

1 those jurors are, in the order they're going to be, you will be  
2 able to give me your own written questions in advance with  
3 respect to each of them. I will attempt to incorporate them in  
4 my voir dire examination.

5 I make an effort to be thorough in my voir dire  
6 examination with the questionnaires, with your questions, and  
7 at the conclusion of that I would meet with lead counsel and  
8 say, *Are there any additional questions to any particular juror*  
9 *before we address the issue of cause?*

10 So I understand you're concerned, but I think the  
11 process we have set up is eminently fair. And actually, you  
12 probably have a great deal more information than ordinarily we  
13 have.

14 A different question arises as it relates to the  
15 Rule 615 exclusion. And in considering that, an issue is  
16 raised about the Crime Victims Rights Act.

17 This case is unusual because if you have a case  
18 where there is someone who is caught with drugs, child  
19 pornography, someone who's allegedly robbed a credit union or a  
20 bank, someone who's been involved in a violent act, there is  
21 generally a person or persons who are identifiable as victims.

22 Under the definition of 18 U.S. Code 3771(e), it  
23 says that, *For purposes of this chapter, the term, quote, crime*  
24 *victim, means a person directly and proximately harmed as a*  
25 *result of the commission of a federal offense or an offense in*

1 the District of Columbia.

2 Of course, that obviously is the critical issue or  
3 issues that are going to be tried and, consequently, it is my  
4 determination, as the Congress has defined the term crime  
5 victim, there are no crime victims identifiable in this case.

6 So if 615 is invoked, that means that all of the  
7 witnesses who will be called are excluded.

8 There are a couple of expectations to that, given  
9 the nature of the various things that have been talked about  
10 here and, in the past, I think it would be improvident to  
11 exclude expert witnesses.

12 So any lay witness would be out and would be subject  
13 to the provisions of Rule 615. Which means that if somebody  
14 invokes the rule, that the witness is excluded so that they  
15 cannot hear the testimony of other witnesses. And what that  
16 means is if there is daily transcript or realtime or any of  
17 those things, it cannot be shown to potential witnesses in the  
18 case.

19 There's an issue. Mr. McLean is going to need to  
20 designate, if he wants, somebody who will be the representative  
21 of the United States. Generally it's a case agent. And I do  
22 not know who that may or may -- who that may be.

23 If it is Mr. Peronard, that takes care of any  
24 issues. If it's not, then the question of Mr. Peronard's  
25 expertise and his role as a fact witness becomes grayish.

1 too much, and it's every other week, in a month, and he's  
2 scheduled in April, which is, if it worked out, it would be  
3 perfect, because that's some time that we're -- but that time,  
4 I'm going. I don't even know when that is.

5 April is likely to be a month where there are going  
6 to be some gaps.

7 MR. URGENSON: This is probably the only occasion  
8 where I can speak on behalf of Mr. McLean, I believe, and say  
9 congratulations.

10 With respect to 615, our view is, as we stated, we  
11 thought, the approach proposed by the Court. And to the extent  
12 you need to make a request under 615, that's our request.

13 THE COURT: All right. That motion is granted under  
14 the terms and conditions that I have earlier stated.

15 MR. URGENSON: Thank you.

16 THE COURT: Very good.

17 Well, thank you for the arguments. I will make an  
18 effort to do what I'm supposed to do under 702 and 703 and give  
19 you at least my view of where we are with those three items  
20 that we talked about.

21 And please make sure that you check with Beth to  
22 make sure everybody has the same numbers before we leave.

23 And again, what will happen on the 19th is that when  
24 the people come, they will be seated just in the order that we  
25 have here, 28 of them. Okay?