

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

-----X
: UNITED STATES OF AMERICA :
: :
vs : M 4113-03
: :
ELENA R. SASSOWER, :
Defendant. :
-----X

Washington, D.C.

June 20, 2003

The above-entitled action came on for a hearing before the Honorable MILDRED EDWARDS, Associate Judge, in Courtroom Number 217.

APPEARANCES:

On behalf of the Government:

MR. MENDELSON, Esquire
Assistant United States Attorney

On behalf of the Defendant:

MARK GOLDSTONE, Esquire
ELENA R. SASSOWER, Pro se
Washington, D.C.

Recorder:
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1 P R O C E E D I N G S

2 THE DEPUTY CLERK: No. 7 on Your Honor's trial
3 calendar, United States versus Elena Sassower.

4 MS. SASSOWER: Elena Ruth Sassower.

5 THE DEPUTY CLERK: Sassower, case No. M4113-2003.

6 THE COURT: All right. Good afternoon, Ms.
7 Sassower, Mr. Goldstone (phonetic). Good afternoon, Mr.
8 Mendelson.

9 MR. MENDELSON: Mendelson.

10 THE COURT: Okay. Are we setting a trial date?

11 MR. GOLDSTONE: Your Honor, Mark Goldstone
12 appearing on behalf of Ms. Sassower. Ms. Sassower contacted
13 me to see whether or not I could enter my appearance.

14 THE COURT: Okay.

15 MR. GOLDSTONE: We have not yet reached an
16 arrangement, so what I would ask is that Ms. Sassower be
17 allowed to address you on two issues. (1) She would like
18 additional time within which to secure counsel.

19 THE COURT: Okay.

20 MR. GOLDSTONE: And secondly she would like to be
21 appointed as a pro se litigant until that time, such time as
22 she does obtain counsel. And she's prepared to do a Floretta
23 (phonetic) hearing before Your Honor today.

24 THE COURT: I don't think I need to do a huge
25 inquiry. What's your highest level of education, Ms.

1 Sassower?

2 MS. SASSOWER: I'm a college graduate and I have
3 some graduate training beyond that.

4 THE COURT: Okay. And what is your professional
5 field?

6 MS. SASSOWER: I am the coordinator and co-founder
7 of a citizens organization called the Center for Judicial
8 Accountability --

9 THE COURT: Okay.

10 MS. SASSOWER: -- a non-partisan, non-profit
11 citizen organization.

12 THE COURT: All right. That's the kind of title
13 that always strikes fear into the heart of any judge.

14 MS. SASSOWER: I understand that you are retiring.

15 THE COURT: I am. I guess I could be a little
16 calmer about this. All right.

17 MS. SASSOWER: But I also understand that you are
18 such a fine judge --

19 THE COURT: Oh, well, thank you.

20 MS. SASSOWER: -- that these issues don't arise as
21 they relate to you.

22 THE COURT: I hope not. Okay. You have had
23 experience in court before in other kinds of cases as a
24 party?

25 MS. SASSOWER: I have indeed.

1 THE COURT: Okay. Have you ever represented
2 yourself before in a criminal case?

3 MS. SASSOWER: No.

4 THE COURT: Okay. But you understand, basically,
5 how the criminal justice process works, what a trial
6 involves. If somebody is a pro se defendant, they are
7 basically held to the same duty to follow the rules of
8 evidence and things like that as a lawyer is held to.
9 Obviously, you are not expected to know all of that, but you
10 are expected to follow the rules as the Court explains them
11 to you and to maintain appropriate decorum, to follow the
12 Court's rulings. Do you think you can do all of that?

13 MS. SASSOWER: I certainly believe I can.

14 THE COURT: All right. I mean, I don't think there
15 is any problem with this lady representing herself until
16 she's made an arrangement with counsel. Do you have any
17 problem with that, Mr. Mendelson?

18 MR. MENDELSON: No, Your Honor, we do not.

19 THE COURT: I mean, I could sit here and do a 10-
20 minute Floretta inquiry but I just don't think it is
21 necessary. All right. You certainly do have leave to appear
22 pro se --

23 MS. SASSOWER: Thank you, Your Honor.

24 THE COURT: -- until such time as you have counsel.
25 Now you want some time to see about retaining counsel?

1 MS. SASSOWER: Yes. This is a -- this is a
2 criminal matter with very profound public interest dimension.

3 THE COURT: Okay. I can see that you were arrested
4 on Capitol grounds here.

5 MS. SASSOWER: Yes. I was -- I was --

6 THE COURT: And I assume exercise of what you
7 believe perhaps were your legitimate First Amendment rights?

8 MS. SASSOWER: Yes. My crime was that I requested
9 at a public hearing to be permitted to testify.

10 THE COURT: I see.

11 MS. SASSOWER: And for that request they --

12 THE COURT: They alleged that you perhaps were
13 disorderly and disruptive.

14 MS. SASSOWER: Yes, for simply making of that
15 request.

16 THE COURT: Okay. How much time would you need to
17 arrange to have someone represent you?

18 MS. SASSOWER: If I may hand up these documents,
19 Your Honor? I have supplied Mr. Mendelson with a copy.

20 THE COURT: Okay.

21 MS. SASSOWER: I am seeking organizational support.
22 Unfortunately, organizations take a certain amount of time.

23 THE COURT: I understand.

24 MS. SASSOWER: I would ask for two months. I think
25 that would be more than adequate time to clarify whether or

1 not I might obtain their assistances or if not their
2 assistance then a pro bono referral, referral of pro bono
3 counsel.

4 THE COURT: Okay.

5 MS. SASSOWER: Certainly at the conclusion of that
6 time if I am not successful, I am prepared to arrange --

7 THE COURT: Make the arrangement --

8 MS. SASSOWER: Exactly, paid counsel.

9 THE COURT: Okay.

10 MS. SASSOWER: And I would also like to apprise the
11 Court that in this interim period I am prepared to proceed
12 pro se.

13 THE COURT: Okay.

14 MS. SASSOWER: And to dispose of some of the issues
15 that would have to be addressed in any case --

16 THE COURT: Okay.

17 MS. SASSOWER: -- as preliminary matter.

18 THE COURT: All right.

19 MS. SASSOWER: Those issues, of course, are the
20 usual discovery issues.

21 THE COURT: Sure.

22 MS. SASSOWER: But beyond that there is a question
23 of disqualification of the Assistant U.S. Attorney here Leah
24 Belaire.

25 THE COURT: Oh. Well, I assume that it's -- do you

1 know who is actually going to be assigned the case, Mr.
2 Mendelson?

3 MR. MENDELSON: Louis Ramos and I have been
4 assigned the case. That issue has been resolved.

5 THE COURT: Okay. So you don't have to have any
6 concerns about Ms. Belaire prosecuting the case because she's
7 not -- they rotate, you know, in that office and they rotate
8 in and out of cases with some regularity. So I assume Ms.
9 Belaire is going on to her new assignment.

10 MR. MENDELSON: In fact, today.

11 THE COURT: Today. Okay. So it will be Mr. Ramos
12 and yourself.

13 MS. SASSOWER: So you are not under her.

14 THE COURT: No. Oh, no, she is not a supervisor.
15 She is just a line attorney going to a different assignment.

16 MS. SASSOWER: I see.

17 THE COURT: Okay?

18 MS. SASSOWER: Okay. Because she certainly is
19 disqualified.

20 THE COURT: Okay. Well, you don't even have to
21 worry about it any more because she is not going to be trying
22 the case.

23 MS. SASSOWER: Okay. Then --

24 THE COURT: Discovery, I'm sure, Mr. Mendelson will
25 be happy to provide.

1 MR. MENDELSON: We continue to make discovery --
2 today.

3 THE COURT: Okay. That's fine. Good.

4 MR. MENDELSON: It would be the Government's
5 position that a two-month continuance puts us almost three
6 months away from the date of the arrest and that may affect
7 the memory and recollection of the people involved in this
8 case. And that, I think, is a little bit too long.

9 THE COURT: As a judge who sat in felony calendars
10 for a good part of her experience on the bench, I never fail
11 to be amazed at how quickly we get misdemeanors to trial.
12 And while I can appreciate what you are saying, we are coming
13 up to the summer and I can sympathize with the defendant's
14 needs to make arrangements with counsel at a time when people
15 are taking vacations and they aren't around.

16 MR. MENDELSON: Um-hmm.

17 THE COURT: And, you know, not much -- this is a
18 jury tryable case; is it?

19 MR. MENDELSON: Yes, Your Honor.

20 THE COURT: Okay. You know, not much happens in
21 the summer. We sort of have a sleepy southern town mentality
22 I think even in Washington in terms of tracking people down
23 and making arrangements for things like legal
24 representations. So I don't think the 60-day time period
25 here is unreasonable. I realize that. And that would be

1 for, I assume, a status for ascertainment of counsel.

2 But I assume once that counsel is ascertained, the
3 trial can be scheduled fairly soon thereafter. And I take a
4 lot of pride at my brief management of Misdemeanor Calendar
5 No. 1 here of getting our cases to trial very quickly. But I
6 think this is a case for a number of reasons that just isn't
7 going to get to trial quite as quickly as your ordinary
8 misdemeanor. I don't think a 60-day time frame is
9 unreasonable for Ms. Sassower to firm up her legal
10 representation.

11 MS. SASSOWER: Thank you.

12 THE COURT: So you know, we could bring -- we were
13 talking about bringing the case back in August. You know, I
14 hope there will a good steward of Misdemeanor Calendar No. 1
15 after I leave it, but, you know, if you are setting a trial
16 date, you know, around the third week of August, I suspect
17 you will probably be able to get the case calendared on an
18 October date.

19 MR. MENDELSON: So we would set a status date in
20 mid-August.

21 THE COURT: This will be a status for ascertainment
22 of counsel roughly 60 days from today with a trial date to be
23 set thereafter.

24 MS. SASSOWER: Thank you.

25 THE COURT: And even with your witnesses, you know,

1 you may have some concerns with people taking vacations and
2 things like that in the summer.

3 MR. MENDELSON: Okay.

4 THE COURT: This trial is going to work a whole lot
5 better the fall than it will August 15. Okay?

6 MR. MENDELSON: Okay.

7 THE COURT: And that's true for jury trials also.
8 Having tried to picture it in the summer months, I can tell
9 you it is really problematic with peoples' vacations
10 schedules. So there are million good reasons to try this
11 case after Labor Day. And I assume it won't have to be tried
12 too far after Labor Day.

13 MR. MENDELSON: We could hope we have a quicker
14 turn-around after the holiday.

15 THE COURT: Sure. I mean, the trial date you set
16 should be a firm trial date. Okay? I mean, everybody has
17 got an interest in seeing it get resolved sooner rather than
18 later, I'm sure.

19 So we'll pick a date for status. What else can I
20 help you with?

21 MS. SASSOWER: Nothing.

22 THE COURT: Okay.

23 MS. SASSOWER: I want to just thank you and to say
24 that I will proceed in this interim period --

25 THE COURT: Okay. And you know to be in touch --

1 MS. SASSOWER: -- not only to obtain -- counsel as
2 possible but also to resolve all of the discovery issues.

3 THE COURT: Okay. All right. Let's take a look at
4 the calendar. Having talked about peoples' vacation
5 schedules in August, are you folks okay for coming back
6 around August 20, which is a Wednesday?

7 MR. MENDELSON: Yes, Your Honor.

8 MS. SASSOWER: I'll be here.

9 THE COURT: Okay. Mr. Goldstone, how is that for
10 you, right in the middle of when you plan to be away?

11 MR. GOLDSTONE: No, that's fine.

12 THE COURT: That's okay? All right. August 20 it
13 is, then. And that is for a status for ascertainment of
14 counsel. But the jacket should reflect that at least in the
15 interim period the Court is permitting --

16 UNKNOWN FEMALE: Representing --

17 THE COURT: Yes, Ms. Sassower to represent herself.

18 THE DEPUTY CLERK: Okay.

19 MR. GOLDSTONE: Your Honor, will that be in
20 courtroom 217?

21 THE COURT: Yes. Whoever takes the calendar will
22 be staying right here.

23 MR. GOLDSTONE: 9 o'clock?

24 THE COURT: Yes. I'll give you notice for 9:00
25 because I don't know when my successor will be taking the

1 bench. So 9 o'clock to be on the safe side, and that is for
2 a status 8/20/03. I'll ask you to step to the side, please,
3 Ms. Sassower, and put your name and address on your notice to
4 reappear.

5 THE DEPUTY CLERK: Ma'am, you are scheduled to
6 appear back to court August 20, 2003 in this courtroom,
7 Courtroom 217, at 9 a.m.

8 MS. SASSOWER: Is it possible to make it at 2:00,
9 because I come from New York.

10 THE COURT: Oh.

11 MS. SASSOWER: (indiscernible)

12 THE COURT: Well, yes, I mean, I suppose we could.
13 We could do that. Sure. Why don't we say 2:00 p.m.

14 THE DEPUTY CLERK: Okay. I'm going to change the
15 date.

16 THE COURT: Okay.

17 MS. SASSOWER: And I will pick -- applications to
18 spend more time in D.C.

19 THE COURT: Okay.

20 MS. SASSOWER: In a case like that I --

21 THE COURT: Okay. If you'll hand the notice back,
22 we'll change the time on it before we hand it to you.

23 MS. SASSOWER: Okay.

24 THE COURT: Okay. 2 p.m. August 20. And again,
25 that's All right. for you, Mr. Goldstone?

1 MR. GOLDSTONE: Yes. Thank you very much, Your
2 Honor.

3 THE COURT: Okay. You are quite welcomed.

4 MR. GOLDSTONE: Enjoy your retirement.

5 THE COURT: Oh, well, okay.

6 THE DEPUTY CLERK: -- appear in court August 20,
7 2003, in this courtroom, Courtroom 217, at 2 p.m. Failure to
8 appear, a bench warrant will issue for your arrest. You
9 would be subject to fines of \$1000, 180 days in jail, or
10 both, simply for your failure to appear. Do you understand
11 the warning, ma'am?

12 MS. SASSOWER: I do. Thank you, Your Honor.

13 THE COURT: You are welcomed.

14 MS. SASSOWER: What are you doing in your
15 retirement?

16 THE COURT: I'm going to graduate school.

17 MS. SASSOWER: Are you? Congratulations.

18 THE COURT: Yes. I decided going back to school is
19 a fountain of youth.

20 MS. SASSOWER: (indiscernible).

21 THE COURT: Well, I think I'm anticipating. I'm
22 like the horse getting near the barn.

23 MS. SASSOWER: What --

24 THE COURT: Theology.

25 MS. SASSOWER: Theology?

1 THE COURT: Theology, yes.

2 MS. SASSOWER: Well, I also (indiscernible).

3 THE COURT: Oh, do you?

4 MS. SASSOWER: I was a religious (indiscernible).

5 THE COURT: Were you, really? Okay.

6 MS. SASSOWER: But then found that my --

7 THE COURT: You were called to the public sector.

8 MS. SASSOWER: My public interest work was too

9 consuming.

10 THE COURT: Oh. Well, that's a great thing. Thank

11 goodness people have that attitude.

12 MS. SASSOWER: Thank you very much.

13 UNKNOWN FEMALE: Thank you.

14 THE COURT: All right.

15 UNKNOWN MALE: Good luck, judge. Thank you.

16 THE COURT: Okay. Thanks. Nice to see you.

17 UNKNOWN: Good to see you.

18 THE COURT: All right.

19 (Thereupon, the proceedings were concluded.)

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I, Jacqueline Hogue, an Official Court Transcriber for the Superior Court of the District of Columbia, do hereby certify that in my official capacity I prepared from electronic recordings the proceedings had and testimony adduced in the matter of UNITED STATES OF AMERICA versus WLINOR R. SEASOWE, Docket Number: M 4113-03, in said Court, on the 20th day of June 2003.

I further certify that the foregoing 14 pages were transcribed to the best of my ability from said recordings.

In witness whereof, I have subscribed my name this the 11th day of September 2003.

Jacqueline Hogue

Official Court Transcriber

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