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SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

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UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal Action Number
	:	
ELENA RUTH SASSOWER,	:	M 4113-03
	:	
Defendant.	:	
	:	
----- X	:	

Washington, D.C.

Wednesday, August 20, 2003

The above entitled action came on for a trial before  
the Honorable MARY ELLEN ABRECHT, Senior Judge, in  
Courtroom Number 217, commencing at 1:54 p.m.

APPEARANCES:

On Behalf of the Government:

AARON MENDELSON, Esquire

On Behalf of the Defendant:

PRO SE

**Deposition Services, Inc.**

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EX "KK"

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THE DEPUTY CLERK: Sassower, case number M4113-03.

THE COURT: Ms. Sassower, this is Judge Abrecht. Now that we're officially on the record and you're on speaker phone, would you identify yourself for the record by stating your full name and your location?

THE DEFENDANT: Good afternoon. My name is Elena, Elena Ruth Sassower. I am the criminal Defendant in the case of United States of America against Elena Ruth Sassower, on a charge of disruption of Congress. I am calling by leave of Court from White Plains, New York.

THE COURT: All right. Would the Government -

-

MR. MENDELSON: Aaron Mendelson for the United States.

THE COURT: All right. Ms. Sassower, could you hear Mr. Mendelson?

THE DEFENDANT: Barely.

THE COURT: Okay. I'm going to actually ask you to come around in front, and, perhaps, stand right here in front of the Court. Excellent. All right. Mr. Mendelson, would you identify yourself again, and we'll see if she can hear you now?

MR. MENDELSON: Aaron Mendelson for the

1 United States.

2 THE COURT: Okay. For Mr. Mendelsohn's benefit  
3 I will explain, as Ms. Sassower indicated, that yesterday  
4 afternoon I had my chambers contact Ms. Sassower and give  
5 her leave to appear by speaker phone this afternoon. And  
6 since the matters that we need to attend to this  
7 afternoon seem to be the sort that could be handled in  
8 this manner, I had chambers inform her that it was not  
9 necessary for her to make the trip. I've reviewed the  
10 file, and I'd like to make a few preliminary remarks  
11 about our procedures and the status of this case before I  
12 address both the Government and the Defendant and need  
13 some responses.

14 I do not know, Ms. Sassower, whether the  
15 motions that you faxed to the Court, and I believe to the  
16 Government, have ever been officially filed or not. They  
17 certainly have not been filed in the official court  
18 jacket as of yet, and I want to be certain, Ms. Sassower,  
19 that you understand that no motion is appropriately  
20 before the Court until it has been appropriately filed in  
21 the criminal clerk's office pursuant to our local  
22 criminal rule 47(i). And at the time of filing, you need  
23 also to arrange for service, and mail is certainly  
24 appropriate, of a Courtesy copy on the Government for  
25 sure, and if you want, as a Courtesy, to also fax a copy

1 that will just get there faster on any motion that's  
2 urgent, that is it is all right, but it does not  
3 constitute filing, and, so, that's something you should  
4 be aware of. We don't --

5 THE DEFENDANT: May I be heard?

6 THE COURT: -- operate by faxed filings.

7 THE DEFENDANT: May I be heard, Your Honor?

8 THE COURT: Just a moment. I just want to  
9 explain some things in general.

10 THE DEFENDANT: Thank you.

11 THE COURT: And in the faxed material you  
12 talked and mentioned that you were copying and attaching  
13 various discovery requests that you had made in the faxed  
14 copy that the Court received. It's not attached, but, in  
15 any event, that's not necessary. Under our rule 16  
16 discovery procedures, you should begin simply with  
17 requests exchanged between the Defendant and the  
18 Government, and the Court is not involved in the  
19 discovery unless and until there is a dispute that can  
20 only be resolved by a motion to the Court, but your  
21 requests back and forth should be just that, back and  
22 forth between the Defendant and the Government. And  
23 often, in many cases, matters can be resolved informally  
24 without the Court ever being involved, but if the Court  
25 does need to be involved you can file a formal motion,

1 but I will not comment on or get involved in the initial  
2 stage of your request versus their response and that kind  
3 of thing.

4 Also, in any motions that you choose to file,  
5 you should be citing District of Columbia law. New York  
6 law and practice is certainly not binding on this Court,  
7 but I can assure you it's not even persuasive on the  
8 Court when it's different in any respect from D.C. law.  
9 So, the only law that's generally relevant and should be  
10 relied on is District of Columbia law.

11 The other point I want to explain, and this is  
12 just for curiosity, I'm not the least bit surprised, Ms.  
13 Sassower, that you've been confused by the parade of  
14 judges that have handled this case. This is unusual, but  
15 it has nothing to do with your case. It simply happens  
16 that the particular misdemeanor calendar that this case  
17 is assigned to, calendar one, was assigned to me in  
18 January of 2003, and I retired at the end of the month  
19 and took senior status, and we are awaiting confirmation  
20 of new judges. And in the meantime, this misdemeanor  
21 calendar one has simply been assigned to available judges  
22 as they are available, and there is absolutely nothing  
23 sinister or nothing having to do with your case, in  
24 particular, that has caused there to be so many judges  
25 involved. And also, this situation continues into the

1 fall, so, even when we do set a trial date, we will not  
2 know for certain when the date is set who the judge is  
3 who will preside over the case. It will be whoever is  
4 handling misdemeanor calendar one at the time. And for  
5 both the Government and the Defendant, it's probably  
6 simplest on the caption of any papers you file not to use  
7 a judge's name, but simply to say misdemeanor calendar  
8 one, and that way whoever is handling the calendar at the  
9 time will look at it. I just wanted to explain that  
10 because I realize that anyone looking at the record of  
11 this case might have been confused, as you seem to be, by  
12 the number of changing judges. All right.

13 I'd like now between the Government and the  
14 Defendant to handle as many outstanding issues as we can  
15 today. Obviously, the Defendant's motion that I don't  
16 think has been officially filed yet, but we received a  
17 fax of asking for re-argument and a continuance of  
18 today's hearing is moot now given the fact that we are  
19 having the hearing, but have allowed you to appear by  
20 telephone.

21 The other two issues raised in what was faxed  
22 to the Court that again has not to my knowledge been  
23 officially filed yet, were Ms. Sassower's request for a  
24 disqualification of Judge Eilperin and her transfer of  
25 this case to a different venue.

1 I'll direct my next question first to the  
2 Government. If these concerns of Ms. Sassower, if we can  
3 resolve them orally today, I'd be happy to. If the  
4 Government, on the other hand, wants to await the filing  
5 of the formal motion, and have their 10 days to respond,  
6 we can handle it that way as well, but if it's something  
7 that we can handle orally today, I'm available to do so.  
8 What's the Government's position on that?

9 MR. MENDELSON: Your Honor, we'd be happy to  
10 resolve them orally today. I am a little confused,  
11 though, that we are having this conference --

12 THE DEFENDANT: Your Honor, I can barely hear  
13 Mr. Mendelsohn.

14 THE COURT: All right. Shout. Shout, Mr.  
15 Mendelsohn.

16 MR. MENDELSON: We'd be happy to resolve these  
17 orally today. I am confused, though, that we're having  
18 this conference over the telephone. I was unaware of  
19 that until we began this conference, especially in light  
20 of Judge Eilperin's order that she be here in person  
21 today.

22 THE COURT: I understand. No, the order did  
23 not say that she'd be here in person. The order says  
24 that her request for a continuance was denied, and that  
25 the hearing would be held today and that she had to

1 appear.

2 MR. MENDELSON: It says, further ordered that  
3 the Defendant shall appear in Court on August 20, 2003  
4 for the scheduling conference.

5 THE COURT: I understand, and I have  
6 interpreted that to permit her appearance by telephone.  
7 Anyway, that's moot. That's done.

8 MR. MENDELSON: We can resolve everything  
9 orally.

10 THE COURT: All right. Ms. Sassower, did you  
11 understand Mr. Mendelsohn has --

12 THE DEFENDANT: Yes, he --

13 THE COURT: -- just said that he's willing to  
14 hear from you and respond orally to your other two  
15 requests?

16 THE DEFENDANT: I don't believe that that is  
17 appropriate in view of the serious and substantial nature  
18 of the relief that I am seeking by way of  
19 disqualification and transfer. However, with all  
20 respect, Your Honor, I would like to address the various  
21 issues which you have put forward. So, if you would  
22 permit me?

23 THE COURT: I'll hear you.

24 THE DEFENDANT: Thank you. As to your first  
25 point, I was advised as to the proper procedures, and I



1 believe I have followed them. That is, both the August  
2 6th motion to adjourn the conference for ascertainment of  
3 counsel, as well as the August 17th re-argument motion,  
4 and for disclosure, and disqualification and transfer  
5 were express mailed each of them to the Court and to the  
6 clerk's office. I, as to the --

7 THE COURT: All right. What is the --

8 THE DEFENDANT: So, they should, they should  
9 have been filed by the clerk's office.

10 THE COURT: All right. I will ask the  
11 courtroom clerk to call up to the clerk's office and see.  
12 That could very well be. There often is a stack of  
13 motions that don't get filed timely. So, I'll have the  
14 courtroom clerk check on that.

15 THE DEFENDANT: I, I, I do wish to assure the  
16 Court that I did not merely fax and e-mail both of these  
17 motions to adverse counsel, but I mailed to adverse  
18 counsel, as well as to the ACLU, copies of both motions  
19 as well as mailing to the Court, and it certainly should  
20 have been filed. However --

21 THE COURT: All right. I understand Mr.  
22 Mendelsohn has received a copy of the motions, is that  
23 correct?

24 THE DEFENDANT: Okay. Now --

25 THE COURT: Just a minute. Just a minute. Let

1 me ask. Mr. Mendelsohn, did you receive a copy of --

2 MR. MENDELSON: We did receive a copy of the  
3 motions. I might ask, though, that when you e-mail me  
4 these motions, I am unable to open any of them, so it  
5 would suffice if you mailed and faxed them to me.

6 THE DEFENDANT: Each were mailed and faxed.

7 THE COURT: All right. All right. And you can  
8 dispense in the future even the effort of the e-mail.

9 THE DEFENDANT: Okay.

10 THE COURT: All right.

11 THE DEFENDANT: But I would also point out to  
12 the Court that *annexed to the* ~~our next~~ motion was the receipts  
13 reflecting that the motions had been mailed, faxed and e-  
14 mailed.

15 THE COURT: All right. All right.

16 THE DEFENDANT: Okay. Now, as to the second  
17 point, but, preliminarily, I should reiterate that I am a  
18 Defendant in a criminal case and have invoked my right to  
19 counsel. I believe that that is a right which --

20 THE COURT: Ms. Sassower, there's no dispute  
21 about that. My understanding from the record is that you  
22 turned down the opportunity to have Court-appointed  
23 counsel here, and you will not be required to go to trial  
24 until you get your own counsel. But that's not the issue  
25 that we're addressing right now. The issue I want to

1 hear from you now is anything further you want to say  
2 about your motions --

3 THE DEFENDANT: Absolutely.

4 THE COURT: -- that we want to resolve this  
5 afternoon --

6 THE DEFENDANT: Thank you.

7 THE COURT: -- number one the disqualification  
8 of Judge Eilperin, and number two the transfer of the  
9 case to a different venue.

10 THE DEFENDANT: Okay. But you have cited  
11 various procedural issues which obviously are better  
12 addressed by counsel or by me --

13 THE COURT: Okay. But we're not dealing with  
14 those right now.

15 THE DEFENDANT: Okay. As to the second point,  
16 the discovery demands that I --

17 THE COURT: We're not talking about discovery  
18 this afternoon either.

19 THE DEFENDANT: No, no, you, you -- I do want  
20 to say you said informal resolution. I have not received  
21 as yet any response from --

22 THE COURT: Ms. Sassower, I don't want to hear  
23 --

24 THE DEFENDANT: Okay. All right.

25 THE COURT: -- about your discovery issues this

1 afternoon.

2 THE DEFENDANT: Okay. I, I just do want to say

3 --

4 THE COURT: That --

5 THE DEFENDANT: -- that, that it was, it was  
6 sent to Mr. Mendelsohn by --

7 THE COURT: I don't want to hear that, Ms.  
8 Sassower.

9 THE DEFENDANT: Okay. Okay. Fine. Now, as,  
10 as to the third issue as relates to my motion, and the  
11 advisability of citing D.C. law, obviously, I'm not a  
12 D.C. lawyer. To the extent that my, my instant motion of  
13 August 17th cites New York law and practice, it is  
14 because of the principles, I believe, are equally  
15 applicable in D.C.

16 THE COURT: Okay. Ms. Sassower, we don't --

17 THE DEFENDANT: I, I understand that what I  
18 have cited is not binding as law or persuasive, but I  
19 believe that the Court, in its discretion recognizing  
20 that I'm a non-lawyer and not from D.C. --

21 THE COURT: And when you choose --

22 THE DEFENDANT: -- will recognize, will  
23 recognize the principles for which I am citing these New  
24 York cases as --

25 THE COURT: Ms. Sassower, when you choose to

1 appear before the Court without your counsel, you are  
2 held to the same standard as counsel; we do not make  
3 allowances.

4 THE DEFENDANT: I, I, with all respect, Your  
5 Honor, I have not chosen to appear here today without  
6 counsel. I appear here today at the direction of the  
7 Court --

8 THE COURT: And I want you to argue your  
9 motion.

10 THE DEFENDANT: -- and I, I appreciate that you  
11 have permitted me to appear by telephone. However, I,  
12 nonetheless --

13 THE COURT: Let's use the time appropriately --

14 THE DEFENDANT: (Indiscernible.)

15 THE COURT: -- and will you please begin  
16 arguing your motion?

17 THE DEFENDANT: Okay. As to the parade of  
18 judges, that's the fourth point that you made --

19 THE COURT: You don't need to comment on that.  
20 That was just for your information. Would you please  
21 argue your motion?

22 THE DEFENDANT: I, but I am, I am unclear, Your  
23 Honor, with all respect, how it is that you come to be  
24 presiding in the conference today.

25 THE COURT: Because I am assigned to

1 misdemeanor calendar one.

2 THE DEFENDANT: You said you, you had retired  
3 at the end of the month. Which, which month were you  
4 referring to, Your Honor?

5 THE COURT: And took senior status. I am  
6 sitting as a Senior Judge and assigned to misdemeanor  
7 calendar one this week.

8 THE DEFENDANT: This, this week. And what  
9 happened to Judge Eilperin?

10 THE COURT: He is also a Senior Judge, and he  
11 is not currently sitting.

12 THE DEFENDANT: I had been told last week when  
13 I was called by, by the Court that Judge Eilperin had not  
14 only denied my motion, but he was going to be the  
15 assigned judge on this case.

16 THE COURT: Okay. Ms. Sassower, you may have  
17 --

18 THE DEFENDANT: Was that, was that an error?

19 THE COURT: I don't know who told you what, but  
20 Defendants do not have any control over judicial  
21 assignments. This case is assigned to misdemeanor  
22 calendar one, and whatever judge is available for any  
23 particular matter may be assigned to handle it, and it is  
24 not something that we can, on this particular calendar,  
25 predict. It is also quite common in this Courthouse.

1 Every judge in this Courthouse has the same authority as  
2 every other judge, and it is quite common, even if cases  
3 are assigned to a given judge, if that judge is busy on a  
4 given day the case may be certified to another Courtroom.  
5 So, do not worry so much about who the judge is. You are  
6 appearing before the Superior Court, and any judicial  
7 officer who presides over your matter has the same  
8 authority as any other.

9 THE DEFENDANT: And are the judges being, and  
10 yourself included, being randomly assigned, Your Honor,  
11 or are they being selected in particular for given cases?

12 THE COURT: They are not selected for given  
13 cases.

14 THE DEFENDANT: All right. Now, lastly,  
15 insofar as the August 17th motion, obviously, with  
16 respect to the first branch that seeks re-argument of  
17 Judge Eilperin's order, yes, that is moot. However, not  
18 the fact that what he did, I believe, is without any  
19 warrant in fact and law, and is evidence, I believe, of a  
20 biased if not interest requiring not just his  
21 disqualification, but of the transfer of this case  
22 outside of the D.C. circuit.

23 Now, I have, I have asked for disclosure as to  
24 Judge Eilperin. And with all respect, Your Honor, it is  
25 incumbent upon me to ask whether or not you would make

1 disclosure, because I believe that there are facts which  
2 preclude --

3 THE COURT: Disclosure of what, ma'am?

4 THE DEFENDANT: -- which preclude you from any  
5 contact with this case.

6 THE COURT: What is the disclosure, ma'am? I'm  
7 puzzled.

8 THE DEFENDANT: Well, are there any reasons you  
9 feel that you could not be fair and impartial in this  
10 case?

11 THE COURT: None whatsoever.

12 THE DEFENDANT: All right. I, as reflected in  
13 my correspondence, and I, with, with the Court, including  
14 with Mr. Sweet (phonetic sp.) yesterday, and I was under  
15 the impression that your name was spelled A-L-B-R-E-C-H-  
16 T. I subsequently learned that your name is spelled A-B-  
17 R-E-C-H-T. And I am aware of the fact that the former  
18 chief of capital police has that last name, and I would  
19 ask you to disclose whether or not there is any family  
20 relation.

21 THE COURT: Happily. That is my husband, and  
22 he left the capital police three years ago, and he had no  
23 authority --

24 THE DEFENDANT: How --

25 THE COURT: -- or responsibilities with the



1 capital police at the time of your case.

2 THE DEFENDANT: Yes. I, I am aware that he is  
3 no longer chief of police, but he did serve eight years,  
4 but, more particularly, your husband dismissed a police  
5 misconduct complaint against capital police, as well as  
6 against capital police, which I filed in September of  
7 1996. The misconduct that was complained of is directly  
8 related to the misconduct here at issue. What is  
9 involved in this case is a, a false arrest, a malicious  
10 arrest, and now a, a malicious prosecution on a  
11 completely bogus charge against me. I am happy to supply  
12 you if -- let me just say that to the extent that, I mean  
13 obviously you are aware that this is a matter involving  
14 disruption of Congress, and my arrest was by capital  
15 police, but you may not be aware of the particulars which  
16 are highlighted, certainly, in the discovery demand. You  
17 have indicated that you have not seen the hard copy of  
18 the motion that was express mailed, and I believe should  
19 have been delivered and filed by the clerk's office.  
20 However, were you to see it you would understand that  
21 there is certainly a strong appearance that you could not  
22 be fair and impartial, and I respectfully submit that it  
23 is inappropriate under the circumstances for you to  
24 preside here. And I am happy to provide a copy, by the  
25 way --

1 THE COURT: Just a moment.

2 THE DEFENDANT: The discovery demand includes,  
3 as an item, excuse me for one moment, it, it includes as  
4 an item a demand, quote, any and all records pertaining  
5 to the investigation and disposition of Elena Sassower's  
6 September 22, 1996 police misconduct complaint by both  
7 capital police (internal affairs case number 96-01) and  
8 metropolitan police, and I am happy to provide a copy of  
9 that overwhelming complaint which your husband dismissed.

10 THE COURT: Okay. Let --

11 THE DEFENDANT: All of the, all of the --

12 THE COURT: Let me interrupt for just a moment.

13 THE DEFENDANT: Yes.

14 THE COURT: I will not be presiding over any  
15 discovery disputes this afternoon, there being no  
16 discovery disputes that are right. I would agree with  
17 you that if it becomes relevant and an issue in this case  
18 as to how that 1992, did you say?

19 THE DEFENDANT: 1996.

20 THE COURT: 1996. Okay.

21 THE DEFENDANT: September 1996 dismissed by  
22 your husband --

23 THE COURT: Okay. Okay.

24 THE DEFENDANT: -- by letter dated February 18,  
25 1997, which I am looking at right now.

1 THE COURT: All right. If any issue concerns  
2 that 1996 matter, I would recuse in a moment. You know,  
3 I will not handle that. That is not what's before me  
4 today.

5 THE DEFENDANT: With all respect --

6 THE COURT: Just a minute. I have no  
7 anticipation that any discovery dispute that may be filed  
8 a few months from now would ever come before me, and that  
9 would be the only time that that would be relevant. I  
10 also have no particular reason to believe that that would  
11 either be an issue at trial, or that I would be assigned  
12 to try this case. So, we don't need to resolve that  
13 issue this afternoon because nothing that I am prepared  
14 to handle this afternoon bears any relationship to what  
15 may or may not have happened in 1996.

16 THE DEFENDANT: (Indiscernible) with respect to  
17 disqualification is for all purposes, any contact.

18 THE COURT: Ma'am --

19 THE DEFENDANT: Once it's made known --

20 THE COURT: Ma'am, your only motion is to  
21 disqualify Judge Eilperin. Is there anything you'd like  
22 to argue about that?

23 THE DEFENDANT: I respectfully submit, Your  
24 Honor, that you are disqualified by reason of your  
25 relationship with your husband whose conduct as chief of

1 police in investigating the complaint which underlies  
2 this present prosecution, it is directly germane to my  
3 arrest on this charge of disruption of Congress.

4 THE COURT: Ma'am, moving on, do you have any  
5 argument to make about your motion for a transfer of the  
6 case to a different venue?

7 THE DEFENDANT: I would like Mr. -- normal and  
8 customary procedures in New York is where a motion has  
9 been made and filed as mine has been made and should have  
10 been filed, is for the, the adverse side to, to also  
11 submit papers. I am unwilling to accept any procedure  
12 which allows the, the Assistant U.S. Attorney to get by  
13 without submitting proper papers responding opposing  
14 papers. I have made a submission on papers, so must he.

15 THE COURT: All right. That is not correct,  
16 and I am going to allow him right now to make his  
17 argument in opposition if he has one.

18 MR. MENDELSON: Your Honor, with regard to the  
19 disqualification of Senior Judge Eilperin, we believe  
20 that, one, that issue is moot based on the revolving of  
21 calendar one, and, two, we believe that the Defendant has  
22 shown no reason why Judge Eilperin should be disqualified  
23 in this case.

24 With regard to transfer of venue based on case  
25 law, D.C. Superior Court is a single unitary district.

1 All of the relevant facts occurred in D.C. There is no  
2 prejudice to the Defendant if the trial were to be held  
3 in D.C., and there is no other appropriate venue for this  
4 case.

5 THE DEFENDANT: May I be heard, Your Honor?

6 THE COURT: Yes, you may.

7 THE DEFENDANT: He's, he, his characterizations  
8 are not sufficient as a matter of law. I have made a  
9 fact-specific motion. I have made two fact-specific  
10 motions to which his duty is to respond with equivalent  
11 specificity.

12 Now, on the disqualification issue, he refers  
13 to some legal authority. Let him brief the legal  
14 authority. As far as I am aware, the Court, the D.C.  
15 Court gets its funding from Congress. This is a case  
16 whose ramifications are such as to, as to be seriously  
17 detrimental to some of the most influential members of  
18 the Senate, the very senators who vote on the  
19 appropriation of this Court.

20 I would, additionally, say that capital police  
21 seems to be an entity that is within the control of  
22 Congress, and not independent of Congress. And this case  
23 is not only about the misconduct of the capital police,  
24 but it is also about whether such misconduct was at the  
25 behest of various members of the Senate.

1           There is no question to me, in my mind, that  
2 there is an appearance that this Court would be subjected  
3 to substantial pressures as a result of the ramifications  
4 of this case on the senators, on capital police that  
5 takes orders, perhaps, from senators. There are other  
6 venues. The most important thing in the judicial process  
7 is the appearance of, of neutrality, of fairness and  
8 impartiality. It's not even the actuality of bias. It's  
9 not even the actuality of whether you, Your Honor, can be  
10 fair and impartial. It's the appearance, and I  
11 respectfully submit that Mr. Mendelsohn should be  
12 required if, if, if, if you are making a substantive  
13 ruling that Mr. Mendelsohn can simply disregard a  
14 written, a written motion, two written motions, does not  
15 -- and, and can just engage in characterizations, full  
16 conclusions, generalizations and that's decisive. Well,  
17 there is no, there is no judicial process that, that I  
18 can feel has my faith and confidence, and certainly wish  
19 the, the public could feel any faith and confidence in.

20           So, with all respect, Your Honor, I would, I  
21 would request that, that, that, that you expect what I  
22 believe is in any case you would expect, which is once a  
23 formal motion is made, I have expended the time, effort,  
24 energy, money on formal, on two formal motions. Mr., Mr.  
25 Mendelsohn has waived his opposition to the first motion,

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1 and that motion there was, as I set forth in my re-  
2 argument papers, no fair and impartial tribunal could  
3 have denied that motion. And with all respect to Your  
4 Honor --

5 THE COURT: That issue is moot. Let's move on  
6 to the --

7 THE DEFENDANT: In, in, with all respect, Your  
8 Honor --

9 THE COURT: -- change of venue.

10 THE DEFENDANT: With all respect, Your Honor,  
11 each of these adjudications, even the adjudication of, of  
12 even the phone call that I received yesterday that I  
13 could appear by phone was a surprise to me, because my  
14 right of counsel is, is sacrosanct, and these proceedings  
15 are taking place with complete disregard of my asserted  
16 right to the assistance of counsel. I do not waive it.  
17 And to the extent that Your Honor made reference to the  
18 fact that I, I waive the assistance of Court, of a Court  
19 attorney, I'm not eligible for the assistance of a Court  
20 attorney. The eligibility rests on, on financial need.  
21 I do not meet the financial parameters which would permit  
22 me to have Court-assisted counsel. So, that's, that  
23 never was any kind of issue, but I am not made of money,  
24 and on this important public interest case involving  
25 fundamental citizen rights, I have sought the pro bono

1 assistance of the ACLU and other organizations.

2 THE COURT: Okay. Just a minute. Before we  
3 get to that issue, let me hear response from Mr.  
4 Mendelsohn on the change of venue motion. And let me  
5 also say, Ms. Sassower, that it is a very common practice  
6 in this Court that motions in misdemeanor cases be  
7 resolved by oral argument. It is not uniformly required  
8 that if the matter can be handled expeditiously orally in  
9 Court that there always be a written response. And I  
10 will hear further now from Mr. Mendelsohn.

11 MR. MENDELSON: Your Honor, my case precedent  
12 with regard to the transfer of venue motion is Catlett v.  
13 United States. The cite is 545 A.2d 1202. That's a 1988  
14 case. Welch v. United States. The cite is 466 Atlantic  
15 Second 829. That's a 1983 case. Edwards v. United  
16 States --

17 THE DEFENDANT: That may be readily  
18 distinguishable, so I would have to have an opportunity  
19 --

20 THE COURT: All right. Just a minute.

21 THE DEFENDANT: -- to review that.

22 THE COURT: It's not your turn to speak.

23 You'll have another opportunity. Go ahead.

24 MR. MENDELSON: Edwards v. United States. The  
25 cite is 430 A.2d 1321, and that is a 1981 case. I have



1 nothing further, Your Honor.

2 THE COURT: All right. Do you have anything  
3 particular to argue from those cases?

4 MR. MENDELSON: Only those cases state the  
5 proposition that a change of venue is not appropriate in  
6 the District of Columbia because it is a single unitary  
7 district.

8 THE DEFENDANT: What were the circumstances of,  
9 in those cases? Maybe they are readily distinguishable.  
10 Maybe they don't involve a case with political, explosive  
11 political ramifications on, on powerful members of the  
12 Senate or their, their, their police entity called  
13 capital police as this case does.

14 MR. MENDELSON: Your Honor, I might add that  
15 there has been, to my knowledge, no major publicity  
16 related to this case. Furthermore, in Washington, D.C.  
17 if there's any bias, it's against Congress.

18 THE DEFENDANT: There is what?

19 THE COURT: Say that louder, Mr. Mendelson.

20 MR. MENDELSON: If there's any bias in  
21 Washington, D.C., it's against the Congress.

22 THE DEFENDANT: I'm talking about bias in  
23 interest on the part of the judges, not on the part of  
24 the jurors.

25 THE COURT: Well, Ms. Sassower, I can add that

1 our continuing to sit as judges of the Superior Court is  
2 not under the control of Congress at all --

3 THE DEFENDANT: You're financed --

4 THE COURT: -- although the initial appointment  
5 is approved on the Hill, thereafter, we have our own  
6 judicial tenure commission, and Congress does not have a  
7 say in that.

8 THE DEFENDANT: Yes, but you have an interest  
9 that it not be exposed how sham and corrupt the processes  
10 of Senate confirmation are, because members of the Court  
11 go through that similar confirmation process. So, you  
12 have a further interest there. But the institutional  
13 interest relates as to the funding of the Court, which,  
14 as I understand it, is, has a direct, but this is a  
15 matter which is <sup>properly</sup> ~~probably~~ resolved on papers by a written  
16 decision, and I was put to the burden. I am a non-lawyer  
17 criminal Defendant, and it, and I was told that I have to  
18 make a formal motion for relief. And if the Court's  
19 position is that a non-lawyer Defendant, criminal  
20 Defendant has to be burdened with a motion, but the  
21 prosecution doesn't have to reply to such formal motion  
22 in a, in a cognizable way on papers is going to be  
23 excused of all, of all requirements to which, to which  
24 the non-lawyer Defendant is held, then that can only be  
25 an expression of, of some sort of profound bias by the

1 Court. I am an unrepresented criminal Defendant. I have  
2 an absolute right to the assistance of counsel. I have  
3 placed before the Court the fact that the ACLU has this  
4 matter on its agenda for September 18th. I asked for a  
5 conference to be scheduled for September 19th at which I  
6 would be present either represented by the ACLU or other  
7 pro bono counsel who are assisted by the ACLU, or, and/or  
8 pro bono counsel, or I would have the retained services  
9 of Mr. Goldstone (phonetic sp.). Nothing could have been  
10 more fair, more reasonable under the circumstances. And  
11 and this Court, this Court is riding roughshod over my  
12 asserted right to counsel. I, I am not in a position to,  
13 I, I, I have gone over and beyond what any criminal  
14 Defendant, unrepresented criminal Defendant to, to be  
15 expected to do. No one looking at those motions could,  
16 could deny the, the burden to which I have been  
17 subjected, and which I have successfully met. Let Mr.  
18 Mendelsohn meet his burden. Let him respond on formal  
19 papers. He has already waived as to the first motion,  
20 the August 6th motion. That went in unopposed and has to  
21 be granted as a matter of law. There was no prejudice to  
22 him. He didn't deny or dispute there was no prejudice to  
23 him by putting this matter over to September 19th. I  
24 asserted prejudice, and I am prejudiced. If this Court's  
25 position is that we have to somehow proceed, and, and

1 this Court is telling me, and, Ms. Sassower, you have to  
2 cite to D.C. law, I have asserted my right to counsel,  
3 and there is no reason for, for the Court to, to, to tell  
4 me how, how I must put in motions when I am an  
5 unrepresented Defendant that has sought the aid and  
6 assistance of counsel. You have that in front of you.  
7 That ends matters. The matter, this case should be, is,  
8 is imposing on, on, on precious time that should be  
9 better spent on other matters.

10 THE COURT: Okay. Ms. Sassower, we'll move on  
11 to the ascertainment of counsel in just a moment --

12 THE DEFENDANT: Thank you.

13 THE COURT: -- but as to the argument on your  
14 filed motion for a change of venue, the argument of the  
15 Government counsel is being recorded here, as is your  
16 argument, and that is a matter of record, and I am  
17 prepared to rule on that motion.

18 THE DEFENDANT: But you don't even know the  
19 facts of this case let alone -- are you familiar with  
20 those legal authorities to which he cited?

21 THE COURT: Ms. Sassower, I am prepared to rule  
22 on that motion at this time. Is there anything further  
23 you want to say on that motion?

24 THE DEFENDANT: Well, well, without your  
25 ruling, the fact that you are willing, you, you think it

1 appropriate to rule is, is evidence that you are not fair  
2 and impartial, because it is reasonable to expect that on  
3 such a serious issue Mr. -- there is no prejudice to the  
4 Court, none whatsoever, to require Mr. Mendelsohn to  
5 interpose papers in response, including a memorandum of  
6 law. That's his burden. I have met my burden. I have  
7 put in formal papers.

8 THE COURT: Ma'am, although a motion that is  
9 even unopposed, and this is not unopposed, but even one  
10 that is unopposed may be treated conceded. That is not a  
11 requirement. Motions are resolved by the Court on their  
12 merit or lack of merit whether or not there is a response  
13 from the opposing party --

14 THE DEFENDANT: Well, you don't know --

15 THE COURT: -- and here the opposition has been  
16 given orally, and you've had a further opportunity to  
17 argue it, and I'm prepared to rule. Is there anything  
18 else you want to say?

19 THE DEFENDANT: I understand that you are not  
20 familiar underlying facts of this case beyond the cursory  
21 comments that I've herein made, so how can you rule on  
22 such a serious and substantial motion without being fully  
23 aware of the facts? Wouldn't you like to see the  
24 criminal complexity the policeman conduct complaint that  
25 your husband dismissed? Wouldn't you like to see how

1 it's germane to this case?

2 THE COURT: Ma'am --

3 THE DEFENDANT: Wouldn't you like to see how  
4 this, how this case impacts on capital police under your  
5 husband and on, on, on, on the Senate on which this Court  
6 receives direct appropriations? Wouldn't you like to  
7 have further submissions from me? I mean you're ready  
8 to, to -- you're so hasty. What is the rush on such an  
9 important matter?

10 THE COURT: Mr. Mendelsohn, do you have  
11 anything further?

12 MR. MENDELSON: I do not, Your Honor.

13 THE COURT: Ms. Sassower, your motion for a  
14 change of venue to some unspecified Court outside the  
15 District of Columbia is denied. I do not find your  
16 arguments persuasive, and D.C. is unique in that we have  
17 only one Court here to handle District of Columbia  
18 matters, and if the case --

19 THE DEFENDANT: (Indiscernible) --

20 THE COURT: Just a minute, Ms. Sassower.

21 THE DEFENDANT: I'm sorry, Your Honor.

22 THE COURT: And there simply is no precedent  
23 for removing the case outside the District of Columbia, a  
24 case even of this nature.

25 THE DEFENDANT: You're not familiar with the

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1 nature of this case, Your Honor. You haven't even seen  
2 (indiscernible) --

3 THE COURT: Ma'am, you have very thoroughly in  
4 your motion spelled out the nature of this case, and I  
5 understand your arguments, but I do not find them  
6 persuasive. That motion is denied. Now, let's move on  
7 to the issue of ascertainment of counsel.

8 You indicate that the ACLU was making a  
9 decision on September 18th. You have proposed that we  
10 could meet as early as September 19th to choose a trial  
11 date and do other scheduling matters, and I just wonder  
12 if the decision isn't made until the 18th whether, in  
13 fact, there will be a lawyer available if they do decide  
14 to represent you to come to Court the very next day.

15 THE DEFENDANT: I agreed, I offered the date of  
16 September 19th to show how, to show to Mr. Mendelsohn and  
17 the Court that we could proceed with great confidence.

18 THE COURT: Is that realistic?

19 THE DEFENDANT: Is it realistic? I, I don't  
20 know, but I have advised, the ACLU has been cc'd on all  
21 the motions, has been sent the motions, has been sent the  
22 correspondence. Excuse me, by the way, when Mr.  
23 Mendelsohn began this conference and said he didn't know  
24 that I would be appearing by telephone, excuse me, is he  
25 representing that he did not get the fax that I sent

1 yesterday?

2 THE COURT: Mr. Mendelsohn, did you receive a  
3 fax yesterday afternoon?

4 THE DEFENDANT: A copy of my memo to Mr. Sweet?  
5 And I should say that Mr. Sweet in calling me up, which  
6 was not yesterday afternoon, Your Honor, but yesterday  
7 morning, identified that he had already called the U.S.  
8 Attorney. So, I'd like to know whether or not Mr. Sweet,  
9 in fact, contacted the U.S. Attorney before I was  
10 contacted, and what Mr., Mr. Mendelsohn is talking about  
11 --

12 MR. MENDELSON: Well --

13 THE DEFENDANT: -- when he said, when he began  
14 this conference by, by objecting --

15 THE COURT: Just a minute. We don't need to  
16 resolve any of that, but --

17 THE DEFENDANT: Well, it goes to credibility,  
18 Your Honor.

19 THE COURT: -- but --

20 THE DEFENDANT: It goes to credibility.

21 THE COURT: Did you receive any fax?

22 MR. MENDELSON: Your Honor, I didn't receive a  
23 fax. The last fax I received was regarding the 2:00 p.m.  
24 Court conference, and that the Defendant would have to  
25 start catching trains from White Plains --



1 THE COURT: Yeah.

2 MR. MENDELSON: -- at 6:00 a.m. this morning.  
3 That's the last fax that I received. I was not aware  
4 until I came to Court this afternoon that the conference  
5 --

6 THE DEFENDANT: Well, I, I will identify to the  
7 Court that this morning I sent to Mr. Sweet's attention  
8 the fax and e-mail receipt from my yesterday's  
9 transmittal --

10 THE COURT: All right. But --

11 THE DEFENDANT: -- to Mr. Mendelson that --

12 THE COURT: All right. I will --

13 THE DEFENDANT: That, that transmittal was in  
14 the early afternoon --

15 THE COURT: I will --

16 THE DEFENDANT: However, is the office saying  
17 that he did not get a phone call from Mr. Sweet?

18 THE COURT: I will accept your representation  
19 that you faxed something to Mr. Mendelson.

20 THE DEFENDANT: The only thing Mr. Sweet didn't  
21 get --

22 THE COURT: I assume he does not have a  
23 personal fax at his desk, and that it could very well be  
24 in a large office such as he works for that the fax was  
25 received, and misfiled and didn't come to his attention

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1 --

2 THE DEFENDANT: And did the Court --

3 THE COURT: -- but we don't need to go into  
4 that.

5 THE DEFENDANT: Did the Court not instruct its  
6 law clerk, Mr. Sweet, to call Mr. Mendelsohn? Because  
7 that was what I understood from Mr. Sweet --

8 THE COURT: Yeah. It --

9 THE DEFENDANT: -- that he had called Mr.  
10 Mendelsohn prior to calling me. Indeed, I would say that  
11 last week when I --

12 THE COURT: -- it doesn't matter one way or the  
13 other. Let's move forward --

14 THE DEFENDANT: Well, so --

15 THE COURT: We're --

16 THE DEFENDANT: Okay. So --

17 THE COURT: Let me say something. I am going  
18 to continue this matter until a reasonable date after the  
19 ACLU meeting on September 18th. I simply want it to be a  
20 reasonable date, and I don't want you to promise to come  
21 on September 19th, and then be here without a lawyer, but  
22 with knowledge that a lawyer will take your case but  
23 needs time to get here. So --

24 THE DEFENDANT: All right. Well, as the tape  
25 has reflected, I was planning to, I had offered to come

1 down to the ACLU for their September 18th meeting, make a  
2 personal presentation, to sit in the hallway outside  
3 their meeting room if necessary, but just to be available  
4 to them.

5 THE COURT: But that's not the issue.

6 THE DEFENDANT: So, it was my intention to be  
7 down there in any respect, in any, in any event, but if  
8 the Court deems it prudent to put it off a week --

9 THE COURT: The ACLU is meeting here in  
10 Washington?

11 THE DEFENDANT: Yes, the eighth --

12 THE COURT: I see.

13 THE DEFENDANT: -- we're talking about the  
14 capital chapter --

15 THE COURT: Okay.

16 THE DEFENDANT: -- of the ACLU.

17 THE COURT: All right. So, is September 19th  
18 the date you are requesting?

19 THE DEFENDANT: I am, I am not requesting that  
20 date, no. I offered --

21 THE COURT: What date are you requesting for --

22 THE DEFENDANT: I offered, I offered that date,  
23 and Mr. Mendelsohn's response was that I would have to  
24 come down to D.C. on August --

25 THE COURT: Ms. Sassower, we don't need to go

1 over the past history.

2 THE DEFENDANT: Okay. Otherwise, make a  
3 motion, okay.

4 THE COURT: Just tell me what your proposed  
5 date is, and then I'll see if that date is good for Mr.  
6 Mendelsohn's calendar.

7 THE DEFENDANT: It's whatever the, you know,  
8 with all respect, I --

9 THE COURT: We want to move this case forward.  
10 We want you to have a lawyer --

11 THE DEFENDANT: Thank you.

12 THE COURT: -- and we --

13 THE DEFENDANT: Then, then, then you can be  
14 assured that legal counsel's first, first step will be to  
15 either advise me as to how to proceed in light of the  
16 Court's disposition on my --

17 THE COURT: Yes, but --

18 THE DEFENDANT: -- motion, my first motion.

19 THE COURT: -- the first date is what date can  
20 you be in Court with counsel?

21 THE DEFENDANT: The only problem that I have  
22 relates to the Jewish holidays which fall in September  
23 and October, but, if you want I'll pull out a calendar,  
24 but I'm, I'm perfectly prepared to appear on September  
25 19th --

1 THE COURT: All right.

2 THE DEFENDANT: -- but if you want to put it  
3 off for a week after that, that's fine. Hold on. If  
4 you'd be kind enough, I'll look at the calendar.

5 THE COURT: Mr. Mendelsohn?

6 MR. MENDELSON: Your Honor, I want to state  
7 for the record that, on --

8 THE COURT: Just a minute. She's looking --

9 THE DEFENDANT: Hello?

10 THE COURT: Okay.

11 THE DEFENDANT: Yes. Well, the, the Jewish  
12 holidays are not until the end of the month on the 27th,  
13 so, which is two weeks after the -- but, no, it's the  
14 week following, so that would not be good. Whatever the  
15 Court deems appropriate.

16 THE COURT: All right. Mr. Mendelsohn?

17 MR. MENDELSON: Your Honor, on June 20th, when  
18 the first --

19 THE COURT: I don't want to hear the history  
20 from you either, Mr. Mendelsohn.

21 MR. MENDELSON: I am opposed --

22 THE COURT: The question is what is a date when  
23 we can have Ms. Sassower here with counsel and get a  
24 trial date set.

25 THE DEFENDANT: So, the discovery and

1 disqualification issue's first, including  
2 disqualification of the U.S. Attorney.

3 THE COURT: You have not filed that motion yet,  
4 ma'am.

5 THE DEFENDANT: It's apparent that any motion I  
6 make will be denied from the bench without a written  
7 decision by characterizations --

8 THE COURT: Mr. Mendelsohn, what date?

9 MR. MENDELSON: Your Honor, any date after  
10 September 19th would be fine for the Government, but just  
11 for the record we are, again, opposed to a further  
12 continuance for Defendant to retain counsel.

13 THE DEFENDANT: Where is the prejudice? Where  
14 is the prejudice, Mr. Mendelsohn?

15 MR. MENDELSON: But any date that you find  
16 appropriate in late September early October would be fine  
17 for the Government, other than Monday, October 6th, and  
18 Friday, September 26th.

19 THE DEFENDANT: Yeah, Friday, September 26th  
20 would not be possible for me in light of the Jewish  
21 holiday.

22 THE COURT: All right. All right.

23 THE DEFENDANT: And October 6th also for me is  
24 a Jewish holiday.

25 THE COURT: Ma'am, since you are planning to be

1 in Washington on the 18th anyway is September 19th your  
2 preference?

3 THE DEFENDANT: I am happy to be there on  
4 September 19th.

5 THE COURT: All right.

6 THE DEFENDANT: I offered that.

7 THE COURT: All right. September 19th it will  
8 be.

9 THE DEFENDANT: Thank you, Your Honor.

10 THE COURT: And you understand that we will  
11 want to be moving forward to set a trial date --

12 THE DEFENDANT: Yes, I offered --

13 THE COURT: So --

14 THE DEFENDANT: Your Honor, there is motion  
15 practice that will need be made.

16 THE COURT: Ma'am, you may want to check the  
17 D.C. rules on motions.

18 THE DEFENDANT: Well, this Court doesn't have  
19 an interest in going to trial when it might be resolved  
20 by motion, right? I'll put the facts --

21 THE COURT: Well, okay, September 19th, ma'am.

22 THE DEFENDANT: This appearance is without,  
23 without waiving, needless to say, and I reiterate my  
24 objection to this Court and, in particular, Your Honor  
25 presiding. And I will renew my motion for change of

1 venue which I think in light of the disposition today is  
2 even more compelling. And I will have counsel advise as  
3 to what kinds of standards apply where one side makes  
4 formal motions on papers, and the other side is absolved  
5 of any formal response and the Court accepts that and,  
6 with characterizations. No law denies relief.

7 THE COURT: Ms. Sassower, let me just explain  
8 on that point that I was doing that as a convenience to  
9 you, because the Government is present today and able to  
10 make arguments orally, and we are a Court of record.  
11 This has all been formally on the record, and if you want  
12 a copy of Mr. Mendelsohn's opposition you can order the  
13 transcript.

14 THE DEFENDANT: Well, no, that doesn't  
15 substitute for (indiscernible).

16 THE COURT: I don't want to delay this matter  
17 further when we're all in Court today and can get this  
18 resolved.

19 THE DEFENDANT: Now, but when --

20 THE COURT: Your next Court appearance, ma'am,  
21 is September 19th, at 9:30 in the morning, and I'm going  
22 to have the clerk --

23 THE DEFENDANT: Now --

24 THE COURT: -- now formally advise you of your  
25 obligation to be here on that date. Would you pay



1 attention now to the clerk?

2 THE DEFENDANT: Yes --

3 THE COURT: Just a minute. Pay --

4 THE DEFENDANT: -- yes, Your Honor, but may I  
5 just --

6 THE COURT: No, not yet. I want you to be  
7 advised first.

8 THE DEFENDANT: Yes.

9 THE DEPUTY CLERK: Ma'am, you are scheduled to  
10 appear back to the Court on September the 19th, 2003, in  
11 this Courtroom, Courtroom 217, at 9:30 a.m. Failure to  
12 appear, a bench warrant can issue for your arrest. You  
13 will be subject to a fine of \$1,000, 180 days in jail or  
14 both simply for your failure to appear. Do you  
15 understand the warning, ma'am?

16 THE DEFENDANT: I do.

17 MR. MENDELSON: Your Honor, might I inquire as  
18 to whether we'll be setting a trial date on September  
19 19th?

20 THE DEFENDANT: How could they set a trial date  
21 when you may not have complied with my discovery demands  
22 by then? I'm entitled to discovery, right? Mr.  
23 Mendelsohn, did you plan to supply the demanded  
24 documents?

25 THE COURT: Ms. Sassower, be prepared to be

1 able to discuss trial dates on the 19th.

2 THE DEFENDANT: Well, I have discovery rights,  
3 right, Your Honor? You've already indicated that the  
4 Court does not involve itself --

5 THE COURT: Yes. Read --

6 THE DEFENDANT: -- unless the parties can't  
7 resolve it.

8 THE COURT: -- read --

9 THE DEFENDANT: Well, Mr., if Mr. Mendelsohn --

10 THE COURT: -- read rule 16.

11 THE DEFENDANT: -- ready to state on the record  
12 whether he is ready to resolve informally the discovery  
13 issues, or will a motion have to be made? Is he going to  
14 be complying with my discovery demands? That is a  
15 threshold issue. How can we talk about trial dates?

16 THE COURT: Ma'am, often trial dates are set  
17 while discovery is ongoing. If on the day of trial or on  
18 the eve of trial, you have not received discovery you  
19 feel you're entitled to, that is the time to file a  
20 formal motion that demands the discovery you think you're  
21 entitled to and, perhaps, request a continuance of the  
22 trial date if you can't proceed to trial without the  
23 discovery, but we don't wait to the conclusion of  
24 discovery to set a date for trial.

25 THE DEFENDANT: I want --

1 THE COURT: We need to get the date set even  
2 while discovery is ongoing. So --

3 THE DEFENDANT: Well --

4 THE COURT: -- be here on the 19th with counsel  
5 and we can continue whatever issues are pending at that  
6 time.

7 THE DEFENDANT: Hello.

8 THE COURT: Yes.

9 THE DEFENDANT: Will Mr. Mendelsohn identify  
10 whether he's planning to, whether he is planning to  
11 comply with this discovery demand?

12 MR. MENDELSON: Your Honor, for the record we  
13 are working hard to comply with Ms. Sassower's discovery  
14 request.

15 THE DEFENDANT: And when will it be, when might  
16 I expect production, because that was denominated my  
17 first discovery demand?

18 MR. MENDELSON: We're working hard to comply  
19 with your discovery request, and we will parse through  
20 your demands and try to get you everything that is  
21 available to us as soon as possible.

22 THE DEFENDANT: All right. One last thing, and  
23 that is I inadvertently cited the wrong section in the  
24 discovery demand. The, the demand is made pursuant to  
25 rule 16(a)(1)(C), so if you would be kind enough to pen

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1 in the change, I will send you a superseding first page.  
2 I cited simply rule 16, and I said (b), but it appears to  
3 be 16(a)(1)(C). From the language you can see that, that  
4 subsection, because I quoted that what I was demanding  
5 were documents and tangible objects that were, quote,  
6 material to the preparation of my Defense, and that I  
7 expected to introduce as exculpatory, indeed, they are.

8 MR. MENDELSON: Thank you.

9 THE COURT: All right. Can we sign off now,  
10 Ms. Sassower?

11 THE DEFENDANT: Yes. Do we know -- I, I do  
12 want to say that this revolving door of judges, I mean  
13 if, if every time, obviously, you, I feel that you are  
14 previously disqualified, that it was error of a  
15 substantial nature for you to have had any contact with  
16 this case once I disclosed to you relevant facts that  
17 you, and all your rulings, essentially, I deem to be  
18 prejudicial, but for the scheduling of the conference on  
19 September 19th to appear with counsel. And I will, if  
20 you are going to be a judge handling any further aspects  
21 of this case, I mean I can't keep making motions  
22 addressed to the disqualification of specific judges, and  
23 then it goes to another judge who says, well, that's  
24 moot, because the prior judge is no longer on board, but,  
25 but I have, I believe that, that your dispositions and

1 Judge Eilperin's dispositions are reflective of, of the  
 2 bias <sup>and</sup> in interest for which I am entitled to transfer of  
 3 this case. And it may be unprecedented, but you can be  
 4 sure that this is an unprecedented case. I do not, I do  
 5 not waive or accept that Your Honor has, has relieved Mr.  
 6 Mendelsohn, U.S., of the U.S. Attorney's office, no less  
 7 --

8 THE COURT: All right.

9 THE DEFENDANT: -- of the responsibility to  
 10 respond --

11 THE COURT: Yeah. You're repeating yourself  
 12 now. We have other cases to call. We'll sign off now.

13 THE DEFENDANT: Thank you.

14 THE COURT: Thank you for calling.

15 MR. MENDELSON: Thank you, Your Honor.

16 (Whereupon the hearing was concluded.)

17  
 18  
 19  
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CERTIFICATE

I, Patricia E. Ives, a transcriber, do hereby certify that I transcribed the proceedings had and the testimony adduced in the case of U.S. v. Elena Ruth Sassower, Case No. M411-03 in said Court, on the 20th day of August, 2003.

I further certify that the foregoing 45 pages constitute the official transcript of said proceedings as transcribed from audio recording to the best of my ability.

In witness whereof, I have hereto subscribed my name, this, the 9th day of September, 2003.

Pat Ives

Transcriber

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