to be fair
23 and impartial here?

24 JUROR: No.

25 THE COURT: All right. What about No. 23?

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1 JUROR: Because of my job, I think I may have actual
2 classified security clearance or just security clearance.

3 THE COURT: OK. What do you do?

4 JUROR: I work in IT, but they have me manipulating
5 user accounts, so that requires a higher clearance. It's
6 probably not what you're asking for here, but I just wanted to
7 go, put it out there.

8 THE COURT: Have you had to go through a security
9 background check?

10 JUROR: Yeah.

11 THE COURT: And how recently did you have to do that?

12 JUROR: Two years ago.

13 THE COURT: All right. And anything about that
14 experience or your security clearance or your knowledge of what
15 having security clearance requires or involves that would
16 affect your ability to be fair and impartial in this case?

17 JUROR: No.

18 THE COURT: And 24, I assume that's related to --

19 JUROR: Yes -- no. I have an IT -- yeah. I used
20 to -- I went to school for, for programming. So I guess that's
21 sort of on the same lines as coding.

22 THE COURT: And what do you do for a living?

23 JUROR: I work in IT. Right now it's just technical
24 support.

25 THE COURT: Where?

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1 JUROR: The V.A. in Montrose.

2 THE COURT: And what kind of -- you provide support to
3 the hospital.

4 JUROR: Yes, sir.

5 THE COURT: OK. Meaning you're troubleshooting and
6 setting up computers, and that kind of stuff?

7 JUROR: Uh-huh.

8 THE COURT: Yes? That's a yes.

9 JUROR: Yes.

10 THE COURT: Doesn't involve coding necessarily?

11 JUROR: No.

12 THE COURT: Anything about your training or experience
13 that would -- sorry, let me back up.

14 You heard what I said earlier, that some of this case
15 will involve testimony and evidence concerning forensic
16 analysis of computers, of computer codes and programs, that
17 sort of thing?

18 JUROR: Right.

19 THE COURT: Would any of your training or experience
20 affect your ability to base your verdict solely on what you
21 hear and see in the courtroom?

22 JUROR: No.

23 THE COURT: OK. Any other "yes" answers?

24 JUROR: No.

25 THE COURT: All right. Full name, please.

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1 JUROR: Scott Lloyd.

2 THE COURT: And county or counties?

3 JUROR: Westchester County.

4 THE COURT: Age.

5 JUROR: 55.

6 THE COURT: How far did you go in school?

7 JUROR: Bachelor of science.

8 THE COURT: And you told us what you do for a living.

9 Do you live with anyone, and if so, what do they do?

10 JUROR: No. I live alone.

11 THE COURT: Any grown children?

12 JUROR: No.

13 THE COURT: And are you fully vaccinated?

14 JUROR: Yes.

15 THE COURT: Boosted?

16 JUROR: Yes.

17 THE COURT: How do you get your news?

18 JUROR: Classic radio and phone feeds, whatever comes
19 over the phone.

20 THE COURT: And anything -- what I said before; I
21 don't know what you follow, or do you think that news related
22 to this case, if there is any, would come across your feed?

23 JUROR: If they do, I don't really have any interest
24 in it.

25 THE COURT: OK. So you'd have no trouble ignoring --

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1 JUROR: Right.

2 THE COURT: -- and not reading anything?

3 JUROR: That's correct.

4 THE COURT: And criminal justice-type shows?

5 JUROR: No.

6 THE COURT: Clubs, associations, organizations, etc.?

7 JUROR: No.

8 THE COURT: And what do you like to do in your spare
9 time?

10 JUROR: Watch cable, play video games, paint.

11 THE COURT: And have you ever served as a juror?

12 JUROR: No.

13 THE COURT: All right. If you can hand Mr. Lee the
14 microphone, he'll bring it across the room there.

15 Juror No. 28, any "yes" answers?

16 JUROR: Three yeses -- eight, 23, and 44.

17 THE COURT: No. 8, start with that, please.

18 JUROR: Some family members and friends are
19 attorneys -- labor lawyer, bankruptcy lawyer, and real estate
20 transaction lawyer.

21 THE COURT: And anything about what they do or your
22 relationship with them that would affect your ability to be
23 fair and impartial here?

24 JUROR: No.

25 THE COURT: All right. No. 23, tell me about that.

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1 JUROR: 23, my youngest son, when he first finished
2 college, worked for a defense contractor in the Washington,
3 D.C. area. So he had to have security clearance, which he
4 still has in his current job.

5 THE COURT: And what does he do now?

6 JUROR: Now he works for a consulting firm that
7 basically contracts with multiple different companies,
8 including defense contractors, for reorganization, things like
9 that.

10 THE COURT: Keep your voice up a little bit, if you
11 don't mind.

12 JUROR: Sure.

13 THE COURT: Anything about what he does or his
14 relationship with security clearance and classified information
15 that would affect your ability to be fair and impartial here?

16 JUROR: No.

17 THE COURT: And what about 44? Tell me about.

18 JUROR: 44, some time ago, I happened to be in an area
19 of the hospital where a man came in with a gun, held the gun to
20 my head, wanted me to sign some disability forms for him.

21 THE COURT: And was he arrested?

22 JUROR: No. No, he got -- he left. I talked him
23 down, signed his forms, told him I did not want to know his
24 name and told him how he could walk himself out, and he was
25 never found.

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1 THE COURT: Did you report it to the police?

2 JUROR: Oh, sure, yeah.

3 THE COURT: Sorry. That sounds like it might have
4 been a traumatic experience.

5 JUROR: Uh-huh.

6 THE COURT: Anything about that experience or your
7 involvement with the police that would affect your ability to
8 be fair and impartial in this case?

9 JUROR: No.

10 THE COURT: All right. Turning to the individual
11 questions, your full name, please.

12 JUROR: Melissa Schori.

13 THE COURT: And county or counties?

14 JUROR: Bronx.

15 THE COURT: How old are you?

16 JUROR: 72.

17 THE COURT: How far did you go in school?

18 JUROR: Doctorate, doctor of medicine.

19 THE COURT: And what do you do for a living?

20 JUROR: I'm a physician. I work for an organization
21 that accredits the standards of training physicians when they
22 finish medical school.

23 THE COURT: All right. How long have you done that?

24 JUROR: Four years.

25 THE COURT: What did you do before that?

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1 JUROR: Prior to that I ran a hospital in the Bronx.
2 I was the chief medical officer responsible for all the
3 clinical care and standards, safety and quality.

4 THE COURT: All right. Anyone you live with, and if
5 so --

6 JUROR: I live with my husband.

7 THE COURT: What does he do?

8 JUROR: Real estate development.

9 THE COURT: All right. Any grown children?

10 JUROR: Four. Four adult children. One works for a
11 large corporation that does real estate acquisitions. One is a
12 nurse practitioner. One is the one I mentioned before who does
13 consulting.

14 THE COURT: And the fourth.

15 JUROR: And the fourth one is also in real estate.

16 THE COURT: All right. And are you fully vaccinated?

17 JUROR: Fully vaccinated and boosted.

18 THE COURT: And how do you get your news?

19 JUROR: I subscribe to the Wall Street Journal and the
20 New York Times, read it online every day.

21 THE COURT: All right. And criminal justice-type
22 shows?

23 JUROR: Law & Order, my favorite.

24 THE COURT: All right. And would you have any trouble
25 distinguishing that from real trial and doesn't necessarily go

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1 the same way in real life?

2 JUROR: No.

3 THE COURT: And clubs, associations, organizations,
4 unions, etc.?

5 JUROR: Yeah. I've been president of my co-op board
6 for about 25 years, totally thankless job. Someone's got to do
7 it.

8 THE COURT: That is true. Hopefully somebody says
9 thank you for doing it.

10 JUROR: Very occasionally.

11 THE COURT: All right. And what do you like to do in
12 your spare time?

13 JUROR: Exercise -- bike, swim, walk; play bridge;
14 travel; visit with family, travel with family.

15 THE COURT: All right. Have you ever served as a
16 juror?

17 JUROR: No.

18 THE COURT: All right. You can pass the microphone to
19 No. 29, please.

20 Any "yes" answers?

21 JUROR: Yes. One, three, eight, 15, 16, 17, 24, 36,
22 and that's it.

23 THE COURT: All right. Tell me -- I don't know if
24 eight, 15, 16, and 17 are all related. If they are, maybe you
25 could cover those, and if you think you should do it at

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1 sidebar, you can let me know.

2 JUROR: I read quite an extensive article about this
3 case, this situation, the defendant in particular.

4 THE COURT: OK. When was that? Was that recently?

5 JUROR: I read it, like, last week.

6 THE COURT: All right. I'm going to excuse you. I
7 think this is probably not the right case for you given that.

8 And I will ask Gianpiero Palermo if you could take
9 seat No. 29, please.

10 All right. New juror 29, any "yes" answers?

11 JUROR: Yes. No. 1, 8, 16, 18, 25 --

12 THE COURT: Hold on. Slow down. Slow down.

13 JUROR: Yes, sir.

14 THE COURT: 1, 8 --

15 JUROR: 16, 18, 25, 29, 51, and 56.

16 THE COURT: 50 what?

17 JUROR: 56.

18 THE COURT: 36?

19 JUROR: The last, 56.

20 THE COURT: OK. 16, 18, 51, are those related issues?

21 JUROR: 16, yes. 16, related to the --

22 THE COURT: I'm sorry. You have to keep the
23 microphone --

24 JUROR: Yeah, they're related to the case, and I've
25 been following this case, you know, and --

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1 THE COURT: You've been following.

2 JUROR: Just aware. I like to read, and I like to
3 know about --

4 THE COURT: You read about this case.

5 JUROR: Yes. I -- something about, yes, I did.

6 THE COURT: And was that recently or a long time ago,
7 or --

8 JUROR: I mean that's something going on, yes, three
9 years ago, and --

10 THE COURT: OK. And you're concerned you wouldn't be
11 able to put that outside, whatever knowledge you may have about
12 it?

13 JUROR: I think I would be not quiet impartial. I
14 cannot be fair. I think I would be biased regarding this
15 particular case.

16 THE COURT: OK.

17 JUROR: That's what I would like to disclose.

18 THE COURT: I think as with the last juror, probably
19 not the right case for you, so I'll excuse you. You can go
20 down to the jury room and tell them that another case might be
21 appropriate.

22 And I'll ask the following juror to take seat 29:
23 John Jeheber.

24 Any "yes" answers, sir?

25 JUROR: Yes. No. 9 and No. 19.

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1 THE COURT: All right. Start with No. 9. Tell me
2 about that, please.

3 JUROR: My son is a retired police officer.

4 THE COURT: And anything about what he did as a police
5 officer or your relationship with him that would affect your
6 ability to be fair and impartial?

7 JUROR: No.

8 THE COURT: Tell me about No. 19.

9 JUROR: I, at the age of 85, have followed the history
10 of the CIA since 1947, and in general, I think they've affected
11 national security negatively, and so I'd be very skeptical
12 about any testimony from them.

13 THE COURT: OK. I think it's fair to say that many
14 people in this country have views about lots of things,
15 including the effectiveness of the CIA. This case isn't about
16 the effectiveness of the CIA. It's about the charges against
17 the defendant and whether the government has or will prove
18 those charges beyond a reasonable doubt.

19 Having said that, it does relate to the CIA and
20 conduct at the CIA, and some of the witnesses, as you've heard,
21 will be CIA officers or agents or people associated with the
22 CIA or informally associated. Whatever your views may be about
23 the agency and its effectiveness, would you be able to put
24 those views aside and evaluate the testimony of those witnesses
25 as you would any other witness?

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1 JUROR: I'd be skeptical about my ability to do that.

2 THE COURT: OK. Because you have such strongly held
3 views about the CIA?

4 JUROR: Yes.

5 THE COURT: All right. Well, if that is the case,
6 then I don't think this is the right case for you, and we'll
7 excuse you for a different case. So take your card and go
8 downstairs.

9 I'll ask Lynn Ermann to please take seat No. 29.

10 JUROR: Hi.

11 THE COURT: Any "yes" answers?

12 JUROR: Yes. Eight and 44.

13 THE COURT: All right. And tell me about No. 8,
14 please.

15 JUROR: Just my uncle is a lawyer, corporate, and also
16 my cousin is in law and clerked for judges -- but yeah. That's
17 all.

18 THE COURT: Anything about them, your relationship
19 with them that would affect your ability to be fair and
20 impartial?

21 JUROR: No, no.

22 THE COURT: All right. Do you know if your cousin
23 clerked on this court?

24 JUROR: He clerked -- he clerked for a, a justice, for
25 the Supreme Court, and I want to say justice Stephenson, and

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1 Justice Garland when he was -- but many years ago.

2 THE COURT: Gotcha.

3 JUROR: 44.

4 THE COURT: OK. And 44, tell me about that.

5 JUROR: Well, just personally -- just -- it was
6 just -- just a burglary. We weren't home. And also my mother
7 was -- my -- we were estranged at the time, was murdered when I
8 was -- that was a long -- it was when I was nine. I know more
9 details because I'm a journalist, and I researched it more
10 recently, but I didn't have the information at the time.

11 THE COURT: OK. Sorry. Sorry to hear that.

12 You said you were estranged at the time?

13 JUROR: Yeah. We had reconnected. She -- my
14 father -- she had left when I was first born, and we were back
15 in touch for a few years, and then she was -- she was in a
16 mental health facility when it happened, so --

17 THE COURT: And was anyone arrested for that?

18 JUROR: There is a -- yeah, but no one served time. I
19 was in touch with the individual who was involved about 15
20 years ago, we -- when I was researching an article; I'm a
21 journalist. So, yeah, he -- it was a civil case also. But I
22 only know details because of research later. I didn't
23 really -- I didn't know at the time.

24 THE COURT: OK.

25 JUROR: It's not really related to this thing.

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1 THE COURT: I guess my question for you is just
2 whether there's anything about that experience, incident, what
3 you have learned about it or knew about it, anything that would
4 affect your ability to be fair and impartial here?

5 JUROR: No, nothing.

6 THE COURT: What about the burglary; did you report
7 that to the police?

8 JUROR: Yes. And they came and we weren't home. It
9 was my now-husband's old apartment, and nothing about that
10 would impact my --

11 THE COURT: All right. Thank you.

12 Turning to the individual questions, your full name,
13 please.

14 JUROR: Lynn Ermann.

15 THE COURT: And county or counties?

16 JUROR: Manhattan.

17 THE COURT: And how old are you?

18 JUROR: 51.

19 THE COURT: How far did you go in school?

20 JUROR: Bachelor's.

21 THE COURT: And you said you're a journalist?

22 JUROR: Yeah. Writer, journalist, and I'm also an
23 editor.

24 THE COURT: Do you freelance or work for --

25 JUROR: I freelance, yeah. I also manage my husband's

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1 photography studio.

2 THE COURT: All right. And how long have you been
3 doing those things?

4 JUROR: Gosh, like, 20 years, I guess. Yeah.

5 THE COURT: And you live with your husband, who is a
6 photographer?

7 JUROR: Yes.

8 THE COURT: Any other members of your household?

9 JUROR: No. Just us.

10 THE COURT: Any grown children?

11 JUROR: No children.

12 THE COURT: Fully vaccinated?

13 JUROR: Fully vaccinated, boosted.

14 THE COURT: How do you get your news?

15 JUROR: New York Times, Washington Post, like all the,
16 you know, phone apps and everything. Promise I'm not big on
17 social media, so I don't have to worry about that.

18 THE COURT: All right. What about criminal
19 justice-type shows?

20 JUROR: Not really.

21 THE COURT: Clubs, associations, organizations,
22 unions?

23 JUROR: Just an edit, editor's association but nothing
24 of --

25 THE COURT: Keep your voice up, if you don't mind.

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1 What do you like to do in your spare time?

2 JUROR: Well, we're getting back into archery now and
3 picking up movies. Reading. I don't know.

4 THE COURT: All right.

5 JUROR: Museums.

6 THE COURT: And have you ever served on a jury?

7 JUROR: Yup.

8 THE COURT: How long ago?

9 JUROR: I think it was probably exactly four years
10 ago, and it was -- I don't know. Confused. Few times. I
11 think it was -- it was -- it was, I think, state. It was a
12 criminal case. I don't --

13 THE COURT: Did the jury reach a verdict?

14 JUROR: Yeah, we did.

15 THE COURT: All right. Thank you. You can pass the
16 microphone to juror No. 30, please.

17 Any "yes" answers?

18 JUROR: Yes, No. 1 and No. 24.

19 THE COURT: OK. No. 1, tell me about that.

20 JUROR: I am a practicing physician, and it's going to
21 be very difficult to cancel the patients for six weeks.

22 THE COURT: And what kind of physician and what kind
23 of practice?

24 JUROR: General medicine. It's a hospital clinic, and
25 we are short of staff. And also meet (indiscernible). In July

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1 we have to, extra supervision, so the time of the
2 (indiscernible).

3 THE COURT: I'm sorry. You just have to keep your
4 voice up.

5 What's the department? What's the nature of --

6 JUROR: It's department of medicine.

7 THE COURT: And how many other doctors are in it?

8 JUROR: Total, ten of us, but we serve the
9 subresidents, and the new residents are coming in July 1. So
10 it's going to be very stressful time.

11 THE COURT: And what's your role with the new
12 residents?

13 JUROR: Supervision.

14 THE COURT: All right. I will excuse you as well.
15 Maybe there's a shorter trial that would be more suitable for
16 you.

17 And I'll ask Helene Matthews to please take seat No.
18 30.

19 Any "yes" answers?

20 JUROR: Yes. One, eight, nine, 18, 24, 40, and 44.

21 THE COURT: All right. Start with No. -- well, let's
22 go in order -- No. 1.

23 JUROR: No. 1, I think that the time away from work is
24 extensive, and there is no one there to do my job. In addition
25 to that, five days is permitted. Anything over that needs to

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1 be discussed with HR and be approved by my manager.

2 THE COURT: And what do you do?

3 JUROR: Business administrator for a trading desk,
4 financial services.

5 THE COURT: Do you mind standing, if you're able? I
6 just can't see you very well.

7 JUROR: Sure.

8 THE COURT: Sorry. Business administrator?

9 JUROR: In financial services, trading desk.

10 THE COURT: Where do you work?

11 JUROR: Guggenheim Partners.

12 THE COURT: OK. I'm pretty confident that they can
13 cover if you're absent, so let's go to No. 8. Tell me about
14 that.

15 JUROR: No. 8 is relative of mine used to practice
16 criminal law.

17 THE COURT: And what kind of practice and what
18 relative?

19 JUROR: A cousin, and his practice and it's criminal
20 defense.

21 THE COURT: Anything about your relationship with your
22 cousin or his or her practice that would affect your ability to
23 be fair and impartial here?

24 JUROR: No.

25 THE COURT: Sorry?

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1 JUROR: No.

2 THE COURT: OK. What about No. 9?

3 JUROR: In the past, I used to be friends with a lot
4 of policemen, New York PD.

5 THE COURT: And anything about any of your
6 relationships with them, your knowledge of their jobs that
7 would affect your ability to be fair and impartial here?

8 JUROR: No, not that I know of at the moment.

9 THE COURT: OK. Any reason that you would have any
10 hesitation or concern?

11 JUROR: I don't know what will be presented, and I
12 don't know if anything I've heard about, situation in the past
13 would make me a little impartial.

14 THE COURT: OK. This case doesn't involve the NYPD,
15 but that being said, there are certainly law enforcement
16 officers or agents who may be testifying. Can you explain what
17 your hesitation may be, if you have a hesitation? I can't
18 quite tell.

19 JUROR: I don't know at the moment what that would be
20 or what it would make me feel like.

21 THE COURT: OK. Tell me about 18.

22 JUROR: In the past, it was discussed a lot with
23 friends and I have just my personal views on that situation,
24 that even though I don't know what will be discussed here, it
25 may trigger them and/or, once again, leave me in a position

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1 where I would -- would not be impartial.

2 THE COURT: And when you say that situation, what are
3 you referring to?

4 JUROR: Information that would be considered
5 classified that was leaked, which I feel was improper and is a
6 crime. And if something similar like that is being discussed,
7 again, I have my, my personal views on that.

8 THE COURT: OK. Let me press you a little bit. It is
9 a crime to leak national defense information, but the jury in
10 this case will be asked to decide, No. 1, whether it is
11 national defense information; and No. 2, whether the defendant
12 charged here was involved in leaking it. In that regard, to
13 the extent that you think it should be a crime to do what is a
14 crime, that shouldn't be an issue. Would you be able to
15 evaluate the evidence in this case and decide based on the
16 evidence and my instructions about the law and what I tell you
17 the law actually is to tell us whether the government has
18 carried its burden in this case? Do you think you would have
19 any trouble doing that?

20 JUROR: Honestly, I could try to be impartial and hear
21 all the information, but again, I don't know exactly what will
22 be discussed and what the situation is. So I might have some
23 prejudice.

24 THE COURT: All right. I think I need people who are
25 a little more confident than that, so I will excuse you and

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1 maybe there's a different case that is more appropriate for
2 your service.

3 I'll ask Judith Talesnick to please step forward and
4 take seat No. 30.

5 JUROR: Do you need me to stand?

6 THE COURT: Yes, if you don't mind. It's a little
7 hard to see behind the podium.

8 Any "yes" answer, please?

9 JUROR: Yes. 1, 8, 9, 15, 16, 17, 24, 41, and 44.

10 THE COURT: OK. Can you start with 15, 16, and 17?
11 Is that something you want to talk about at sidebar.

12 JUROR: Yes, private would be great.

13 THE COURT: All right. The parties will approach, and
14 in a moment you can join us and then after that I'll take up
15 juror number --

16 (At sidebar; juror present)

17 THE COURT: OK. Go ahead.

18 JUROR: So, on the weekend I read the parts of the New
19 Yorker article regarding this case, and I read the first few
20 paragraphs and had a strong reaction, how it was described.
21 That's No. 1.

22 No. 2 is I'm conflicted about government's collecting
23 information, keeping it secret, covert operations and the way
24 that it's challenging for the public to gain access and
25 understand what the checks and balances are on covert

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1 operations of the government.

2 THE COURT: OK. Can you go back to the first answer
3 and tell me what was your strong reaction after reading only a
4 knew paragraphs.

5 JUROR: The -- I'm blanking on the defendant's name --
6 Schulte was described as sort of a volatile character, and that
7 sort of struck me very, very strongly. I don't have any
8 information about the details of the case, but it was a
9 characterization that stuck with me.

10 THE COURT: All right. It sounds like you're
11 concerned about --

12 JUROR: I'm just being honest about what I know and
13 don't know and didn't want to share it.

14 THE COURT: I very much appreciate that.

15 JUROR: Thank you.

16 THE COURT: Do you think you'd be able to -- doesn't
17 sound like you got far into the article.

18 JUROR: Correct. I have no details of the case at
19 all. It was just the characterization that stuck.

20 THE COURT: And journalists sometimes get it wrong,
21 sometimes get it right.

22 JUROR: Fine.

23 THE COURT: Would you be able to decide this case
24 based on what you hear and see in the courtroom?

25 JUROR: I could divorce myself from that

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1 characterization, correct.

2 THE COURT: And fair to say you could refrain from
3 reading the rest of the article?

4 JUROR: Absolutely.

5 THE COURT: And talk to me about the second issue that
6 you flagged. I think many people have a view that their
7 government overclassification, to use the technical term, is a
8 problem that the government keeps too much information secret.
9 That's not what this case is about. This case is about the
10 charges, as I've described them. Would you be able to put your
11 views on those issues aside and decide this case based solely
12 on the evidence that is presented at trial?

13 JUROR: That's a good question.

14 So, I'm going to be totally honest. The first part is
15 when you take a job in an organization that has those sorts of
16 requirements, that it's against the law to share the
17 information, then you know going in that that's the case.
18 Obviously I have no idea what was -- what was shared, what the
19 classified information that was shared was. But sometimes as
20 private individuals, we find ourselves in situations where
21 there is a greater good that calls us to, maybe, call out
22 actions that are held secret that we think, as citizens of the
23 world, people would benefit hearing those items.

24 THE COURT: OK. Understood.

25 JUROR: But that's hard for me to put -- that I

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1 can't -- I guess, on some level it's hard for me to accept that
2 it is illegal to share information that is for the greater
3 good.

4 THE COURT: OK. And again, I think that's an issue
5 that different people have different views on, and there are
6 certainly leaks in our history that are held up as sort of --

7 JUROR: Appropriate.

8 THE COURT: -- gain for the greater good, but that
9 doesn't necessarily mean that they're not a crime. The
10 question that you'll be called upon to decide in this case is
11 whether the defendant committed the crimes with which he's
12 charged. Would you be able to render a verdict based solely on
13 the evidence without regard for your views of whether his
14 motives, if he did what he's charged with doing, were noble,
15 not noble, your views about leaking in general? Would you be
16 able to put those aside and render a verdict based solely on
17 the evidence?

18 JUROR: I don't know.

19 THE COURT: All right. I think I'm going to excuse
20 you from this case given, No. 1, that you've read part of the
21 article about it; No. 2, given your views of the issues. I
22 thank you for sharing them with us, and you can get your card
23 from Mr. Lee.

24 JUROR: Thank you.

25 THE COURT: And make your way downstairs.

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1 (Juror not present)

2 (In open court)

3 THE COURT: Could I see juror No. 25, please.

4 (At sidebar; juror present)

5 THE COURT: You said you had something on 46.

6 JUROR: Yes. 46. My husband had a DWI.

7 THE COURT: OK.

8 JUROR: So does that -- I don't know if that's

9 criminal or what, but I just wanted to disclose --

10 THE COURT: How long ago was that?

11 JUROR: About ten years ago.

12 THE COURT: Did he have to go to court?

13 JUROR: Yes. He pled guilty.

14 THE COURT: And anything about that experience that
15 would affect your ability to be fair and impartial in this
16 case?

17 JUROR: No.

18 THE COURT: OK. Thanks for sharing. I appreciate it.

19 JUROR: Thank you.

20 (Juror not present)

21 THE COURT: All right. It's 4:45. We have qualified
22 29 jurors, and a couple of them, frankly, are a little bit
23 questionable whether I should keep them or excuse them. If I
24 were closer, I would say push past five, but I think my
25 inclination is to end at five and pick up tomorrow.

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1 Any thoughts, views?

2 MR. DENTON: Probably makes sense, your Honor.

3 MR. SCHULTE: Whatever makes sense.

4 THE COURT: All right. I think that's what I will do.
5 I would much prefer to finish it in one day, but sometimes life
6 doesn't work the way you want it to work.

7 Thank you.

8 MR. SCHULTE: Judge, just one quick thing. I just had
9 a note that you wanted to speak with juror No. 5. I don't know
10 if you ever ended up doing that.

11 THE COURT: I didn't, but I will certainly do it
12 before we leave for the day.

13 MR. SCHULTE: OK.

14 THE COURT: Thanks for the reminder.

15 (In open court)

16 THE COURT: All right. I excused juror No. 30, so
17 I'll call another juror for that seat. It is Peter Grant.

18 JUROR: Yes, sir.

19 THE COURT: I think I can see you, since you're a
20 little taller over the podium.

21 Any "yes" answers, please?

22 JUROR: Yes, your Honor. No. 1.

23 THE COURT: Any other "yes" answers, or that's it?

24 JUROR: No. Just No. 1.

25 THE COURT: OK. Tell me about that.

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1 JUROR: No. 1 affects me both professionally. I'm a
2 fire right safety director for my professionally my job. This
3 requires me to perform emergency evacuation in fire event and
4 for nonfire emergencies. I'm scheduled to do that every six
5 months, at the end of six months of the year. I have to have
6 this done before the end of this month. I have to do a full
7 evacuation of the entire building as well as training the fire
8 team for each floor of the building. Also, I have to conduct
9 with the fire alarm vendor semiannual inspections in regard to
10 devices for the entire building. Again, every six months this
11 has to be done. That's the professional part of it.

12 Privately, I'm scheduled to go on a vacation next
13 month, during July the 11th to the 17th, which I've already
14 made hotel accommodations and booked tickets for events at
15 concerts with my wife.

16 THE COURT: And where are you supposed to go?

17 JUROR: I'm going to Atlantic City, the MGM Grand.
18 I'm not a gambler, but based on the events and concerts that
19 are taking place out there at that location, I've already
20 purchased expensive tickets. So far \$600, me and my wife.

21 THE COURT: Going back to the first issue, when you
22 say every six months, that's by law --

23 JUROR: Yeah, that's a fire department requirement,
24 New York City Fire Department.

25 THE COURT: Is there no one else at your job who can

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1 do that before the end of the month.

2 JUROR: No, sir. I'm the main guy that handles that.

3 THE COURT: Where do you work?

4 JUROR: I work for Allan Rover, so do commercial real
5 estate.

6 THE COURT: All right. I will let you go to make sure
7 that you can fulfill that obligation and given that you've
8 prepaid for your vacation, so I'll excuse you. My law clerk
9 will give you your card, and you can give her the
10 questionnaire.

11 And I'll ask Stephanie white to take seat No. 30.

12 JUROR: Thank you.

13 (Continued on next page)

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1 THE COURT: Ms. White, any "yes" answers, please?

2 JUROR: Yes.

3 THE COURT: Numbers?

4 JUROR: No. 12, I have a question about that,
5 actually. Number --

6 THE COURT: Keep your voice up, please. No. 12, you
7 said?

8 JUROR: Uh-huh. No. 35, no. 36, I have a question
9 about that; and 46.

10 THE COURT: OK.

11 JUROR: I would like to discuss it in private.

12 THE COURT: Can you keep your voice up, starting with
13 no. 12, please? Tell me about that. You have to keep your
14 voice up, I'm having trouble hearing you.

15 JUROR: The question for no. 12 it said you have. Or
16 any other law enforcement agency. Does that include the NYPD?

17 THE COURT: Sure.

18 JUROR: Yes. The only thing about that is, you know,
19 about 2005 to 2014 I owned a luxury car and my son would always
20 get stopped, just racial profiling. I have problems with that.
21 That is basically that.

22 THE COURT: Let me ask you. This case, I think there
23 are many people in our country, particularly these days, who
24 have strongly held views about racial justice-type issues and
25 the police.

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1 JUROR: Right.

2 THE COURT: This case doesn't involve any issues of
3 that sort.

4 JUROR: OK.

5 THE COURT: Nor do I think it involves any NYPD.

6 JUROR: Right.

7 THE COURT: But that may or may not be the case. My
8 question is, would you be able to put aside your personal
9 feelings about those issues and decide this case based solely
10 on the evidence at trial?

11 JUROR: No, because I have a strong problem with the
12 profiling, the issues that go on with that. I could and I
13 couldn't. Does that make sense?

14 THE COURT: I guess what I am trying to understand is
15 since this case doesn't involve any issues of that sort, why it
16 would affect you.

17 JUROR: If it doesn't involve me then, no, I wouldn't
18 have a problem.

19 THE COURT: OK. So tell me about no. 35 then.

20 JUROR: 35. OK, 35, just that my cousin's college
21 roommate works for the FBI.

22 THE COURT: OK, cousin's college roommate. Do you
23 know what he or she does for the FBI?

24 JUROR: No.

25 THE COURT: Anything about that person or your

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1 relationship with them that would affect your ability to be
2 fair and impartial here?

3 JUROR: No.

4 THE COURT: What about 36?

5 JUROR: That was the other question. Is that the Sean
6 Combs, famous Sean Combs?

7 THE COURT: No.

8 JUROR: OK then.

9 THE COURT: What about 46?

10 JUROR: Can we talk in private about that?

11 THE COURT: Yes. Sure. Parties; and then you can
12 come up in a moment, please.

13 (At side bar)

14 THE COURT: Just step up here and you can keep your
15 voice up -- not back there.

16 JUROR: Just I have several family members that have
17 been incarcerated.

18 THE COURT: OK.

19 JUROR: Two brothers, one he is deceased -- well,
20 actually two of them are deceased. A cousin that was recently
21 on parole. I got in trouble at 18.

22 THE COURT: OK.

23 JUROR: That's it.

24 THE COURT: Let's go through those. Your brothers,
25 what were they --

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1 JUROR: One brother was domestic violence, the other
2 brother he just stayed in trouble. I can't say it wasn't like
3 he was always in trouble. He was the oldest brother.

4 THE COURT: And both of them are deceased.

5 JUROR: Yeah, they both deceased.

6 THE COURT: Is there anything about their experiences
7 with either the police or the criminal justice system that
8 would affect your ability to be fair and impartial here?

9 JUROR: No, because they were always doing stuff. The
10 oldest brother -- the younger brother was like for domestic
11 violence stuff.

12 THE COURT: So it wouldn't affect your ability.

13 What about your own personal situation? What happened
14 then?

15 JUROR: I was 18 years old in college, I touched stuff
16 I shouldn't have touched.

17 THE COURT: Touching stuff?

18 JUROR: Yes.

19 THE COURT: Can you tell me what kind of stuff?

20 JUROR: A shoe. A took a shoe.

21 THE COURT: You took a shoe. Were you prosecuted for
22 that?

23 JUROR: Yes; I got arrested and I paid a fine.

24 THE COURT: And anything about your dealings with the
25 police or the courts that would affect your ability to be fair

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1 and impartial?

2 JUROR: No.

3 THE COURT: I think you said a cousin, was that the
4 last --

5 JUROR: Yes, a young cousin, the same -- my cousin's
6 roommate works for the FBI, her son.

7 THE COURT: OK.

8 JUROR: He got in trouble with a gun charge.

9 THE COURT: And anything about his experience that
10 would affect your ability to be fair and impartial here?

11 JUROR: No.

12 THE COURT: Thanks. You can go back to your seat.

13 JUROR: Thank you.

14 (Juror not present)

15 THE COURT: Anything to discuss?

16 MR. DENTON: Not from the government, your Honor.

17 THE COURT: Mr. Schulte?

18 MR. SCHULTE: No.

19 THE COURT: Notwithstanding what I said before, I
20 think I'm going to push forward a little bit because I just
21 want a better sense of whether we are going to need more jurors
22 tomorrow and how we are going to handle that. We are a little
23 close to exhausting our supply of jurors so not too late, but
24 past 5:00 a little bit.

25 MR. SCHULTE: For the government -- sorry, it is not

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1 on the record.

2 THE COURT: No, just wait.

3 (In open court)

4 THE COURT: Thank you for your patience. Just to let
5 the rest of you know, I know it is close to 5:00. We are
6 almost done for the day. I do want to the keep at it for a
7 little bit longer because, number one, the more of you I get
8 through, the more of you I will be able to excuse if you don't
9 need to continue and that may make your lives easier and our
10 lives a little bit easier as well. Second, it just will be
11 helpful in terms of planning for tomorrow so I appreciate your
12 patience. I know it has been a long day. It has been for me
13 too but I thank you for your patience and cooperation.

14 Going back to juror no. 30, we can just go to the
15 individual questions. Please start with your name.

16 JUROR: Stephanie White.

17 THE COURT: County or Counties for the last five
18 years?

19 JUROR: Manhattan.

20 THE COURT: How old are you?

21 JUROR: 63.

22 THE COURT: How far did you go in school?

23 JUROR: College.

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

25 JUROR: I retired. Retired as a professional nurse.

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1 THE COURT: How long have you been retired?

2 JUROR: I retired in September.

3 THE COURT: Congratulations.

4 Do you live with anyone and, if so, what do they do?

5 JUROR: I live with my son. He is a supervisor at a
6 charter school in the custodial department.

7 THE COURT: Any other grown children?

8 JUROR: No. Just one.

9 THE COURT: Are you fully vaccinated?

10 JUROR: Nope.

11 THE COURT: How do you get your news?

12 JUROR: I watch New York 1, I watch CNN, the Internet.

13 THE COURT: Anything on the Internet in particular?

14 JUROR: Well, you know, whatever pops up.

15 THE COURT: Criminal justice-type shows, anything
16 there?

17 JUROR: No. I don't like them.

18 THE COURT: What about clubs, associations,
19 organizations, unions?

20 JUROR: My union for my job, New York Professional
21 Nursing Association.

22 THE COURT: What do you like to do in your spare time?

23 JUROR: I like to shop, I like to swim.

24 THE COURT: Have you ever served on a jury?

25 JUROR: No.

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1 THE COURT: All right. If you can pass the microphone
2 across the aisle to no. 31, please?

3 Any "yes" answers?

4 JUROR: Yes.

5 THE COURT: Numbers, please?

6 JUROR: 1 and 9.

7 THE COURT: Start with no. 1, tell me about that.

8 JUROR: No. 1, I am a clinical psychologist so not
9 seeing patients for five weeks would be detrimental to their
10 care.

11 THE COURT: Can you keep your voice up? Would be
12 detrimental?

13 JUROR: To their care.

14 THE COURT: Where do you work? What setting?

15 JUROR: I work at the NYU World Trade Center
16 Healthcare Program at -- I am also in private practice.

17 THE COURT: And would you not be able to organize your
18 day so that you saw them after the end of the trial day?

19 JUROR: At the clinic the hours are 8:00 to 4:00.

20 THE COURT: And would people not be able to cover for
21 you?

22 JUROR: They can cover in clinical, like a crisis, but
23 they would not be able to provide psychotherapy on a weekly
24 basis like I do.

25 THE COURT: How many patients are you involved in

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1 providing for?

2 JUROR: Approximately 20.

3 THE COURT: Well, again, I don't want to jeopardize
4 anybody else's health during the course of the trial so I will
5 excuse you. You can tell the folks downstairs that a shorter
6 trial would be more appropriate.

7 I will ask the following juror to take seat no. 31:
8 Matthew Stillman, please. S-T-I-L-L-M-A-N.

9 Any "yes" answers?

10 JUROR: 1 and 49.

11 THE COURT: Tell me about no. 1, please.

12 JUROR: For work I work for a private company in the
13 finance department and we are in the process of raising money,
14 and I'm basically the only person who does that.

15 THE COURT: What kind of company?

16 JUROR: A private restaurant chain.

17 THE COURT: What kind -- raising money to open a
18 restaurant? What is the nature of --

19 JUROR: Yes.

20 THE COURT: Could you not work around the schedule
21 that I have?

22 JUROR: I guess I could but it would be tough.

23 THE COURT: OK. I understand that and appreciate that
24 the system does call on people to sacrifice so I understand.

25 Tell me about no. 49.

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1 JUROR: I had knee surgery a couple months ago and
2 it's kind of hard for me to sit in certain circumstances, like
3 I have to like kick my leg up most days.

4 THE COURT: So I don't mind and actually encourage,
5 during trial, for jurors to stand up every once in a while
6 during breaks and short breaks in the action to just stretch
7 and stand and so forth. Would you be able to sit through the
8 trial day if you were able do that?

9 JUROR: It depends on the day.

10 THE COURT: OK.

11 JUROR: Not necessarily.

12 THE COURT: And what happens if you have trouble? It
13 just causes pain?

14 JUROR: Exactly.

15 THE COURT: And what level of pain? Would it
16 interfere with your ability to focus and pay attention?

17 JUROR: Yes.

18 THE COURT: Do you take medication for it?

19 JUROR: Yes, but it's -- it only sometimes works and
20 it's -- it will slow my recovery process.

21 THE COURT: And what have you been doing throughout
22 this day?

23 JUROR: I mean, I have been, like, standing in the
24 corner, not sitting down.

25 THE COURT: OK. And you said you sometimes need to

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1 sit and just stretch your leg or have it straight; is that
2 right?

3 JUROR: When I work I prop it up on like a couple
4 boxes, like I have my legs fully up.

5 THE COURT: Both legs or one leg?

6 JUROR: One leg, but yes.

7 THE COURT: All right. Well, I appreciate your
8 letting us know. I am guessing we can figure out some
9 arrangement in the jury box for you to do that.

10 JUROR: Yes.

11 THE COURT: Between that and standing it hopefully
12 wouldn't be a problem or you could let me know if it becomes a
13 problem.

14 Any other "yes" answers?

15 JUROR: No.

16 THE COURT: Turning to the individual questions, your
17 full name, please?

18 JUROR: Matthew Stillman.

19 THE COURT: And county or counties?

20 JUROR: Manhattan.

21 THE COURT: Age?

22 JUROR: 31.

23 THE COURT: How far did you go in school?

24 JUROR: Masters in accountancy.

25 THE COURT: And you told us what you do for a job. Do

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1 you live with anyone?

2 JUROR: Wife; and she's an investor in debt.

3 THE COURT: And any grown children?

4 JUROR: No.

5 I am fully vaccinated and boosted.

6 THE COURT: How do you get your news?

7 JUROR: New York Times and Wall Street Journal.

8 THE COURT: Criminal justice-type shows? Anything?

9 JUROR: Law & Order, but I know it is fictional.

10 THE COURT: Books and the like?

11 JUROR: No.

12 THE COURT: What do you like to do in your spare time?

13 JUROR: Exercise. Cook.

14 THE COURT: Have you ever served on a jury?

15 JUROR: No.

16 THE COURT: You can pass the microphone on to no. 32,
17 please?

18 Any "yes" answers?

19 JUROR: Yes; 1, 8, 9, 24, 30, and 42 and 44.

20 THE COURT: OK. Start with no. 1, please.

21 JUROR: I have a travel booked to Oregon from July
22 10th through July 17th to do the final dress fitting for my
23 wedding dress.

24 THE COURT: OK. When is your wedding?

25 JUROR: In August.

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1 THE COURT: And is there any way you could push off
2 the dress fitting?

3 JUROR: I could push it off. I don't know if I could
4 change the flights.

5 THE COURT: You might be able to?

6 JUROR: I might be able to.

7 THE COURT: Congratulations.

8 And you said that is July 11th to 17th?

9 JUROR: The 10th through the 17th.

10 THE COURT: So thanks for letting me know and I might
11 circle back to you on that, but given that you might be able to
12 change it, let's plow ahead.

13 No. 8, tell me about that.

14 JUROR: A good friend of mine practicing law in
15 Colorado, she likes works for a tele-lawyer to get legal advice
16 type of thing.

17 THE COURT: Anything that she does that would affect
18 your ability to be fair and impartial here?

19 JUROR: No.

20 THE COURT: No. 9?

21 JUROR: My fiancée's cousin who we are close with is a
22 police officer with the New York City Police Department.

23 THE COURT: Anything about what he or she does that
24 would affect your ability to be fair and impartial here?

25 JUROR: No.

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1 THE COURT: No. 24, tell me about that.

2 JUROR: I have taken some kind of introductory level
3 Java script and HTML coding classes and I work with XML coding
4 for my job -- like not really coding, I work with XML which I
5 think is a kind of coding.

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

7 JUROR: I work in media operations for a television
8 distribution company.

9 THE COURT: You have heard what I said before about
10 the kind of evidence there may be in this case. Would you have
11 any trouble putting aside whatever you may know about coding
12 and whatever experience and training you have in evaluating the
13 evidence based solely on what you see and hear in the
14 courtroom?

15 JUROR: No.

16 THE COURT: And no. 30, tell me about that.

17 JUROR: For part of my job I work closely with a
18 streaming service called DDC Select which is focusing on
19 documentaries and so I wouldn't seek it out but I do come into
20 contact with all of the content that is on their service and
21 they do try to -- if there are things in the news, they try and
22 put out documentaries that are close to it, things from the
23 news and current affairs production company for the BBC in the
24 UK.

25 THE COURT: By documentaries you mean film kind of

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1 things?

2 JUROR: Yes; and some kind of news-based things.

3 THE COURT: OK. And would you -- I mean, if that
4 happened would you be able to say I'm sorry, I can't talk about
5 that, and would you be able to bring it promptly to my
6 attention?

7 JUROR: Yes.

8 THE COURT: 42, can you tell me about that?

9 JUROR: My mom was called as a witness for a hit and
10 run; a drunk driver hit her parked car and totaled it.

11 THE COURT: She was called as a witness at a trial
12 or --

13 JUROR: I don't know if she went to trial. I think
14 she was called as a witness in the investigation. I think the
15 woman had hit four cars that morning.

16 THE COURT: Anything about her experience in that case
17 that would affect your ability to be fair and impartial here?

18 JUROR: No.

19 THE COURT: Finally, no. 44.

20 JUROR: My -- one of my roommates is currently trying
21 to fix identity theft and the other one is also a victim of
22 identity theft; a check got washed and then cashed and was also
23 in an apartment that got broken into.

24 THE COURT: Anything about any of those incidents or
25 experiences that would affect your ability to be fair and

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1 impartial in this case?

2 JUROR: No.

3 THE COURT: Turning to the individual questions, your
4 full name, please.

5 JUROR: Allison Martin.

6 THE COURT: County or counties?

7 JUROR: Manhattan.

8 THE COURT: Age?

9 JUROR: 35.

10 THE COURT: How far did you go in school?

11 JUROR: I have a masters in educational technology.

12 THE COURT: Do you live with anyone? You said
13 roommates.

14 JUROR: I have two roommates; one works in theater, is
15 a theater publicist, and the other works in market research.

16 THE COURT: What does your fiancee do?

17 JUROR: He is an accountant for a real estate
18 development company.

19 THE COURT: Do you have any grown children?

20 JUROR: No.

21 THE COURT: Are you fully vaccinated?

22 JUROR: Yes.

23 THE COURT: Boosted?

24 JUROR: Yes.

25 THE COURT: News sources?

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1 JUROR: I read The Daily Skim and BBC.com and whatever
2 pops up on my phone.

3 THE COURT: As I asked others similar things, anything
4 about your feed that would suggest that you might get things
5 related to this case if there is coverage of this case?

6 JUROR: Possibly, but probably not.

7 THE COURT: Would you be able to follow my
8 instructions that you cannot read any of it and ignore and not
9 click on it if there is a link or the like?

10 JUROR: Yes.

11 THE COURT: Criminal justice-type shows? Anything?

12 JUROR: No.

13 THE COURT: Clubs, associations, organizations,
14 unions?

15 JUROR: I'm a member of the BAFTAs.

16 THE COURT: The what?

17 JUROR: The BAFTAs. It is like the Oscars but the
18 British ones.

19 THE COURT: Gotcha.

20 What do you like to do in your spare time?

21 JUROR: I like to see theater and cross-stitch, and
22 watch movies and TV.

23 THE COURT: Have you ever served on a jury?

24 JUROR: No.

25 THE COURT: You can pass the microphone to 33, please.

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1 Any "yes" answers?

2 JUROR: Yes. No. 9, 42 -- excuse me 9, 44, and 46.

3 THE COURT: Tell me about 9, please.

4 JUROR: My son was a probation officer from 2017 --
5 excuse me. He was a correction officer 2017 to 2020 and he is
6 currently a probation officer.

7 THE COURT: And do you know where?

8 JUROR: Here in Manhattan.

9 THE COURT: Federal or state?

10 JUROR: State. Excuse me -- state. Yes, state.

11 THE COURT: Where was he a corrections officer?

12 JUROR: Brooklyn House and the one right on Centre
13 Street.

14 THE COURT: 100 Centre Street?

15 JUROR: The jail next to the court house on Centre
16 Street.

17 THE COURT: Both in the state system?

18 JUROR: Yes.

19 THE COURT: And anything about his job as a
20 corrections officer or probation officer that would affect your
21 ability to be fair and impartial in this case?

22 JUROR: No.

23 THE COURT: Tell me about 44.

24 JUROR: 44 and 46 I would like to discuss in private.

25 THE COURT: OK. I tell you what, before we do that,

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1 let me try to do this a little more efficiently and use our
2 time. Why don't you pass the microphone on to 34 and let me --

3 JUROR: Good afternoon, your Honor; 1, 8, 18, 34, and
4 42.

5 THE COURT: OK.

6 JUROR: 1 is possibly something I could work around.
7 My wife is a crafts person, she's doing a juried craft show
8 that sets up on the 30th and the 1st in Great Barrington. She
9 can't set the booth up herself. I might be able to find
10 somebody that I could get to help her so that's probably the
11 least of it.

12 THE COURT: OK.

13 JUROR: No. 8, I'm a lawyer. I have been practicing
14 law for 43 years. I work in a firm so I know a lot of lawyers.
15 My older brother is also a lawyer. I'm not a criminal lawyer,
16 I'm a commercial litigator and construction lawyer.

17 No. 18 --

18 THE COURT: Hold on one second.

19 JUROR: Sorry.

20 THE COURT: On that one, what firm do you work at?

21 JUROR: Roskin, Mosking, Policheck in Uniondale.

22 THE COURT: Do any of your colleagues do criminal law?

23 JUROR: Yes. We have a white collar crime group which
24 is attached to the Medicare -- attached to the medical
25 practice. And answering a question later on, several of those

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1 attorneys or my partners have been -- were formerly prosecutors
2 and now do work in both Medicare fraud and other kinds of
3 investigations in both the Southern District and the Eastern
4 District, as well as some other places in the country.

5 THE COURT: OK.

6 JUROR: I don't do any of that work and I don't know
7 any of the attorneys in the Attorney General's office in the
8 Southern District.

9 THE COURT: You said yes to no. 34, though. Tell me
10 about that.

11 JUROR: 34.

12 THE COURT: That's because you do have partners and
13 associates?

14 JUROR: Yeah. That was what I was talking about.
15 Several of my partners work in white collar crime and I assume
16 that they know prosecutors in the Southern District, as well as
17 in the Eastern District, as well as in the state system.

18 THE COURT: Let me just ask you broadly about all of
19 that, your experience as a lawyer and your relationship with
20 people who may practice in this district to do criminal work,
21 etc., would any of that affect your ability, number one, to be
22 fair and impartial; and number two, to follow my instructions?

23 JUROR: No. I don't believe so. I am sort of
24 partially retired. I can easily avoid those attorneys and not
25 speak to them even if they know about the case.

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1 THE COURT: Then no. 42, tell me about that.

2 JUROR: 42, that's really sort of a minor thing. I
3 did have to testify at a grievance against an attorney.

4 THE COURT: Anything about that experience that would
5 affect your ability to be fair and impartial?

6 JUROR: So. Certainly not. 18 was the same problem
7 that the gentleman before in front of me had with Mr. Assange.
8 I am sort of a few minds about WikiLeaks. I could be impartial
9 about that. Mr. Assange I do have opinions about.

10 THE COURT: I think the case, as you heard, involved
11 WikiLeaks and Mr. Assange, as you may know, was associated with
12 WikiLeaks. Whatever knowledge you may have of him or opinions
13 you may have of him or of WikiLeaks, would you be able to put
14 those aside and decide this case based solely on the evidence
15 presented at trial?

16 JUROR: Yes. I believe so.

17 THE COURT: Let me quickly run through the individual
18 questions with you. First your full name, please?

19 JUROR: Joseph Randall Harbeson.

20 THE COURT: County or counties?

21 JUROR: Westchester.

22 THE COURT: Age?

23 JUROR: 70.

24 THE COURT: How far did you go in school?

25 JUROR: Juris doctorate.

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1 THE COURT: And you are a semi-retired lawyer.

2 JUROR: Semi-retired; I am on maybe a one-third
3 schedule.

4 THE COURT: And who do you live with, and if you do
5 you live with anyone, what do they do?

6 JUROR: I live with my wife and my son. My wife is,
7 as I said she makes jewelry and does craft shows. My son is
8 currently unemployed. He has done mostly service industry
9 stuff when he has been employed.

10 THE COURT: Any other children?

11 JUROR: Yes; I have a daughter in Boston, she is a
12 school teacher.

13 THE COURT: Are you fully vaccinated?

14 JUROR: I am; and boosted.

15 THE COURT: How do you get your news?

16 JUROR: I read the New York Times every day. PBS News
17 Hour usually. Often NBC. I listen to the radio, particularly
18 BBC, some CNN, and MSNBC not too much. I don't get any news
19 feeds, I don't read podcasts.

20 THE COURT: Criminal justice shows?

21 JUROR: No, unless you count Murder in the Islands
22 kind of things that my wife watches.

23 THE COURT: All right. Clubs, associations,
24 organizations, unions and the like?

25 JUROR: I am heavily involved in my church, both in

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1 the local level, I am vice chancellor for the Episcopal Diocese
2 of New York and I am member of several bar associations.

3 THE COURT: What do you like to do in your spare time?

4 JUROR: Read, tennis, hiking, cooking.

5 THE COURT: Have you ever served on a jury?

6 JUROR: Yes. I have served twice; four or five years
7 ago or maybe six years ago I was on a grand jury in Supreme
8 Westchester State Court and several years before that I sat on
9 a criminal jury in Yonkers City Court on a misdemeanor case.

10 THE COURT: And on that one did the jury reach a
11 verdict?

12 JUROR: We did.

13 THE COURT: And on the grand jury, do you understand
14 the standard that applies in a grand jury is different than the
15 standard that applies in a criminal case?

16 JUROR: Yes, I do.

17 THE COURT: Would you have any trouble following my
18 instructions about the standard?

19 JUROR: Certainly not.

20 THE COURT: Thank you. You can pass it on to 35 then.

21 I thank everybody for their patience, just trying to
22 push through here.

23 No. 35, any "yes" answers, please?

24 JUROR: Yes, I do; no. 1, 16, and 18.

25 THE COURT: OK. Tell me about that.

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1 JUROR: No. 1.

2 THE COURT: Actually, start with 16.

3 JUROR: Well, it is kind of what has been expressed by
4 some of the other potential jurors. I don't know if it is
5 something you want to talk about when everybody gathers at the
6 side bar, it is just about the strong views that I have about
7 what WikiLeaks is providing as a service.

8 THE COURT: If you think it is something better
9 discussed at side bar then we will reserve it for there. Is
10 that 18 as well? 16 and 18?

11 JUROR: 16 and 18, correct.

12 THE COURT: Tell me about no. 1.

13 JUROR: No. 1, I am an architect practicing as a sole
14 practitioner and I was willing to kind of do my duty for a
15 couple weeks but five weeks would definitely have a detrimental
16 effect on my business, and of course as sole practitioner there
17 is nobody else to handle it.

18 THE COURT: When you say detrimental effect, it would
19 be a financial hardship?

20 JUROR: Of course that, that ability and so forth, and
21 on the sites, meeting with contractors and meetings with the
22 clients. And, my office is actually based in Vermont and so
23 are my practices so it is not something I can do at 3:00 p.m.

24 THE COURT: Since you are a sole practitioner I
25 certainly understand the financial hardship and I will excuse

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1 you.

2 Let me follow up on Vilmayri Guerrero.

3 G-U-E-R-E-R-R-O. Any "yes" answers, please?

4 JUROR: Yes. No. 1 and no. 2.

5 THE COURT: Tell me about no. 2, please.

6 JUROR: I don't feel comfortable with English because
7 it's my second language and I am scared that I won't be able to
8 speak or understand the case. I have anxiety speaking in a lot
9 of people.

10 THE COURT: Sorry. Keep your voice up.

11 JUROR: I said I get a lot of anxiety talking in front
12 of a lot of people.

13 THE COURT: And you think you would have trouble
14 following the language like my instructions and the testimony,
15 or do you think you would have trouble following that?

16 JUROR: Yes.

17 THE COURT: All right. As I said before, in similar
18 circumstances I will excuse you. Make sure that the jury
19 doesn't have that issue. So you may go downstairs.

20 Romeo Ventura, please? Any "yes" answers, please?

21 JUROR: 23, 45, and 46.

22 THE COURT: 23, start there. Tell me about that.

23 JUROR: I work with DHS so I have a security
24 clearance.

25 THE COURT: You work at DHS?

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1 JUROR: Uh-huh.

2 THE COURT: What do you do there -- meaning Department
3 of Homeland Security.

4 JUROR: Supervising TSA.

5 THE COURT: Do you handle classified information?

6 JUROR: Yes. We receive reports on certain passengers
7 BOLOs from the NYPD.

8 THE COURT: You work at the airport or something?

9 JUROR: Yes; JFK.

10 THE COURT: Would you be able to put aside whatever
11 your own experiences are with classified information or
12 security clearance and decide this case based solely on the
13 evidence?

14 JUROR: Yes.

15 THE COURT: And the fact that you work for the federal
16 government, would that affect your ability to be a fair and
17 impartial juror in this case?

18 JUROR: I can be impartial.

19 THE COURT: No. 45 I think you said?

20 JUROR: 45 and 46. My cousin, it's the same person,
21 he is currently incarcerated.

22 THE COURT: For what?

23 JUROR: Drug possession.

24 THE COURT: Do you know if he was prosecuted in
25 federal or state court?

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1 JUROR: State.

2 THE COURT: How long ago was he prosecuted?

3 JUROR: Three years ago.

4 THE COURT: Are you close with the cousin?

5 JUROR: Long time ago, yes.

6 THE COURT: Anything about the cousin's experiences
7 either with law enforcement or in the justice system or in
8 prison, that would affect your ability to be fair and impartial
9 in this case?

10 JUROR: No. I can be impartial.

11 THE COURT: And turning to the individual questions,
12 your full name, please?

13 JUROR: Romeo Ventura.

14 THE COURT: And county or counties?

15 JUROR: New York.

16 THE COURT: How old are you?

17 JUROR: 42.

18 THE COURT: How far did you go in school?

19 JUROR: Bachelors.

20 THE COURT: You told us what you do for a living; how
21 long have you held that position.

22 JUROR: 11 years.

23 THE COURT: Do you live with anyone and, if so, what
24 do they do?

25 JUROR: My mother and my cousin.

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1 THE COURT: What do they do?

2 JUROR: My mother is retired, she used to be a private
3 owner, and my cousin is currently working at a jewelry store.

4 THE COURT: Any grown children?

5 JUROR: No.

6 THE COURT: Are you fully vaccinated?

7 JUROR: Yes.

8 THE COURT: Boosted?

9 JUROR: Yes.

10 THE COURT: How do you get your news?

11 JUROR: Social media and news, Spanish news.

12 THE COURT: Do you watch any criminal justice shows?

13 JUROR: No.

14 THE COURT: Clubs, associations, organizations,
15 unions?

16 JUROR: No.

17 THE COURT: How do you like to spend your spare time?

18 JUROR: Training, exercise, music.

19 THE COURT: Have you ever served as a juror?

20 JUROR: No.

21 THE COURT: All right. You can pass the microphone on
22 to 36, please.

23 Any "yes" answers?

24 JUROR: Yes; no. 1.

25 THE COURT: No. 1?

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1 JUROR: Yes.

2 THE COURT: Tell me about that.

3 JUROR: Well, I have two kids, one 11, one 15, and you
4 know that it is the ending of the school year. I also -- I'm
5 going to the picnic that they're doing the last day of school
6 which is on the 17th and I'm supposed to bring stuff. And
7 that's it.

8 THE COURT: OK.

9 JUROR: And I have nobody to pick up my son, the
10 11-year-old. He comes out at 3:00 so this case, it will finish
11 at 3:00 and I won't have time to pick him up.

12 THE COURT: There is no one that you rely on for child
13 care or family or --

14 JUROR: I'm the one that picks him up.

15 THE COURT: I certainly appreciate that that would be
16 an issue. I will excuse you and you can go downstairs.

17 I will ask the following juror to take your place.
18 Nancy Plank, please, P-L-A-N-K.

19 Any yes answers, please?

20 JUROR: Yes.

21 THE COURT: What numbers?

22 JUROR: 1, 8, 9, 10, 23, 24, 35, 44.

23 THE COURT: Tell you what. Before I start going
24 through those, why don't the parties approach and then in a
25 moment I will ask juror no. 33 -- is it juror no. 33 that you

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1 had something to approach for; is that right?

2 JUROR: Yes.

3 THE COURT: So just stay there for a moment. If the
4 parties can approach please and I will go from there.

5 (At side bar)

6 THE COURT: Tell me what -- no. 42 -- excuse me,
7 no. 44.

8 JUROR: In 2018 I was a victim of domestic violence.
9 My partner was arrested. I am currently in year four of a
10 protective order. He did not end up going to jail, he had some
11 domestic violence classes and crimes and fines and things that
12 he had to pay. We have not been in touch, he hasn't reached
13 out to me since then.

14 THE COURT: OK. Was he prosecuted? You said he
15 didn't go to jail, but was he prosecuted?

16 JUROR: Yes. He was charged and found guilty.

17 THE COURT: Did you have to testify?

18 JUROR: No. He accepted a deal.

19 THE COURT: And anything about that experience or
20 dealings with law enforcement or the justice system that would
21 affect your ability to be fair and impartial here?

22 JUROR: No.

23 THE COURT: Thanks for sharing. I'm sorry to hear
24 that and thank you very much.

25 JUROR: You're welcome.

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1 And the last, no. 46, my brother is a convicted felon.
2 Robbery, maybe 15, 20 years ago. Hasn't been to jail since
3 then, living happily in North Carolina.

4 THE COURT: Where was he prosecuted?

5 JUROR: Here in New York State.

6 THE COURT: State court?

7 JUROR: Yes.

8 THE COURT: And did you attend the trial or case or
9 anything of that sort?

10 JUROR: I was very young. I was much younger then.

11 THE COURT: And anything about his experiences at all
12 that would affect your ability to be fair and impartial here?

13 JUROR: No.

14 THE COURT: OK. Thank you very much. You can go back
15 to your seat. I appreciate it.

16 (Juror not present)

17 THE COURT: So I had a brief glimmer of hope that we
18 could push through and finish but that's not going to happen.
19 I wanted to evaluate some of the ones that I thought were close
20 to the line and see if I do need to circle back to no. 5 as
21 well. In fact, why don't we get him here up here.

22 Mike, can you summon juror no. 5?

23 (Juror present)

24 JUROR: I'm sorry I forgot to tell that in the
25 beginning.

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1 THE COURT: My understanding is you had an answer to
2 something on no. 1?

3 JUROR: Yes. I have a vacation planned the week of
4 17th of July.

5 THE COURT: What is it?

6 JUROR: Vacation planning to go to L.A., Los Angeles.

7 THE COURT: And you have plane tickets?

8 JUROR: Yeah; and the hotel booked. Going through a
9 big epidemic it's so tiring being a nurse, so we planned it
10 early, me and my husband both took tickets. He got vacation
11 too.

12 THE COURT: OK. And you wouldn't be able to change it
13 at this point?

14 JUROR: It would be a lot of difficulty if I changed
15 it.

16 THE COURT: All right. Thank you. I appreciate your
17 letting us know. The case may be over by then so it may not be
18 an issue.

19 JUROR: If it is over by then I have no problem.

20 THE COURT: Thank you, I appreciate it. Thank you.
21 You can go back to your seat.

22 JUROR: Thank you.

23 (Juror not present)

24 THE COURT: All right. So, no. 1, before I flag the
25 ones that I have some concerns about, any follow-up or motions

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1 to strike?

2 MR. DENTON: I don't think I have any motions to
3 strike, your Honor. I think we probably have the same list of
4 potential follow-ups so we are happy to give you the ones we
5 have, but.

6 THE COURT: OK.

7 MR. DENTON: I think it was principally people that
8 the Court left a pin in with respect to travel plans and things
9 like that which I think was jurors no. 19, and 26.

10 THE COURT: OK.

11 Mr. Schulte, any motions to strike or follow-up from
12 you?

13 MR. SCHULTE: Yes; no, I don't think we have anything
14 else.

15 THE COURT: OK. So, I had flagged a few. One is 17
16 who has a trip to Boston July 1st to 5th. My inclination would
17 be to just proceed and assume that she might be able to change
18 it, it is only Boston. So let's not bother with that one.

19 19 I think is -- has a trip planned for July 4th week.
20 Is that what your notes reflect?

21 MR. DENTON: Yes, your Honor.

22 THE COURT: And 26 was the anesthesia tech. So I
23 think those are the two that I had wanted to follow up on.
24 There is also the dress fitting, juror no. 32, but it sounded
25 like she might be able to move that and my hope is that we

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1 might also be done by then but hope springs eternal.

2 Any thoughts on 19 and 26, Mr. Denton? I partially
3 didn't want to excuse them and give other jurors an easier path
4 out but we do have a handful of jurors remaining, we have very
5 close to having enough but we are also close to needing more.

6 MR. DENTON: I think the first week of July is very
7 much the danger zone. I think it's, given the representations
8 about the defense case, highly likely we will still be going
9 then so that may be more of a challenge.

10 No. 26 is, it is just much harder, it is not a firm,
11 but certainly sounds like his job would suffer without him
12 there but that I think is a harder case.

13 THE COURT: Mr. Schulte?

14 MR. SCHULTE: Was the trip on 19? I thought it was
15 mostly a weekend trip for the holidays. How long was it?

16 THE COURT: It is actually during the week.

17 MR. SCHULTE: The week.

18 THE COURT: Yes.

19 So, I think I'm going to let her go.

20 MR. SCHULTE: OK.

21 THE COURT: I have let others go with prior
22 commitments and vacations so I think I will keep 26 for the
23 moment and just -- he works for Montefiore, he works for a
24 large hospital. My guess is they can manage but we will see.

25 I guess, given that, my inclination would be to call a

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1 halt for the day because we are going to have to resume
2 tomorrow anyway. Any concerns? Objections? Very good. So go
3 back to your seats I will let them go and we can discuss
4 anything that needs to be discussed.

5 (In open court)

6 THE COURT: Ladies and gentlemen, if I could have your
7 attention?

8 Much as I wanted to push through and get this
9 completely done, I just think we have hit our limit. And I
10 know it has been a very long day for you, I assure you it has
11 been an even longer day for me, but I think what I am going to
12 do is call a halt for today with the understanding that
13 everybody who has remained here is going to have to return
14 tomorrow. Let me give you some instructions on that score
15 before I excuse you for the evening.

16 First of all, let me thank you for your patience. I
17 assure you that all things considered, this process is going
18 relatively quickly and smoothly but I know it may not feel that
19 way to you and it is a somewhat laborious process that is by
20 necessity because it is critical to our system of justice that
21 both sides that we have a fair and impartial jury to try the
22 issue in this case so I thank you for your patience.

23 A few things. First, when you leave, first please
24 leave your questionnaires on the seat where you are sitting.
25 Plan to return to those seats tomorrow that you are sitting in

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1 whether your name has been called or not. So, please leave
2 your questionnaires there. The courtroom will be secured
3 overnight so they should not be moved or removed. I will make
4 sure of that. Leave them where you are.

5 Number two, do not discuss the case with each other,
6 with your family, with your friends, with your employers, with
7 relatives, with anyone. This is very, very, very important.
8 You may tell them that you are impaneled on a criminal jury
9 trial being considered for a jury in a criminal case but do not
10 tell them anything else. Don't tell them the name of the case,
11 don't tell them anything about the case. That is because you
12 must not discuss the case with anyone in any way, shape, or
13 form until you are excused from jury service. So, please,
14 please, please obey that instruction however curious your
15 partners or family members may be. Tell them that you are
16 under strict orders for me not to discuss it with them and that
17 there will come a day where you can but that is not today.

18 Similarly, don't do any research about the case or
19 anyone involved in the case; don't look on Twitter, don't look
20 at any news sources, so on and so forth. I'm not necessarily
21 expecting any news about this case today or tomorrow but in the
22 unlikely event that you come across any news story about it, it
23 is your obligation to avoid it, not to read it, turn off the
24 TV, turn off the radio station, don't pay any attention to it.

25 Bottom line is you must continue to keep an open mind.

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1 You still haven't heard any evidence whatsoever in this case
2 and it is critical that whoever is ultimately seated as a
3 juror, your verdict is based solely on the evidence and my
4 instructions about the law.

5 In the hopefully unlikely event that you develop COVID
6 symptoms overnight, please do call the Court and seek further
7 guidance on that. We are trying to keep everybody safe and
8 healthy and if you may have COVID we want to know that so
9 please let us know that.

10 We are going to pick up tomorrow, we will start at --
11 well, I want you here at 9:00. We are going to do the same
12 thing we did after the break today which is you are going to
13 assemble in the hallway out there at 9:00. Please, please,
14 please be on time. All right? I really can't get started
15 until most if not all of you are here -- really, all of you.
16 Out of respect for one another, out of respect for this
17 process, and for all the parties involved and me and the Court,
18 please, please be on time. If you are traveling from a
19 distance -- and I know some of you are, I thank you for that --
20 please plan accordingly. Those of you using public
21 transportation, recognize that sometimes it doesn't work as
22 well as we would like and plan accordingly. Bottom line is,
23 please, leave a little extra time and be here by 9:00 so that
24 we can get started promptly. I am trying to make the best use
25 of your time, I promise you of that. I promise those of you

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1 who are seated as jurors in this case that I will continue to
2 do that and continue to do everything in my power to do
3 continue to do things efficiently and quickly as we can but I
4 need your help in doing that and I would ask you to be outside
5 by 9:00. Do not come into the courtroom again until you are
6 summoned to enter by part of my staff so outside by 9:00.

7 I am sorry. There is one juror that I am going to
8 excuse and that's juror no. 19. Ms. Bramble-Hines. So you can
9 get your juror card and make your way down to the jury assembly
10 room, you are excused from this case at this time. So you
11 don't need to come back tomorrow morning. Mr. Lee will give
12 you your card and you can go back downstairs. You don't need
13 to come back here tomorrow at 9:00.

14 Everyone else, you need to be here at 9:00. Again,
15 you can't use the cafeteria in the court house. And in the
16 event you run into anyone involved in this case, either the
17 parties or lawyers, they are under strict orders not to have
18 anything to do with you. So don't be mad at them, they're not
19 being rude. If they ignore you, they're just following my
20 instructions.

21 Again, don't discuss the case. Don't do any research
22 about the case. Continue to keep an open mind. I thank you
23 for your patience. With that, you are excused for the night.
24 Leave your questionnaire on your chair. Please be outside the
25 courtroom tomorrow morning at 9:00 promptly.

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1 Have a good night.

2 (Adjourned to June 14, 2022 at 9:00 a.m.)

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