

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

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

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9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS
11 JUDGE OF SAID COURT,
12 ON WEDNESDAY, FEBRUARY 13, 2002
13 Jury Trial
14 Volume 1
15 - - - - -

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31 Proceedings recorded by mechanical stenography; transcript
32 produced by computer-aided transcription.

1 Wednesday Session, February 13, 2002, at 8:30 A.M.

2 THE COURT: We have a few preliminary
3 matters. I understand that there are some new motions
4 filed in the case. Am I correct, Congressman, did you file
5 motions in the case today?

6 MR. TRAFICANT: Yes, I filed two motions
7 today.

8 THE COURT: And have they been served on the
9 Government?

10 MR. TRAFICANT: The one that concerns the
11 Government has been served on the Government.

12 THE COURT: Okay. Maybe you'd better clarify
13 for me. Which motion did you file?

14 MR. TRAFICANT: The one dealing with the
15 peremptory challenges.

16 THE COURT: Okay.

17 MR. TRAFICANT: The other one dealt with the
18 Sixth Circuit and dealt with one of your decisions, and I
19 did not serve it on the Government, but I can, if you
20 should so request.

21 THE COURT: Well, I have a copy of something
22 that was just handed to me. It has the Northern District
23 of Ohio title at the top of it. It's a request for leave
24 to file the hearing motion to dismiss the indictment
25 against him. Is that what you're talking about?

1 MR. TRAFICANT: Yes.

2 THE COURT: Okay. Well --

3 MR. TRAFICANT: That was in response to
4 the --

5 THE COURT: It shows the service on
6 Mr. Morford. I just want to make sure he, in fact, has it.

7 MR. MORFORD: We do not have it, your Honor.

8 MR. TRAFICANT: I'll make it available to
9 him.

10 THE COURT: Thank you.

11 THE COURT: Do you mean this motion to be in
12 front of this Court or in front of the Sixth Circuit?

13 MR. TRAFICANT: Well, I don't know what the
14 process is. I assume you have to move on it, and if
15 necessary, the Sixth Circuit court would, I would -- will
16 legal aspects of it -- I'm not prepared right now to make
17 that statement.

18 THE COURT: All right.

19 MR. TRAFICANT: Well, then, we'll let the
20 Government, now that they have a copy of this have read it,
21 we won't deal with it right now. At the -- whenever our
22 noon break or maybe at 4:30 today, we'll try and straighten
23 out which court you wish this to be attended to. I haven't
24 had a chance to read it either. It was just given to me.

25 The other one is a motion and objection to directions

1 of the court relative to peremptory challenges, and we went
2 over that yesterday, and maybe there's something we can do
3 that will help clarify before we get into the case any
4 furthermore, what it was you were objecting to yesterday.

5 I can talk to you for a minute about peremptory
6 strikes. We talked about it repeatedly, and I think the
7 last time was in the final pre-trial, but as you know, you
8 have ten peremptory strikes to use against any potential
9 juror, and when there are six alternate jurors, as there
10 were in this case to be seated, then each side can exercise
11 three peremptory strikes against those jurors, and that's
12 the procedure we followed. It's the procedure we described
13 all the way through the proceedings, and it comports with
14 the criminal rules, criminal Rule 24.

15 So that's what we did. I wasn't able to really
16 understand what your concern was yesterday, but if you want
17 us to address this, I can address this further then at the
18 lunch break, if you want to talk about it then.

19 MR. TRAFICANT: I do, and I've asked for the
20 Court Reporter to report my -- our side bar conversation
21 relative to my concerns about that.

22 THE COURT: Fine.

23 MR. TRAFICANT: And the instructions that I
24 was given by the clerk that I was limited to certain
25 numbers on my peremptory challenges on the alternate

1 jurors, and I was not under that impression nor assumption
2 when I made that request at the side bar.

3 THE COURT: Okay. We then went ahead, and
4 you exercised your challenges. We went all the way through
5 all of that part of the process. There were many occasions
6 on which we might have made clearer to you something, which
7 you didn't understand, if we had known it, but you waited
8 until actually -- we had actually sworn all the jurors in
9 this case and impaneled the jury. Now, this is an issue
10 that you may be able to raise on appeal, you may be able to
11 raise it some other time, but we have a jury in this case,
12 and the jury's impaneled, and there were lot of
13 opportunities to --

14 MR. TRAFICANT: The only problem I have with
15 that is I was instructed in the beginning that the
16 numerical listing of my strikes had no effect, and I could
17 return to any lower number.

18 THE COURT: Okay. Well, let's not argue that
19 now. We have got a bunch of jurors ready to come up, but
20 you want to put more on the record about that, I'll give
21 you every opportunity to do it.

22 MR. TRAFICANT: Thank you.

23 THE COURT: And we'll do that at noon.

24 There was a little bit of discussion as well
25 yesterday about the appropriate scope of opening statement.

1 Are you clear about that, Congressman?

2 MR. TRAFICANT: I'm under the impression as
3 long as I'm talking about evidence or evidentiary material
4 that I plan to bring, that I would be able to discuss the
5 points relative to that.

6 THE COURT: Okay. I think we're at the area
7 where I want to be sure that you're clear. It's just in
8 the area of evidence that's relevant to the guilt or the
9 innocence of the Defendant in the charges in this case, and
10 that includes credibility of witnesses, and you --
11 you're -- you have every right to cross-examine people and
12 to challenge them and to challenge how they came to testify
13 and whether they're testifying truthfully.

14 And so as long as what you tell the jury what
15 evidence you plan to present and are thinking about,
16 whether you'll actually be able to present that evidence at
17 trial, I don't see there are any difficulties with it. I
18 don't anticipate any difficulties.

19 MR. TRAFICANT: Well, I'm wondering why we're
20 spending about five times on this when I've made opening
21 arguments before in a RICO case, and there were no
22 problems, and I do plan to make an opening statement that I
23 believe speaks to my particular case, and it is relevant to
24 my case.

25 Now, if, in fact, the Court would find objection to

1 it, certainly, they can object, or the Prosecutor could.
2 But I do not want to give the impression that I will, in
3 fact, be withheld from making those statements, what I
4 think are part and parcel to an opening statement that sets
5 the ground work for a trial of such significance.

6 THE COURT: Fine. I don't know what the
7 rules were in 1983 or in any other case, but we've gone
8 over them. I think you're correct, we've gone over them
9 enough here, so there shouldn't be any difficulty.

10 MR. TRAFICANT: For the record, you've
11 already ruled on obsession and vendetta, and they removed
12 that as an opportunity for me to discuss it as a
13 possibility of my defense. So you've already taken away
14 part of my defense. Now, you're cautioning me on what I'm
15 going to say in opening argument. I haven't even yet to
16 make an opening statement.

17 THE COURT: Right, that's the opening
18 statement that we were discussing.

19 MR. TRAFICANT: I know that.

20 THE COURT: And while we're talking about the
21 scope of it, we're not talking about what kind of evidence
22 to be admitted down the road, we're not dealing with any of
23 that.

24 MR. TRAFICANT: I believe the scope should be
25 that which speaks to the relevancy of the Defense that I

1 plan to offer.

2 THE COURT: Fine.

3 MR. TRAFICANT: Is that a problem with the
4 court?

5 THE COURT: No, it's not a problem.

6 MR. TRAFICANT: Thank you.

7 THE COURT: Is there anything else before we
8 bring the jurors up?

9 MR. MORFORD: No, your Honor.

10 THE COURT: Mr. Morford?

11 MR. TRAFICANT: There were a couple of
12 outstanding matters dealing with the deposition of a fellow
13 in Florida.

14 THE COURT: We're going to -- I said several
15 times I can't rule on that motion until I have had an
16 opportunity to sit back. Right now we've been trying to
17 select a jury in the case, and we've done that.

18 MR. TRAFICANT: Second point of question,
19 there was a last minute move by the Government with a fruit
20 basket ploy to bring in some testimony relative to a person
21 who is now deceased, who used to serve on his staff. From
22 what I understand, you have yet to rule on that, and we are
23 now approaching trial, and I'd like to know if and when you
24 are going to rule, or if you have ruled and it has sort of
25 just missed my cognizance of seeing it.

1 THE COURT: Any time I rule, it appears on
2 the docket. The docket immediately -- not dockets
3 available to you if you're not regularly in the courthouse.
4 It's available on line, you can just click on it, and there
5 you are, you have the ruling, and if I haven't done that,
6 then I haven't ruled on it yet. But, I think you're talking
7 about -- are you talking about the witness in Florida?

8 MR. TRAFICANT: No, I'm talking about the
9 deceased witness who worked for me, Mr. O'Nesti.

10 THE COURT: Oh, well, I have ruled in a sense
11 that I said I have to wait until we get to that point in
12 the trial so that the Government can demonstrate what it
13 needs to demonstrate before we would admit that testimony.

14 MR. TRAFICANT: Even though they submitted it
15 after the June deadline? They submitted it to me, they
16 said that June 16th by --

17 THE COURT: We've gone over that, and I ruled
18 on that. And if you go and read the orders in the case,
19 you'll see that was ruled on quite awhile ago.

20 MR. TRAFICANT: One, he --

21 THE COURT: But some rulings are conditional
22 regarding evidence.

23 MR. TRAFICANT: Yes. One other point.

24 The Prosecutor has not notified me that he intends to
25 bring witnesses today. I was not prepared for what

1 witnesses they may be, and I am now asking of this Court
2 that if he does bring a witness, that I may not necessarily
3 want to, in fact, examine or cross-examine that witness
4 today and would like the opportunity to reserve and bring
5 that witness back tomorrow for examination since I was not
6 prepared to know which witness that might be.

7 THE COURT: I don't know where we'll be in
8 terms of having witnesses, but the Government may get to
9 its case today, and Mr. Morford's on his feet, so I'll
10 listen to him now. Mr. Morford?

11 MR. MORFORD: Your Honor, Monday, we gave
12 Congressman Traficant several, not real thick witness
13 folders of the first few witnesses we expected to call in
14 this case, and my understanding was, if we got done with
15 opening statements and there was time today, which I fully
16 expect there will be, that we would proceed with testimony
17 like you do in every other case. He's had these materials
18 for, I think it was six or seven witnesses, since Monday.
19 And he's known that it was going to be those witnesses that
20 would be called.

21 THE COURT: All right. So the witnesses he
22 gave you information on are the ones he'll begin with, and
23 that's the way we proceed in trial, and yesterday, when we
24 talked about how we were going to proceed, we anticipated
25 the Government would begin its case, and what they do, they

1 call their witnesses, and you've been given notice so we're
2 going to bring the jurors up now. Okay?

3 MR. TRAFICANT: Fine.

4 THE COURT: Thank you.

5 MR. TRAFICANT: One last question, your
6 Honor: Will I have the right to recall a witness even
7 though it may be a Government witness at a later time?

8 THE COURT: Are you talking about when the
9 trial starts?

10 MR. TRAFICANT: Yes.

11 THE COURT: When they start putting on --

12 MR. TRAFICANT: Yes.

13 THE COURT: That's a good issue for us to
14 talk about down the road. Okay? That's a -- we'll try and
15 give you an answer to that. Okay? But not right now.

16 MR. TRAFICANT: Is that a normal procedure in
17 the court of law?

18 THE COURT: What?

19 MR. TRAFICANT: Where a defendant may have an
20 opportunity to recall a Government witness requesting it
21 for cause?

22 THE COURT: Anything about that part of the
23 procedure we'll talk about when we start getting evidence
24 put on in the case, but right now, we're waiting for the
25 jury to come in and do opening statements, one step at a

1 time.

2 (Proceedings resumed in the presence of the jury:)

3 THE COURT: Good morning.

4 THE JURY: Good morning.

5 THE COURT: I promised you that we would
6 begin the morning with some instructions from the Court on
7 what you might expect in general terms as we go forward
8 with this proceeding. So if you'll just make yourselves
9 comfortable, I'm going to ask the clerks -- I don't see any
10 notebooks out there.

11 THE CLERK: That's what I was just --

12 THE COURT: Okay. We're going to get you
13 some notebooks that you can use or not. I'll give you
14 instructions on that. Sometimes we put them out in your
15 chairs, and sometimes they slip down through and go down on
16 the floor. So I didn't know if you were all sitting on
17 them or if it slipped on the floor, but I think we just
18 didn't get them out. So just get yourselves as comfortable
19 as you can, and we'll get the books.

20 (Pause.)

21 THE COURT: Ladies and gentlemen of the jury,
22 those who participate in a trial must do so in accordance
23 with certain rules. These are rules established by law,
24 and they apply to witnesses, they apply to parties, they
25 apply to lawyers, they apply to pro se litigants, they

1 apply to the Judge, and they apply to jurors, and the Judge
2 and the jurors, as I suggested earlier on in this case,
3 have separate duties to perform. A case must be decided on
4 the evidence. It's evidence presented here in this
5 courtroom, and on the law as given to the jurors by the
6 trial judge.

7 It's the duty of the United States Attorneys and the
8 Defendant to present any evidence that they wish to present
9 by questioning witnesses and introducing exhibits, but this
10 has to be done under rules, and they are long established
11 rules. The Judge then provides -- presides over the trial.

12 It's my responsibility to enforce the rules and to
13 decide what evidence can be considered by the jury.
14 Although, as you recall together we make up the Court, your
15 duties are distinct as jurors from my duties as Judge. You
16 are the sole and exclusive judges of the facts; also of the
17 credibility or believability of witnesses. The Judge and
18 the judge alone has the responsibility of deciding the law.
19 The jury, and the jury alone, decides the facts in light of
20 the law as it's given to you by the trial judge.

21 Now, the procedure for a trial is set forth also by
22 law. First, we impanel a jury, and we've done that. Next,
23 the United States and the Defendant, if they wish, they
24 make opening statements to the jury. These opening
25 statements are not evidence. The jury cannot consider them

1 as if they were evidence, but they may be helpful to the
2 jury as the case goes forward.

3 In these opening statements, the United States and
4 the Defendant have the opportunity to outline and to
5 describe to you what evidence they will introduce from the
6 witness stand or any exhibits which are admitted into
7 evidence.

8 Now, witnesses don't always appear in chronological
9 order. There can be various reasons for that, and so
10 opening statements can be very helpful to a jury as a sort
11 of road map to what you can expect the evidence will show
12 in the case. They're not evidence, but they can be helpful
13 by outlining in advance to you, sort of like a table of
14 contents or something in a book, what the United States and
15 the Defendant think the evidence will in fact show when it
16 then comes on.

17 I want to read to you from a United States Supreme
18 Court case. The opening statement has a narrow purpose and
19 scope. It is to state what evidence will be presented to
20 make it easier for jurors to understand what is to follow
21 and to relate parts of the evidence and testimony to the
22 whole. It is not an occasion for argument. The opening
23 statements, the remarks the lawyers for the United States
24 and the Defendant make during the course of the trial and
25 the closing arguments they make after all the evidence in

1 the case has been put before you, all of those things are
2 not evidence and aren't to be considered by you as
3 evidence.

4 Now, in this case, please bear in mind, as in any
5 case where we have pro se litigants, that because
6 Mr. Traficant has decided to represent himself, he appears
7 here with what you might think of as two hats on. In
8 representing himself, that's a lawyer's role and as
9 Defendant.

10 In his lawyer side, in his lawyer role, he can make
11 opening statements to you. He can ask questions of
12 witnesses, and he can make closing argument. After the
13 opening statements, the attorneys for the United States
14 will present evidence. We expect that may begin today.

15 Next, the Defendant, acting as his own attorney, may,
16 if he chooses, present evidence. It's completely up to
17 him. Because the United States has the burden of proving
18 the Defendant guilty beyond a reasonable doubt, it is
19 entirely the defendant's choice whether he wants to present
20 evidence or not. And if he does, whether he testifies or
21 not is also his choice.

22 Remember, it is not necessary that the Defendant take
23 the witness stand in his own defense. A defendant has a
24 constitutional right not to testify, and if he does not
25 testify, that must not be considered by you for any purpose

1 whatsoever. However, if the Defendant wants to testify, he
2 may. Then, however, he has to do it from the witness
3 stand, sworn under oath and subject to cross-examination
4 like other witnesses.

5 Unless the Defendant is sworn to tell the truth,
6 sitting on the witness stand available to be
7 cross-examined, he's not testifying, and so what he says is
8 not evidence. After all the evidence has been presented to
9 you, all of it, whatever it's going to be, then the United
10 States and the Defendant are permitted to argue the case to
11 you.

12 In the opening statement, they give you a preview of
13 what they believe the testimony -- what the evidence will
14 show, and that's a road map. They don't argue the case at
15 the beginning.

16 First, you get a chance to hear the evidence in the
17 case as it actually comes out in this trial, and then, when
18 they've heard all of that and you've heard all of that,
19 whatever the evidence is going to be in the case, then is
20 the time for argument, and that's called final argument or
21 closing argument. Okay? So one is an opening statement,
22 and then at the end, it's final argument.

23 This is the way it is in every criminal case. It's
24 not always this way on television and other places, but in
25 the courts of law, this is the procedure and the way we go.

1 So you get an idea now of what you have ahead of you.

2 Before and after closing arguments, way down at the
3 end, after we've heard all the evidence, I've heard it and
4 you've heard it, then the Judge advises you as to the law
5 that will be applicable in this case and the procedure that
6 you'll follow in your deliberations, and then the matter
7 will be in your hands, in the jury's hands for a verdict.
8 You really don't have to worry throughout these proceedings
9 about how -- what the rules are for you once you go back
10 and deliberate because I'm going to explain those to you
11 right at the very end, right before you go back, so don't
12 be concerned about that.

13 Now, there are times during every trial when one side
14 or the other -- the lawyers for the United States or the
15 Defendant acting as his own lawyer, want to bring something
16 to my attention, which is a legal issue. And so in this
17 courtroom, they stand when they have an objection, and they
18 patiently wait. You see them doing this. They don't
19 interrupt each other. They patiently wait, and I know when
20 a lawyer is on his feet that there is probably an objection
21 of some kind coming, and then I deal with that objection.

22 This is the time I think -- you may have seen it
23 happen. I can't remember in this case if you've seen it
24 happen yet -- but when there's something that is not one of
25 the things that you have to be concerned with but rather

1 it's what the Judge has to be concerned with, along with
2 the lawyers, which would be something that involves the law
3 as opposed to credibility or the facts, which are your
4 part, then we do that outside of your hearing. We address
5 that outside of your hearing.

6 You'll see us take what's called the side bar. We'll
7 do that if it works. The other option is to stop the
8 proceedings and dismiss you, send you back to the jury room
9 so that this will not sort of infect the process that you
10 have to be focused on, and I'll be able to make a
11 determination. The reason that we do side bars is a matter
12 of convenience because if we can fairly, quickly resolve
13 somebody's concern -- and lawyers have a responsibility as
14 the Defendant does when he's representing himself to bring
15 to the court's attention something which they feel is not
16 going according to the rules of the law, when that happens,
17 then I try to resolve it quickly, and in almost every case,
18 it can be resolved very quickly.

19 So we go over. The Court reporter gets up, goes over
20 as far away from the jury as we can get. We are not being
21 rude, but we turn our backs on you, and we make every
22 effort not to talk in a tone of voice that you'll hear, and
23 the reason for that is because we don't want you to have to
24 deal with this issue.

25 It's one I have to deal with anyway. This is just

1 like I don't get involved in the issues that are your part
2 of the case to deal with.

3 But sometimes we have situations where either we
4 can't do it without it being something that's brought to
5 your attention, or we're going to have to deal with it in a
6 way that seems like it's going to delay things. I will
7 probably in most of those cases put that out side of the
8 time you're normally here, which will be at one of the
9 breaks. The lawyers would have to stay and not get a break
10 or at lunch. We would have to work on it, or maybe if it's
11 something that takes a good bit of time, we do it Friday
12 afternoons, when we will have sent you home.

13 It isn't always possible to keep you completely in
14 the box all the time you're here, but that's the goal that
15 we have. So I want you to understand that, and to
16 understand that, lawyers have a responsibility to raise
17 issues with the Court when they think there's a problem,
18 and I have a responsibility to deal with it. That's part
19 of my work. These are legal issues.

20 If I find under the law that an objection is well
21 taken, then you may hear me say I sustain it or something
22 like that. That -- if the objection is not well taken,
23 then I would overrule it. If we have a witness on the
24 stand, it might mean that I allow a witness to continue to
25 testify, even though somebody brought something legal to my

1 attention.

2 The case, however, is going to have to be decided by
3 you only on exhibits, which have been admitted and only on
4 answers which are given under oath or affirmation from the
5 witness stand. Or if I've declared that for some reason a
6 statement is admissible straight out under rules and the
7 law, then that's another circumstance in which evidence
8 could come into the Court and be approved by the court.
9 Those are all legal matters.

10 Sometimes someone will ask a question of a witness,
11 and it will sound -- the question itself will sound like an
12 answer, and that's one of those times when you have to
13 remember that we take the evidence from the answers, from
14 the person who's sworn in telling the truth on the witness
15 stand. Just because the question contains something, you
16 have to remember where it's coming from, and you'll be able
17 to sort this out as we go along.

18 But the evidence comes from the answers. A good way
19 to remember it, if a statement is testimony that can be
20 considered by you as evidence, ask yourself if it's a
21 statement that the Judge has otherwise declared is going to
22 be admissible under the law or if it was said by somebody
23 who was sworn and on the witness stand. That's it. That's
24 a helpful thing to remember.

25 Now, sometimes the lawyer for the United States or

1 the Defendant may ask somebody a question on the witness
2 stand, and the Court will rule that the question can't be
3 answered. You won't get to hear the answer. Then you
4 haven't heard the evidence, right, that evidence? You
5 can't consider what you haven't heard as if it were
6 evidence. You begin to see how all this works as we go
7 along.

8 There are times when these legal or procedural
9 matters are being discussed where we may make an
10 instruction to you to disregard something that somebody
11 said, and that's the same thing. Even if somebody has
12 gotten some words out before an objection was made, we may
13 ask you to disregard things because that then won't be
14 evidence because of the legal ruling or ruling by the
15 Judge.

16 I want to talk to you just for a minute about your
17 notebooks. You don't have to take any notes if you don't
18 want to. We provide those to you as a convenience. This
19 is going to be a fairly long proceeding, we think, and
20 there are a lot of counts in this, and so it may help you
21 as we go along to take notes. So what judges have
22 developed are a few things to remind jurors about when
23 they're taking notes, and these are just things for you to
24 consider.

25 Don't let taking your notes divert you from paying

1 full attention to somebody on the witness stand. You'll
2 find -- and I'll give you an instruction about your job as
3 determining credibility of witnesses before you can hear
4 the first one, but what you'll find that a person's
5 demeanor may be something you want to pay attention to.

6 You'll find you'll want to be able to view and see
7 what's happening here, and so take notes if you'd like, but
8 just remember that you're not -- you don't want to lose
9 what's actually happening in front of you here in the
10 courtroom because that may help you evaluate credibility.
11 Notes are memory aids; they are not evidence.

12 So the notes that you take or your fellow jurors take
13 are not evidence in the case, but they are things to help
14 you with memory. And it all depends on your style. We all
15 remember that from school. Some people were good note
16 takers, and some people were better just listening and
17 taking in information. So -- somebody's independent
18 recollection may be something you want to rely on more than
19 the fact that someone else had a note that's going to be
20 told to you.

21 At the end of every trial day, we collect all of your
22 notebooks, and we keep them locked, and we don't look at
23 them. Nobody else reads these except you. They'll be on
24 your chairs or on the floor, depending on how it works out
25 right near your chair when you come in to be impaneled each

1 day, but we take care of them. Your notes won't be
2 reviewed by any of us or by anyone else. You will be able
3 to use your notes when you go back to deliberate in the
4 case after the case has been given to you for a verdict.

5 But after the trial, the Court staff collects all
6 these notebooks, and we destroy all juror notes. They are
7 not kept as part of the record in the case. Then finally,
8 I know you know this, but a trial isn't a contest about
9 skill or learning or tact or any of those things. Under
10 our system, it is a proceeding, which tries to give us with
11 all the full protections of the constitution and our system
12 of law a way of determining, as well as truth can be
13 determined from evidence submitted under the law and under
14 the rules for court proceedings, what the facts are in this
15 case and what the decision should be under the law in this
16 particular case.

17 As I said, when we started this altogether, we know
18 this is inconvenient, we know this is disruptive of your
19 lives. It's a very high calling of service in this
20 country, and so we're now going to turn to the lawyers and
21 let them begin to present to you what they believe the
22 evidence in this case is going to show, and I think later
23 on today you'll probably begin to actually hear the
24 evidence in this case. We'll start with the Government.
25 Mr. Morford?

1 MR. MORFORD: Thank you, your Honor

2 OPENING STATEMENTS ON BEHALF OF THE GOVERNMENT

3 MR. MORFORD: Good morning, ladies and
4 gentlemen. The case you are about to hear is about the
5 abuse of power. The case is about a United States
6 Congressman who misused his position, abused his power, and
7 used people for his own selfish gain. In a nutshell, what
8 the evidence in this case is going to show is that the
9 Defendant, Congressman James A. Traficant, Junior, used his
10 position, his office, as a U.S. Congressman to take
11 advantage of other people for his own personal profit.

12 Indeed, the evidence in this case is going to show
13 Congressman Traficant is one of the most powerful people in
14 this country, one of 435 members of the powerful House of
15 Representatives, the body that makes the laws that govern
16 this country, the body that funds the agencies and
17 departments and has oversight over the agencies and
18 departments that make up our Government, and the body that
19 has the power to help investigate virtually anyone, even
20 the president of the United States. It's a very powerful
21 position.

22 The evidence is also going to show that in his
23 dominion of Youngstown, Ohio, the Congressional district he
24 represents, he is the single most powerful Government
25 official there is. He is a man whose very words, actions,

1 promises, threats, demands, letters, telephone calls, carry
2 great weight and influence, influence over the federal
3 agencies and departments that depend upon Congress for
4 their funding, influence over state and local Government
5 agencies that seek federal funding, and, therefore,
6 influence over businessmen who in the ordinary course of
7 their business have to deal with these federal, state, and
8 local agencies and departments on a regular basis, and then
9 go to their local Congressman to have them assist them and
10 help them when they have problems with those agencies and
11 departments.

12 In short, ladies and gentlemen, the evidence in this
13 case is going to show that in the dominion of Youngstown,
14 Ohio, Congressman Traficant is a political Goliath, if you
15 will, who uses his hammer of power and influence as a
16 United States Congressman to take advantage of others for
17 his own personal profit. Let me give you some examples.

18 The evidence in this case will show as a member of
19 Congress, Congressman Traficant has the power to hire and
20 fire and set the salaries and duties of his staff members
21 at will. He can decide how many staff members he's going
22 to have. He decides what they're going to do, he decides
23 where they're going to work, he decides who's going to
24 supervise them. And he decides how much they're going to
25 make.

1 And the evidence is going to show that he abused that
2 power with certain select employees by giving them salaries
3 that were greatly inflated, salaries that were beyond the
4 duties that they were given to do, salaries that were not
5 justified, and then had those employees give him kickbacks,
6 cash kickbacks from their inflated salaries.

7 One such employee was a man by the name Allen
8 Sinclair. Allen Sinclair was a young lawyer in the
9 Youngstown area who happened to have an office in the
10 same -- who happened to have an office in the same building
11 as Congressman Traficant. His specialty was personal
12 injury work. When somebody had an accident, he would get
13 the police report, contact the person to see if they wanted
14 to sue. That's what he did. He had absolutely no
15 Congressional experience whatsoever. Yet, Congressman
16 Traficant hired him, gave him very big duties, gave him
17 almost no supervision, put him in an office away from the
18 rest of his Youngstown staff, and allowed him to continue
19 to practice his personal injury law practice on a full time
20 basis.

21 And at the same time, he gave him a \$60,000 a year
22 salary over the strenuous objection of his own chief of
23 staff in Washington, who thought it was ludicrous.

24 The \$60,000 was the second highest salary in his
25 entire congressional staff. It was even higher than the

1 Direct of Legislation in Washington D C who worked for him
2 for over four years, and the evidence is also going to show
3 that in return, Mr. Sinclair would give Congressman
4 Traficant \$2500 cash every month out of his paycheck.

5 From the time he received his first full
6 congressional paycheck in December of 1998, for the next 13
7 months until January 2000 when the FBI came and questioned
8 Mr. Sinclair, confronted him with an allegation of the
9 salary kickback scheme, Mr. Sinclair, every month for 13
10 months gave \$2500 a month to Congressman Traficant. If you
11 do the math, that's \$32,500 cash, tax free in just over a
12 year that he put in the pocket of Congressman Traficant
13 because of his power as a U.S. Congressman.

14 In addition to the Allen Sinclair kickback, the
15 evidence is going to show that the man who preceded
16 Mr. Sinclair was also required to kickback a portion of his
17 salary, which was also inflated, and that he had done so
18 for several years.

19 In addition to these salary kickbacks, Congressman
20 Traficant misused the power of his high office by having
21 members of his congressional staff perform personal
22 services for him, as though he were a king and
23 congressional staffers earning taxpayer salary were his
24 personal servants. He sent staff members out to his horse
25 farm in the Youngstown area and had them perform chores,

1 hundreds of hours of chores during the hey season. He
2 would send employees out to the farm and sometimes a week
3 at a time, working all day long in the hot summer sun,
4 bailing hay, congressional staffers.

5 He also sent staff members out to perform maintenance
6 and repair work, sanding, painting, repairing a wooden
7 house he had in Washington, but that's not all. The
8 evidence is going to show that he also used his power and
9 his influence and his congressional position to get
10 Youngstown area businessmen to perform thousands of dollars
11 work of free services and to give him goods and labor at
12 a -- at the horse farm he had in the Youngstown area.

13 In one case, he got a Youngstown area businessman to
14 hire and pay workers over \$30,000 to build an addition on
15 the farm house, the horse farm in Youngstown.

16 He had three other contractors come out at different
17 times and perform thousands of dollars work of free work.
18 Another contractor ended up giving him \$2400 that he
19 wouldn't have to go out to farm and get someone to do work
20 like the others. He had yet another businessman give him
21 \$13,000 in cash and paid to have \$26,000 worth of
22 repairs done on his wooden house over and over and over
23 again.

24 The evidence is going to show a continuing pattern,
25 which Congressman Traficant used his position as a

1 Congressman to perform and to promise to perform official
2 acts, and that as a result of that, he obtained free
3 things, free services, free labor, free items in cash as a
4 result of his position.

5 Now, some of these things you are a going to hear
6 about they're viewed in artificial isolation. You just
7 look at a particular item; may not seem like a whole lot.
8 He got some free oats or saw dust for free delivered for
9 his horse stalls, but when you add the things together,
10 when you take everything as a whole and you look and see
11 what you see, what you are going to see is a repetitive
12 pattern of illegal bribes, illegal gratuities, and fraud,
13 which add up to over \$100,000 of free labor, free items,
14 and free services.

15 And regardless how anybody else might view these
16 things, what's important, what the evidence is going to
17 show is that Congressman Traficant himself, for him, these
18 things were very important, and the reason was because the
19 evidence is going to show that Congressman Traficant is
20 very tight with his money, and it will show that it was
21 these kinds of things that were important to him.

22 It was these kind of things that he coveted. It was
23 these kinds every things he sought from the people who were
24 seeking his help, and it was these kinds of things that he
25 obtained kickbacks for and because of the official acts

1 that people were asking him to do. Some of the best
2 examples of this pattern can be found in the work that was
3 done at his horse farm.

4 And in this regard, the evidence is going to show
5 that Congressman Traficant had a great interest in love for
6 show horses, and he wanted to have a farm in which he could
7 raise and breed and train and take show horses to
8 competitive horse shows.

9 The problem is horse shows are a very expensive
10 hobby. It requires a great deal of time, labor, and money
11 to run a farm like that, especially when you spend half
12 your time Washington, D.C. Indeed, the evidence is going
13 to show and you are a going see pictures of it that this
14 farm was very rundown, and you are going to hear testimony
15 about the shape of the farm in the early years and what bad
16 shape it was and all the repair work and all the things,
17 improvements and things that were needed.

18 And Congressman Traficant didn't want to pay for
19 those things. He wanted to have the farm, but he didn't
20 want to pay for the farm and so what he did is used his
21 power and influence as a U.S. Congressman to get others to
22 do the things that he didn't want to pay for himself.
23 Trying to run the farm as cheaply as possible, he got
24 businessmen from the Youngstown, Ohio, area to come in and
25 do all kinds of free work.

1 And one case, in the late 1980's, there was a crooked
2 contractor, a paving contractor by the name of Tony Bucci.
3 And the evidence is going to show that Tony Bucci was
4 having trouble with the labor union. They were trying to
5 reach a labor agreement, and they were putting great
6 pressure on Bucci, and Bucci didn't want to enter the terms
7 of the agreement to what the union wanted, so he went to
8 Congressman Traficant, who he knew was a Congressman, had
9 great influence over the labor unions, and he asked him if
10 he could intervene on his behalf.

11 And the evidence will show that Congressman did
12 intervene on Bucci's behalf, and at the same time he was
13 helping Bucci with his labor problem, he asked Bucci to do
14 something for him, to send crew workers and heavy machinery
15 back hoes and things out to his farm to do some work. And
16 Bucci did.

17 And Bucci decided he would only build them at his own
18 cost. And he sent him a bill for \$10,000 for the work he
19 did. The Congressman Traficant refused to pay for it. And
20 he sent him another bill because the evidence is going to
21 show that Bucci was also very tight with his money. And he
22 sent him bill after bill after bill after bill, to the
23 point that he finally got a lawyer and sent letters
24 threatening to sue the Congressman unless he paid the bill,
25 and you'll see that evidence.

1 They finally settled the matter when they had a
2 meeting out at the farm, and Congressman Traficant said
3 look, for the \$10,000 bill, why don't you just let that go,
4 there is a lot I can do to help you. You let the bill go,
5 and send your crews out and do stuff at the farm from time
6 to time. Then I'll go to back for you, I'll take my
7 hammer, congressional power, and influence and help you
8 with some of the problems you're having because you're
9 going to hear from the evidence that Bucci was a crooked
10 contractor who was always having problems, problems with
11 the U.S. Department of Transportation, problems with the
12 U.S. Department of Labor, with the Ohio Department of
13 Transportation, with the Federal Bureau of Prisons.

14 The evidence is going to show that after they reached
15 that agreement for the next six years until 1996 when Bucci
16 himself came under investigation by the Internal Revenue
17 Service, Congressman Traficant went to bat for Bucci. He
18 went to bat with the U.S. Department of Transportation, the
19 U.S. Department of Labor, the Bureau of Prisons, DOT, the
20 Ohio Department of Transportation, many other state and
21 local agencies, sometimes demanding those agencies to take
22 action on behalf of Bucci, sometimes demanding that those
23 agencies leave Bucci alone, sometimes even threatening
24 those agencies with congressional investigations if they
25 didn't back off of Bucci.

1 And the evidence is going to show Bucci continued to
2 do work out at the farm. You're going hear from a whole
3 series of witnesses who were working for Bucci and sent out
4 to the farm all through the period 1992, 1993, 1995, 1996.
5 An, in fact, there was one employee, a full time employee
6 of Bucci, who Bucci sent out to work at the farm as a farm
7 hand for six months. Congressman Traficant didn't pay him
8 a penny. Bucci paid him a salary as though he were working
9 for Bucci, even though he was working for Bucci by doing
10 work on Congressman Traficant's farm.

11 In another case, you're going learn about another
12 contractor by the name of Greg Tyson. Greg Tyson was a
13 partner of Bucci in some businesses. One of those
14 businesses they were trying to start up was a concrete
15 company. And his son needed to borrow \$400,000 from the
16 bank. The problem was Tyson was a terrible credit risk.
17 The things he wanted to use the money for had no collateral
18 value.

19 So Bucci went to Congressman Traficant and said this
20 is a deal where I can make a lot of money because whatever
21 Bucci gets out of his bank loan, he's going to pay --
22 whatever Tyson gets out of the bank loan, he is going to
23 pay to me in return for me giving him these trucks and this
24 cement batch plan, and we're going to run it together.

25 So Congressman Traficant referred Bucci to Bank One

1 of Youngstown and asked them if they could help him get the
2 loan. The bank officer looked at the loan application and
3 said this guy's not qualified. This is a terrible loan for
4 the bank, no. And then Congressman Traficant wrote a
5 letter to the bank in which he demeaned the young bank
6 officer who was doing his job properly, he then went to the
7 president of the bank and the CEO of Bank One Youngstown
8 and got the bank to reverse their decision and give the
9 loan, and the evidence is going to show that within one
10 year of that loan, Greg Tyson defaulted on the loan, and
11 the bank had lost several hundred thousand dollars, and
12 Bucci made several hundred thousand dollars on the deal.
13 And what about Congressman Traficant?

14 The evidence is going to show that Congressman
15 Traficant had Tyson send a group of his workers out to the
16 farm where they did thousands of dollars worth of
17 construction services for free because Congressman
18 Traficant's efforts in helping him get the loan, but that's
19 not all. The evidence is going to show there was another
20 contractor, this one by the name of James Sabatine, another
21 crooked Youngstown paving contractor, and the evidence is
22 going to show in his business he was having problems with
23 the railroad, and he contacted the railroad and called them
24 several times; couldn't get the railroad company to return
25 his calls.

1 So he went to Congressman Traficant, and he asked him
2 for his help. And Congressman Traficant got involved and
3 he set up meetings, and as soon as he got involved, he
4 asked Sabatine to come out to his farm, and like the
5 others, he started showing him things on the farm that
6 needed to be done. He asked him to bring out a carpenter
7 to do some carpentry work. He asked Sabatine if he would
8 pave his driveway. He started giving Sabatine a list of
9 things to do, and Sabatine looked at the farm and decided
10 he didn't want to get involved because he felt the list of
11 jobs would never end.

12 So instead, he got \$2400 cash; met Congressman
13 Traficant out in one of the barns, handed him the cash,
14 because he felt he needed to give him something because of
15 what Congressman Traficant was doing for him, that he
16 didn't want to get involved in the farm.

17 Again, the pattern is repeated with another
18 contractor, a man by the name of Dave Sugar. Dave Sugar's
19 son had a DUI offense, and he was looking to get a lesser
20 sentence for his son, and he was looking to see if he could
21 get his son out of Licking County where the DUI had taken
22 place, out in the country, so he wouldn't have to serve
23 time in the Licking County Jail and get back to Mahoning
24 County and serve time, home detention or in the Youngstown
25 halfway house.

1 So he and his son met with Congressman Traficant and
2 asked him to use his congressional influence to help them,
3 and Congressman Traficant did. He had staff members make
4 calls. He had a staff member set up a lawyer to come in
5 and represent the son. He sent letters to the Judge. He
6 sent letters to the halfway house. It's interesting the
7 very day they met with Congressman Traficant and asked for
8 his help, he asked him if they'd seen his farm, and he put
9 him in the car and brought him to the farm, and once again,
10 he started showing him things that needed to be done with
11 the farm and gave him a list of things that they needed to
12 do for him.

13 And Dave Sugar will testify they did \$10,000 worth of
14 work at the farm. And that there was no expectation of
15 being paid. There was no discussion of payment because he
16 understood that this was something he needed to do because
17 of the work Congressman Traficant was doing for him.

18 Again, in the spring of 2000, Dave Sugar needed
19 another favor from the Congressman, and he went to the
20 Congressman, and once again, the Congressman asked him to
21 come out and do more work. And yet, another incident, a
22 Youngstown area contractor name Pete Bucheit had an
23 international deal that had gone sour, and there was a
24 large multi-million dollar dispute he had with the
25 principles of Saudi Arabia, the king's brother, and he was

1 getting nowhere in negotiating with the Suadis, and
2 somebody said you need to get your Congressman involved.

3 So he went to see Congressman Traficant, and
4 Congressman Traficant agreed to help him. And he began
5 contacting the Department of State, the Department of
6 Commerce, the Saudi Government.

7 He wrote letters to the king of Saudi Arabia, letters
8 to the Secretary of State, James Baker, he threatened the
9 Saudi Government with hearings. And then, he finally,
10 through his pressure, obtained a settlement for Bucheit,
11 and weeks after that settlement, he had Bucheit send a
12 carpenter out to the farm, and the carpenter got out to the
13 farm, and Congressman Traficant kept adding and adding and
14 adding to the job until soon they'd done a major addition
15 on the house that had cost \$30,000, and Congressman
16 Traficant never paid Bucheit a penny for that work.

17 But instead, as Bucheit had additional problems in
18 another place, this time in the Gaza strip, Congressman
19 Traficant went to bat for him again. At the same time he
20 owed this money that he was not paying.

21 During the same time Congressman Traficant had all
22 this work going on at his farm, he began to have problems
23 with his wooden boat because he didn't put the money into
24 maintaining, and it could be a problem. And the boat
25 started to rot, smelled of mildew. He could not longer

1 live on the boat, but the problem, he had a \$26,000
2 mortgage on the boat and couldn't unload the boat because
3 nobody would buy it because of the horrible shape it was
4 in. It needed major repairs. And so what he did was he
5 saw an opportunity, a millionaire from Youngstown by the
6 name of J. J. Cafaro, had just launched a new company that
7 had a new technology, and the technology to be successful
8 needed to be certified by the FAA, Federal Aviation
9 Administration.

10 Cafaro was also looking for federal funds to purchase
11 this technology. And so what happened was Cafaro went to
12 the Congressman and had asked him to help, and Congressman
13 Traficant sat on the House Aviation Subcommittee, was the
14 ranking member of that committee, said he'd go to bat for
15 Cafaro. He would pressure the FAA to certify the
16 technology, and he would promise to propose legislation to
17 try to get funding for that company.

18 The evidence will show at the same time Congressman
19 Traficant said oh, by the way, I got this problem with my
20 boat. And in return and because of what he was doing for
21 Cafaro, he got Cafaro to agree to buy this boat in its
22 state of utter disrepair with the idea that Cafaro would
23 pay him \$26,000 that was left on the mortgage to get him
24 out from under the mortgage, and he would also fund the
25 repairs on the boat.

1 But Congressman Traficant was worried about how that
2 transaction would look, and so at the same time that he's
3 going to bat for this company, Cafaro is helping him out
4 with the boat. So he set up a sham transaction to make it
5 look as though one of Cafaro's employees was actually
6 buying the boat.

7 But it was Cafaro that did the funding, and Cafaro
8 paid \$26,000 in repairs on the boat. He gave Congressman
9 Traficant half of the money, \$13,000 towards the purchase
10 of the boat, and in the end, Congressman Traficant ended up
11 with the boat, with \$13,000 in cash, and \$26,000 worth of
12 repairs on the boat.

13 The evidence is also going to show in addition to
14 this pattern we talked about of illegal bribes, illegal
15 gratuities, and fraud, that when the Congressman learned
16 that the FBI was investigating these matters, he began
17 taking steps to try to hide these things, to cover up, and
18 to obstruct justice.

19 The evidence will show that he tried to transfer some
20 property so the Government couldn't seize the property. He
21 also took checks and wrote checks to people who he never
22 intended to pay and suddenly showed up at their office
23 saying, look, the FBI is investigating me, and they may
24 come out and interview you about the work that I did, here,
25 even though you did \$10,000 worth of work, here, I want to

1 give you a check for the thousand dollars.

2 I'll pay the rest some day, cash the check, put it in
3 your file. If the FBI comes out, show I made a partial
4 payment, and it never happened until he found out he was
5 under investigation.

6 In addition to that, he instructed one of his
7 congressional employees to destroy evidence and stood over
8 his shoulders and watched him as he burned documents. In
9 addition to that, he instructed federal employees to come
10 and lie to the Grand Jury in Cleveland.

11 Now, ladies and gentlemen, during the course of this
12 trial, you are a going to hear testimony from a number of
13 different kinds of people. You are a going to hear
14 testimony from some of the people who Congressman Traficant
15 used in his effort to obtain these things for free. You're
16 going hear the testimony of his staff members, loyal, some
17 of them very good people, who believed in him so strongly
18 that they overlooked things that they knew over time
19 weren't right. And they'll come in and tell that you,
20 looking back on it now, it was their loyalty that caused
21 them to go along with things that they now know are wrong.
22 You're going to hear testimony from some of the people who
23 he bullied. You are going to hear from the young bank loan
24 officer who had Congressman Traficant in a very demeaning
25 way go over his head.

1 You're going hear from a young lawyer with the
2 Department of Transportation who was trying to do his job
3 in the course of enforcing the law against Bucci, only to
4 have Congressman Traficant call him on the phone, swear at
5 him, tell him to do what the Buccis wanted, and threatened
6 the Department of Transportation, the U.S. Department of
7 Transportation with a congressional investigation if they
8 didn't help the Buccis.

9 You'll hear about a DOT inspector doing his job so
10 well he was keeping Bucci from being able to cheat on
11 contracts, and Bucci hated him because of that, and he went
12 to the Congressman and said you've got to do something
13 about this guy. And you'll hear how the Congressman
14 contacted the Ohio Department of Transportation and
15 threatened to try to get this employee fired and threatened
16 the Ohio Department of Transportation with a congressional
17 investigation. Why? Because he was doing his job, which
18 was bothering Bucci. And why would Congressman Traficant
19 do that? Because Bucci was doing work at his farm, and
20 that was their agreement.

21 You're also going to hear from some of the
22 businessmen who payed the bribes and gratuities to the
23 Congressman. Some of these businessmen were reluctant, but
24 they did it anyway. Most of them were not reluctant, most
25 of them were willing participants who were willing to

1 oblige the Congressman's request because they wanted his
2 hammer of power and influence on their side. And they were
3 willing to do those little things that it took to keep it
4 on their side.

5 Some of those people are going to -- you're going to
6 find out had been charged with federal offenses, and some
7 of them are going to be testifying under plea agreements,
8 and it's very important that you know that. And every one
9 of those witnesses who take that stand, we're going to ask
10 them to explain to you their understanding of the plea
11 agreement, what it is they hope to gain in return for their
12 testimony because that's something you need to know to
13 determine the credibility.

14 What we're also going to provide, a large amount of
15 evidence that will substantiate and corroborate what it is
16 they're saying that happened. You're not going to have to
17 take the word of a J. J. Cafaro or a Tony Bucci or a Dave
18 Sugar. You're going to be able to see the actual letters
19 and faxes the Congressman sent to the agencies on their
20 behalf. You're going to be able to see bills and invoices
21 and photographs and hear testimony of workers who were out
22 at the farm at the same time he was sending those letters
23 that you will see.

24 And so you won't have to rely just on their
25 testimony. In fact, you'll hear from a whole chorus of

1 witnesses, most of which don't even know each other, but
2 all of which describe incredible repetitive pattern in
3 which Congressman Traficant used his influence to perform a
4 promise of official acts and got these people to do things
5 of value to him because of those official acts.

6 Ladies and gentlemen, watch for this corroboration,
7 take note of the things that are not in serious dispute
8 because they're so well documented, and note the repetitive
9 pattern that you'll see repeating over and over and over
10 again in this case.

11 In closing, ladies and gentlemen, if you view the
12 evidence as a whole, if you focus on the documents that
13 corroborate the testimony, if you listen to all the little
14 witnesses that corroborate the big witnesses, if you watch
15 for this repetitive pattern that will repeat itself over
16 and over and over again with the Congressman always getting
17 something back at the same time he's taking action for
18 other people, if you base your verdict on the evidence in
19 this case and apply the law which your Honor gives to you,
20 then you will reach a verdict in this case that is both
21 fair and just, and in this case, that will be a verdict of
22 guilty as to all ten counts of this indictment.

23 Thank you.

24 THE COURT: Thank you, Mr. Morford.

25 Congressman, you can tell us what you expect the evidence

1 in the case to show.

2 OPENING STATEMENTS ON BEHALF OF DEFENSE

3 MR. TRAFICANT: Good morning.

4 THE JURY: Good morning.

5 MR. TRAFICANT: Now that you've found me
6 guilty, let me proceed. This body is known as the dream
7 team in Mahoning County because they have such excellent
8 attorneys. As you know, the Judge has informed you,
9 Prosecutor has made some very serious charges. He said I'm
10 so powerful I can do anything. I'm not the president. I
11 want to talk specifically about this case and matters that
12 deal with evidence.

13 I will show evidence that in 1983 I was the only
14 American in the history of the United States that defeated
15 the Justice Department in a RICO case per se me not being
16 an attorney. I will have a witness who will come forward
17 and say that when I walked out of that courtroom, I was
18 immediately being investigated by the IRS and the FBI.
19 Number 1.

20 Number 2, the IRS didn't like some of the legislative
21 acts that I had taken, and the evidence will show that I'd
22 been threatened for those acts where I changed the law that
23 now allows American citizens the right to sue the IRS for
24 \$1 million if they abuse you; changes of law of the proof
25 in civil tax case where you were guilty and had to prove

1 yourself innocent, almost like many of you believe I might
2 have to do here.

3 Now, they have to prove you're guilty. The other
4 Traficant law says they can no longer in the back room
5 decide to seize your home without a warrant. You have a
6 right to be present and represented and contest their
7 taking. Let me tell you what that impact of legislation
8 had and how mad the IRS is and had made threats to my
9 office repeatedly through the entire process.

10 Wager tax on American citizens dropped from \$3.1
11 million a year to \$500,000. Property values dropped from
12 \$688,000 to \$160,000, and seizures of American homes
13 dropped from over 10,000 to under 60,000. They were taking
14 10,000 homes; members of Congress saying Jim, you're crazy,
15 watch yourself. You're going to be targeted. Be careful,
16 watch what you say, watch what you say. Is this America?
17 I sure as hell didn't watch what I said.

18 Now, let's talk about some of these cases they
19 brought up. One of these contractors was facing 20 years
20 in jail, losing \$15 million, and all he had to do was wear
21 a wrist bracelet, will come before you and tell you he gave
22 Jim Traficant a couple thousand dollars.

23 Another one is an attorney who owed another attorney
24 half a million dollar who was already on probation for
25 having misrepresented and lied in his ads to people like

1 yourself and taking advantage of them, and suspended for
2 one year. And that lifted and was put on probation for six
3 months, and, in fact, fraudulently produced a document to
4 the Government that put the business where I was renting in
5 his wife's name, which was clearly against the law, which
6 would clearly have taken away his law license.

7 Be careful of the witnesses brought before you. The
8 Bucci brothers, evidence will show that I recommended
9 several people, that they fired them, they weren't
10 trustworthy, but they had 250 seasonal jobs in my
11 district. My district is hurting. It's the highest
12 unemployment rate of any city in the State of Ohio. My
13 people are hurting, they can't get jobs, that's my job.

14 Did I call ODOT? Yes, I did. Now, U.S. Aerospace,
15 they had a laser guided system that basically forced that
16 plane to land at the same spot, at the same time, every
17 time, thus avoiding great disasters. If you'll recall the
18 disaster in Arkansas, the plane missed the runway because
19 of failure to visually see the runway, and they landed long
20 on the runway. I believe strongly in that.

21 What he's talking about is, he's saying that I went
22 with my power and got the FAA under pressure to do
23 something about it. I didn't do that. I got the
24 secretary -- the Secretary for the Aviation Administration,
25 James Garvey, on a night when it was raining and wind

1 blowing, and took her with the committee chair maybe of the
2 Subcommittee on Aviation, Jimmy Duncan, who I will call as
3 a witness, and showed under such an extreme circumstances
4 how the plane flying back and forth landed exactly on that
5 spot safely.

6 There was talk the Congressman passed legislation
7 that made guard rails, signs, lights, impact, bridge impact
8 continuator, 100 percent funded, and in the trust fund,
9 I'm known for safety in America, and I take offense here.
10 I never forced anybody to work on my farm, I don't own that
11 farm. I didn't want Bucheit to do that work, and if I
12 asked Pete Bucheit who has been charged and pleaded
13 innocent to build me a barn, he would have built me a Taj
14 Mahal because yes, he had so much confidence in his
15 Congressman, and I'm proud of this.

16 I went before Prince Bandar's chief assistant. I, in
17 fact, negotiated the agreements. Then the attorneys come
18 in and sign the papers like these guys and made about a
19 million and a half dollars.

20 And let the evidence show that I didn't get a damn
21 dime.

22 Now, let's talk about the grocer, Mr. Nemenz, and I
23 have tape recordings on many of these if the Judge allows
24 them in. Mr. Nemenz threatened to sue me. He was to build
25 me a barn, I had all the steel, I had the poles. They came

1 to me and said well, I think we should fill in the hole. I
2 said I'll fill in the hole. It won't cost much. We'll
3 fill in the hole.

4 Then they come back and said these round post,
5 telephone posts are hard to work with. Let's get six-inch
6 square poles. Then they said we'll bring 25 Amish men out.
7 They'll be here five days. You have the lumbar. You have
8 the steel. It's an all steel pole barn, and we'll be out
9 of here in five days, it'll be \$17,000. And now I have a
10 witness in here that was standing right there when that was
11 said.

12 I didn't force anybody to do anything. You know what
13 I did? I fought for my people. And yes, I've been
14 outspoken, and I've been targeted for it. I happen to be a
15 Democrat, and I like President Clinton, but I'm the only
16 Democrat that brought up the issue of Red Chinese general
17 army money going to the Democrat national committee that
18 possibly could have affected the last election.

19 MR. MORFORD: Objection.

20 THE COURT: Just what the evidence will show,
21 Congressman.

22 MR. TRAFICANT: The evidence will show that I
23 have made tremendous enemies within the Government because
24 of the stand I had taken on Waco, Ruby Ridge, Enron,
25 Chinese Government, going to the Democrat National

1 Committee, and that I stood up and said by God, this is
2 wrong.

3 And I was one of the very few. And members of
4 Congress listened again. Be careful, Jim. What the hell
5 is wrong with you? You're going to be targeted. Look, the
6 FBI does not like me. Ten years ago, they went to visit a
7 man with an IRS agent, a treasury agent, about a year ago,
8 an IRS agent, a treasury agent, an FBI agent stopping cold
9 on a man who I bought a horse from in southern Ohio, with
10 a check, ten years ago. Three agents. They don't like me,
11 I don't like them. I believe in President Regan. I
12 believe what President Truman said. I believe what
13 President Carter intimated, I love America, but I don't
14 like the big bureaucrats. They seem to run America.
15 Congress seems to be afraid of these bureaucrats. People
16 are afraid to death of them.

17 THE COURT: That's argument, and you're going
18 to have a chance to do that after they've had a chance to
19 hear the evidence in the case.

20 MR. TRAFICANT: Do I still have time in my --

21 THE COURT: Yes, you do.

22 MR. TRAFICANT: How much time do I have?

23 THE COURT: Another 15 minutes.

24 MR. TRAFICANT: Okay. Let the witness
25 reflect on Mr. Bucheit. Mr. Bucheit was charged with

1 perjury. They said he lied about what he did with Jim
2 Traficant. First of all, his deal was made with my father.
3 Witnesses will come out and prove that.

4 Second of all, some of the things were done I didn't
5 want done because of the costs, and my dad was up in age.
6 And I didn't want them done, but that's not the issue. The
7 issue is the perjury he was charged with. They took the
8 word of a man who I have a police report on, who threatened
9 to break Mr. Bucheit's wife's legs if he didn't give him
10 \$50,000. And I've got the police report, here, here as
11 evidence.

12 And the Government took the words of a man who was
13 going to break Mr. Bucheit's wife's legs over Mr. Bucheit.
14 And then they're saying I forced Mr. Bucheit. Mr. Bucheit
15 would have built me a Taj Mahal. He said Jim, pay me over
16 20 years. I can't speak the exact numbers because it was
17 gagged, but let me tell you this. The agreement I reached
18 with Mr. Bucheit was four times that what the attorney
19 will -- I agreed to settle on in the beginning, and yes, I
20 felt that this Prince not only ripped off Mr. Bucheit, I
21 found out he ripped off 20 other American companies that
22 called me. And I submitted a press release to the
23 Washington Post printed and said that when he comes into
24 America, he should be picked up on the civil RICO, and damn
25 his passport should be taken, and he should pay these

1 claims.

2 And let me tell you this, jury, they knew Bucheit's
3 case was a dead bang winner but didn't want the exposure on
4 the other millions of dollars they owed the company, but
5 they had to settle with Mr. Bucheit, and they had to eat
6 some of those other ones and some of the other companies
7 from Georgia, from Florida, called me to help them.

8 Now, let's talk about Tyson. He was truly a black
9 contractor. Now, we've had a lot of shell games, folks.
10 We've had a lot of people that say they're black business,
11 they are not black businesses. They put someone out in
12 front, someone gets a couple of bucks, and they take the
13 money. Did I go to bat for Mr. Tyson?

14 Yes, I gave him a shot. I said give him a shot, help
15 him. Did he do some things for me? He wanted to. Did I
16 pay him? Yes, with a horse. I don't have racing horses; I
17 have a world champion horse that won two champions, prize
18 money was \$160. I happen to love the breed of American
19 saddle horses. But here I am now being accused of having
20 my staff come out and forcing them to work. I --

21 THE COURT: That's argument, Congressman, you
22 will have a chance to do that.

23 MR. TRAFICANT: I will present evidence.

24 THE COURT: Thank you.

25 MR. TRAFICANT: That I mowed, raked, tended,

1 bale hay, and I will produce evidence that any worker that
2 came out came out for two reasons.

3 Number 1, they didn't want to come out to see me and
4 talk to me. And Number 2, some of them wanted some
5 exercise. And many times, it was on the weekend. There
6 were times when I did not have sawdust for the bedding of
7 my horses. I called -- I had one fellow that could drive
8 an old truck I had that was so unsafe only one guy I felt
9 comfortable with. They went and got sawdust. One of the
10 Bucci brothers used the sawdust, and I repaid it with straw
11 I had because I didn't use straw in bedding for my horses
12 because it's too hard to clean those stalls.

13 What am I on trial here for?

14 Evidence will show there were loans made to me that
15 I'm a member of Congress, and all this so-called big money,
16 I average \$2,400 a month in pay. My wife still works on
17 her feet. She's a beautician. My dad was a truck driver.
18 I never complained a damn bit. But I'm not going to be
19 pushed around by anybody. You have a very serious duty
20 here, but I want to state this to you. This isn't
21 self-serving. Evidence will show that this is more than a
22 case about Jim Traficant.

23 The evidence will show that this is a case of the
24 judicial branch and the legislative branch for whatever
25 reason looking horns.

1 Now, this isn't out of school, but there are
2 technicalities in this case that still deal with documents
3 that deal with the speech and debate laws and the
4 separation of powers --

5 MR. MORFORD: Objection.

6 MR. TRAFICANT: -- of Congress and the
7 judicial branch.

8 THE COURT: That is not telling them what the
9 evidence will show in this case. This is -- this is this
10 case. You've heard what this case is about. I read it to
11 you earlier. This is the lawsuit that I read to you about
12 earlier. Mr. Traficant?

13 MR. TRAFICANT: Does that take up my time,
14 your Honor?

15 THE COURT: It doesn't.

16 MR. TRAFICANT: Thank you.

17 The point I'm making is some of these documents that
18 you'll be looking at as evidence, when these documents were
19 subpoenaed, this is now evidence, I turned over all of my
20 evidentiary matters to the general counsel of the United
21 States House of Representatives the evidence will show.

22 MR. MORFORD: Objection.

23 THE COURT: That is not part of this lawsuit.
24 That is maybe something that happened before this lawsuit,
25 but these jurors are here on this lawsuit.

1 MR. TRAFICANT: I beg to disagree. These
2 documents are being presented as evidence, and I believe
3 the evidentiary history in genesis of them is salient to
4 the point at hand.

5 THE COURT: Well, it is -- it is not salient
6 to your opening statement. Your opening statement is to
7 give them a road map of what you believe the evidence in
8 the case will show. You can talk about specific items of
9 evidence that you believe you will be here producing in
10 this case, but something that happened -- house counsel is
11 not involved in this lawsuit.

12 MR. TRAFICANT: Does that take from my time,
13 your Honor, or do I still have time?

14 THE COURT: Just like the time I responded to
15 that question, no.

16 MR. TRAFICANT: Thank you very much. How
17 much time do I have left?

18 THE COURT: About four minutes.

19 MR. TRAFICANT: Four minutes?

20 THE COURT: Um-hum.

21 MR. TRAFICANT: Mr. Nemenz, who supposedly is
22 in some kind of a deal with me as offered by the
23 Government, has no agreement out of court settlement. They
24 took me to court. They literally sued me. Now, I will
25 prove evidence and show evidence, if I'm in cahoots with a

1 man who's suing me, then beam me up here. You'd better
2 take a very close look at these witnesses. Every one of
3 these witnesses have been threatened.

4 One witness I'll present evidence said if I didn't
5 have two kids I'd blow my head off. Another one said
6 they're now pressuring my wife and my family. When I asked
7 the one witness from Virginia who was doing the prosecution
8 , he said U.S. Assistant Prosecutor. I said what is his
9 name? He said Morford. He didn't say Jones; he didn't say
10 Ball, he didn't say Smith; he said Morford.

11 In addition, two of my mowing machines were picked
12 up. I was called later and said they determined that they
13 were legally bought, and I can have them back. I said you
14 do not bring them back until I have see the warrant. I
15 have to see a warrant for them picking up my equipment and
16 the cause for same. And yes, they have me on tape as a
17 visit to the FBI. I did raise my voice and told them
18 exactly what I felt.

19 Everybody in America is afraid of the Government.
20 Here's what I'm saying, I'm certainly no giant killer. I
21 don't believe anybody in America should fear the
22 Government. We're the Government. And I'm going to fight
23 them like a junk yard dog, and I am going to offer
24 evidence, and I'm going to offer witnesses to contest the
25 statements they have made here in their opening statements.

1 But whether those witnesses take the stand, I want
2 you to keep one thing in mind: They either have something
3 great to gain or something great to lose, and the way they
4 could absolve it all is by saying they did something
5 illegal with Jim Traficant. Well, let's look for the
6 proof, let's look for the evidence.

7 Now, I need not put on any evidence, but I will.
8 Now, many of you have stated that you believe that at least
9 somewhat -- many of you said a defendant should prove
10 himself innocent. One individual said even when you're
11 charged it implies.

12 MR. MORFORD: Objection, your Honor.

13 THE COURT: Mr. Traficant, we have impaneled
14 the jury from over 105 people, from 103 people, I guess.
15 We had days of close inquiry.

16 MR. TRAFICANT: That was closing.

17 THE COURT: Well, you were closing, I'll give
18 you time to do that, but you were leaving the implication
19 that somehow among this group were certain people who made
20 certain representations. Is that the implication you want
21 to make? We're talking about the evidence in the case.

22 MR. TRAFICANT: Yes, the evidence in the case
23 should be the yard stick by which we make our decision.
24 And I'm asking you to do that, and I'm asking you not to do
25 so casually. Accept that which the Government may offer in

1 light of the fact that when I walked out the courtroom on
2 the second floor, they started investigating me in 1983.

3 God bless you. I wish you well, thank you for
4 putting up with me.

5 THE COURT: Thank you.

6 THE COURT: It's 10:20. We normally take our
7 break around now. I think it would be a good time for us
8 to take a break. So we'll reconvene at 10 minutes of --
9 you be ready so that you can come downstairs and be in the
10 box at 10 minutes of 11:00. Okay? Thank you very much.
11 All rise for the jury.

12 (Thereupon, a recess was taken.)

13 (Proceedings in the absence of the jury:)

14 (The following proceedings were held at side bar:)

15 THE COURT: I had a call from the jury
16 department about alternate 6, who was the young woman who
17 you recall had talked about the job she has with a
18 pharmaceutical outfit, and so she was upset this morning,
19 and so I wanted to find out what was the matter.

20 And she explained that last night her employer told
21 her that she would get paid only 30 percent of her salary
22 while she was on jury duty. She knows that the law
23 protects her from being fired, but 30 percent of her
24 salary, she can't live on. And so my first approach to
25 this is simply to say, do we really need the 6th alternate,

1 and it is a hardship, and she -- she was upset.

2 So if you think five alternates will serve us as we
3 go forward, then the easiest resolution of this is simply
4 to let her go. Whether we'll get into alternates or not is
5 something I don't know, but we could get into alternates
6 having to replace seven in this case. On the other hand,
7 we have six, and she's at the end of that list.

8 MR. TRAFICANT: I would adhere to your order,
9 whatever you decide is best.

10 THE COURT: She's --

11 MR. MORFORD: We have for cause on her. That
12 was Congressman Traficant's objection so we have no
13 objection.

14 THE COURT: In any event, we have a young
15 woman who's trying to be very conscientious. She's upset.

16 MR. TRAFICANT: She likes me.

17 THE COURT: Well, in any event.

18 MR. TRAFICANT: Craig, you're cruel. I'll
19 tell you, he is good.

20 THE COURT: I will simply let her go, and
21 we'll work with five alternates in the case.

22 MR. TRAFICANT: Um-hum. Another Traficant
23 supporter bye.

24 THE COURT: Well, we didn't really have time
25 to find out.

1 MR. TRAFICANT: She liked me, you're sure.

2 THE COURT: Everybody was listening to you.

3 MR. MORFORD: She was fine when you were
4 speaking, so that's either --

5 MR. TRAFICANT: She was crying, I have that
6 effect on some women.

7 MR. SMITH: Your Honor, may I ask one
8 question. The other jurors are liable to wonder why is she
9 gone. I don't know what your practice is.

10 THE COURT: My practice is to simply let her
11 go, and if she wants to tell the other jurors something,
12 that's her business about why she's leaving, but she's
13 leaving, and she was a crying person in their midst, and so
14 I don't know what she had told them why she was crying.

15 MR. TRAFICANT: What concerns me is that we
16 would have like a run on the bank, the Traficant bank, you
17 know.

18 THE COURT: Well, we can prevent that from
19 happening. We're just going one at a time. Okay?

20 (Proceedings resumed within the hearing of the jury:)

21 THE COURT: As I said, I'll give you some
22 general instructions for witnesses since we're about to
23 start hearing witnesses in the case, and this is meant to
24 just give you suggestions. Part of your job as jurors is
25 to decide how credible or believable each witness is. It's

1 up to you to decide, the jury, if a witness' testimony is
2 believable, and it's also up to you to decide how much
3 weight you give to a witness' testimony.

4 You are free to believe everything that a witness
5 says, part of what a witness says, or none of what a
6 witness says. It's all up to you to make that decision.
7 But, you should, of course, act reasonably and carefully,
8 as you make these decisions. We generally suggest some
9 things to jurors that they may consider if they wish to in
10 this task of evaluating each witness' testimony.

11 Ask yourself if the witness was able to clearly see
12 or hear whatever they're testifying to, events they're
13 testifying to. Sometimes even an honest witness may not
14 have been in a position to see or hear what was happening
15 and so might make a mistake. Ask yourself how good the
16 witness' memory seems to be. Was the witness able to
17 accurately remember what happened regarding an event? You
18 might ask yourself if there was anything else that could
19 have interfered with the witness' ability to perceive or
20 remember the events.

21 Ask yourself how the witness is acting in front of
22 you while testifying. Does the witness appear to you to be
23 testifying honestly? Does the witness appear to you to be
24 not testifying honestly? Ask yourself if the witness has
25 any relationship to the Government or to the Defendant or

1 anything to gain or lose from the case that might influence
2 the witness' testimony.

3 Ask yourself if the witness shows any bias, any
4 prejudice, any reason for testifying that might have caused
5 the witness to lie or misrepresent or slant the testimony
6 in favor of one side or the other.

7 Ask yourself if the witness testifies inconsistently
8 while they're testifying to you from the witness stand or
9 inconsistently in regard to something the witness said or
10 did or failed to say or do at some other time that is
11 inconsistent with what the witness says to you while
12 testifying.

13 And then, if you believe that a witness is
14 inconsistent, ask yourself further, does that make the
15 witness' testimony less believable? Sometimes it may,
16 inconsistencies may, and sometimes it may not. Also,
17 consider whether the inconsistency is about something
18 important or some unimportant detail.

19 You can ask yourself whether you think it seemed like
20 an innocent mistake if you think it was a mistake, or if it
21 seemed deliberate. Ask yourself how believable a
22 particular witness' testimony is in light of all the
23 evidence that's put in front of you in the case.

24 Is the witness' testimony supported, or is it
25 contradicted by other evidence that you find believable.

1 If you believe that a witness' testimony is contradicted by
2 other evidence, remember that sometimes people forget
3 things, and even two honest people, who witness the same
4 event, may describe it differently.

5 These are only some of the things that you may
6 consider in trying to perform your function or determining
7 the credibility or believability of a witness. You can
8 also consider other things that you think shed light on the
9 witness' believability. Use your common sense, use your
10 everyday experience in dealing with other people, and then
11 decide what testimony you believe and how much weight you
12 think it deserves.

13 The jurors are the sole and exclusive judges of the
14 credibility and believability of witnesses.

15 Thank you. And now we're going to turn to the
16 Government --

17 MR. MORFORD: Yes, your Honor.

18 THE COURT: -- to open their case.

19 MR. MORFORD: Your Honor, the Government
20 calls Allen Sinclair.

21 THE COURT: Thank you.

22 MR. MORFORD: Your Honor, for the defendant's
23 benefit and the Court's benefit, most of the exhibits that
24 this witness will be referring to will be found in the
25 first exhibit notebook that starts 1-1, and there will be

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1 one document from the sixth book, 6-11.

2 THE COURT: I don't know where my copy of the
3 exhibits are.

4 THE COURT: Sir, if you'll raise your right
5 hand.

6 ALLEN SINCLAIR

7 of lawful age, a witness called by the Government,

8 being first duly sworn, was examined

9 and testified as follows:

10 DIRECT EXAMINATION OF ALLEN SINCLAIR

11 THE COURT: The jury, they need to hear you
12 well, and also the galley. This is a -- this is an old
13 high ceiling courtroom, and so we may need to have you
14 speak up. I can see that there are people in the back of
15 the room who are having -- are you having trouble hearing
16 me? No, okay, all right. Well, if anyone's having trouble
17 being particularly jurors, raise your hand so that we can
18 make sure everyone hears everything: Just a second.

19 MR. MORFORD: Thank you, your Honor.

20 THE COURT: You may proceed

21 BY MR. MORFORD:

22 Q. Could you please state your name?

23 A. Raymond Allen Sinclair.

24 Q. And could you spell your last name for the Court
25 reporter?

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1 A. S-I-N-C-L-A-I-R.

2 Q. And can you tell us, Mr. Sinclair, where you
3 currently live?

4 A. 104 Newport Drive in Boardman, Ohio.

5 Q. And where is Boardman in relation to Youngstown,
6 Ohio?

7 A. Basically adjacent. It's a township in the
8 Youngstown area.

9 Q. And what do you do for a living, what's your
10 occupation?

11 A. I'm an attorney.

12 Q. And did you -- where did you go to law school?

13 A. I went to law school at the Thomas M. Cooley Law
14 School in Lansing, Michigan.

15 Q. Can you walk us through your educational background,
16 if you would?

17 A. Graduated from Wilson High School in Youngstown,
18 1981, I had some college at Youngstown State University,
19 just general courses. I entered into a nuclear medicine
20 technology program at one of the area hospitals, which was
21 a two-year program in which I sat for boards and became a
22 nuclear medicine technologist.

23 I moved to the Virginia area and worked in a hospital
24 for several years at the same time I went to a college
25 called Strayer College and finished my bachelor of science

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1 degree in hospital administration. After that, I applied
2 to law school and was accepted in Lansing.

3 Q. Okay. And prior to all of your education, where did
4 you actually grow up?

5 A. I grew up on the south side of Youngstown.

6 Q. And did you have family back in the Youngstown area?

7 A. Yes, I did.

8 Q. Now, what did you do after graduating from Coolly Law
9 School in Michigan?

10 A. I graduated approximately June of 1991, and I had
11 been living in Michigan for several years, and I decided to
12 come back to the Youngstown area. My mother is in town. I
13 wanted to be close to her and my family. And I decided to
14 come back to town to look for a job.

15 Q. And did you have any trouble finding a job?

16 A. Made several applications to some of the law firms in
17 Youngstown. Unfortunately, none at the time were hiring.

18 Q. So where did you end up going?

19 A. In my search for employment, I noticed that there was
20 an ad in the Daily Legal News, which is like a legal
21 publication for attorneys and other professionals to read,
22 and there was an advertisement in the paper that there was
23 an office sharing arrangement in an established law office,
24 with possibility of referral work. And so I answered that
25 ad.

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1 Q. Okay. And who was that with, who was the attorney?

2 A. That was with attorney Henry DiBlasio.

3 Q. Had you ever met Mr. DiBlasio prior to answering that
4 ad?

5 A. No, I did not. I knew of him, but I didn't -- never
6 met him before.

7 Q. What had you heard of him?

8 A. He was a well-established attorney. He was an older
9 gentleman at that time, probably in his late 50's or early
10 60's at the time, very well respected, and I heard nothing
11 bad of him.

12 Q. Okay. Now, where was his law practice actually
13 located physically?

14 A. Where I currently office now, which is at 11 Overhill
15 Drive in Boardman, basically just right on the brink of the
16 south side of Youngstown.

17 Q. Okay. And -- how far, mileagewise, are we talking
18 from the law office at 11 Overhill Drive to downtown
19 Youngstown?

20 A. Probably two miles if that.

21 Q. What other offices were located in this building at
22 11 Overhill Drive besides the law office of Henry DiBlasio
23 and once you started sharing space there in your office?

24 A. At that time, it was June, July of 1991. That's
25 where the main congressional office for the 17th

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1 congressional district Congressman Traficant, that's where
2 he had his main staff.

3 Q. Okay. Now, had you ever met Congressman Traficant
4 prior to the time you started working at Henry DiBlasio's
5 law office?

6 A. Yes. I did not on a professional capacity but as a
7 more or less social or just community interaction.

8 Q. Do you recall the first time that you met him?

9 A. Yes, I did.

10 Q. Can you describe that to the jury?

11 A. I was approximately 19, 20 years old. I was a
12 baseball little league coach for one of the teams in
13 Youngstown, and every year there would be a parade where we
14 marched kids down Gibson Avenue, and boy, this would have
15 been probably 1981, '82, somewhere around there, and I
16 believe the Congressman was -- he was a sheriff or running
17 to be sheriff, and he walked with me during this parade.
18 That was the first time that I had the opportunity to meet
19 him.

20 Q. And what was your view of him that day and then
21 continuing up until the time you started working for Henry
22 DiBlasio's law practice?

23 A. I had thought he was a great guy. He spent a lot of
24 time with me; told me to keep my head on my shoulders and
25 stick to my guns. I'd do good in life and talked a little

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1 bit about drugs, you know, doing a good thing, keeping the
2 kids, you know, playing baseball and just -- he made me
3 feel real good.

4 Q. What types of cases, what was your specialty of
5 practice? You started with Henry DiBlasio in 1991
6 continuing into the mid to late 1990's?

7 A. Well, coming fresh out of law school, you have to
8 understand law school does not teach you how to be a
9 lawyer. And you basically have to get your feet wet in any
10 area of interest that you want to pursue. And at that
11 time, I knew I had an interest in a personal injury
12 practice, but I wanted to try a little bit of everything
13 just to see what I liked.

14 Working with Mr. DiBlasio, he had an established
15 practice in some collection work. He was also a special
16 counsel to the Ohio Attorney General's Office, and they
17 assigned him various collection work to collect on back
18 taxes, back sales taxes on businesses. So I worked a
19 little bit in that area.

20 Attorney DiBlasio also had an established corporate
21 practice, setting up new businesses for corporations,
22 maintaining their minutes, doing corporate work, and just
23 basically various other cases that would come through his
24 office to minor traffic tickets, to sales of businesses, to
25 personal injury cases, a little bit of everything.

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1 Q. You mentioned that at one time Henry DiBlasio was a
2 special counsel to the Attorney General. What all did that
3 entail? Was it just handling collection matters in
4 Mahoning County or more to it than that?

5 A. I -- I think that's basically it. It was a -- he was
6 assigned the duties of -- as an arm of the Attorney
7 General's Office, to handle local work that the Attorney
8 General would direct, and from what I understood, a lot of
9 their problem areas were collecting on tax issues.

10 If a business didn't pay their sales tax and they
11 were assessed, they would need someone locally to pursue
12 collection, either to file lawsuits, to establish
13 judgments, also, you know, back income taxes as well. He
14 would file judgments and be the judgment and attempt to
15 collect off of the individual or business.

16 Q. Almost like an independent contractor?

17 A. Yes.

18 Q. Now, how much did you personally have to pay Henry
19 DiBlasio to rent your office space within his office at 11
20 Overhill Drive?

21 A. He had an office that was approximately 11 by 11, not
22 very big, and the arrangement was that I would pay him \$350
23 per month for rental of that space, as an exchange for me
24 being in his office.

25 Q. Okay. And who did you actually give the rent

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1 payments to?

2 A. Attorney DiBlasio.

3 Q. Where was your office space physically located in the
4 building at 11 Overhill Drive as opposed to the
5 congressional space? Would you lay out the physical layout
6 of the building a little bit.

7 A. I occupied the -- it was two floors. I occupied the
8 top floor, small office in the front. Attorney DiBlasio's
9 office was more in the back on the top floor, and the
10 congressional office was located on the bottom floor.

11 Q. And did the congressional office have the entire
12 bottom floor?

13 A. The entire bottom floor, also I failed to mention
14 Congressman Traficant also had a personal private office in
15 the upstairs, but more or less separated from the upstairs
16 office. It was above a garage and had a separate entrance
17 and was closed off from the main offices in the upstairs.

18 Q. Okay. The separate office that Congressman Traficant
19 had, would you describe that?

20 A. Well, like I said, it was above the garage and
21 approximately 22 by 22, 24 by 24. It was much like a
22 little efficiency apartment, had a kitchenette, bathroom,
23 shower, closet area and just some main room that he used as
24 his office. It had a separate entrance that came in from a
25 garage. He -- he would park his vehicles there and walk up

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1 a back stairway, and had a private entrance into his
2 office.

3 Q. To your knowledge, were there times when the
4 Congressman actually slept in this efficiency
5 apartment/office?

6 A. Oh, yes many times.

7 Q. How many employees worked in the congressional office
8 that was downstairs in the building, do you recall,
9 approximately?

10 A. Approximately six or seven.

11 Q. Do you recall who some of the main employees were?

12 A. Jackie Bobby, Grace Yavorsky. I think Anthony
13 Traficanti was there at the time. I remember Chuck
14 O'Nesti, and there were others, but I can't remember their
15 names.

16 Q. Was it someone name Bob Barlow?

17 A. I don't remember Bob Barlow being there at the time I
18 started.

19 Q. Okay. Do you know what position Jackie Bobby held?

20 A. No, not in her technical title like administrative
21 assistant.

22 Q. Okay. How about Chuck O'Nesti, did you know his
23 position?

24 A. Again, administrative assistant. I'm not sure
25 exactly what his title was.

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1 Q. Where was Henry DiBlasio's office located? Was it
2 down with the congressional workers or somewhere else in
3 the building?

4 A. No, his office was upstairs where I officed, and it
5 was on the second floor.

6 Q. And what did -- what was your understanding of
7 Mr. DiBlasio's title with respect to Congressman Traficant?

8 A. I understood his title was chief of staff.

9 Q. And he was chief of staff of Congressman Traficant,
10 that was your understanding?

11 A. Yes.

12 Q. Did he also maintain his law practice at the same
13 time?

14 A. Yes, he did.

15 Q. Did he have a desk or an office placed down in the
16 congressional office in any way?

17 A. I don't believe so. The offices down there weren't
18 that big, and with six or seven people down there, it was
19 pretty well -- pretty well filled up anyway. So he had a
20 separate office upstairs.

21 Q. Now did there come a time you and Henry DiBlasio
22 started talking about starting a law partnership?

23 A. Yes, we did.

24 Q. Did you ultimately form such a partnership?

25 A. Yes, we did.

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1 Q. And could you very briefly describe the nature of
2 that partnership, the work that you were going to
3 specialize and how you set about to set up that practice?

4 A. Well, as I explained to you, when I got out of law
5 school, my goal was to develop a personal injury practice.
6 And for those of you who may not know what that is,
7 basically auto accident cases, medical malpractice cases,
8 any case where someone is injured due to someone else's
9 negligence. And unfortunately, to establish a practice
10 like that, you have to advertise, and advertising is very
11 expensive. I could not do that by myself. So over the
12 years, Henry and I would work on special projects where we
13 would advertise and attempt to develop a practice. And it
14 became a point where we talked about forming a partnership
15 formally, which was done, I believe, January 1st of 1996.

16 Q. As part of that partnership agreement, who was going
17 to provide the funds that would be needed to set up the
18 business, the advertising expenses and the other expenses
19 in such a business?

20 A. That responsibility fell on Attorney DiBlasio. I do
21 not have the funds to finance advertising. A phone book ad
22 is astronomical what it would have cost per month and per
23 year. He had established credit that he was willing to use
24 to get our business underway.

25 Q. And when did this partnership form, approximately?

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1 A. January 1st, 1996.

2 Q. And in terms of the game plan, how long did you and
3 Henry DiBlasio expect it would take to get the partnership
4 up and running properly?

5 A. Well, any business person knows a business doesn't do
6 well during the first two or three years. Your overhead
7 and expenses come first. And in order to get your -- your
8 foot into the business, you have to advertise and come out
9 with a lot of advertising to get your name recognized so
10 that you can attract these types of cases. So it was a
11 pretty well known fact that we weren't going to do good the
12 first couple years.

13 Q. Did there come a time when Henry DiBlasio announced
14 he was retiring?

15 A. Yes, he did. That was the summer of 1998.

16 Q. And were you expecting that amount, sir?

17 A. Not at all. It was approximately two, two and a half
18 years after we formed our partnership, and I was very taken
19 back by the announcement.

20 Q. When he announced he was retiring, what was he
21 retiring from?

22 A. The practice of law.

23 Q. How about his position with Congressman Traficant?

24 A. Yes, from what I understood, he was resigning that
25 position as well. His intent was to move to Florida and

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1 retire.

2 Q. What concerns did Henry DiBlasio's announcement that
3 he was retiring from the partnership raise for you?

4 A. Well, with establishing the personal injury practice,
5 you have to enter into various contracts for advertising,
6 and these contracts are year long contracts. And the
7 advertising is very expensive. Not only advertising, but
8 when you do get a client in that needs your services, most
9 clients do not have the money to front the expenses that
10 are required to advance their case, such as purchasing
11 medical records, hiring experts, there's a variety of
12 expenses that the attorneys usually advance that can range
13 anywhere on an average of \$500 to \$1,000 per client, and if
14 it's a larger case, can be in the thousands of dollars to
15 hire experts to prove the case.

16 That was a burden that I just could not undertake at
17 that time. I did not have the -- the credit available to
18 finance the business.

19 Q. Now, in addition to those problems, did you have any
20 financial obligations to Henry DiBlasio regarding the
21 partnership?

22 A. Well, of course, with the partnership agreement, we
23 were partners, and he's entitled to an interest on the
24 business, and with him retiring, created an issue as to the
25 amount of money that he was to be paid for his retirement

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1 and an interest in the cases that we had together. So yes,
2 I knew that it was going to be a huge financial burden upon
3 me to not only make the business successful, but as well as
4 being able to pay Henry what he was due.

5 Q. What about the building, what was going to happen to
6 the building at 11 Overhill Drive when Henry DiBlasio
7 retired?

8 A. Well, Henry said that he was going to have to sell
9 the building, of course, because he was liquidating all his
10 assets. He was selling his home as well as the office, and
11 I didn't want to be stuck without an office or having to go
12 find another space and move out of there. So I expressed
13 an interest in purchasing the building.

14 Q. Did you ultimately purchase the building from Henry
15 DiBlasio?

16 A. Yes, I did.

17 Q. Did you also take over the personal injury practice
18 that you and he had formerly run as a partnership?

19 A. Yes, I did.

20 Q. Now, where was the home district of Congressman
21 Traficant actually located at the time in 1998 when Henry
22 DiBlasio announced his retirement?

23 A. I'm sorry. I don't understand your question.

24 Q. Summer of 1998, you said Henry DiBlasio announced his
25 retirement?

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1 A. Yes.

2 Q. Was the main office for Congressman Traficant still
3 in the building at 11 Overhill at that time?

4 A. No, by that time. I believe a few years before that,
5 approximately 1996, a new Federal Courthouse was built in
6 downtown Youngstown and his main staff occupied the space
7 in the Federal Building.

8 Q. Where was Jackie Bobby, the office manager,
9 administrative assistant, whatever she was, where was she
10 working at that time?

11 A. If she was working at that time -- I don't know if
12 she was still working at that time -- but, it would have
13 been in the Federal Building in downtown Youngstown.

14 Q. How about Chuck O'Nesti?

15 A. Again, if he was working at that time, that would
16 have been in downtown Youngstown.

17 Q. When the move was actually made in 1996, did Yavorsky
18 and Bobby and Chuck O'Nesti stay at 11 Overhill Drive or
19 move to the courthouse?

20 A. They moved to the courthouse.

21 Q. Who actually stayed and kept offices at 11 Overhill
22 Drive?

23 A. The Congressman maintained his private office above
24 the garage, as well as one staff member by the name of Bob
25 Barlow.

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1 Q. And Mr. DiBlasio, correct?

2 A. Yes.

3 Q. Okay.

4 Did there come a time where you were asked to join
5 the congressional staff of Congressman Traficant?

6 A. Yes.

7 Q. And could you explain to the jury how that topic
8 first arose?

9 A. Well, when Henry announced his retirement in the
10 summer of 1998, I had many concerns -- purchasing the
11 building, carrying on with the business -- and Attorney
12 DiBlasio mentioned to me he would talk to the Congressman
13 about me joining his staff to help me make things a little
14 easier on you.

15 Q. Did there come a time you actually had a conversation
16 with the Congressman himself about that topic?

17 A. Yes.

18 Q. And what period of time are we talking when you first
19 talked to Congressman Traficant about going on staff?

20 A. I knew that Henry was talking to him off and on. I
21 was not present for those conversations, but sometime in
22 October of 1998, I was approached by the Congressman, and
23 he offered me a position.

24 Q. Okay. Can you describe for the jury what you recall
25 about that first conversation with Congressman Traficant in

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1 the fall of 1998 about going on staff?

2 A. He was in the office and basically came into my
3 offices, you know, come on let's go for a ride. And we
4 went into the car in the parking lot, got in my car, went
5 for a ride, and he discussed the position, offered me the
6 position.

7 Q. What position did he offer you?

8 A. As administrative assistant on his staff,
9 administrative counsel, administrative assistant.

10 Q. And who had served that function, as you understood
11 it, prior to the time that you were being offered this
12 position?

13 A. Well, Attorney DiBlasio, I wasn't going to fill his
14 shoes as far as his seniority or his functions as chief of
15 staff or administrative assistant as he was doing, but I
16 understood my position now was going to be basically a
17 staff member, and work at the discretion of the
18 Congressman.

19 Q. Now, was there anything about your particular area of
20 specialty in law, personal injury lawsuits that you felt
21 made you particularly qualified to serve as a staff counsel
22 for the United States Congressman?

23 A. No, that was one of my concerns I expressed to him.

24 Q. And can you tell us about his response when you
25 expressed those concerns?

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1 A. Well, I told him I didn't feel I was qualified to
2 fill the position. I really had no interest in politics,
3 no interest especially in Washington politics. I failed to
4 keep up on current events as far as that was concerned, and
5 I -- I didn't feel I would be a good asset to him, and he
6 explained that he's always had an attorney on his staff and
7 he always will, that he's been watching me over the years,
8 and that he's confident I could do the job.

9 Q. Did you discuss with him how taking this job would
10 affect your own efforts to establish your private, personal
11 injury practice?

12 A. Yes, I explained to him that I had an obligation to
13 Henry, as far as him retiring, and I had to make a go of
14 this. I couldn't let my personal practice suffer because
15 he asked me to work on his staff, and that was one of the
16 main concerns.

17 Q. And what was his response when you raised that
18 concern?

19 A. Basically, it wasn't a concern. He said that I would
20 work at his discretion, always there anyways working, that
21 we would work around the schedule, and as long as I was
22 able to put in the time at his discretion, that everything
23 would be fine.

24 Q. Now, the office you would work out of, would you have
25 to go downtown to the main congressional office with the

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1 rest of the employees or would you be allowed to stay at 11
2 Overhill Drive?

3 A. I understood I would keep my same address at 11
4 Overhill Road.

5 Q. Okay.

6 And how much time did Congressman Traficant actually
7 spend in the office at 11 Overhill Road versus the time he
8 spent in Washington, D.C.?

9 A. Well, he was there -- he was in D.C. quite a bit. He
10 would drive home, usually on Thursday nights, and stay
11 through the weekend and drive back Sunday or Monday. But,
12 then off and on throughout the year, he would -- he would
13 be in and out. So I don't know if that answers your
14 question.

15 Q. During the time that you're working out of the office
16 at 11 Overhill road, who would be supervising your work?

17 A. He would, basically, he would call me either from the
18 road from his car or from D.C. if he needed to talk to me.

19 Q. But, as far as anybody day-to-day, would there be
20 anybody there to supervise what you were doing?

21 A. Yes.

22 Q. How much of your personal injury practice required
23 you to make court appearances during the daytime?

24 A. Well, quite a bit. A good part of my practice,
25 probably at least 20 to 25 percent of my cases, are in

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1 litigation, which means if you can't settle the case out of
2 court, you have to file documents to go into court to
3 resolve the case, and that required attendance at the
4 courthouse for hearings and whatever was scheduled on the
5 court docket.

6 Q. Did you discuss salary with Congressman Traficant,
7 how much he would be paying you?

8 A. Really wasn't discussed. He just said that it would
9 be a base salary of approximately 60 -- 60 to \$65,000 a
10 year.

11 Q. What did Congressman Traficant tell you he expected
12 you to do for him in return for the 60 to \$65,000 a year
13 that he was going to pay you?

14 A. Well, at the time I was joining his staff, he had a
15 local initiative to develop a regional development
16 authority. Basically we have three counties in our area,
17 Mahoning and up to the north Trumbull County and Columbiana
18 County to the south, and it was an idea of his to develop
19 economic growth for those areas, and he wanted to get a
20 sales tax initiative on the ballot to raise money to
21 develop an economic plan where businesses or whatever can
22 come into the development authority, get loans or ask for
23 money for economic development of the area.

24 Q. Had you done that kind of work before?

25 A. No.

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1 Q. Did you have any interest in that kind of work
2 before?

3 A. No.

4 Q. Did you have any connections that would make you
5 particularly effective at doing that kind of work?

6 A. No.

7 Q. Did he ask you to do anything personally for him if
8 you took this job of \$60,000 to \$65,000 a year?

9 A. Yes.

10 Q. What did he ask you?

11 A. He explained to me that -- that he really can't make
12 ends meet with his congressional salary and other
13 obligations that he has, and that a requirement of the job
14 was to give him back \$2500 from my paycheck each month.

15 Q. Did he tell you why he was claiming to have trouble
16 making ends meet?

17 A. Well, in the early 80's, he was assessed tax
18 penalties, basically for unpaid income tax, I believe, and
19 that he -- money was being taken out of his paycheck by the
20 Government to pay back his penalties and interest from this
21 tax problem that he had.

22 Q. Now, when he told you that you were going to be
23 expected to give him \$2500 a month, did you ask him in what
24 form you were supposed to make these payments?

25 A. Yes.

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1 Q. What did he tell you?

2 A. Basically didn't tell me anything. He told me to go
3 talk to Attorney Henry DiBlasio.

4 Q. And did you go talk to Mr. DiBlasio?

5 A. Yes, I did.

6 Q. And what did Mr. DiBlasio tell you?

7 A. Attorney DiBlasio explained to me that basically he
8 was doing the same thing over the years. I don't know how
9 much he was giving back to the Congressman, but that he
10 would cash his congressional paycheck and take money out,
11 put it in an envelope, and give it to the Congressman.

12 Q. Now, in addition to telling you that he wanted you to
13 give him this cash each month, did he tell you there was
14 anything else that he wanted you to do as part of this
15 arrangement in terms of rental space?

16 A. Yes. As I explained to you, he occupied a space
17 above the garage. He wanted to take over the office that
18 Attorney DiBlasio had. He explained to me he needed some
19 additional room to meet constituents and have office
20 meetings, business meetings, and that he needed a more
21 presentable place to meet with these people, so he would
22 also take over that space as well.

23 Q. What was the problem with the space he already had
24 above the garage? Why couldn't he take constituents up
25 there?

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1 A. Well, it was -- it was just a mess. I mean he -- it
2 wasn't a place that you would bring someone in to meet with
3 him, put it that way. It was -- it was his own personal
4 space, and it just wasn't conducive to meetings.

5 Q. Why couldn't he take constituents and meet them at
6 the office at the federal courthouse two miles away in
7 downtown Youngstown? Did you ask him that?

8 A. I didn't ask him that directly, but, you know,
9 throughout conversations, I knew that he felt that his
10 constituents didn't like to go into the downtown area. A
11 lot of people are afraid of the downtown area. He just
12 wanted a more local presence and the area that we were in
13 to meet with people. That's what I understood.

14 Q. Now, was there -- at that point in time, who was left
15 in the office at 11 Overhill Road?

16 A. After Attorney DiBlasio left?

17 Q. Yes.

18 A. Well, there was the Congressman, there was myself and
19 my staff. I have four employees. And Mr. Bob Barlow
20 occupied the lower half, and then there was another
21 attorney that rented space downstairs.

22 Q. Did Mr. Barlow, was he a full-time or part-time
23 employee, as you understood it?

24 A. I don't know if it was a full or part-time. He was
25 there mainly in the mornings. I don't recall him being

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1 attorney that rented space downstairs.

2 Q. Did Mr. Barlow, was he a full-time or part-time
3 employee, as you understood it?

4 A. I don't know if it was a full or part-time. He was
5 there mainly in the mornings. I don't recall him being
6 there much in the afternoon, so I really don't know what
7 his status was part-time.

8 Q. To your understanding, did he have a separate job
9 apart from his job with Congressman Traficant?

10 A. I don't believe he did.

11 Q. Now, to sum up your conversation with Congressman
12 Traficant about you going on staff, what were the key
13 points of the arrangement as you understood it based on
14 your conversation with Congressman Traficant?

15 A. Well, it was cash back of \$2500 out of my paycheck
16 each month, as well as requirement that he add the
17 additional space.

18 Q. And what would you be allowed to do during the time
19 that you worked for him?

20 A. Maintain my private practice.

21 Q. Based on your conversation with Congressman Traficant
22 and the deal you just described, did you go on staff?

23 A. Yes, I did.

24 Q. And whether you received your first full paycheck,
25 did you give a portion of that paycheck to Congressman

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- 1 Traficant?
- 2 A. Yes, I did.
- 3 Q. How much did you give him?
- 4 A. \$2500.
- 5 Q. Did you give him money each and every month that you
- 6 worked for him?
- 7 A. Yes, I did, up until -- I believe January of 2000.
- 8 Q. And what caused you to stop giving him these \$2500
- 9 cash payments in January of 2000?
- 10 A. That's basically when the investigation started into
- 11 the Congressman, and he didn't want me to do that anymore.
- 12 Q. These \$2500 cash payments you were giving him each
- 13 month, was it your -- what was your understanding about the
- 14 nature of these payments? Were these loans, or were these
- 15 payments you were giving him that you would not be getting
- 16 back? What was your understanding?
- 17 A. Well, he explained that they were to be loans, but at
- 18 first, I believed that, but then come to the realization
- 19 that they were not loans.
- 20 Q. Was there ever any kind of loan document?
- 21 A. No, sir.
- 22 Q. I O U?
- 23 A. No, sir.
- 24 Q. Any discussion of interest?
- 25 A. No, sir.

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1 Q. Any discussion of when and how he would ever pay you
2 back?

3 A. No, sir.

4 MR. TRAFICANT: Your Honor, excuse me, the
5 Prosecutor, could he go slower so I might catch his
6 testimony? Could you repeat the last couple of questions
7 for me.

8 THE COURT: Are you asking to have the last
9 couple of questions read back?

10 MR. TRAFICANT: Yes. He said the first \$2500
11 loan kickback, he said at first loans, and then I didn't
12 hear what he said after that.

13 THE COURT: Okay. All right.

14 I'm going to ask the Court Reporter to read this
15 back, but as long as I'm talking, she has to keep recording
16 what's being said in the courtroom, so we're all going to
17 be quiet and take her a minute, she'll go back and read.

18 THE COURT: Thank you. You can continue.

19 MR. MORFORD: Thank you, your Honor.

20 (Thereupon, the record was read back by the Court
21 Reporter.)

22 Q. When did you actually start working for Congressman
23 Traficant on his staff?

24 A. October of 1998.

25 Q. And who was your supervisor?

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- 1 A. Nobody, himself, the Congressman.
- 2 Q. You didn't have to answer to his chief of staff?
- 3 A. No, sir.
- 4 Q. Did you have to answer to anyone except the
5 Congressman?
- 6 A. No, sir, and he explained that to me specifically
7 that I'm there at his discretion.
- 8 Q. Was there anyone that would supervise or review the
9 work you were doing?
- 10 A. No, sir.
- 11 Q. Was there anybody who would check to see how much
12 work you were actually doing?
- 13 A. No.
- 14 Q. How many hours per week were you actually working on
15 congressional affairs on an average?
- 16 A. About the beginning, quite a bit, but as it tapered
17 off, probably no more than 20 hours a week.
- 18 Q. When you say in the beginning it tapered off, we're
19 talking what you describe, let's say, the 13 months that
20 you described from the time you got your first full
21 paycheck until the FBI questions you about kickbacks in
22 January of 2000, how many hours are we talking that you
23 actually were working on congressional matters?
- 24 A. I would say 20 hours per week would be a good
25 estimate.

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1 Q. Given the hours, the ability to practice your law
2 practice, remain at your office at 11 Overhill Road, would
3 you have taken the same job for \$30,000 a year if you had
4 to give \$2500 cash each month to Congressman Traficant?

5 A. I'm sorry, I don't understand your question.

6 Q. Would you have taken the same job for \$30,000 less a
7 year if you hadn't had to pay the \$2500 cash to Congressman
8 Traficant?

9 A. I don't know how to answer that question. Probably
10 not. I -- I guess I would have to explain my reasons for
11 even taking the job in the first place.

12 Q. Why don't you do that?

13 A. He's a hard person to say no to. He doesn't give you
14 many options, and at the time -- all this was going on with
15 Attorney DiBlasio retiring, with me knowing that I would
16 have a huge financial burden on my shoulders to cover
17 advertising expenses and keep the office going as far as
18 overhead is concerned, and my abilities to even make my
19 personal injury practice succeed, I guess I was looking for
20 a fall back position, and that -- when I talked to him
21 about accepting the job, I explained to him in no uncertain
22 terms that I wanted it to be temporary, that just in case I
23 had to fold up my personal injury practice, maybe this
24 might open the doors for me to have another job at the
25 time.

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1 So I -- I probably would have taken it for no money
2 to be honest with you. I don't think money is really the
3 issue as far as what my mental state was at the time.
4 There were other reasons overriding the issue of money,
5 because certainly the money issue was of no benefit to me.
6 Q. You have a book of evidence in front of you, and I'd
7 like to ask you in the big book there, if you would turn to
8 what's been marked Government's Exhibit 1-8; should be
9 about the 8th document or so, although there may be a set
10 of things together.
11 A. Yes.
12 Q. Do you recognize that photograph?
13 A. Yes, I do.
14 Q. And can you tell us what that's a photograph of?
15 A. This is a photograph of Attorney DiBlasio's
16 retirement party. We threw him a little party before he
17 retired to Washington, and myself is in the picture along
18 with Attorney DiBlasio, the Congressman, a former staff
19 person, my -- one of my secretaries.
20 MR. TRAFICANT: Your Honor --
21 THE COURT: Yes.
22 MR. TRAFICANT: Could I please see the
23 photograph?
24 THE COURT: Did you get it in the exhibit
25 books?

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1 MR. TRAFICANT: No, I don't have the exhibit
2 book with me.

3 MR. MORFORD: He did get them, your Honor.
4 He had the complete set.

5 THE COURT: So you just didn't bring it to
6 court?

7 MR. TRAFICANT: I didn't bring it here. I
8 didn't know he was going to be called today, and I'd like
9 to see the photograph if it's not offensive to the court.

10 THE COURT: Just a moment while I try to find
11 the exhibit.

12 MR. SMITH: Your Honor, we have an extra copy
13 if I can hand it over to the Congressman.

14 THE COURT: Okay, thank you.

15 MR. SMITH: Thank you, your Honor.

16 MR. TRAFICANT: Thank you very much.

17 THE COURT: Mr. Morford, I think now I have
18 1-8 in front of me, and the Congressman does.

19 MR. MORFORD: Okay. Thank you

20 BY MR. MORFORD:

21 Q. And could you tell us approximately when this picture
22 was taken, do you recall?

23 A. This would have been most likely in October of 1998.

24 Q. This is about the time that Henry DiBlasio was
25 leaving, and you were coming on; is that correct?

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1 A. Yes, I believe he was leaving just a matter of a few
2 days after this picture was taken.

3 Q. Turning your attention to another exhibit, this one
4 1-22, it's towards the back.

5 A. Yes.

6 Q. Do you recognize this document?

7 THE COURT: Hold on for just a minute.
8 Congressman, are your exhibits someplace where you can
9 retrieve them if we gave you five minutes?

10 MR. TRAFICANT: I have sent somebody to
11 retrieve them, but I -- I'm hoping they get here any
12 minute, but I don't have them now, your Honor.

13 THE COURT: Okay. You have an extra copy of
14 this exhibit?

15 MR. SMITH: Certainly, your Honor.

16 THE COURT: Thank you.

17 MR. TRAFICANT: If, in fact, at this time I
18 would like to inquire of the court if there would be some
19 advance notice of what witnesses might be called so that
20 the Defense can be --

21 THE COURT: You were given notice of the
22 witnesses and the order in which they would be called.

23 MR. TRAFICANT: I was.

24 THE COURT: Yes, that was explained this
25 morning. I think actually you were given -- Mr. Morford,

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1 when was he given?

2 MR. MORFORD: On Monday, we gave him I think
3 it was five or six witness folders to tell him these would
4 be the first six witnesses.

5 THE COURT: Yeah, okay. All right. So all
6 of those things should --

7 MR. TRAFICANT: This Monday?

8 MR. MORFORD: Yes.

9 THE COURT: Yes.

10 MR. TRAFICANT: Okay.

11 THE COURT: All right.

12 BY MR. MORFORD:

13 Q. Can you tell us what this document is?

14 A. This is a warranty deed, basically a document --
15 documenting that the building at 11 Overhill Road was
16 purchased by my wife.

17 Q. Was it your wife who actually purchased it, or was it
18 you?

19 A. Well, us together, me, yes.

20 Q. Was the title of building put in your name or wife's
21 name or both names, or how did you handle that?

22 A. I believe that at the time the title was placed in my
23 wife's name.

24 Q. And why was that?

25 A. Well, it was explained to me by the Congressman and

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1 also attorney DiBlasio that the building could not be in my
2 name directly and also rent space to the Congressman for
3 the space that he occupied. And that this issue was
4 resolved back in the early 80's when Attorney DiBlasio went
5 on staff because the building was in his name at that time.
6 There were basically problems. He had advertised that that
7 couldn't be, and he explained to me that it was worked out
8 through the U.S. House of Representatives that you had to
9 be in another person's name or another entity's name for it
10 to be ethical, and that was the main reason for the
11 building being placed in my wife's name.

12 Q. And can you tell us who actually prepared this deed?

13 A. Well, this would have been prepared at the time of
14 closing on the -- on the building, most likely by the title
15 company or the bank.

16 Q. Did you have anything to do with the production or
17 preparation of this document?

18 A. Only in the direction that the building be placed in
19 my wife's name.

20 Q. And when was this document actually signed and
21 executed?

22 A. It was recorded on November 23, and it was signed by
23 the seller on November 20th, 1998.

24 Q. I want to show you one last document here.
25 Congressman, here's a copy you can look at.

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1 Exhibit 1-23, very next page, can you tell us what
2 that is?

3 A. That is a lease agreement, that basically a lease
4 agreement, the lease on space to Congressman Traficant at
5 the 11 Overhill Road address.

6 Q. What was the date that this was signed?

7 A. December 11th, 1998.

8 Q. And who signed it on behalf of the office of
9 Congressman Traficant?

10 A. That's Congressman Traficant's signature.

11 Q. And who signed it on behalf of the building owner?

12 A. My wife.

13 Q. And why is your wife signing this document as opposed
14 to you?

15 A. Because as I explained, the building could not be
16 owned in my name because I was on staff, on the
17 congressional staff, and that there were ethical
18 considerations that that couldn't be as such.

19 Q. And how much rent was the congressional office of the
20 United States House of Representatives to pay you towards
21 the rental space of the space for Congressman Traficant and
22 Mr. Barlow?

23 A. \$656.

24 Q. Per month?

25 A. Per month.

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1 Q. And for how long a period, what was the duration of
2 the lease?

3 A. It was a two-year lease.

4 Q. And why was it just a two-year lease?

5 A. That coincided with his two-year term as Congressman.
6 He was up for reelection every two years, and this was just
7 after -- just after the 1998 election.

8 Q. You said earlier you had an additional tenant, an
9 attorney, what was his name?

10 A. Michael Gullins.

11 Q. Was he also paying you rent?

12 A. Yes, he was.

13 Q. How much was he paying you?

14 A. \$500.

15 Q. And the \$625 you were getting from Congressman and
16 the \$500 from Mr. Gullins, was that sufficient for meeting
17 your monthly mortgage on the building?

18 A. Yes, it was.

19 Q. How important was it to you at that time to maintain
20 Congressman Traficant as a tenant?

21 A. Well, very important. As I explained to you, I had
22 many financial concerns on how I was going to make
23 everything work, and I -- I thought I needed all the help I
24 could get, and if I was able to get enough rent to cover
25 the mortgage payment, that would be one less thing I would

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1 have to worry about.

2 THE COURT: Mr. Morford, it's noon, it's a
3 good time to recess. And so we're going to adjourn and be
4 back here at 1:30.

5 Lynn?

6 MR. MORFORD: I'd like to get our exhibits
7 back so we can keep track of it, your Honor.

8 MR. TRAFICANT: Thank you, Mr. Morford. I
9 appreciate it.

10 (Thereupon, a luncheon recess was had.)

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1 Wednesday Session, February 13, 2002, at 1:30 P.M.

2 THE COURT: Continue with your witness,
3 please.

4 MR. MORFORD: They just went to get him, your
5 Honor.

6 THE COURT: Oh, okay. You're still under
7 oath.

8 THE WITNESS: Thank you

9 BY MR. MORFORD:

10 Q. Mr. Sinclair, I put the evidence book back up there
11 in front of you, and I'd like to ask you to turn to
12 Government's Exhibit 1-4 (1). Do you see that?

13 A. Yes, I do.

14 Q. And can you tell us what those are?

15 A. This is a -- this was one of my congressional pay
16 checks, dated January 29, 1999, in the amount of \$3,473.30.

17 Q. These are photo copies of paychecks you received as a
18 congressional employee?

19 A. Yes, it is.

20 Q. And I'd like you to turn if you would to Government's
21 Exhibit 1-4 (2).

22 A. Yes.

23 Q. And do you recognize this document?

24 A. Yes, I do.

25 Q. And can you tell us what this document is?

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1 A. This is my statement from the Homes Savings and Loan
2 Bank pertaining to my personal checking account.

3 Q. Is this a document you recognize?

4 A. Yes, it is.

5 Q. And this was your personal account, correct?

6 A. Yes, it is dated January 20, 1999.

7 MR. MORFORD: Your Honor, I would like to
8 have permission, if I could, to display a copy of this
9 exhibit on the screen as the witness describes this.

10 THE COURT: Yes, that's fine

11 BY MR. MORFORD:

12 Q. Okay. I'd like to turn your attention to the third
13 item down on your checking statement. Do you see that?
14 It's dated 12-21?

15 A. Yes.

16 Q. And what does that indicate there?

17 A. That indicates a deposit into my checking account in
18 the amount of \$3,779.42.

19 Q. Okay. And there's some letters ATM?

20 A. Yes, that apparently means it was a deposit that I
21 made through the -- the ATM machine rather than going
22 directly into the bank to make the deposit.

23 Q. Turning your attention down several lines to an item
24 dated 12-28, withdrawal, do you see that?

25 A. Yes, I do.

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1 Q. And can you tell us what's the amount of that
2 withdrawal?

3 A. \$2500.

4 Q. And what did that \$2500 withdrawal represent?

5 A. One of the payments I gave back to Congressman
6 Traficant.

7 Q. And what did the \$3779.42 deposit represent?

8 A. That would have been the net amount of my
9 congressional paycheck.

10 Q. Now, I'd like to ask you to turn, if you will, to
11 what has been marked Government's Exhibit 1-3.

12 A. Okay.

13 Q. And can you tell us what this is?

14 A. Again, this is a statement dated April 20, 1999, and
15 it is a --

16 Q. I'm sorry, I think it's actually Government's Exhibit
17 1-3 (1). If you'd go back a little bit?

18 A. I have 1-3.

19 Q. Okay. And can you tell us what 1-3 (1) is?

20 A. This is a deposit slip, dated February 1, 1999.

21 Q. And where did you get this deposit slip from?

22 A. These are my own personal deposit slips that I had
23 printed up to make deposits to my -- of my checking
24 account.

25 Q. Okay. And can you tell us what this deposit slip

Sinclair - Direct

1 represents?

2 A. This represents a deposit of \$3473.30, which was my
3 net amount from my congressional paycheck for the month of
4 February and also shows that I took a \$2500 out of that
5 deposit for a net deposit of \$973.30 into my checking
6 account.

7 MR. MORFORD: Okay. Your Honor, again, can I
8 display this for the jury?

9 THE COURT: That's fine

10 BY MR. MORFORD:

11 Q. And that's the net -- you're testifying that
12 represents the deposit of your paycheck?

13 A. The net deposit, yes.

14 Q. And how much did you get back?

15 A. How much did I put into my checking account?

16 Q. No. How much did you get back in cash?

17 A. Well, I didn't get back anything -- well, \$2500 back
18 in cash.

19 Q. And what did you do with that \$2500?

20 A. I gave that to Congressman Traficant.

21 Q. How long after you would get this cash from the bank
22 would you wait before you transferred it to Congressman
23 Traficant?

24 A. That day, I gave I would have the cash on me so I
25 would normally give it to him that day or at least put it

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1 in his control that day.

2 Q. How would you go about physically getting it to him?

3 A. I would place it in a bank envelope, and if he was in
4 the office, I would give it to him personally. If he
5 wasn't there, I would leave it on his desk or chair.

6 Q. Were there ever times when you gave it to him
7 personally that you can recall?

8 A. Yes.

9 Q. And can you describe what you would do with the cash
10 when you handed it to him?

11 A. Just take it. He would throw it on his desk or just
12 put it in his pocket. We really didn't discuss it.

13 Q. Turning your attention to Government's Exhibit 1-2,
14 can you tell us what that represents?

15 A. Yes, this is a deposit ticket dated March 8, 1999.
16 It's a deposit of \$3473.30, which represents my net
17 congressional paycheck. I took back \$2500 in cash for a
18 net deposit of \$973.30.

19 Q. And what did you do with the cash?

20 A. I gave it to Congressman Traficant.

21 Q. Next item, Government's Exhibit 1-3 (3). Can you
22 tell us what this is?

23 A. This is a deposit ticket, dated March 31, 1999. The
24 deposit represents my congressional paycheck in the amount
25 of \$3473.30. And I believe that there was an error at the

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1 bank at that time where they deposited the entire amount
2 rather than giving me back \$2500 in cash, as I wanted to
3 do, but you can see that there's some pen work scratching
4 out that area where I would have done that that.

5 Q. Okay. I'd like if you would turn to Government's
6 Exhibit 1-4 (2)?

7 A. Yes.

8 Q. You see that?

9 A. Yes, I do.

10 Q. Can you tell us what that is, in general, without
11 getting into specifics yet?

12 A. This is my congressional checking account statement,
13 bank statement.

14 Q. Okay. And on that statement, do you show a deposit
15 and a withdrawal consistent with the deposit slip that you
16 just described?

17 A. Yes.

18 Q. And what date did that take place?

19 A. The deposit took place on December 21 -- this is not
20 the right --

21 Q. I'm sorry. If you'd look underneath that, there
22 should be more documents underneath that.

23 Do you see a statement dated April 20, 1999?

24 MR. TRAFICANT: What are we working off of,
25 what exhibit?

Sinclair - Direct

1 MR. MORFORD: 1-4 (3). I'm sorry, I gave you
2 the wrong number. That's my fault.

3 THE WITNESS: I see that now, yes. And this
4 is my personal checking account statement dated April 20,
5 1999.

6 Q. Calling your attention down at the bottom, 3-31, was
7 a deposit. Do you see that?

8 A. Yes, I do.

9 Q. And what is the amount of that deposit?

10 A. \$3473.30.

11 Q. And what did that deposit represent?

12 A. My net paycheck from the congressional office.

13 Q. How much cash did you take out the same day?

14 A. \$2500.

15 Q. What did that \$2500 represent?

16 A. The money I gave to Congressman Traficant.

17 Q. Turning your attention to 1-3 (4), would you tell us
18 what that is?

19 A. This is my deposit ticket into my checking account,
20 dated May 3, 1999.

21 Q. And how much was your congressional paycheck?

22 A. \$3,473.30.

23 Q. And how much did you withdraw in cash?

24 A. \$2500.

25 Q. What did you do with the cash?

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1 A. I gave that to Congress Congressman Traficant.

2 Q. Turning to 1-3 (5), can you tell us what that is?

3 A. This is again, a deposit ticket dated June 2, 1999.

4 THE COURT: You mind if I look with you?

5 THE WITNESS: Not at all. Right here.

6 THE COURT: Okay.

7 Q. And what does the deposit represent?

8 THE COURT: Thank you.

9 THE WITNESS: This represents the net
10 paycheck from my congressional salary of \$3474.65.

11 Q. And how much cash did you get back?

12 A. \$2500.

13 Q. And what did you do with that cash?

14 A. I gave that that to Congressman Traficant.

15 Q. Turning next to 1-3 (6) what is that?

16 A. This is a deposit ticket with a bank stamp, dated
17 June 29th, 1999, with a deposit of \$3424.65.

18 Q. And how much cash did you get back?

19 A. \$2500.

20 Q. And what did you do with that cash?

21 A. I gave that to Congressman Traficant.

22 Q. Turning next to 1-3 (7)?

23 A. This is a deposit ticket, dated August 2, 1999, with
24 a net deposit of \$367.65.

25 Q. And did you receive any cash back?

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- 1 A. Yes, I took \$2600 out of that amount.
- 2 Q. And what did you do with the \$2600 on this occasion?
- 3 A. Well, I know I would have given \$2500 of it to
4 Congressman Traficant, probably the other was for pocket
5 change.
- 6 Q. 1-3 (8)?
- 7 A. This is a deposit ticket, dated September 1, 1999. I
8 don't have the net deposit listed, but I did take out \$2500
9 from whatever that deposit was.
- 10 Q. And what did you do with the \$2500 cash?
- 11 A. I gave that to Congressman Traficant.
- 12 Q. How about Exhibit 1-3 (9)?
- 13 A. This is a deposit ticket dated October 5, 1999.
14 Again, I don't have the net deposit, but I took \$2500 out
15 of that deposit.
- 16 Q. Okay. And then the \$567 -- looks like 65 would be
17 the net deposit, is that correct, what was left of the
18 paycheck?
- 19 A. Yes, sir.
- 20 Q. And how about 1 -- I'm sorry. Turn your attention to
21 1-4 (1), and I apologize for jumping around like this, it's
22 just the way the evidence happens to be organized.
- 23 A. 1-4 what?
- 24 Q. It's 1-4 (1)?
- 25 A. Okay.

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1 Q. And what is that document?

2 A. This is my congressional paycheck dated January 29,
3 1999, in the amount of \$3474.30.

4 Q. That would be that check there; is that correct? Can
5 you see that?

6 A. Yes -- no, I don't believe it is. The one I have in
7 front of me is dated January 29, 1999, that's dated October
8 29, 1999.

9 Q. I'm sorry. If you look through the pages, there
10 should be a number of those checks there. I'm sorry. Do
11 you have the document you're looking at is 1-4 (1),
12 correct?

13 A. 1-4 (1).

14 Q. You'll see a series of checks there, correct?

15 A. Yes, I do.

16 Q. You see one that is dated 11-2 -- I am sorry,
17 10-29-99?

18 A. Yes, I do.

19 Q. And is that -- what is that?

20 A. That is my congressional paycheck in the amount of
21 \$3,067.65.

22 MR. TRAFICANT: What was that amount?

23 THE WITNESS: \$3067.65.

24 Q. Okay. Next, if you could turn your attention to
25 1-4.4 (4), do you see that document?

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1 A. These documents don't have the parentheses numbers on
2 them.

3 Q. You see down at the bottom Government's Exhibit
4 sticker 1-4.4, do you see that by chance?

5 A. Only on the cover page. It's 1-4 (11), but the rest
6 don't have a sticker on them.

7 MR. MORFORD: Your Honor, can I approach the
8 witness stand for a moment?

9 THE COURT: All right. These don't either.

10 MR. TRAFICANT: Can I also see that?

11 MR. MORFORD: It is the two documents down,
12 is a separate 1-4.4 the document we're now on. You see
13 that?

14 MR. TRAFICANT: That's quite confusing. Has
15 too many colors.

16 BY MR. MORFORD:

17 Q. Can you tell us what that document is?

18 A. This is a statement of my checking account.

19 Q. Okay. And would you turn to Page 2? You have to
20 pull the document out of there if you look at Page 2.

21 A. Yes, sir.

22 Q. Well, let me ask this: Do you see the deposit of the
23 last check that we were just looking at?

24 A. Yes, I do.

25 Q. Okay. And can you tell us where that is and where

Sinclair - Direct

1 that's reflected?

2 A. The deposit is dated November 2, 1999, in the amount
3 of \$567.65.

4 Q. Now, the check that you just looked at was for
5 \$3067.65. What happened to the remaining \$2500?

6 A. I would have given that to Congressman Traficant.

7 Q. So that was a cash withdrawal?

8 A. Yes, it was.

9 Q. And what did you do with the cash?

10 A. I gave it to Congressman Traficant.

11 Q. Now, turning back -- I hate to have to keep you
12 jumping around like -- this but turning back to
13 Government's Exhibit 1-3 (10)?

14 A. Yes.

15 Q. Can you tell us what that is?

16 A. This is a deposit ticket dated November 30th, 1999,
17 to my checking account in the amount of \$3067.65, and I
18 took back cash of \$2500.

19 Q. And what did you do with that cash?

20 A. I gave that to Congressman Traficant.

21 MR. TRAFICANT: What date was that? What
22 date was that?

23 THE COURT: Just a moment. I'll ask him --
24 ask the reporter to read it back.

25 MR. TRAFICANT: What is the Exhibit Number?

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1 THE COURT: Excuse me.

2 MR. TRAFICANT: I haven't been able to find
3 it.

4 THE COURT: Excuse me. Let's go a little
5 slower so that we can trace these.

6 MR. MORFORD: The Exhibit number is 1-3 (10).

7 THE COURT: Okay.

8 Q. And Mr. Sinclair, what is the date on the deposit
9 slip?

10 A. November 30th, 1999.

11 Q. And what does the \$3067.65 item at the top represent?

12 A. That is a deposit of my congressional paycheck.

13 Q. And how about the \$2500 item that's written in?

14 A. That is the amount of cash I took out of that
15 deposit.

16 Q. And what did you do with that cash?

17 A. I gave that to Congressman Traficant.

18 Q. Finally, Exhibit 1-3 (11)?

19 A. Yes.

20 Q. Can you tell us what that is?

21 A. That is a deposit ticket dated December 29, 1999, in
22 the amount of \$3651.15, and again, I took out \$2500 in
23 cash.

24 Q. And what did you do with that cash?

25 A. I gave that to Congressman Traficant.

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1 Q. With the exception of the conversation you already
2 testified to regarding Henry DiBlasio and what he told you
3 about cash kickbacks, were you ever told about any other
4 congressional employees having the kickback?

5 A. Not other than Henry, no.

6 Q. That was the only one?

7 A. That was the only one I was aware of, yes.

8 Q. Turning your attention to -- I placed an exhibit
9 underneath your book -- and, your Honor, Congressman
10 Traficant, you actually have to go to the other book. It's
11 book 6. The exhibit is Government's Exhibit 6-11.

12 Do you have that document, Mr. Sinclair?

13 A. Yes, I do.

14 Q. I'm going to hold off for a minute to give
15 Congressman Traficant a chance to --

16 MR. TRAFICANT: Is it in here?

17 MR. MORFORD: It's in book 6 that we talked
18 about earlier today.

19 MR. TRAFICANT: I think I can understand it.

20 BY MR. MORFORD:

21 Q. Do you recognize that document, sir?

22 A. Yes, I do.

23 Q. And what is that document?

24 A. This is what is known as a quit claim deed that I
25 prepared on behalf of Congressman Traficant.

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1 MR. MORFORD: Again, your Honor, may I put
2 this on the overhead?

3 THE COURT: Yes.

4 MR. TRAFICANT: What date is that?

5 Q. What does this deed relate to?

6 A. Well, quit claim deed is basically a transfer of
7 property into another person's name that is recorded at the
8 local county courthouse, which would indicate that there
9 was a transfer of ownership.

10 Q. Okay. And what particular property does this quit
11 claim deed relate to?

12 A. There is a property inscription which is I, of
13 course, would recognize from the property inscription, but
14 I know that it regarded the Congressman's farm in
15 Greenburg, Ohio.

16 Q. At whose direction did you prepare this quit claim
17 deed?

18 A. Congressman Traficant.

19 Q. And on what date was this quit claim deed filed? Is
20 there a file stamp at the top?

21 A. There is one at the bottom. It was filed at the
22 county recorder's office on December 10, 1999.

23 Q. And who did the Congressman Traficant want you to
24 transfer the farm from and who did he want you to transfer
25 the farm to?

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1 A. It was transferred to his daughter, Elizabeth H.
2 Traficant, and it was conveyed by himself and I believe his
3 wife, Patricia.

4 Q. Turning to the second page --

5 MR. TRAFICANT: Excuse me. Do you see the
6 bottom of it to see the signatures?

7 Q. Turning to Page 2, signature lines, do you recognize
8 any of the signatures there?

9 A. Yes, I did.

10 Q. Whose signatures do you recognize?

11 A. Congressman Traficant's and myself.

12 Q. Is that Congressman Traficant's there that I'm
13 pointing to?

14 A. Yes, it is.

15 Q. Okay. And on the left-hand side, there's some
16 scribble initials, R A S. Is that your signature?

17 A. That's my signature.

18 Q. How about the signature right above you, do you
19 recognize that name?

20 A. I recognize the name, Robert Barlow, Robert Barlow,
21 but I don't recognize the signature as such.

22 Q. Who is Bob Barlow again?

23 A. He is congressional aid on the congressional staff.

24 Q. You testified that you actually prepared this deed
25 yourself; is that correct?

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1 A. I prepared it, I typed it. However, you'll notice on
2 the bottom of the deed, there's a place where you commonly
3 put who it's prepared by, and I made sure that it's stated
4 it was prepared by James A. Traficant, Junior.

5 Q. Why did you reflect on there that it was prepared by
6 Congressman James A. Traficant, Junior if you were, in
7 fact, the person who prepared this document?

8 A. I didn't feel comfortable having my name on this
9 document as being the preparer.

10 Q. And why is that?

11 A. Well, right around this time period --

12 Q. Let me interrupt you. When you say this time period,
13 what time period are you talking about?

14 A. Not the time period it was prepared necessarily, but
15 this would have been maybe several months prior to December
16 of 1999. The Congressman was well aware that there was an
17 investigation on him, and he was concerned about getting
18 any assets he may have in his name.

19 Q. How do you know that?

20 A. With the discussion with him.

21 Q. Okay. So what did he ask you to do then?

22 A. He asked me to prepare a quit claim deed transferring
23 his farm property from his name and his wife's name into
24 his daughter's name.

25 Q. And why didn't you want your name to be on the

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1 document?

2 A. Well, I explained to him that if that was the purpose
3 of why he was doing it, that it would be considered a
4 fraudulent conveyance, and that, most likely, it would
5 still be attachable if he was convicted or found guilty of
6 any crimes and trying to hide this asset.

7 Q. Based on your discussions with Congressman Traficant,
8 by the time this was filed December 10, 1999, is it your
9 testimony that he was telling you he was aware that he was
10 under investigation?

11 A. Yes.

12 MR. TRAFICANT: What was that date?

13 MR. MORFORD: December of 1999, Congressman.

14 Q. I'd like to ask you some questions about your
15 contacts and dealings with the Government in this case.
16 Okay?

17 A. Yes.

18 Q. Do you recall the first time that you were contacted
19 by the FBI regarding its investigation of Congressman
20 Traficant?

21 A. Yes, it was January 21, Year 2000.

22 Q. And do you recall how it was that the first meeting
23 with the FBI came to be set up?

24 A. Well, I received a call at my office by one of the
25 agents to ask me to come down to the FBI office to answer

Sinclair - Direct

1 some questions.

2 Q. And did you go down to the FBI office in Youngstown?

3 A. Yes, I did.

4 Q. And when you arrived there, did you meet with some
5 agents?

6 A. Yes, I met with Agent Denholm and Agent Perkins.

7 Q. Okay. Do you see them in the courtroom here?

8 A. Yes, I do.

9 Q. They're the two gentlemen seated there?

10 A. Yes, they are.

11 Q. What questions -- what kinds of questions did they
12 ask you at that first interview?

13 A. Majority of the questions concerned Attorney Henry
14 DiBlasio, questions concerning how much I paid in rent to
15 Attorney DiBlasio, who I made the checks payable to, also
16 some of the clients that Attorney DiBlasio had in the past,
17 in a nutshell.

18 Q. Did you inform Congressman Traficant, after that
19 interview concluded, that you had spoken with the FBI?

20 A. Yes, I did.

21 Q. What did you tell him?

22 A. I didn't tell him that I was going to talk to the
23 FBI, but I did notify him after I came back that the FBI
24 had called me in for questions. Of course, he wanted to
25 know what was -- what was said, what was asked of me. I

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1 told him, and he explained to me that they were probably
2 going to call me for additional questioning, and that I
3 should not comply.

4 Q. He told you you should not comply, meaning what, you
5 should not speak to them again?

6 A. That's correct.

7 At the first meeting, the agents asked me to produce
8 certain documents concerning checks that I had written to
9 Henry to cover my rent at his office, and they asked me to
10 produce those documents, and I told them I would have to go
11 home and dig them out of my files, and I would bring them
12 back another day.

13 And the Congressman instructed me not to -- when I
14 did drop those documents off, either have someone else drop
15 them off, or if I did, not to stick around for any
16 additional questions.

17 Q. Did you take his advice?

18 A. No, I did not.

19 Q. Did you go back to the FBI?

20 A. Yes, I did.

21 Q. Did you talk with any agents at that next meeting?

22 A. Yes. Again, I talked to Agent Denholm and Ken the
23 other agent, I think Agent Bushner, at the time on the
24 second meeting.

25 Q. And tell us about the second meeting, what took place

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1 when you met with the FBI on the second occasion?

2 A. Well, the first meeting was on a Friday. Because I
3 remember the weekend, and the agents didn't tell me any
4 specific day to bring those documents back. But I called
5 the office and told them that I had these documents
6 prepared, and I -- that I would drop them off sometime
7 during the day. And I ultimately did that on January 24,
8 which was that Monday.

9 Q. And did they ask you any questions during that time?

10 A. Yes, they did.

11 Q. And you recall any of the questions that they asked
12 you?

13 A. The questions were more geared to myself at that
14 time, and they asked me if I was giving money back to the
15 Congressman, and --

16 Q. Let me stop you there. Were you expecting to be
17 asked that question?

18 A. Yes. I think at that time I was expecting some
19 questions of that nature, yes.

20 Q. What was your reaction when you were asked if you
21 were giving any money to the Congressman?

22 A. I didn't say anything at the time. Of course, it did
23 upset me quite a bit, and I asked if I could leave, and
24 that I needed to think about a few things.

25 Q. Did they in any way attempt to restrain you?

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1 A. Not at all.

2 Q. Did they say or do anything to threaten, coerce,
3 intimidate you?

4 A. No, sir.

5 Q. You said you paused and needed to think about some
6 things. What did you mean by that?

7 A. Well, I realized that I was involved in something
8 that needed to come out, and I wasn't about to lie, but I
9 wasn't prepared at that time to sit down and tell my own
10 story.

11 Q. So what did you do after you left the FBI office?

12 A. After I left the FBI office, I went back to my
13 office, and I informed the Congressman that I had a second
14 meeting with the FBI.

15 Q. Did there come a time where you and the Congressman
16 went somewhere where you could speak privately?

17 A. Yes, later on that day, he requested that we go out
18 for a car ride.

19 Q. And did you go for a car ride?

20 A. Yes, we did.

21 Q. And tell us about the car ride, any discussion that
22 took place?

23 A. Well, of course, I was concerned. I told him
24 questions that were asked of me, and he basically tried to
25 ease my feelings about -- that I had done nothing wrong,

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1 that it was him that they were after, and that I should
2 feel at ease about that.

3 Of course, that didn't put me at ease. And we must
4 have rode around for hours, it seemed like, that evening,
5 and not really talking about too much. It was more or less
6 thinking. It was a very, very, very strange few hours for
7 me, very strange.

8 Q. Did Congressman do or say anything to indicate to you
9 that he was reluctant to talk to you about these matters in
10 your car?

11 A. Yes. He felt that my vehicle was bugged by the
12 Government.

13 Q. How do you know that?

14 A. Every time I would go to talk to him about something,
15 because I wanted to know what was going on, I needed some
16 answers for myself, and he would instruct me not to talk.
17 And what he would say, he would more or less say in code
18 language that I could understand what he was talking about
19 but not actually saying the words.

20 Q. So what did you do next?

21 A. Well, we rode around at least an hour in my vehicle.
22 And I needed to talk. I needed to find out what was going
23 on.

24 So I made a suggestion to go back to the office, to
25 get a different vehicle, and which I did. I had one of my

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1 employees, I asked them if they could take out his pickup
2 truck. I thought maybe the Congressman would feel more
3 comfortable talking in that vehicle rather than mine.

4 Q. At any point while you were in the truck, did
5 Congressman Traficant attempt to give you something?

6 A. Yes, he did.

7 Q. And what did he attempt to give you?

8 A. This was January, of course, so it was cold, he had a
9 coat on. And inside his coat, he had a plastic bag with
10 other envelopes in the plastic bag, like a shopping bag.

11 Q. Did there come a time when you actually opened the
12 bag and opened the envelopes to find out -- found out what
13 was inside of them?

14 A. Later on that evening, yes, while we were in the
15 vehicle, I think I had an understanding what was in the
16 bags, but the bags weren't opened at that time.

17 Q. Where were the bags ultimately opened?

18 A. Well, again, he didn't feel comfortable speaking in
19 the truck either, and we were riding around, and he was
20 trying to think of someplace to go to talk, that he would
21 feel comfortable, and ultimately, I made the suggestion to
22 go back to my house because I knew nobody was home, and he
23 agreed, and that's what we did, went to my house.

24 Q. Where did you go when you got to your house?

25 A. Into my basement.

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1 Q. What happened when you got to the basement?

2 A. When we got into the basement, the Congressman
3 started opening up the bags, and inside the bag there were
4 envelopes, and inside the envelope, there was cash.

5 Q. How was the Congressman's demeanor, how was he acting
6 at that time?

7 A. To begin with, he seemed somewhat eccentric, and I
8 learned to work with him in that regard, but that evening,
9 he was more anxious, more nervous, acting more erratically
10 than he normally does.

11 Q. And what happened with the bags and the envelopes in
12 the basement?

13 A. As he is taking the money out of the envelopes, he is
14 instructing me to start counting money and putting the
15 money in piles of one thousands.

16 MR. TRAFICANT: Would you repeat that?

17 THE COURT: We'll have the read record back.

18 (Record reread by the Reporter.)

19 Q. What were the denominations of the bills themselves,
20 do you recall that?

21 A. 100's and 50's.

22 Q. Did you recognize any of the handwriting on any of
23 the envelopes?

24 A. Yes, I did.

25 Q. Whose handwriting did you recognize on the envelopes?

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1 A. Henry DiBlasio's.

2 Q. And what kind of things did it say on the envelopes
3 that you recall?

4 A. J T, the initials J and T, personal, and I recognized
5 that to be Henry's writing. Henry had a habit of writing
6 that on just pretty much anything he would give me even.
7 He would write "personal" on it, and I recognized other
8 documents that he had given the Congressman, and he would
9 either put J T or J A T.

10 Q. Now, was Henry DiBlasio's writing on all the
11 envelopes or some of the envelopes?

12 A. Just some of them.

13 Q. Did any of the envelopes look familiar to you?

14 A. Yes, they did.

15 Q. In what way?

16 A. The envelopes looked familiar because they were the
17 envelopes that I used at my local bank to put the \$2500 in
18 on a monthly basis to the Congressman.

19 Q. Now, would that be all the envelopes or just some of
20 the envelopes?

21 A. Just some of the envelopes.

22 Q. And would those have been the ones that had the J. T.
23 Personal and Henry DiBlasio's writing, or are you talking
24 about other envelopes?

25 A. Well, I recognize the envelopes that I thought that

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1 were from -- that I handled. But then there were other
2 envelopes that had personal or J T on it.

3 Q. Two separate sets of envelopes?

4 A. Yes.

5 Q. Did Congressman Traficant at any point make any
6 statements as to where some of this cash may have come
7 from?

8 A. Yes. There was one envelope in there that I saw that
9 had the name J.J. Cafaro, and the Congressman mentioned
10 something about the money coming from him.

11 Q. Who's J.J. Cafaro?

12 A. He is a local businessman in the Youngstown area.
13 Their family is in the business of developing shopping
14 malls across the United States.

15 Q. After you counted out this money, what did
16 Congressman Traficant tell to you do with the cash?

17 A. He told me to keep it at home basically.

18 Q. For what purpose?

19 A. For the purpose of being able to justify the
20 withdrawals that I made from my congressional paycheck.

21 Q. What was the issue, what was the problem that you had
22 to justify it?

23 A. Well, \$2500 coming out of cash in anyone's paycheck
24 is a problem. I mean, you -- I'm not an extravagant
25 person. I don't have expenses that would need to withdraw

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1 \$2500 out of on a monthly basis to pay for personal needs.

2 So it was my understanding that I had to account for
3 that money, to be able to show that, okay, you see that
4 I've taken \$2500 out, but here it is, I have it.

5 Q. Account to who?

6 A. Account to the Government.

7 Q. You say the Government, meaning?

8 A. The FBI agents who were investigating the case.

9 Q. What did you do with the envelopes?

10 A. Well, once -- once all the money was taken out of the
11 envelopes, the Congressman was trying to figure out what to
12 do with them, and he was walking around in my basement, and
13 he saw that I had a concrete wash tub. This is an older
14 house, and he asked me if I had a match or something to lay
15 them on fire.

16 Q. And what did you do?

17 A. I had a propane torch I would use for soldering
18 copper pipes, whatever, and I got that.

19 Q. And what did you do?

20 A. Lit them on fire in my wash tub.

21 Q. Where was Congressman Traficant while you lit these
22 envelopes on fire?

23 A. Over my shoulder.

24 MR. TRAFICANT: Did it catch on fire?

25 THE COURT: Congressman?

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1 MR. MORFORD: Objection.

2 THE COURT: You will disregard that. Can
3 you?

4 THE JURY: Yes.

5 THE COURT: Thank you.

6 Q. Did there come a time when Congressman Traficant gave
7 you more cash?

8 A. Yes.

9 Q. And when did that occur?

10 A. Just within an hour after that incident, I drove him
11 back to the office, and ultimately, he gave me an
12 additional envelope with some more cash in it.

13 Q. How much cash did he give you?

14 A. An additional \$2500.

15 Q. Do you recall, as you sit here today, how much cash
16 he'd initially given you in the basement?

17 A. Yes. The money that was counted out in the basement
18 totalled \$16,000.

19 Q. So this \$2500 was in addition to the \$16,000?

20 A. Yes, for a total of \$18,500.

21 Q. What, if anything, else did Congressman Traficant
22 give you at the same time he gave you this additional
23 \$2500?

24 A. Additional envelopes, it was my assumption that he
25 just had some additional envelopes there, again, in a

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1 plastic shopping type bag.

2 Q. Was there anything in those additional envelopes?

3 A. Other than the \$2500, no, there weren't.

4 Q. Did you recognize any handwriting on any of the
5 additional empty envelopes that he gave you at the time
6 that he gave you this additional \$2500?

7 A. Yes, I did.

8 Q. And what did he tell you to do with these envelopes?

9 A. To destroy them in the same manner.

10 Q. Why did Congressman Traficant give you the additional
11 \$2500; what was your understanding?

12 A. Well, my understanding was that the \$18,500 wasn't
13 enough to be able to justify what was going on.

14 Q. Now, did anything else eventful happen in your life
15 that same day that you were down the basement with the
16 \$16,000 and later that day you got the \$2500, was there
17 something else that happened?

18 A. Yes.

19 Q. Can you tell us what happened?

20 A. My stepfather had a stroke that evening.

21 Q. And what was his condition?

22 MR. TRAFICANT: Pardon? I didn't hear that
23 response.

24 THE WITNESS: My stepfather had a stroke that
25 evening.

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1 Q. What was his condition?

2 A. Very serious.

3 Q. And when did you first learn about this?

4 A. Right during the time of the -- when he was giving me
5 the additional \$2500 in cash.

6 Q. How much pressure were you feeling at that time?

7 A. Probably just about as much as I'm feeling now,
8 tremendous.

9 Q. What did you do with the envelopes?

10 A. I just had to go on auto pilot and do what I had to
11 do. Following his instructions, I went back to my house
12 and again lit them on fire.

13 MR. TRAFICANT: I didn't hear that response.

14 (Thereupon, the record was read back by the Court
15 Reporter.)

16 BY MR. MORFORD:

17 Q. What did you do next?

18 A. Well, as I did that, I realized that this was wrong,
19 that I couldn't do that, and I -- I put them out with
20 water.

21 Q. Had they burned completely?

22 A. No. They did not burn completely.

23 Q. And what did you decide to do that day?

24 A. To contact the agents I had been talking with and
25 tell him -- to give them everything they knew.

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1 MR. TRAFICANT: What day was that?

2 THE COURT: Excuse me, but this isn't your
3 time to talk to the witness. Thank you.

4 MR. TRAFICANT: Okay

5 BY MR. MORFORD:

6 Q. Do you recall what day this would have been
7 approximately?

8 A. That was the evening of January 24, 2000.

9 Q. Did you end up contacting the FBI?

10 A. Yes, I did.

11 Q. Did there come a time when you actually went and met
12 with the agents?

13 A. Yes, I did.

14 Q. Did anyone go with you?

15 A. Yes, one of my employees at the office, not only
16 having a work relationship, but he's a friend of mine,
17 personal friend.

18 Q. And did he go with you to the FBI that day?

19 A. Yes, he did.

20 Q. What was your purpose in going to the FBI that day?

21 A. To let them know that I wanted to tell them what I
22 had been through.

23 Q. Did you actually give them the information, tell them
24 any facts that first day?

25 A. No, not that first day. I -- we discussed setting up

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1 an appointment to come in and do that.

2 Q. When was the next time that you saw Congressman
3 Traficant after you went to the FBI and told them that you
4 wanted to tell them everything you knew?

5 A. My stepfather died the next day, and he came to one
6 of the services.

7 Q. And where was that?

8 A. In Youngstown.

9 Q. Where did you see him physically? Was it at a
10 church?

11 A. At the funeral home, calling hours.

12 Q. Did you have an opportunity to talk with Congressman
13 Traficant at the funeral home?

14 A. Yes, he paid his respects and asked me to walk out
15 with him and talked to me a bit.

16 Q. Do you recall what, if anything, he said to you that
17 night at the funeral home?

18 A. Well, he was under the suspicion that I received a
19 subpoena to testify at the Grand Jury, and he told me that
20 we would talk about it later, just asked me if I was okay,
21 had his arm around me.

22 Q. Had you actually received the Grand Jury subpoena by
23 that point?

24 A. Yes, I did.

25 Q. Did you indicate to Congressman Traficant that you

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1 had decided to tell the FBI everything you knew?

2 A. No, not at that time I did not.

3 Q. Why not?

4 A. I was -- I was afraid of him, afraid of what he would
5 do, just afraid of the whole situation.

6 Q. Now, when were you scheduled to actually appear
7 before the Grand Jury and testify? Do you recall?

8 A. February 1, 2000.

9 Q. And what did you tell him when he asked you if you
10 would be testifying before the Grand Jury?

11 A. Well, I was aware that Attorney DiBlasio was also
12 subpoenaed to testify for February 1st. However, it was my
13 understanding that Henry was going to all of a sudden have
14 a medical condition that he couldn't appear. So I
15 understood that I was going to be moved into March, and so
16 I told the Congressman that that's when I was expected to
17 testify in March.

18 Q. I'd like to turn your attention to what is marked
19 Government's Exhibit 1-5 (1) and 1-5 (2) do you see those
20 items?

21 MR. TRAFICANT: What are the numbers?

22 THE WITNESS: Yes, I do.

23 MR. MORFORD: 1-5 (1), 1-5 (2).

24 Q. Have you seen these documents before?

25 A. Yes, I have.

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1 Q. Do you recognize the handwriting on these documents?

2 A. Yes, I do.

3 Q. Whose handwriting is on these documents?

4 A. Congressman Traficant's.

5 Q. Just without getting into the details, just in
6 general, what are these documents?

7 A. Personal notes that he wrote to me and left them on
8 my desk.

9 Q. And let's start with 1-5 (2). Just in general,
10 without getting into the details, what is that exactly?

11 A. This is a no-detail note that he left me.

12 Q. And 1-5 (1), what would you call that?

13 A. That's a post-it note, just a short note.

14 Q. Okay. Were those ever connected at any time, posted
15 in a larger note?

16 A. Yes. I believe the post-it note was attached onto
17 the larger note, 1-5 (2).

18 Q. When was the first time you recall seeing these
19 documents?

20 A. Well, this would have been after I -- I was out that
21 entire week with the funeral, and this would have been the
22 Monday I came back to work.

23 MR. MORFORD: Your Honor, if I could, I'd
24 like to put these on.

25 THE COURT: All right.

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1 Q. We'll start with 1-5 (1.)

2 MR. TRAFICANT: What is the number of it?

3 MR. MORFORD: 1-5 (1).

4 Q. Could you please read that, sir?

5 A. It says Allen -- my name is spelled wrong -- let me
6 know if IRS was one of the intimidators; also keep
7 confidential. No give me copy of this.

8 Q. And turning to 1-5 (2), we'll start at the top here.
9 Can you go ahead and read this, please?

10 A. It says, "Allen, tell them the truth or tell the
11 truth, they know you never gave me kickbacks. But they may
12 ask if you ever gave me money, and you did. You lent me
13 cash on several parentheses three to four months,
14 occasions, from \$100 to \$300, and I did pay you back in
15 cash. That is no crime. Best I can recall, total amount
16 is approximately \$800. I still owe you \$250, and will pay
17 by March. March 1st. I need to take -- I need to talk to
18 you about CCA prison issue, land options. Call me in D.C.
19 in afternoon. I'm traveling," signed Jim.

20 At the bottom "also, we're looking into the prospect
21 that both you and Henry can sue IRS for \$1 million. Check
22 with me."

23 Q. You were asked questions about these notes. At one
24 point, Congressman Traficant says in his note that he's on
25 his way to Washington, D.C. Did he, in fact, go to

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1 Washington, D.C. that day?

2 A. Yes, he did.

3 Q. And you said you believed this was January 31st; is
4 that correct?

5 A. If -- if that was the Monday, yes.

6 Q. When were you supposed to be testifying before the
7 Grand Jury?

8 A. February 1.

9 Q. That would be the very next day?

10 A. Yes, sir.

11 Q. Now, one point the Congressman says that you lent him
12 cash on several occasions between \$100 and \$300. He paid
13 you back in cash. Best he can recall the total amount was
14 \$800, is that true?

15 A. No, it's not.

16 Q. On both post-it notes where he says let me know if
17 IRS was one of the intimidators and on the bottom we're
18 looking into the prospects that both you and Henry can sue
19 the IRS for a million dollars, would you explain to the
20 jury what that's about.

21 A. Well, before this, he was boasting about suing the
22 Government for intimidating him, and that he was going to
23 be rich, basically because of it, that he was going to file
24 a multi-million dollar lawsuit against the IRS for
25 harassment, and that prior to this happening, I believe one

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1 of the -- one of the FBI went to talk to Henry, and Henry
2 was saying that it was a very intimidating situation.

3 So that's what I gathered he meant me, and Henry
4 would also be able to sue the IRS or the Government for a
5 million dollar.

6 Q. Had you been in any way intimidated, coerced, or
7 pressured by the IRS?

8 A. No, sir.

9 Q. After Congressman left for Washington, D.C. that day,
10 did you meet with anyone?

11 A. Yes, I did.

12 Q. And who did you meet with?

13 A. I met with yourself and many of the agents in the
14 local office.

15 Q. Had you and I ever met prior to January 31st?

16 A. No, sir.

17 Q. What was the purpose of our meeting?

18 A. The meeting was for me to explain everything that I'd
19 been through.

20 Q. At any point in any of your dealings with the FBI,
21 IRS, my office, me, were you ever threatened, coerced,
22 intimidated in any way?

23 A. No, sir.

24 Q. Are you familiar with the term called "a proffer
25 letter"?

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1 A. Yes, I am.

2 MR. TRAFICANT: Pardon? I didn't get that
3 word.

4 THE COURT: Proffer letter.

5 Q. And can you tell the jury what a proffer letter is ?

6 A. Basically, it's a situation where it's an agreement
7 between myself and the Government to come in and explain
8 everything that I knew about the situation and answer
9 questions that they may have without the implications of
10 any criminal actions that can be taken against me.

11 Q. And was that meeting that day conducted under the
12 terms and conditions of a proffer letter?

13 A. Yes, it was.

14 Q. What did you tell us that day when we met on January
15 31st?

16 A. I explained the situation with me being hired on to
17 the congressional staff, the history of me getting \$2500
18 back each month from my paycheck to the Congressman, and
19 the destruction of the envelopes in a nutshell.

20 Q. After that meeting was concluded, did you agree to
21 provide evidence to the FBI?

22 A. Yes, I did.

23 Q. And did you, in fact, meet with agents and provide
24 evidence?

25 A. Yes, I did.

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1 Q. And can you tell the jury what evidence you provided
2 to the FBI?

3 A. That would have been the \$18,500 in cash that I had
4 at home as well as the envelopes that I kept at home that
5 were burned.

6 Q. And how about the letter that we just looked at,
7 Exhibit 1-5?

8 A. Yes.

9 Q. I'd like you to turn, if you will, to Government's
10 Exhibit 1-1 (11) through 16?

11 A. I'm sorry. Again?

12 Q. 1-1, and they're marked individually 1 through -- I
13 think we'll go 1 through 16. There's also a 17, but we'll
14 hold off and get to that in an a minute.

15 Do you see those?

16 A. Yes, I do.

17 Q. And do you recognize those?

18 A. Yes, I do.

19 Q. What are those?

20 A. These are the envelopes that I had in my possession
21 where I was instructed to burn them.

22 Q. These are the envelopes that you indicated before you
23 started to burn them and then put water on them to put the
24 fire out?

25 A. That's correct.

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1 Q. And are these part of the evidence that you provided
2 to the FBI?

3 A. Yes, it is.

4 MR. MORFORD: Your Honor, I would like to ask
5 permission, if possible, to first offer this evidence and,
6 second possible, to present it to the jury.

7 THE COURT: How long do you think that's
8 going to take?

9 MR. MORFORD: Well, they -- there's 16
10 individual ones that can be cast down so I'm not sure,
11 really.

12 MR. TRAFICANT: I do not object, and if it
13 would be an expeditious event for the Court, go right
14 ahead.

15 THE COURT: All right. Very well. I'm also
16 thinking about your mid day break, and so what we'll do is
17 take it after we've done that, and yes, you can go forward.

18 MR. MORFORD: Thank you, your Honor.

19 (Pause.)

20 THE COURT: The record should show that
21 without objection, Exhibits 1-1, subparts 1 through 16, are
22 admitted. Now we're going to take the afternoon break.
23 It'll last long enough so that you don't have to come back
24 and come back down here for a half hour. You have the
25 time. I'll tell you what it is. You should be ready to be

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1 in box at the end by -- in the jury box again at quarter
2 after 3:00. Then we'll proceed for the afternoon. Thank
3 you.

4 (Proceedings in the absence of the jury:)

5 THE COURT: I just received an order from the
6 Sixth Circuit, which relates to an appeal -- actually filed
7 yesterday, but I didn't see it until now. So if any of you
8 would like to look at this, you can look at it. I guess it
9 is --

10 MR. TRAFICANT: Can we make copies and
11 just --

12 THE COURT: Yeah, we'll make copies. This is
13 an order entered by order of the court regarding the
14 defendant's appeal of this Court's order denying his motion
15 to suppress evidence at his criminal trial. And it's their
16 order basically granting the Government's motion to dismiss
17 on that, for lack of jurisdiction.

18 So I'll hand it down -- lawyers like to see it right
19 away. But we will make copies, and it's a Sixth Circuit
20 order, not an order we issued, so it's available to the
21 press through your normal channels of getting Sixth Circuit
22 orders.

23 MR. SMITH: Yes, your Honor.

24 (Thereupon, a recess was taken.)

25 THE COURT: You're still under oath, sir.

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1 Mr. Morford?

2 Q. When we left off before the break, we were talking
3 about the events of January 31, which was a Monday. I want
4 to take you at the time very next day, Tuesday, February 1,
5 2000, and ask, you did you testify before the Federal
6 Grand Jury on that date?

7 A. Yes, I did.

8 Q. And did you testify under a grant of statutory use of
9 immunity?

10 A. Yes, I did.

11 Q. And could you explain to the jury your understanding
12 of that immunity that you testified under that day?

13 A. Under my rights not to incriminate myself, immunity
14 was given to me to testify truthfully about the issues that
15 we have been talking about.

16 Q. What was your understanding based on that immunity as
17 to whether or not your own words and testimony could be
18 used against you?

19 A. That they could not be used against me.

20 Q. And as you're testifying here today, is that same
21 immunity applying to your testimony here today?

22 A. Yes, sir.

23 Q. Did you tell the Grand Jury back on February 1, 2000,
24 the same basic type of things you told the jury here today?

25 A. Yes, I did.

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1 Q. Did you tell Congressman Traficant that you had gone
2 before the Grand Jury and testified on February 1, 2000?

3 A. No, I did not.

4 Q. Why not?

5 A. Well, we still had a very close relationship. He was
6 in my office. I knew that I would have to deal with him,
7 and I wasn't proposed to doing that yet. I was -- I was
8 fearful of what might happen if I disclosed and what it
9 would do to him.

10 Q. When did you tell him you would actually have to
11 testify before the Grand Jury? What date did you tell him
12 you would actually appear if you did appear?

13 A. I believe I laid the ground work for that when he
14 paid his respects at my stepfather's funeral, when I told
15 him I think I was subpoenaed for March. So I think he was
16 under the impression that that's when I was going forward
17 to testify in March, the same date that him and DiBlasio
18 was supposed to appear at the Grand Jury in March.

19 Q. Now, I'd like to call your attention to what's been
20 marked Government's Exhibit 1-1 (17), the very last of the
21 envelope exhibits. Do you see that?

22 A. Yes, I do.

23 Q. And do you recognize that document or that item?

24 A. Yes. This is the style of envelope that was
25 available at my bank the Home Savings and Loan Company,

Sinclair - Direct

1 that I would place the cash that I received after cashing
2 my paycheck.

3 Q. And you testified -- let me ask you, did there come a
4 time when you received an envelope from Congressman
5 Traficant after you appeared before the Grand Jury?

6 A. Yes, after I appeared before the Grand Jury on
7 February 1st?

8 Q. Yes.

9 A. Yes.

10 Q. Can you tell the jury about that?

11 A. He came back from Washington.

12 Q. When you say he?

13 A. Congressman Traficant, he came back from Washington a
14 day or two, I believe it was the next day after I
15 testified, and we had gone for a car ride. This was over a
16 period of two days, and on the second day, we went to a
17 restaurant that was located in North Lima, Ohio, just a
18 little distance from Youngstown, and he talked to me about
19 my testimony and what I should and shouldn't say.

20 Q. Let me interrupt you a minute. When you say your
21 testimony, are you talking about the testimony you were
22 just giving or the testimony that he thought was yet to
23 come?

24 A. The testimony that he thought was to come.

25 Q. Okay.

Sinclair - Direct

1 A. We had conversations concerning that subject, and on
2 the way home or back to the office, the Congressman was in
3 my car. I was driving. And this is the envelope that he
4 gave me, which I believed at the time contained additional
5 money.

6 Q. What discussion, what types of things did you discuss
7 at the point just prior to him handing you this envelope?

8 A. Well, as we were sitting there, again, he's
9 reaffirming I've done nothing wrong, that they're after
10 him, the Congressman, and that I can easily justify what I
11 had done with the money, and as he's sitting there, he's --
12 I can see him counting on his fingers, and I had some
13 understanding that he didn't feel that the \$18,500 that I
14 had would be enough to justify all the withdrawals that I
15 made.

16 I didn't know it at that time, but on the way back to
17 the office, he indicated to me that, well after he passed
18 me this envelope, he held up his hand and went like this to
19 me, and I understood that there was six more thousand
20 dollars in the envelope.

21 MR. MORFORD: Your Honor, at this time I'd
22 like to put this on the overhead.

23 THE COURT: All right.

24 Q. Now, at the time that Congressman Traficant gave you
25 this envelope, was it opened or sealed?

Sinclair - Direct

- 1 A. It was sealed.
- 2 Q. And what did you do with the envelope?
- 3 A. I either placed it in my pocket or just put it beside
4 my leg.
- 5 Q. What did you ultimately do with the envelope?
- 6 A. After I got back to the office, I contacted the
7 agents and advised them of what happened.
- 8 Q. Agents from which agency?
- 9 A. From the FBI.
- 10 Q. And what did you do with the envelope?
- 11 A. I arranged a meeting for the agents to meet me
12 somewhere, and I met with Agent mike Pikunas and Agent Joe
13 Bushner, which I turned over the sealed envelope.
- 14 Q. And did anyone open the envelope in your presence?
- 15 A. Yes, the agents did.
- 16 Q. Did they count the money in your presence?
- 17 A. Yes, they did.
- 18 Q. How much money was in the envelope?
- 19 A. \$6,000.
- 20 Q. You remember the denominations?
- 21 A. Hundreds and 50's, I know. The breakdown, no, I
22 don't.
- 23 Q. The first set of evidence you said you took to the
24 FBI, which was the \$18,500, partially burned envelopes and
25 the letter with the little sticker marked Government's

Sinclair - Direct

1 Exhibit 1-5, do you recall that testimony?

2 A. Yes.

3 Q. When you gave the agents the money, did they count it
4 in your presence?

5 A. Yes, they did.

6 Q. And how much did they count out on that first
7 occasion?

8 A. \$18,500.

9 Q. So by the time you'd given them this additional
10 \$6,000, how much total had you given them?

11 A. With the \$18,500 plus six, \$24,500.

12 Q. Where did you get the \$24,500?

13 A. Congressman Traficant.

14 Q. What was the purpose of his giving you that \$24,500?

15 A. To justify the withdrawals that I had made, to show
16 that I would be able to account for that money. I can say
17 here it is. I have it at home.

18 Q. Now, were you still working for the Congressman on
19 staff at that point?

20 A. Yes, I was.

21 Q. And what office were you and he working out of at
22 that point?

23 A. The 11 Overhill Road address.

24 Q. Did that raise any concerns in your mind?

25 A. Certainly. He was at the office when he was in town,

Sinclair - Direct

1 pretty much night and day as well as me working there. I
2 had a lot of close contact with him.

3 Q. Did you have any personal concerns about that, given
4 the fact that you were now providing information to the
5 FBI?

6 A. It was a very difficult situation to be in, yes.

7 Q. What, if anything, did you try to do about that?

8 A. I wanted to distance myself as far away as I could
9 from him, and I explained to him how I wanted to resign. I
10 had done this many, many, months beforehand, too, told him
11 that I wanted to resign from the position. I had gotten to
12 the point where it was a more urgent situation, and that I
13 also wanted him to move from the building, and basically,
14 he just said no.

15 And as I explained, it was very difficult to talk to,
16 he dominates the conversation, and it's very aggressive,
17 and I was not that assertive with him, but it came to the
18 point it was too much on me, to have him around anymore
19 under those circumstances, and I had to come up with an
20 excuse that he would understand, to move out of the
21 building.

22 At the time, my wife was pregnant with our third
23 child, and I just told him it was too much on our family.
24 And he seemed to understand that, and I asked him to move
25 out by March 1st, and ultimately, he did move out April 1st

Sinclair - Direct

1 of 2000.

2 Q. Did he express any concerns to you when you requested
3 to resign and have him move out of the building?

4 A. Well, yes. Many months before this incident
5 occurred, where I expressed interest in resigning because I
6 wasn't comfortable with the job, he kept putting me off.
7 This is election time, you know, we just can't do that
8 right now and left it at that. He just would not even
9 accept what I attempted to explain to him.

10 And basically, towards the end as well, he was
11 worried about the press coverage and how it would look if
12 he were to be moving out of the office because at that
13 time, there were some newspaper articles in the paper about
14 the -- the rental agreement and that the -- the FBI had
15 subpoenaed records concerning the office building and the
16 ownership aspect, and he was afraid of just how it would
17 appear in the press.

18 Q. I'd like you to turn your attention to Government's
19 Exhibit 1-6.

20 A. Yes.

21 Q. Do you recognize that document?

22 A. Yes, I do.

23 Q. And without getting into the particulars of the
24 document, can you just tell the jury in general terms what
25 that is?

Sinclair - Direct

1 A. That's a note that the Congressman wrote me and left
2 on my desk concerning moving out of the office.

3 Q. Why would the Congressman Traficant write you these
4 notes as opposed to having these discussions face-to-face?

5 A. I really don't know. He generally didn't like to
6 talk about this stuff. It was very difficult to pin him
7 down to be able to talk about it. Maybe because of his
8 schedule, he just decided to put it down in a note, but
9 usually, the notes didn't even come close to the actual
10 conversations that we had.

11 Q. When you say his schedule, what was there about his
12 schedule that would make it difficult sometimes to talk?

13 A. Well, he was always coming and going to one event or
14 another. He would always have some meeting to go to or had
15 to leave for D.C. or a meeting with someone or an
16 appearance to give or just work to do.

17 Q. How frequently would the Congressman go back and
18 forth from Youngstown to Washington, D.C.?

19 A. Usually once a week. He would -- he would come in on
20 Thursdays, Thursday evenings, and drive become to D.C. or
21 Sunday or Monday mornings.

22 Q. So he was driving back and forth?

23 A. Yes.

24 Q. Was he comfortable talking to you about these things
25 on the telephone when he was gone?

Sinclair - Direct

1 A. No, no, not at all. I can't even recall one
2 telephone conversation on the subject matter.

3 Q. Do you recognize the printing, handwriting on this
4 document that's been marked Exhibit 1-6?

5 A. Yes, I do.

6 Q. And can you tell us whose handwriting that is?

7 A. Congressman Traficant's.

8 MR. MORFORD: Your Honor, at this time I'd
9 like to put this on the overhead.

10 THE COURT: That's fine.

11 Q. Again, this is Government's Exhibit 1-6, and I'd
12 like, if you could, just to have you go through and read
13 that.

14 A. It starts "Allen, I found another place. I believe
15 it would be best for me to move. I do not want my
16 political focus to harm your business and associates. We
17 must discuss time table, et cetera. If I'm able to stop
18 back Sunday night, I will. I want to go over the --
19 something Valley case. Approximately some -- apparently
20 some issues -- I can't read the next word, but the word
21 after that is Bucheit.

22 Q. Let me stop you there a moment and ask you a couple
23 questions. You ever heard of someone John Valley?

24 A. Yes.

25 Q. And who was John Valley, and what was your

Sinclair - Direct

1 familiarity with John Valley?

2 A. John Valley was a local businessman, he owned a
3 mushroom farm where he grew mushrooms in Lima, Ohio, and I
4 knew him to be a client of Henry DiBlasio's.

5 Q. Had you ever discussed the John Valley or John Valley
6 cases with anyone?

7 A. I did some work on Mr. Valley's case at the request
8 of Mr. DiBlasio, but that was many, many years before. If
9 this would have been in the early 90's, before 1995.

10 Q. Had you ever been asked any questions about the John
11 Valley case by agents of the FBI?

12 A. My first meeting on January 21st with the agents,
13 that was one of the names that was mentioned, if I had any
14 knowledge about the case.

15 Q. How about the second name B-U-C-H-E-I-T, is that a
16 name you're familiar with?

17 A. Yes. Mr. Bucheit was a contractor, international
18 contractor, and I knew he had a situation where he
19 developed a mall in Saudi Arabia, and there was
20 difficulties with him getting paid for the job, and I did
21 some work on ancillary cases of his.

22 Q. Picking up after that sentence where it says I want
23 to go over the John Valley and Bucheit matters, if you can
24 pick up again where it starts on another note.

25 A. On another note, our staffer, Denny Johnson, also

Sinclair - Direct

1 Democratic chairman in Columbiana County, told me the
2 following: FBI contacted him several years ago regarding a
3 targeted individual, not me. They told him they had a tape
4 from this guy, saying he gave Denny J money to bribe a
5 court judge. Then he simply told them to subpoena him.
6 They continued the investigation with other people. There
7 were no tapes, simply bull shit to elicit info, if any. I
8 tell you this because it's apparent the Government is
9 trying to find something on HAD. I know you'll tell the
10 truth, but they will lie.

11 I can't read the next word.

12 MR. TRAFICANT: Deceived.

13 THE WITNESS: Deceived, something broke the
14 rules, and HAD doesn't deserve that. HAD did nothing
15 wrong, signed Jim.

16 Q. What was your understanding of why Congressman
17 Traficant was giving you this note, telling you a story
18 about another person who had been questioned by the FBI
19 with the FBI indicating they knew more things than
20 apparently they did?

21 A. Well, I guess how I understood it was he wanted to
22 bring out the fact that the FBI was basically on a fishing
23 expedition, that they were trying to contact whoever and
24 whatever to find out information, and that basically they'd
25 never got anywhere, and I guess this letter was to make me

Sinclair - Direct

1 feel better about what I was doing.

2 THE COURT: One moment, please. You want a
3 side bar?

4 MR. TRAFICANT: The only objection -- no, I
5 want to cite an objection. He cites an objection on
6 possibility, and the Court deals with probability not
7 possibilities, and I think this line of questioning is
8 irrelevant.

9 THE COURT: Okay. That objection is
10 overruled, and normally what we do is take objections at
11 the side bar, so you don't have to worry about them. So
12 I'll ask you to remember that. And the next time if you
13 stand, I'll acknowledge it, and we'll take the Court
14 Reporter over and follow the usual procedure. Thank you
15 BY MR. MORFORD:

16 Q. Next, I'd like to turn your attention to Exhibit 1-7.

17 A. Yes.

18 Q. Do you recognize the handwriting on that note?

19 A. Yes, I do.

20 MR. TRAFICANT: 1-7?

21 MR. MORFORD: 1-7. Again, your Honor, I'd
22 ask permission to put it on the overhead.

23 THE COURT: Let me hear his answer. I don't
24 think he -- you said you do recognize it.

25 THE WITNESS: Yes, I do, your Honor.

Sinclair - Direct

1 Q. And whose handwriting is it? I'm sorry.

2 A. Congressman Traficant's.

3 Q. And how did you come into possession of this
4 particular document?

5 A. Again, this was probably left on my desk as other
6 notes were.

7 Q. Who did you give this document to after you received
8 it?

9 A. The FBI agents.

10 THE COURT: You can show it.

11 MR. MORFORD: Thank you.

12 Q. If you can go ahead and read this?

13 A. Allen, it is against house rules to loan me money,
14 but you did. I don't know amount. Maybe \$1,000 over a
15 period of time. I honestly don't know.

16 Q. Did you ever loan Congressman Traficant an amount of
17 maybe \$1,000?

18 A. Not unless you want to consider part of that money a
19 loan, but, no, that was not my belief.

20 Q. Did you consider the \$32,500 you'd given him, in 13,
21 \$2500 payments to be a loan?

22 A. No.

23 Q. Did Congressman Traficant ever discuss with you any
24 aspects of the Government's investigation as to how he was
25 viewing it?

Sinclair - Direct

1 A. Well, he felt he was a target, that with his prior
2 trial back in the early 1980's, that he was a target then
3 and always will be a target. And he basically had a canned
4 speech that I heard, if not once, a hundred times, about
5 synopsis of that trial, and how he was able to
6 single-handedly defeat the Government.

7 Q. Did he ever tell you about what other potential
8 witnesses or defendants, who found themselves in your same
9 position, were doing?

10 A. Well, I don't know if it was ever discussed directly,
11 but I understood that Henry DiBlasio was basically on the
12 same page as me, with the deception of hiding the money.

13 Q. What, if anything, did the Congressman tell you,
14 Congressman Traficant tell you that Henry DiBlasio had told
15 him he was going to do?

16 A. Well, I know that when the FBI agents visited Henry
17 in Florida at his residence, that the Congressman asked
18 Henry to write him a letter explaining the situation, and
19 basically explain how intimidating and harassing the
20 meeting was.

21 Q. Did he indicate to you what Henry was going to do in
22 terms of cooperating or not cooperating?

23 A. It was my understanding that -- see, you have to
24 understand that during this time period, I think he
25 believed what he was doing was okay. I don't know. I

Sinclair - Direct

1 guess you get to a point where you can tell so many lies
2 and believe your own lies, and it was never discussed
3 openly that Henry or I were doing anything wrong.

4 So I gathered from the conversations that we had
5 together that Henry was also going to not cooperate or tell
6 him that's just not whatever the Government said or accused
7 him of, that's just not how it happened.

8 Q. When you were discussing the Government's
9 investigation with the Congressman, did the topic of the
10 Bucci brothers ever come up?

11 A. I knew of the Bucci brothers. I knew that -- no, I
12 can't specifically recall anything specific about any
13 conversations with the Buccis. I mean, I know their name
14 during that time period, but I can't recall what, if
15 anything, was the subject matter, sorry.

16 Q. You can't recall the Congressman telling you anything
17 about the Bucci situation?

18 A. I remembered him mentioning the name, but it was
19 something concerning a contract that the Buccis had. They
20 were paving contractors, street paving contractors, and had
21 something to do with -- they had a Government contract, and
22 that they were the lowest bidder and lost the contract, and
23 the Congressman needed to step in and help them, which I
24 think he was successful in doing, but I don't remember
25 anything other than that.

Sinclair - Direct

1 Q. That's the only thing you remember him telling you
2 about the Bucci aspect of the investigation?

3 A. Yes.

4 Q. When did you finally leave your employment with
5 Congressman Traficant?

6 A. Officially, my resignation was effective April 1 of
7 2000.

8 Q. I'd like you to do one last thing with a couple
9 documents for me. If you'd turn to Government's Exhibit
10 1-4, it may be out of the book sitting on the standstill.

11 A. Okay.

12 Q. Now, there's a whole group of documents, not just one
13 document in there, and I'd ask that you briefly peruse
14 those and take a look at each one, and I want to ask you a
15 couple follow-up questions.

16 A. Okay.

17 Q. Do you recognize those documents?

18 A. Yes, I do.

19 Q. What are those documents?

20 A. These are my congressional paychecks.

21 Q. And finally, if would take a look at Government's
22 Exhibit 1-30, and in a particular, the two documents that
23 have been submarked 1-30 (1), 1-30 (2). It's further back
24 towards the back of the book, 1-30?

25 A. Yes.

Sinclair - Direct

1 Q. Do you recognize those two items, the marking would
2 be on the back, probably. It should be 1-31 and 1-30 (2)?

3 A. Yes 1-30 (1) is an ATM receipt, and it is dated
4 10-12-1998.

5 THE COURT: Excuse me for the record, it's
6 1-30 (1).

7 MR. MORFORD: That's correct. Thank you,
8 your Honor.

9 THE WITNESS: ATM, and I understand a deposit
10 at an ATM machine in the amount of \$33,779.42.

11 Q. And that is -- is that the ATM deposit paycheck you
12 referred to earlier?

13 A. Yes.

14 Q. And whose record is that actually?

15 A. This is mine.

16 Q. And where did you get it?

17 A. I just keep all my bank statements, bank receipts.

18 Q. You got that out of the ATM machine when you made the
19 deposit?

20 A. Yes.

21 Q. And how about 1-30 (2)?

22 A. This is a pay stub from one of my checks for the pay
23 period of December 31, 1998, which is the breakdown of the
24 gross amount and then amount of my paycheck.

25 MR. MORFORD: May I have just a moment, your

Sinclair - Cross

1 Honor?

2 THE COURT: Yes.

3 MR. MORFORD: I have no further questions.

4 THE COURT: Thank you, sir. I need to talk
5 to the lawyers for a moment, the hour you've reached about
6 scheduling.

7 (The following proceedings were held at side bar:)

8 THE COURT: It's almost 4:00. We release
9 them at 4:30. I can put you right into the
10 cross-examination, or I can let you go for the day, all of
11 you and start fresh tomorrow morning. And it's more your
12 call than it is anyone else's because I don't know how long
13 you intend to examine.

14 MR. TRAFICANT: I'll take some time to
15 examine, and I think I should start now.

16 THE COURT: Okay. And then we'll have to
17 break at 4:30.

18 MR. TRAFICANT: Whatever you think is best.

19 THE COURT: Okay

20 (Proceedings resumed within the hearing of the jury:)

21 THE COURT: Mr. Traficant, you may examine.

22 CROSS-EXAMINATION OF ALLEN SINCLAIR

23 BY MR. TRAFICANT:

24 Q. How are you, Allen?

25 A. I'm fine, sir.

Sinclair - Cross

1 Q. Were you really afraid of me?

2 A. Yes, I was.

3 Q. Physically?

4 A. Pardon?

5 Q. Physically?

6 A. Very unpredictable at times.

7 Q. Your record shows you were under suspension by the
8 Ohio Bar Association. Could you explain what that was for?

9 A. That is inaccurate. I was on probation.

10 Q. Was it an original suspension that was converted to a
11 probation. Yes or no.

12 A. Yes, it was.

13 Q. Okay. What was the reason for the suspension of the
14 original suspension?

15 A. As I explained to you before, I practiced in the
16 field of personal injury. I'm sure you have seen many
17 yellow page ads or commercials for attorneys, and they
18 advertise that they work on a contingent fee bases. I
19 don't know if you've heard those words. They may use words
20 such as no recovery, no fee, or we don't get paid until you
21 get paid, words to that effect.

22 And as a professional, with any profession an
23 accountant, doctors, lawyers, there are certain ethical
24 rules, disciplinary rules we must follow. And there is a
25 rule that states that if you advertise, that you take cases

Sinclair - Cross

1 on a contingency fee basis, that you have to explain to the
2 potential client that they may be responsible for certain
3 case expenses out of their pocket such as I discussed to
4 you about purchasing medical records or finding experts to
5 testify on their behalf.

6 And that if for some reason the case would not turn
7 out as well as you anticipated, that the client remained
8 ultimately responsible for those expenses. This was a rule
9 that was generally followed by any attorney because no
10 attorney that practiced in this field required the clients
11 to pay this money back if the case went sour.

12 It just wasn't done, that -- it just wasn't -- it's
13 not good public relations to -- if you lose a case, to ask
14 your client to, you know, come up with money to pay for
15 these expenses, especially in personal injury work. And so
16 you -- you saw a lot of these ads on TV, said no recovery,
17 no fee, without any further explanation.

18 But actually within the disciplinary rules, there was
19 a statement that said that you shall inform your clients
20 that they may be ultimately responsible for expenses, and
21 collectively as attorneys, what we did was we made sure it
22 was in our contingent fee agreement, which meant after we
23 had the client -- after the client was interested in hiring
24 a lawyer and they would come into the office to start their
25 case, they could sign a fee agreement.

Sinclair - Cross

1 And in that fee agreement, most good attorneys would
2 have that statement in there, that they were ultimately
3 responsible for any case expenses that for some reason the
4 case didn't go good.

5 In April of 1998, there was a disciplinary action
6 taken against some Cleveland attorney by the name of Shane.
7 And basically, the Ohio Supreme Court order or the
8 disciplinary board, that's the board that kind of oversees
9 attorneys in Ohio to make sure they practice in an ethical
10 manner, and these attorneys advertise on TV, as I explained
11 to you, that they accepted cases on a contingent fee bases
12 and didn't have any disclaimers as to whether the clients
13 were responsible for expenses.

14 So the Supreme Court came out with a decision that
15 basically said we -- we understand or we're aware that most
16 attorneys are advertising this way.

17 However, that practice must stop, and that -- the
18 Supreme Court said we're putting all attorneys on notice,
19 that they have to change their advertising within a
20 reasonable period of time. Those are the exact words that
21 the court used, within a reasonable period of time.
22 Because many yellow page advertisements can't be changed,
23 once you're in the book, you're in the book until that year
24 ends.

25 One of my advertising methods in my office is we

Sinclair - Cross

1 gather a complete police report, and we send it to the
2 prospective injured party with a letter that explains to
3 them that our services are available, and if they would
4 like to call the office, they can, and of course, in the
5 letter, I talk about my contingent -- that I'm willing to
6 accept the case on a contingent fee basis.

7 In that letter, I did not have the language in there
8 that explained that the client could ultimately be
9 responsible for case expenses.

10 I -- I sent this letter out to a respective injured
11 person on June 1st of 1998. The Supreme Court just
12 released their decision in April of 1998, so approximately
13 30 days had passed. I was aware of the decision but did
14 not change my letter. Grievances were filed against me
15 with the bar association, and a grievance is where someone
16 objects to what I had done on an ethical basis with the
17 assumption that I violated a disciplinary rule.

18 I admitted that my letter violated the Shane
19 decision, and basically allowed the board to do what they
20 needed to do, and the ultimate outcome was that they
21 suspended my license to practice. However, they stayed
22 that suspension and placed me on a probationary period of
23 one year with the condition that my advertising comply with
24 the law.

25 Interestingly enough, after this happened, the

Sinclair - Cross

1 disciplinary rules have changed, and now it is not a
2 requirement that the client be ultimately responsible. It
3 is left up to the discretion of the attorney. So if that
4 were to happen today, it may or may not be a disciplinary
5 proceeding at all. But to make a long story short, that's
6 why I was placed on probation.

7 Q. I let you go with the long story, but the bottom line
8 is the words used by the Ohio Bar Association was
9 misrepresentation. Could you define misrepresentation for
10 me in a few brief terms?

11 A. No, sir. I cannot say that those are the words that
12 were used.

13 Q. What words were used?

14 A. I -- just as I explained to you.

15 Q. We'll come back to that. You had and the Government
16 had put on the board an exhibit, number is not important,
17 because I think the jury will recall, it was a transfer of
18 a deed that you say I told you to transfer.

19 Now, you are an attorney; is that correct?

20 A. Yes, sir.

21 Q. Now even though the husband may not be an owner in a
22 property, there is a dowry right to a property, is there
23 not?

24 A. That's correct.

25 Q. And when a deed is transferred, isn't it common legal

Sinclair - Cross

1 practice for any attorney of any competency to ensure that
2 that deed is free and clear, and that there's no dowry
3 right that could, in fact, convey upon the transfer of the
4 individual owning the property?

5 A. No, that's not true. This was a quit claim deed. I
6 can give you a quit claim deed for this building, Federal
7 Courthouse. All quit claim deed means is, if I own this
8 property, I convey it to you, it's not a warranty deed.
9 There's a big difference.

10 Q. But this is a Federal Building. We're talking about
11 a private owned property and had my wife, in fact, had
12 passed, would the husband not have a dowry right and
13 wouldn't be in the best interest of anybody who would be
14 conveying a deed to include the dowry rights of a husband,
15 wouldn't that be good prudent sense? Yes or no.

16 A. I'm sorry, I don't think I can answer that question.
17 I don't understand it.

18 Q. I'm not an attorney, and I thought maybe you might.

19 What I'm saying is, if my wife owns the property, I
20 do not own the property, but my wife wants to be sure that
21 the property is conveyed to her daughter, that there is the
22 potential that dowry right through the husband, whether or
23 not there is a legal issue or not, isn't it fair to assume
24 the probability that to make sure there is no dowry right
25 and no question of the transfer, that that name be listed

Sinclair - Cross

1 as it had been?

2 A. Not in the quit claim deed. It's not necessary.

3 Q. But, to any degree, it's certainly in there, and it's
4 explicit, is it not?

5 A. Your wife's name, it does appear she signed the quit
6 claim deed, yes.

7 Q. Fine.

8 Now K A S, isn't that a fact that K A S was
9 incorporated under Ohio law?

10 A. No, that's incorrect.

11 Q. Okay. But did you file with the Secretary of State a
12 company known as K A S?

13 A. Yes, I did.

14 Q. And who was the incorporator of K A S?

15 A. There is no incorporator.

16 Q. Well, then, who is the chief or who is the
17 spokesperson or who is the filer for K A S?

18 A. K A S Enterprises basically stands for my wife's
19 initials Kimberly A. Sinclair.

20 Q. Okay. Were you and your wife at the time this lease
21 was signed still married and living together?

22 A. Yes.

23 Q. As a spouse, would, in fact, payments made by the
24 federal Government go into K A S Enterprise and to the
25 benefit of the spouse as well?

Sinclair - Cross

1 A. I'm sorry. You are a going to have to repeat that.

2 Q. I really don't think it's rocket science. The
3 question was: Isn't it a fact if your wife was listed as
4 the owner of the building, 11 Overhill, it was technically
5 your building, although you put it in her name, because you
6 were not a Congressman; you are now a congressional
7 employee. Isn't it a fact the benefit of the check coming
8 from the Government is to your benefit as well as a member
9 of the family?

10 A. Are you asking for my legal opinion?

11 Q. No. I'm asking, did you benefit from this or not?

12 A. Well, as much as you benefited I guess I would say.

13 Q. Well, how would I have benefited? You received the
14 check?

15 A. If it wasn't -- if it wasn't for the entity created
16 to establish that relationship, you would not have been
17 able to maintain a presence at the Overhill address.

18 Q. Fine. But did not our staff in D.C. at some point
19 call you and tell you that K A S, they determined was your
20 wife, and that was contradictory to house rules, and could,
21 in fact, be considered a fraudulent document if it's not
22 changed?

23 A. No, that is not true.

24 Q. Did you talk with anybody from the Washington staff
25 about K A S Enterprise?

Sinclair - Cross

- 1 A. Yes, I did.
- 2 Q. Who did you talk to?
- 3 A. Mr. Marcone.
- 4 Q. You talked to anybody?
- 5 A. Most likely Mr. Straub.
- 6 Q. And what, if anything, did they tell you?
- 7 A. Well, basically a little history as to what was done
- 8 when the building was transferred out of the name -- out of
- 9 Henry's name, Henry DiBlasio's name, and that another
- 10 entity would need to be formed, and I was quite explicit
- 11 with how the situation was to be arranged because I felt
- 12 uncomfortable with it at the time, and it was at that time
- 13 that Mr. Marcone faxed me up a copy of your congressional
- 14 ethical considerations that dealt on the issue, and I read
- 15 those considerations, and I felt that the ethical
- 16 considerations prohibited this arrangement with a staff
- 17 employee but did not prohibit it with another entity as
- 18 long as the transaction was an arm's length transaction,
- 19 meaning that there wasn't some exorbitant amount of rent
- 20 being charged for the space. And I felt comfortable
- 21 because I recently had the building appraised, and they
- 22 also appraised what the square footage should be, which was
- 23 approximately \$6 a square foot. And I felt comfortable
- 24 that it was an arm's length transaction.
- 25 Q. You stated the building had been owned by

Sinclair - Cross

1 Mr. DiBlasio. Is that your testimony?

2 A. Yes.

3 Q. Isn't it a fact that Mr. DiBlasio did not own the
4 building, and it was in a trust, that Mr. DiBlasio checked
5 with the ethics committee and determined there could be no
6 benefit to you, to anyone who was a congressional employee
7 through such a transaction? Therefore, there was a trust,
8 and the trust was approved by the House and its rules,
9 isn't that a fact?

10 A. No, it's not. There was not a trust. I think you're
11 confusing the terms "trust" with something else. There was
12 a corporation established by Henry and someone by the name
13 of Trumbull Land Company. At that time I had no -- no
14 knowledge at that time that that entity -- I knew the
15 entity existed. I didn't know for what purpose.

16 Q. But you said that Henry DiBlasio owned the building:
17 That was your testimony here?

18 A. Yes, that's who I paid my rent to was Henry DiBlasio.
19 I did not pay it to Trumbull Land Company, so as far as my
20 understanding was, prior to all this coming to a head, I
21 made my payments to Henry DiBlasio. And as far as I was
22 concerned, that's who was the owner was and controlled the
23 building. I --

24 Q. So you assumed he as an agent was the owner, is that
25 your statement?

Sinclair - Cross

1 A. No. At that time, I understood him to be the owner
2 because that's who I paid my rent to, not Trumbull Land
3 Company. It wasn't until this came around that I learned
4 Trumbull Land Company existed, and that was during my
5 inquiry as to how the building could be in my name or not
6 in my name.

7 Q. Now, when you met with the Government, did the
8 Government discuss with you the K A S Enterprise and the 11
9 Overhill ownership situation?

10 A. During which time period are we talking?

11 Q. At any time period. First, second.

12 A. The matter -- the matter I'm sure came up. No, it
13 wasn't a focus of their investigation or a focus of their
14 questions to me, no.

15 Q. That wasn't my question. Did they bring up the K A S
16 Enterprise to you? Yes or no.

17 A. Only to inquire as to the basic facts.

18 Q. Okay.

19 A. Yes.

20 Q. You stated that you moved to a new residence?

21 A. Yes.

22 Q. You used to --

23 A. Not that I stated that, I said the address.

24 Q. When you worked for me, what was your residence
25 number?

Sinclair - Cross

- 1 A. My physical address?
- 2 Q. Yes, where you lived, Oyour house.
- 3 A. 3926 Alina Avenue, Youngstown.
- 4 Q. That was off Midlothian Boulevard, would you say?
- 5 A. Yes.
- 6 Q. Moderate, median priced property?
- 7 A. Yes, very nice houses, but yes, an average family
8 house.
- 9 Q. How much did you pay for that house, Mr. Sinclair?
- 10 A. We purchased the house in 1991. I believe I paid
11 \$38,000 for it.
- 12 Q. Now, you said you moved to the Newport area?
- 13 A. Yes.
- 14 Q. And the Newport area is known as one of the trendiest
15 areas in Boardman, Ohio, the biggest township in all of
16 Ohio. Where exactly did you move in the Newport area?
- 17 A. Newport Drive.
- 18 Q. And Newport Drive, is that not, in fact, the main
19 drive of that exclusive area?
- 20 A. Well, I would disagree with your terms exclusive.
21 Maybe at one time it was exclusive. Most of the houses
22 that are in that area now are older and very rundown, and
23 they need a lot of work.
- 24 Q. When did you purchase this home?
- 25 A. In January of last your, 2001.

Sinclair - Cross

1 Q. How much did you pay for this home?

2 A. \$275,000.

3 Q. Now, since October of 1998, and you had some
4 involvement with the Congressman, isn't it a fact that for
5 some five or six years, you did voluntary work and had an
6 understanding of congressional business and did little
7 things for the Congressman that the Congressman requested
8 of you, that you diligently performed, voluntarily?

9 A. Yes, I would say that's fair.

10 Q. Did I ask you to undertake a significant task of
11 researching the law, and with your legal expertise, putting
12 together a recommendations to the community for a regional
13 development authority that would have the ability to raise
14 money and to make a loan to help impoverished areas and to
15 increase and better the community? Did you, in fact, do
16 that, and was that your assignment?

17 A. Yes, I did a lot of the ground work on that.

18 Q. And you did a tremendous amount of work on that,
19 didn't you?

20 A. Yes, sir.

21 Q. Good.

22 Did I ever attempt to arrange a meeting with you at
23 any time after you and I separated ways?

24 A. After you left the building in April?

25 Q. Yeah.

Sinclair - Cross

1 A. I saw you on occasion, yes. I don't know if it was
2 an arranged meeting, but I did see you.

3 Q. Did Robert Barlow call you on several occasions,
4 asking I would like to meet with you, that I had your
5 garage door opener and wanted to meet with you?

6 A. No, I don't believe I ever received a call from
7 Mr. Barlow.

8 Q. Okay.

9 When did you first start working with the FBI,
10 cooperating with them, telling them your truthful testimony
11 that you've given here today?

12 A. That would have been in my proffer statement, January
13 31, 2000.

14 Q. And January 31, 2000. And when did I leave the
15 premises?

16 A. April 1, 2000.

17 Q. Between January 31st and April 1st, we're talking
18 three months, am I right?

19 A. Yes, sir.

20 Q. Did the federal government ever ask you to wear a
21 body recording device with me?

22 A. No, sir.

23 Q. Is there an agency in your building that rents space
24 from you known as the Gator Agency?

25 A. Yes, there is.

Sinclair - Cross

1 Q. Do they have sophisticated eavesdropping and
2 electronic devices to record and memorialize people's
3 statements?

4 A. No, the Gator Agency is merely a -- one of my
5 employees who, at that time, was an independent contractor,
6 who was -- had the task of being my office manager as well
7 as investigator of my accident cases. He also has owned an
8 investigative company called the Gator Agency.

9 Q. Fine. Are you part owners in that, Mr. Sinclair?

10 A. Yes, sir.

11 Q. Let me ask you this: Isn't it a fact he has a small
12 device, looks like a golf ball he can place right over
13 there and take pictures of the jury?

14 A. Oh, yeah, there are cameras with lenses the size of
15 less than a pinhead.

16 Q. Did you privately tape any conversations you had with
17 me?

18 A. No, sir.

19 Q. Okay. Now, you were afraid of me, you were concerned
20 about me, you were cooperating with the Government. Now,
21 as an attorney, what is a sure bank way to get Jim
22 Traficant convicted, would you say, Number 1, a confession?

23 MR. MORFORD: Objection, your Honor.

24 THE COURT: You can continue.

25 MR. TRAFICANT: I didn't hear you.

Sinclair - Cross

1 THE COURT: You can continue.

2 Q. Would you say a confession would be a real killer
3 here? If I were to confess and say to the jury man I did
4 this with you, wouldn't you think that would be a killer,
5 be all over?

6 A. Of course it would.

7 Q. Well, then, let me ask you this: You said I did not
8 know that you were cooperating with the FBI. There were
9 three months. Would you say that the next most damaging
10 thing for any Defendant in a criminal trial would be their
11 own voice of an admission of guilt that had been attained
12 through some device or somebody's expertise in attaining
13 that so-called admissible so-called confession? Would you
14 agree that would be very damaging?

15 A. I think you're asking me to speculate, but there were
16 no conversations that I taped regarding conversations --

17 Q. I didn't ask you that. I asked you this question
18 specifically, Number 2?

19 THE COURT: But he answered the question when
20 you asked him if he had done any taping.

21 MR. TRAFICANT: No, I didn't ask about the
22 taping. I was asking, wouldn't a tape --

23 THE COURT: But, he's not an expert on this.
24 You can't acquaint this kind of inquiry. This is
25 cross-examination. What you can do is challenge the

Sinclair - Cross

1 statements that he's made, but you can't just go off on
2 your own and ask a whole lot of speculative questions.

3 MR. TRAFICANT: Well, the first question was
4 a confession would be a killer.

5 THE COURT: Okay. Well, you got that out.
6 You can move along.

7 Q. As an attorney, wouldn't the second killer be there
8 would be --

9 THE COURT: No, Mr. Traficant, don't ask him
10 that question. You have someone here you can
11 cross-examine.

12 Q. So your testimony is the Government never asked you
13 to wear a body device to me?

14 A. No, they did not.

15 Q. And the original statement, you said you had all
16 these concerns about Henry DiBlasio, but they were loans,
17 and then at some point, you realized that you said they
18 were kickbacks. Was that your testimony?

19 A. I'm sorry. Repeat that again.

20 Q. In your original testimony, you said it started out
21 as loans, but at some point, you realized they were, quote
22 unquote, kickbacks?

23 A. They were "loan" was the word you used with me, in
24 our initial car ride when you offered the job to me, and at
25 that time, I -- I may have believed that they were actually

Sinclair - Cross

1 loans.

2 Q. So as an attorney of the law, having been suspended,
3 having gotten lifted, being on probation -- are you still
4 on probation, by the way?

5 A. No, sir.

6 Q. Your testimony today says that you, knowingly and
7 willingly from day one, engaged in the felonious act in an
8 employment situation. Is that your testimony?

9 A. I cannot -- I think you have to define that a little
10 further for me. Which period of time? And when -- what
11 point of time was my mindset when you're asking me this
12 question? Yes, there was a time I realized what I was
13 doing was wrong. That's why I did what I did.

14 Q. I didn't ask you that. I asked you -- you said at
15 some point, you realized early in the game these are not
16 loans; they were kickbacks. Is it your testimony, as an
17 attorney, that you engaged in the form of relationship
18 which was felonious on its face?

19 A. I don't think that's for me to determine. You're
20 trying to get me to step in the shoes of the Government,
21 and I don't know if I can do that.

22 Q. So you're not sure you committed a crime, is that
23 what you're saying? I mean -- and I am trying to figure
24 out what you're saying. Did you say you committed a crime
25 to this jury, and you want to bear your soul, or you didn't

Sinclair - Cross

1 commit a crime? You're saying something the Government
2 said you committed a crime?

3 THE COURT: He can answer this.

4 THE WITNESS: You're going to have to repeat
5 the question.

6 Q. Did you knowingly and willingly, as an attorney of
7 law, engage in an employment relationship, realizing that
8 it was a felony and knowingly and willingly engaged in it?

9 A. At the time the job was offered to me, no.

10 Q. Did you have a contract with Mr. DiBlasio?

11 A. You mean a partnership agreement?

12 Q. Yes.

13 A. Yes, sir.

14 Q. Did you not, in fact have, a cash vending business as
15 well?

16 A. The cash vending business was my wife's side
17 business.

18 Q. I see. Where was it located?

19 A. There was no physical location. The vending were
20 various businesses throughout the Boardman area, little
21 candy style vending machines for ancillary businesses. We
22 ran the business out of our home until I took over the
23 building.

24 Q. How much do these vending machines weigh?

25 A. How much do they weigh?

Sinclair - Cross

1 Q. Yeah, approximately.

2 A. Maybe 40 pounds.

3 Q. How much does your wife weigh?

4 A. That's one of those questions I never did find the
5 answer to.

6 (Laughter.)

7 Q. Well, is she small, pretty, or, you know, is she just
8 a little heavier and just beautiful? How would you rate
9 her?

10 A. She's beautiful to me, and I would characterize her
11 as being petite.

12 Q. Petite. So your wife didn't carry around 40-pound
13 machines to different locations, did she?

14 A. She certainly did.

15 Q. Did you have other employees that worked for this
16 vending business?

17 A. No. On occasion, I would ask if my -- well, it came
18 to a point where my wife could no longer service vending
19 machines because we had three children, and I would have
20 one of my secretaries go out on a monthly basis and service
21 the machines, or I would do it myself even.

22 Q. So let me ask you this: Did you have in your
23 agreement with Mr. DiBlasio a requirement to report to him
24 if you had, in fact, engaged in any other business
25 activities?

Sinclair - Cross

1 A. Yes, I believe there was a cause.

2 Q. Did you, in fact, report to Mr. DiBlasio about the
3 cash vending business?

4 A. We knew of it, yes, I remember talking to him
5 about --

6 Q. Are you now speaking for Mr. DiBlasio?

7 A. No, I'm talking personal experience. I told him we
8 went to a small business expo at the Eastwood Mall, and
9 that my wife was looking for something to occupy her time,
10 and that we decided to invest in vending machines. And I
11 actually consulted with him as to what he thought about the
12 business.

13 Q. So specifically, it is your testimony here today, you
14 notified Mr. DiBlasio, and he was completely cognizant of
15 your cash vending business, yes or no?

16 A. Yeah, that was many years before we formed the
17 partnership.

18 Q. That's fine. Okay.

19 Did you or do you still owe Mr. DiBlasio over
20 \$450,000?

21 A. No, I disagree with the amount. I do most likely
22 probably owe him money from the partnership, yes, you're
23 accurate, but not to that amount.

24 Q. Was there not both sides that took some type of
25 accounting and each side come up with numbers, and there

Sinclair - Cross

1 was a question of a lawsuit relative to a civil lawsuit
2 perhaps being filed against you by Mr. DiBlasio?

3 A. No, I don't recall that.

4 Q. You have no recollection of any of Mr. DiBlasio's
5 attorneys making requests of you for payment where they
6 would seek legal action. Is that the testimony?

7 A. No. I had not received anything from any of
8 Mr. DiBlasio's attorneys concerning partnership agreement.

9 Q. Did you ever notify Mr. DiBlasio that at some
10 particular point, you would not give him access to your
11 computer anymore. You would pay him no more money, and if
12 he was wise, he would stop bother you?

13 A. Those are multiple questions.

14 Q. Let's take one at a time?

15 A. Yes, please.

16 THE COURT: Just ask one, and let him answer
17 one.

18 BY MR. TRAFICANT:

19 Q. Did you notify -- could the reporter read it back?

20 THE COURT: No, better -- because he can't
21 answer three anyway. You choose one, and go one at a time
22 if you would. He never answered the first time.

23 Q. No attorneys of Mr. DiBlasio had contacted you and
24 discussed payments and the possibility of a civil lawsuit,
25 yes or no?

Sinclair - Cross

1 A. I take that back. I did have a meeting with Attorney
2 Alan Manevich. It was more of a -- just came to my office
3 to find out what was going on. I -- there was no demand
4 made if that's -- that's why I was confused as to what you
5 were asking me.

6 Q. Did you at some point shut Mr. DiBlasio off from the
7 computer, even though he still had a vested interest in
8 outstanding business cases as parts of his agreement?

9 A. Yes, I did.

10 Q. Okay. Did you not also notify Mr. DiBlasio by letter
11 he was not to contact you anymore, you were not going to
12 pay him any money, you felt he took advantage of you?

13 THE COURT: Oops. There we have three
14 questions, okay.

15 Q. You sent him a letter stating that basically you were
16 not going to pay him any more money, and he would be wise
17 not to bother you anymore? Did you send him that letter.
18 Yes or no.

19 A. I do recall sending him many letters, but, no, I
20 don't specifically recall that letter.

21 Q. Did you ever ask the congressional staff to help get
22 you business since you were having it so tough?

23 A. I'm sorry?

24 Q. Did you ever ask any of the congressional staff to
25 get you some referrals because you were having it so tough?

Sinclair - Cross

- 1 A. No, sir.
- 2 Q. Now, on your old house, you built a deck at some
3 point, did you not, before you sold it?
- 4 A. Yes.
- 5 Q. How did you pay for that deck?
- 6 A. Well, with money.
- 7 Q. Well, naturally. We all pay with money.
- 8 A. Yeah. What is your question?
- 9 Q. Was it cash?
- 10 A. No. I usually don't transact business that way. I
11 like to keep \$100 in my wallet at any given period of time.
- 12 Q. You said earlier these yellow page ads were very
13 expensive. Isn't that your testimony?
- 14 A. Yes, sir.
- 15 Q. And that were it not for Mr. DiBlasio, you wouldn't
16 have had no presence probably in the media?
- 17 A. I would disagree with that to a certain extent.
18 Before we formed our partnership, I did have yellow page
19 ads, not a full page ad.
- 20 Q. Isn't it a fact, Mr. Sinclair, you just purchased a
21 large two-page ad in the yellow pages of the Youngstown
22 phone book?
- 23 A. Yes, sir.
- 24 Q. With a photograph?
- 25 A. Yes, sir.

Sinclair - Cross

1 Q. Isn't it a fact you've taken out extensive
2 advertising on local media, radio, and television?

3 A. No, not recently. Television was done prior to our
4 partnership. Radio was done prior to our partnership. The
5 only advertising we did not do together in our partnership
6 was the phone book advertising.

7 Q. Now, since 1998, how many vehicles have you
8 purchased?

9 A. Since 1998?

10 Q. Yes.

11 A. Well, we have a mini-van, which I believe is a 1998.

12 Q. Where did you buy it?

13 A. At Youngstown Buick.

14 Q. How much did you pay for it?

15 A. \$25,000, I believe.

16 Q. Did you buy any other vehicles?

17 A. I also leased a vehicle.

18 Q. And what is that?

19 A. That is a Chrysler Sebring.

20 Q. And what is your payment on that?

21 A. Approximately \$285, \$289 a month.

22 Q. Did you ever enter my so-called private apartment
23 above the garage? Because it was a mess.

24 A. On occasion when you were there, yes.

25 Q. Only when I was there?

Sinclair - Cross

1 A. Yes. You had a -- a private lock on that that I did
2 not have a key of.

3 Q. So you were never in that room unless you were in
4 there with me?

5 A. Yes, sir.

6 Q. So you never entered that room without me knowing
7 about it, right?

8 A. No, sir, I couldn't. You had a dead bolt on it.

9 Q. Are you up to date on your payments relative to your
10 agreement with Mr. DiBlasio?

11 A. No, sir.

12 Q. Did you find it strange that you're -- you're such a
13 blockbuster witness, that the Government did not ask you to
14 wear a body device for me since I was unknowing?

15 MR. MORFORD: Objection.

16 THE COURT: Well, he said he wasn't wearing a
17 body device.

18 MR. TRAFICANT: But I didn't ask him that.

19 THE COURT: Whether he found it strange?

20 MR. TRAFICANT: I asked him as an attorney
21 didn't he consider it to be strange, he being such a
22 blockbuster witness evidently --

23 THE COURT: Well, a lot of assumptions in
24 your question, but I think he can answer it. You can
25 answer that.

Sinclair - Cross

1 THE WITNESS: I asked him. My opinion as an
2 attorney or as a regular person?

3 Q. Well, I think you're an attorney, and I think you
4 understand a little bit about the law and what happens when
5 people get convicted or acquitted, and --

6 THE COURT: Well, now you're asking him as an
7 expert, and he can't --

8 MR. TRAFICANT: I'm not asking as an expert.

9 THE COURT: That's the implication the way
10 you're putting the question. Just move to the next
11 question. Thank you.

12 MR. TRAFICANT: Well, I'm asking him as just
13 a witness.

14 Q. Do you find it strange --

15 THE COURT: All right.

16 Q. --that the Government, knowing that I didn't have no
17 knowledge that you were cooperating with the FBI at any
18 time, did not ask you to wear a body device? Did you find
19 that strange?

20 THE COURT: It wouldn't make any difference
21 whether he found it strange or anyone else found it
22 strange. It isn't a helpful way -- you can go to the next
23 question.

24 Q. This may get ruled out, I'm sure. But isn't it a
25 fact that the Government didn't want you to wear a body

Sinclair - Cross

1 device because it wouldn't be an exculpatory tape for the
2 Defendant?

3 THE COURT: Now you're trying to do some kind
4 of argument.

5 MR. TRAFICANT: No.

6 THE COURT: Oh, yes, you are.

7 MR. TRAFICANT: That is a question.

8 THE COURT: Sir, you're trying to do
9 something different than put a legitimate question to this
10 witness. It's almost 4:30, we'll adjourn the Court for the
11 day. Thank you. All rise for the jury.

12 (Thereupon, a recess was taken.)

13 (Proceedings in the absence of the jury:)

14 THE COURT: Okay. Congressman, I just have a
15 practical question. Do you need more examination of this
16 witness?

17 MR. TRAFICANT: Yes.

18 THE COURT: All right.

19 MR. TRAFICANT: And I'd like to address the
20 Court, if I could, within the presence of Mr. Morford.

21 THE COURT: Okay. But first let me say that
22 what we'll do is resume tomorrow morning with you guys
23 coming in at 8:30 as usual, and we'll start the proceedings
24 at 9:00 and go forward with this witness on the stand.

25 Do you anticipate which other witnesses you may be

Sinclair - Cross

1 calling, and if so, have you given the Congressman the
2 exhibits?

3 MR. MORFORD: Yes, we did. Mr. Smith gave
4 him, I believe -- what was it? -- six or seven folders --

5 MR. SMITH: Yes, your Honor.

6 MR. MORFORD: -- on Monday.

7 MR. TRAFICANT: Could you give me the names?

8 MR. SMITH: The next three witnesses will be
9 the bank custodian and bank record interpretation types of
10 witnesses, your Honor.

11 THE COURT: Okay.

12 MR. SMITH: From Key Bank, Metropolitan Bank,
13 also known as First National Bank of Pennsylvania, and Home
14 Savings and Loan Bank in the Youngstown area. Then I'm not
15 sure whether we'll call them, but we've given Congressman
16 Traficant the Jencks material for witnesses Dilereto,
17 Bobby, Kavulic, following that, so that's kind of the hit
18 parade I think for tomorrow.

19 THE COURT: Okay.

20 MR. MORFORD: One other thing: We do have an
21 IRS witness --

22 MR. SMITH: Sorry.

23 MR. MORFORD: -- to summarize some documents
24 on a chart, just basically compiling the documents. It's
25 under 1006 and also FBI agent, Special Agent Joe Bushner,

Sinclair - Cross

1 who actually obtained the cash in the envelopes and
2 evidence from Mr. Sinclair.

3 THE COURT: Okay. I think that answers your
4 question about who.

5 MR. TRAFICANT: Yeah, that was. My point is,
6 I am on cross-examination. I believe I do have some
7 leeway.

8 THE COURT: Oh, you have some leeway. You
9 used it.

10 MR. TRAFICANT: And return some individuals'
11 testimony that I believe is questionable, and --

12 THE COURT: Yeah, you do.

13 MR. TRAFICANT: I felt that I was denied that
14 opportunity here today.

15 THE COURT: Yeah, well, I think you had --
16 you had a good bit of leniency, and I intend to continue to
17 rule on things as they come up in the case, but there's --
18 there is a way you can preserve the record, and you're
19 using that, and that's what you need to do throughout the
20 trial.

21 There's always going to be differences between
22 lawyers and judges on what you can -- what you can ask and
23 what you can't. We'll resume at 8:30 in the morning. So
24 if anything comes up, we'll be able to deal with it before
25 the jury comes in. The jury will hopefully be in the box

Sinclair - Cross

1 at 9:00, and we'll follow the same schedule tomorrow.

2 Thank you very much.

3 MR. TRAFICANT: Thank you.

4 MR. MORFORD: Thank you, your Honor

5 (Proceedings adjourned.)

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10 C E R T I F I C A T E

11 I certify that the foregoing is a correct
12 transcript from the record of proceedings in the
13 above-entitled matter.

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