

1 IN THE DISTRICT COURT OF THE UNITED STATES  
2 FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

3 UNITED STATES OF AMERICA, )  
 )  
4 Plaintiff, ) Judge Wells  
 ) Cleveland, Ohio  
5 vs. )  
 ) Criminal Action  
6 JAMES A. TRAFICANT, JR., ) Number 4:01CR207  
 )  
7 Defendant. )

8 - - - - -  
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE

10 THE HONORABLE LESLEY WELLS

11 JUDGE OF SAID COURT,

12 ON TUESDAY, APRIL 9, 2002

13 Jury Trial

14 Volume 35

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16 APPEARANCES:

17 For the Government: CRAIG S. MORFORD,  
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18 MATTHEW KALL,  
Assistant U.S. Attorneys  
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21 For the Defendant: Pro Se

22 Official Court Reporter: Bruce A. Matthews RDR-CRR  
23 U.S. District Court - Room 539  
201 Superior Avenue  
24 Cleveland, Ohio 44114-1201  
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25 Proceedings recorded by mechanical stenography; transcript  
produced by computer-aided transcription.

1           (The following proceedings were held in chambers,  
2 with the attorneys and pro se defendant participating on  
3 the telephone, starting at 2:44 p.m.)

4           THE COURT: Hi. This is Judge Wells.

5           MR. MORFORD: Hi, Your Honor.

6           THE COURT: We've had a question from the  
7 jury, and it's a very common kind of question. And so I'll  
8 read you the question and I'll tell you the response, and  
9 it may be since there's nothing unusual about it, that we  
10 can just go forward by answering it in writing. I don't  
11 know, but let me tell you what the question is.

12                   "We would like to view the Tom Williams  
13 testimony tape."

14                   That's it. It's a request really, not a  
15 question.

16                   Now, they were instructed that they treat  
17 videotape deposition testimony as if it were testimony of a  
18 witness in the courtroom. And just as we don't send back  
19 to the jury room transcripts of a witness's oral testimony,  
20 we would not be sending back a videotape of this. So  
21 that's sort of where we are with this.

22                   I'll listen to either of you if you have  
23 anything you want to say.

24                   MR. MORFORD: We agree with that as far as  
25 the law goes, Your Honor. We have no objection to that

1 response.

2 THE COURT: Congressman, what we could do,  
3 unless you want us to do it otherwise, because it's a  
4 fairly routine request and response, I could write out the  
5 answer. It's all a matter of record. It's preserved with  
6 the record, and our conversation right here is part of the  
7 transcript of the case, and I could simply send back the  
8 written answer. I could read you what I would send back,  
9 and you could then avoid needing to come all the way down  
10 here and having the jury come out and so forth.

11 It's a request to take another look at Tom  
12 Williams' testimony.

13 MR. TRAFICANT: And if they want to see Tom  
14 Williams' testimony, what are you going to tell them?

15 THE COURT: Here is what I would send back.  
16 What they do is: They send out a piece of paper, and then  
17 I then write on that same paper, so it's all a matter of  
18 the record, the answer, and here is what I would write.

19 I would say on the paper, "As you know, you  
20 should treat videotape deposition testimony as if it were  
21 testimony of a witness in the courtroom. See page B-13."  
22 That's in their instructions. And then I would add the  
23 sentence, "Just as we do not send to the jury room  
24 transcripts of a witness's oral testimony, we do not send  
25 to the jury room a witness's videotape testimony," period.

1                   MR. TRAFICANT: Well, the only problem I have  
2                   is you let the prosecutor get into Bucheit and DiBlasio and  
3                   make statements and did not overrule. You did not sustain  
4                   my objections. I don't know what you're doing with this  
5                   case, but that was highly unusual, and you do whatever you  
6                   want.

7                   THE COURT: Well, if you want to come down --

8                   MR. TRAFICANT: I don't want to come down  
9                   there. But I am telling you, you let the prosecution open  
10                  up two areas that were not offered, let them make  
11                  statements about Bucheit and DiBlasio in his final close.  
12                  I objected. You did not sustain it. And you have one guy  
13                  that's sitting here that is totally upset.

14                  Now, you do whatever you're going to do. I  
15                  am going to stipulate to nothing. Now, whatever you do,  
16                  just send me a copy of it. I don't want no one calling  
17                  here, no one knowing where I am. I don't want no more FBI  
18                  following me around. And if this number gets out to  
19                  anybody, I'm going to be highly upset.

20                  Send me a copy. When the Justice Department  
21                  gets off the phone, I will give a fax number to your  
22                  assistant.

23                  THE COURT: We don't send copies of jury  
24                  questions and jury answers to anybody. They become part of  
25                  the record in the case.

1                   MR. TRAFICANT: Well, you didn't let any of  
2 my information become part of the evidence in this case, so  
3 treat this as you will. I don't need to drive down for  
4 this.

5                   THE COURT: Okay, Congressman.

6                   MR. TRAFICANT: Thank you.

7                   THE COURT: Thank you. Thank you, gentlemen.

8                   MR. MORFORD: Thank you, Your Honor.

9 Good-bye.

10                   THE COURT: I'm going to ask that this be  
11 sealed until a verdict is returned in the case.

12                   (Proceedings adjourned at 2:50 p.m.)

13

14                   C E R T I F I C A T E

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16

17                   I certify that the foregoing is a correct  
18 transcript from the record of proceedings in the  
19 above-entitled matter.

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Bruce A. Matthews, RDR-CRR                   Date