IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA							
UNITED STATES OF AMERICA,)						
Plaintiff,)) CR No. 21-28-2,6) Washington, D.C.						
vs.) March 11, 2021) 4:08 p.m.						
DONOVAN RAY CROWL, GRAYDON YOUNG,))						
Defendants.))						
TRANSCRIPT OF INITIAL APPEARANCE/ARRAIGNMENT VIA TELECONFERENCE PROCEEDINGS BEFORE THE HONORABLE AMIT P. MEHTA UNITED STATES DISTRICT JUDGE							
APPEARANCES:							
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Proceedings recorded by mechanical stenography; transcript produced by computer-aided transcription

PROCEEDINGS 1 2 DEPUTY CLERK: Good afternoon, Your Honor. 3 This is Criminal Case No. 21-28, the United States of 4 America versus Donovan Ray Crowl and Graydon Young. 5 Jeffrey Nestler, Kathryn Rakoczy, Ahmed Baset, and 6 Alexandra Hughes for the government. 7 Carmen Hernandez for Defendant No. 2, Donovan Crowl. 8 And Robert Foley and Desiree Wilson for the 9 10 Defendant No. 6, Graydon Young. 11 Andre Sidbury is also on the line for Pretrial Services. 12 1.3 THE COURT: Okay. Good afternoon, everyone. 14 Counsel, good afternoon. 15 And Mr. Crowl and Mr. Young, can you hear me okay? 16 DEFENDANT CROWL: Yes, sir. 17 DEFENDANT YOUNG: Yes, sir. 18 THE COURT: Okay. 19 Because of the current circumstances, 20 unfortunately, we're not able to do this by videoconference, 21 and we'll have to proceed by teleconference this afternoon. 22 I understand that Mr. Young and Mr. Crowl are 23 quarantining right now; and for that reason, we're not able 24 to do this via videoconference. 25 Any objection by defense counsel to proceeding

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telephonically this afternoon?
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               MS. HERNANDEZ: This is Carmen Hernandez.
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               MR. FOLEY: Your Honor, Robert Foley.
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               THE COURT: Why don't we start with counsel for
 5
    Mr. Crowl.
 6
               Ms. Hernandez.
 7
               MS. HERNANDEZ: Yes, sir.
               No, Mr. Crowl does not object to proceeding by
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    phone, Your Honor, since it's the only available method.
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               MR. FOLEY: And, Your Honor, there's no objection
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     on behalf of Mr. Young.
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               THE COURT: Okay. Very good.
               All right. So the business at hand this afternoon
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14
     is to arraign the defendants and then figure out where we go
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     from here with folks.
               So let's start with the arraignment. And I'll ask
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17
    Mr. Douyon to start with Mr. Crowl and then we'll turn to
18
    Mr. Young.
19
               COURTROOM DEPUTY: May the record reflect that
20
     defense counsel has received a copy of the superseding
21
     indictment.
22
               Mr. Crowl, in Criminal Case No. 21-28-2, you've
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    been charged with the following counts:
24
               Count 1, conspiracy, in violation of Title 18
25
     United States Code Section 371;
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Count 2, obstruction of an official proceeding and
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 2
     aiding and abetting, in violation of Title 18 United States
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     Code Sections 1512(c)2 and Section 2;
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               Count 3, destruction of government property and
 5
     aiding and abetting, in violation of Title 18 United States
 6
     Code Section 1361 and Section 2;
 7
               Count 4, restricted building or grounds, in
     violation of Title 18 United States Code 1752(a)(1).
 8
 9
               How do you wish to plead?
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               MS. HERNANDEZ: Your Honor, this is
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     Carmen Hernandez.
               On behalf of Mr. Crowl, he pleads not guilty to
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13
     each of the counts, he asserts his constitutional rights to
14
     a speedy trial and to not be questioned by the government or
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     any of its agents under the Fifth and Sixth Amendments to
16
     the United States Constitution.
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               THE COURT: All right. Thank you, Ms. Hernandez.
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               So the record will reflect on behalf of Mr. Crowl
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     the entry of not-quilty pleas to each count of the
20
     indictment.
21
               All right. Let's turn, then, to Mr. Young.
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               COURTROOM DEPUTY: And I apologize. I forgot to
     ask defense counsel if Mr. Crowl waives the formal reading
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24
     of the superseding indictment.
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               MS. HERNANDEZ: Yes, he waives the formal reading
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of the superseding indictment.
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               COURTROOM DEPUTY: Thank you.
 3
               I'll turn now to Mr. Young.
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               May the record reflect that defense counsel has
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     received a copy of the superseding indictment.
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               Mr. Young, in Criminal Case No. 21-28-6, you've
     been charged with the following counts:
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               Count 1, conspiracy, in violation of Title 18
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     United States Code Section 371;
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               Count 2, obstruction of an official proceeding and
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     aiding and abetting, in violation of Title 18 United States
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     Code Sections 1512(c)(2) and Section 2;
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               Count 3, destruction of government property and
14
     aiding and abetting, in violation of Title 18 United States
     Code Sections 1361 and Section 2;
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16
               Count 4, restricted building or grounds, in
17
     violation of Title 18 United States Code Section 1752(a)(1);
18
               And Count 6, tampering with documents or
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     proceedings, in violation of Title 18 United States Code
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     Sections 1512(c)(1).
21
               Do you wish to waive the formal reading of the
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     superseding indictment and how do you wish to plead on
23
     these?
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               MR. FOLEY: Robert Foley on behalf of Mr. Young.
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               We will waive reading, and we plead not guilty as
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to all counts. 1 2 THE COURT: Okay. Thank you, Mr. Foley. 3 So the record will reflect the entry of not-quilty 4 pleas on behalf of Mr. Young for each count of the 5 indictment. 6 All right. So with that formality out of the way, let's turn to where things stand with respect to these two 7 defendants and where we go from here. 8 Let me start with government counsel and where 9 10 things are with respect to disclosure of discovery of 11 Mr. Crowl and Mr. Young. 12 MR. NESTLER: Good afternoon, Your Honor. This is 13 Jeff Nestler on behalf of the United States. 14 The government has provided some initial discovery 15 to defense counsel for both Mr. Young and Mr. Crowl, as well 16 as the other indicted defendants, via our USAfx discovery 17 platform. That occurred yesterday. 18 We are still working on the terms of a protective 19 order to govern the production of fuller discovery, but we 20 were able to get some initial materials out. And that is 21 where things stand at the moment. 22 THE COURT: Okay. 23 And we've now been at in this combined case --24 there's nine co-defendants, I believe, if that number is 25 correct.

Does the government have any better sense of the 1 2 time it's going to require it to make complete disclosure of 3 discovery? 4 MR. NESTLER: The government does anticipate 5 filing a motion to have the case designated as complex, 6 based, in part, on the voluminous discovery, both as it 7 applies to these nine defendants, as well as the Capitol 8 cases more broadly. 9 I'm sorry, Your Honor. There's a large gathering 10 outside of my window, so that was that noise. 11 So that is the government's current position. 12 We did reach out to defense counsel this morning 13 regarding the motion to have the case designated as complex, 14 and I believe that at least some of these defense counsel 15 will be objecting to that. And we can probably discuss that 16 more fully when all the defense counsel and the government 17 are before Your Honor; I believe that's going to be 18 tomorrow. 19 Your Honor, can you still hear me? THE COURT: Sorry. I put my phone on mute. 20 21 about that. 22 MR. NESTLER: That's okay. 23 THE COURT: If the government thinks it's seeing a 24 complex-case designation or at least is going to ask for 25 one?

But what does that mean, though, in terms of what you all anticipate, even say there is a complex-case designation, what do you all anticipate that will still mean for completion of discovery? Are we talking about weeks, months? Do you have a sense of it yet? I know there's an extraordinary volume of material.

MR. NESTLER: It's hard to have a sense to say for everything, Your Honor.

We do have several social media and cell phone extractions for the defendants, as well as other open-source media, and we've gotten a lot of that material to defense counsel already. But we ought to be able to get some of that material to defense counsel in the relatively near future.

But there's a whole other volume of material in terms of other video that's out there and other sources that's going to take us much more time to go through and get.

So we are going to be asking for 60 days in our complex-case motion to get the remaining materials out.

It does involve some more compilations on our end in terms of retaining a vendor, getting a database set up, getting things tagged and out the door to defense counsel.

THE COURT: Okay.

And when do you expect to file the complex-case

motion? 1 2 MR. NESTLER: We can expect to file that 3 complex-case motion tomorrow, Your Honor. 4 We did send a round of drafts to defense counsel 5 either late last night or this morning, so we can get that 6 on file tomorrow, if possible. Though if it's okay with 7 Your Honor, if we could have till Monday, we could probably tighten it up a little bit. 8 9 THE COURT: That's fine. 10 Do you have a sense, in your communications, 11 whether any of the defendants will be consenting, perhaps --I suspect those that are currently on release may not be 12 13 objecting, but those who are detained may take a different 14 view? 15 MR. NESTLER: Three defense counsel for detained 16 defendants have told us they currently oppose. The 17 remaining counsel have not yet responded to us. 18 THE COURT: Okay. 19 All right. So let me turn to Ms. Hernandez and 20 Mr. Foley and your thoughts about where we go from here. 21 I think, Ms. Hernandez, at least you intend to 22 file a motion for reconsideration of detention; is that 23 right? 24 MS. HERNANDEZ: Yes, Your Honor. 25 So just for background for the Court, the Pretrial

Services officer in Ohio, when Mr. Crowl turned himself in to authorities, recommended release, but the magistrate judge declined that recommendation and held him.

Mr. Crowl, my understanding of his criminal history, he has a DWI in his history, but he has no felony convictions, no firearms were found on him, no firearms were located on him at the Capitol, he's not alleged to have personally injured anyone or destroyed any property.

And I am likely to oppose a complex-case designation. Although I recognize we are being provided an awful lot of discovery, but there is just -- my experience with complex cases is it takes a year or longer to go to trial. We've got nine defendants, the pandemic on top of us.

And on top of that, Your Honor, Mr. Crowl has some medical issues, which, by the way, I submitted a medical alert as of March 1st. He's not yet been seen by a doctor at least as of the last time I spoke to him, which was yesterday. He has serious — he has melanoma, and he was — he had a medical appointment scheduled which came and went while he's been detained.

So two things I'd ask the Court to ask the marshals, to make sure he is seen by the doctor. And given all these circumstances, I am going to be asking for relief and opposing delay. I don't know when the Court is going to

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re-open or going to be available for a nine-defendant case.
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     If the Court has any information in that regard, I'd love to
 3
     hear it. I know I have another case pending in this
     district with four defendants.
 4
 5
               THE COURT: All right.
 6
               Well, Ms. Hernandez, let me just ask you: Is your
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     client, where is he currently, which facility is he in?
     I don't know where.
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               MS. HERNANDEZ: I believe he's at the D.C. jail
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     under quarantine. I believe the quarantine is due to the
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     fact that he just traveled in, not for any other reason, but
     I'm not 100 percent certain.
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1.3
               THE COURT: All right.
14
               All right. That's helpful to know.
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               And in terms of your bond-review motion, when
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     do you expect to file that?
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               MS. HERNANDEZ: Your Honor, I will try to file it
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    by tomorrow evening at the latest.
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               And I understand, we -- the government and I
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     contacted your chambers -- or your deputy about potential
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     opening for the Court to hear a motion, and I think you have
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     some time next week.
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               THE COURT: I always have time for you,
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    Ms. Hernandez.
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               MS. HERNANDEZ:
                               Thank you, sir.
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THE COURT: Have you talked to the government
about by when the government is going to be able to file a
motion? If you file something by tomorrow -- I'm sorry, an
opposition --
         MS. HERNANDEZ: I have not.
          I figure they have about six attorneys working on
the case and one of them should be able to rifle off their
response. As I said, I think the facts are pretty clear for
release.
          THE COURT: All right. Well, they may take a
different view of that.
          So, government counsel, by when do you think you
can get something on file as an opposition?
         MR. NESTLER: I'm sorry, did Ms. Hernandez say
when she plans to file?
          THE COURT: She said "tomorrow."
         MR. NESTLER: I'm not sure we had settled on the
day with your Clerk, Your Honor, for the date for our
hearing.
          Can we ask the Clerk if we know the current date
we're thinking about?
          THE COURT: But you all had -- Mr. Douyon will
correct me if I am wrong, but you all had suggested either
the 16th, which is Tuesday, at 3:00, or the 17th at 2:30,
which is Wednesday.
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MR. NESTLER: If we could have -- and either date
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     works for the government.
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               As Ms. Hernandez indicated, between us, I'm sure
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     we can have the hearing covered, and so we're happy to work
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     around the Court and Ms. Hernandez's schedule.
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               But if we could have till Tuesday to file our
     opposition to the motion, that would be appreciated.
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 8
               THE COURT: All right.
               Well, why don't we -- you can have until Tuesday
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     to file it. Please file it by 5:00 p.m. on Tuesday, and
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     we'll have a hearing on the bond motion at 2:30.
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               Mr. Douyon, I assume that's still available.
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     Are we going to be able -- do we know whether Mr. Crowl will
14
    be in a position to do this by videoconference on that date?
15
               COURTROOM DEPUTY: Your Honor, this is
16
     Jean-Claude.
17
               I'm not sure what his quarantine status will be,
18
    but I can put in the request for the hearing and I'll let
19
     you know as soon as possible.
20
               THE COURT: Okav.
21
               All right. So we'll see where things are in terms
22
     of Mr. Crowl's quarantine status, but hopefully we can do it
23
     by videoconference and not by teleconference.
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               MS. HERNANDEZ: Your Honor, just to be clear, the
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     Court will have the hearing on the 17th at 2:30?
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THE COURT: Yes.
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 2
               MS. HERNANDEZ: Thank you.
 3
               THE COURT: All right.
 4
               Anything else on behalf of Mr. Crowl,
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    Ms. Hernandez?
 6
               MS. HERNANDEZ: No. Just the medical alert.
 7
               As I said, I know your Clerk forwarded it to the
    marshals, but I'm not sure anything's been done on it.
 8
 9
               THE COURT: Yeah. Well, we'll follow up and
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     hopefully that'll get communicated and he'll get to see
11
     someone. And if he doesn't, you'll let me know.
12
               All right. So how about for Mr. Young, where do
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     we -- what are your plans? Is he -- he's held, and, if so,
     where?
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15
               MR. FOLEY: Yes, Your Honor.
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               He is detained. Currently, I do understand that
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     it is at the D.C. detention -- or D.C. jail as well. And he
18
     is also on quarantine as a result of his recent travel, from
19
    my understanding.
20
               THE COURT: Okay.
21
               And your thoughts on future proceedings with
22
     respect to Mr. Young?
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               MR. FOLEY: Yes, sir.
24
               So with respect to the decision on detention, we
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     do plan on filing a motion for reconsideration.
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And, Your Honor, what I'd like to do is take the
opportunity to review the initial discovery and, thereafter,
collaborate with the government as to a date that makes
sense for both parties. So I'd like to leave, with
permission of the Court, the exact filing date for that
motion open at this point.
          THE COURT: Okay. That's fine by me.
          And if and when you file, it would be useful to
meet and confer with the government on a schedule once you
have a date in mind of when you'll file the review motion,
okay?
         MR. FOLEY: Yes, sir.
          THE COURT: All right.
          Anything else on behalf of Mr. Young? And then we
can talk about next steps.
          MR. FOLEY: Your Honor, the only other issue,
I think, to address briefly is with respect to the
complex-case designation.
          Preliminarily, our position on that would be an
opposition of that designation. And the opposition is
squared with respect to what the Court raised earlier and
that is as it impacts Mr. Young's detention --
          THE COURT: Okay.
          MR. FOLEY: -- and the length of time at which
they could, you know...
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THE COURT: Yeah. 1 2 Okay. Well, let's -- we'll take it a day at a 3 time here with these motions coming in. So if the motion comes in tomorrow, has there been 4 5 any discussion amongst defense counsel as to those who said 6 they intend to oppose, by when they can file an opposition? 7 MR. NESTLER: Sorry. If that was directed to the 8 government, Your Honor, no, we did not get into the time of our filing or their oppositions. 9 10 THE COURT: Ms. Hernandez and Mr. Foley, since you 11 both said you're going to oppose, the government is going to 12 file tomorrow, so you get first crack at telling me what's a 13 reasonable date to expect an opposition and then anybody 14 else is going to have to follow on that date, too. So what 15 do you think is reasonable? MS. HERNANDEZ: Your Honor, my understanding is 16 17 that the government said they would be filing the motion on 18 Monday, if that's -- if I understood that correctly. 19 THE COURT: Yeah. I think -- you know, I think 20 they said tomorrow initially and then they asked for Monday 21 and I said Monday would be fine. 22 MS. HERNANDEZ: So I should be able to file something -- of course, I'll be preparing for the detention 23 24 hearing, but I should be able to file something pretty 25 quickly.

I don't deny that there's voluminous discovery coming at us. What the Court already recognized and co-counsel already recognized is that a complex-case designation is going to delay trial of this case while my client is detained. So my position really depends, to a great extent, on the detention issue or decision.

THE COURT: Okay.

Well, let's do this: I mean, if you -- if the

government files by the 15th -- let me just get the government's motion and then I'll issue an order with a deadline. I'm not going to -- it's not going to be the full 14 days, it will be some time shorter than that, because I'd like to get that resolved sooner rather than later. We do have nine defendants in this case, so let's get that issue resolved at the outset.

Okay. So let's talk about next steps. You know,

I had originally hoped that we could get all the defendants
together on the 12th, which is tomorrow, but it doesn't make
a lot of sense to get Mr. Crowl and Mr. Young before me
tomorrow since they're here today.

I do think, however, it makes sense to try and figure out a date where we can get all nine defendants together. Perhaps we'll have to do it in sort of sets of four. It's going to depend upon logistics, because we've got folks who are detained at different facilities, and

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getting everybody on the same platform may be more
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     challenging than I realize and we may just have to,
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     unfortunately, do it as a teleconference, but we'll figure
 4
     all that out.
 5
               Have you all talked about a next date amongst
 6
     yourselves?
 7
               MR. NESTLER: This is Jeff Nestler on behalf of
 8
     the United States, Your Honor.
               No. We were under the impression that we would
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10
     come back tomorrow to align Mr. Crowl and Mr. Young with the
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     defendants who are appearing in front of Your Honor
12
     tomorrow. But I hear what Your Honor is saying about
13
     logistics of how that's challenging.
14
               THE COURT: Yeah, let's pick a date. And then
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     we'll have the other defendants who are appearing tomorrow,
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     they'll get that same date, too. And then we'll have to
17
     figure out the logistics on our end, whether we can get all
18
     nine together in a single hearing on the same day or we'll
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    have to do it in two steps, which I've done in the past in
20
    multi-co-defendant cases.
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               So is 30 days something that is a reasonable
2.2.
     amount?
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               MR. NESTLER: That sounds fine for the government.
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               MS. HERNANDEZ: For a status, Your Honor?
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               THE COURT:
                           Yes.
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MS. HERNANDEZ: Certainly.
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               THE COURT:
                          Okay.
 3
               MR. FOLEY: And Mr. Young has no objection either,
 4
     Your Honor.
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               THE COURT: Okay.
 6
               Let's do it a little bit less than 30 days just
 7
    because of my schedule.
 8
               So how about April 6th? Is everybody available on
 9
    April 6th?
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               MS. HERNANDEZ: Yes, sir.
11
               MR. FOLEY: Yes, Your Honor.
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               THE COURT: Mr. Douyon, do we have a free line
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     with the jail, and if so, at what time?
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               COURTROOM DEPUTY: On April 6th, it looks like the
     free time is 3:30.
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               THE COURT: 3:30? Okay.
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               So is everybody available at 3:30?
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               MS. HERNANDEZ: Yes, Your Honor.
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               MR. NESTLER: Yes, Your Honor, that works for the
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     government.
21
               MR. FOLEY: Yes, Your Honor.
22
               THE COURT: All right. Great.
23
               So we'll put down right now 3:30 on April the 6th
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     for Mr. Young, Mr. Crowl, and we will try to get all the
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     other defendants on this same schedule in the coming days.
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We've got some defendants who still haven't appeared before
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     the Court, we've got a couple of defendants who have, so
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     we're just going to need to work through that.
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               Have defense counsel spoken to their clients about
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     speedy-trial time?
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               MS. HERNANDEZ: I have not, Your Honor.
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               THE COURT:
                          Okay.
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               MR. FOLEY: Your Honor, as to Mr. Young, also, no.
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               And just to bring to the Court's attention, it's
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    been impossible to get any kind of communication with
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     Mr. Young. Our hope is that as they settle in, that there
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     will be some opportunity to have a conversation with him
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     about that and other things.
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               THE COURT: Okay.
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               Well, is the government moving for exclusion of
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     time? Or I guess the question is: Is either side moving
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     for exclusion of time at this point?
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               MR. NESTLER: Yes, Your Honor. The government
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    moves for the exclusion of time, consistent with the Chief
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     Judge's standing order regarding COVID, as well as the
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     voluminous discovery to be analyzed and produced in this
2.2.
     case.
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               THE COURT: Okay.
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               Any objection from the defendants?
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               MS. HERNANDEZ:
                               Mr. Crowl objects.
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THE COURT: 1 Okay. 2 MR. FOLEY: And an objection on behalf of 3 Mr. Young -- I apologize, Your Honor. It's the feedback. 4 I don't mean to be disrespectful by cutting in on the 5 conversation. 6 THE COURT: No. That's okay. 7 MR. FOLEY: There is an objection on Mr. Young's behalf as well, Your Honor. 8 THE COURT: 9 Okav. So over the objection of the defendants, I do find 10 11 that -- based on the government's motion, that the exclusion of time is warranted in the interests of justice, and that 12 13 the interests of justice outweigh the interests of the 14 defendant and the public in a speedy trial. 15 Mr. Crowl and Mr. Young, what all of this means is 16 that, as criminal defendants, you have a right to a speedy 17 trial, that is, a trial within 70 days of your first 18 appearing in court. There are a lot of exceptions to that 19 rule, one of which is that I'm allowed to exclude time; that 20 is, not count certain days toward those 70 days based upon a 21 party's motion. 22 And in this case, the government has made a motion 23 to exclude time through April the 6th. And I'm going to 24 grant that motion, over the objection of the defendants, 25 primarily because it's in the interests of justice to afford

the government an opportunity to get rolling with discovery and get discovery out to the defendants so that they can review the discovery and begin preparing a defense with their counsel.

Additionally, the current standing order that the Court -- excuse me, that the Chief Judge just recently issued excludes time through, I think, April 15th due to the conditions of COVID and the difficulties of having a trial because of COVID. And so for the reasons stated in that standing order, I'll also exclude time.

I'll also note that I don't think time actually has started to run necessarily for these defendants, because this is a multi-co-defendant case and at least some of the co-defendants haven't yet appeared before me. So it's even doubtful that the time has even started, that the time clock has even started for Mr. Crowl and Mr. Young. Be that as it may, I have excluded time through April the 6th.

And so with that, is there anything else we need to take up? I do have one housekeeping matter I want to raise with government counsel about another co-defendant.

MR. NESTLER: Sure, Your Honor.

And I can mention this. I know you mentioned trying to get all of the defendants aligned in front of Your Honor, which the government, of course, shares that view.

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Just so Your Honor is aware, there are two other currently indicted defendants who are held named Laura Steele and Connie Meggs, who I'm informed by the marshals are -- have not yet arrived in D.C. And along the lines, the same lines, Your Honor, there are currently nine indicted defendants. government does anticipate that additional defendants will be added to the conspiracy at some point. THE COURT: Okay. Do you have a sense of how many? MR. NESTLER: At least one, but potentially up to five or six or even a few more, Your Honor. THE COURT: Okay. Well, that's interesting news. Okay. MS. HERNANDEZ: Your Honor? THE COURT: Yes, Ms. Hernandez. MS. HERNANDEZ: Does the Court have any information it could provide regarding what, when, if at all, the Court -- District Court is going to be able to try a case with nine or 14 defendants or 15 defendants, in light of the pandemic? I know, as I started to say earlier, I have a case with only four co-defendants, and that's been very difficult to schedule because of the pandemic procedures. So I'm just wondering: Does the Court have any other information it can

provide us? 1 2 THE COURT: Well, I guess I'm not sure what you 3 mean, Ms. Hernandez, in the sense that, I mean, our 4 proceedings are ongoing; even though they're virtual, we're 5 still managing. 6 I mean, if you mean a trial --7 MS. HERNANDEZ: Right, a trial. I mean, I don't see a trial in this 8 THE COURT: case likely for some number of months. 9 10 I mean, as you know, under the new standing order, trials are set to commence in a phased fashion starting 11 12 March 15th, and the trial calendar is pretty booked through 1.3 the summer. 14 So, you know, we'll just have to wait and see. 15 You know, could we -- when is it reasonable that all nine or 16 maybe more defendants who want to go to trial, are we going 17 to have a trial with that many defendants? I just can't 18 tell you that right now. We'll see whether some defendants 19 resolve their cases, or if others want a trial, you know, if 20 there's still a lot of defendants, we may need to split it 21 up into groups. We'll just have to see. 22 MS. HERNANDEZ: Thank you. 23 THE COURT: Yeah. 24 I mean, I know that's not terribly satisfying, but 25 those are just the circumstances we're finding ourselves in

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right now.
 1
 2
               Okay. I don't have anything further for Mr. Crowl
 3
     and Mr. Young.
 4
               I did want to talk to the government about
 5
    Ms. Meggs. So, Ms. Hernandez and Mr. Foley, there's no need
 6
     for you to continue on the line. If you want to depart,
 7
     that's fine.
               As far as --
 8
 9
               MS. HERNANDEZ: Thank you, Your Honor. I'm going
10
     to terminate my call if that's okay with the Court.
11
     Thank you.
12
               THE COURT: All right. Very good. We'll see
13
     everybody on the 6th.
14
               MR. FOLEY: Thank you, Your Honor.
15
               THE COURT: Thank you.
16
               All right. Insofar as Ms. Meggs goes, she did
17
     file a bond-review motion. I gather she's still, at least
18
     according to the bond-review motion, they can't get her out
19
     of Florida for whatever reason.
20
               And does the government have any further insight
21
     into what her status is and when she might be arriving here?
22
               MR. NESTLER: Yes, Your Honor.
23
               I've been in touch with the marshals in response
24
    to defense counsel's request of the government and then the
25
    bond-review motions regarding Ms. Meggs's status.
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Apparently, her transportation has something to do with jewelry on her body and not being able to transport her, consistent with the marshals and there's a policy, that's the justice prisoner transportation system, JPATS, and individuals being able to have certain jewelry on their bodies. So that was the information I received from the marshals, and there is a process ongoing with trying to resolve that. But she does appear, as of today, to continue to be in Florida. THE COURT: Okay. And is the government going to oppose the bond-review motion? MR. NESTLER: Yes, Your Honor. THE COURT: Okay. So by when do you think you'll file an opposition to it? MR. NESTLER: I'm hoping to get some additional information from the marshals. I understood Ms. Meggs's bond-review motion to be premised on her inability temporarily to be transported, rather than the underlying substantive offense. And so I was hoping that the marshals would be able to resolve that in the near future. I say all that because the government would want to file an opposition next week, and I'm hoping that the

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marshals will be able to moot this issue out and get her up
 1
     to D.C. expeditiously. So perhaps we could file by
 2
 3
     Wednesday.
 4
               THE COURT: Okay. That's fine.
 5
               Yeah. I mean, I'm just looking at her review
 6
    motion. And it's true that a portion of it refers to her
 7
     inability to be transported, but defense counsel goes on to
 8
    make other arguments under the Bail Reform Act and the
 9
     factors I'm supposed to consider.
10
               All right. If you can file something by
11
     Wednesday, I can try and turn my attention to that.
12
     we will make efforts to, if she's still in Florida, try and
13
     figure out whether we can get connected with her and her
14
     counsel for a hearing late next week.
15
               MR. NESTLER: Understood, Your Honor.
16
               And just to flag something for Your Honor: I know
17
    her counsel, Mr. Wilson, will be in front of Your Honor
18
     tomorrow at 3:00 p.m. And Ms. Meggs's husband, Kelly Meggs,
19
     is set to be arraigned.
20
               THE COURT: Okay.
21
               MR. NESTLER: The government does anticipate
22
     tomorrow, just to preview this for Your Honor, raising for
23
     the Court the potential conflict of having Mr. Wilson
24
     represent both of them.
25
               THE COURT:
                           Yep.
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MR. NESTLER: I've already spoken to Mr. Wilson;
 1
 2
    he's aware that we're planning to raise that. I just wanted
 3
     to flag that.
 4
               THE COURT: And is Mr. Meggs, he's on release?
 5
               MR. NESTLER: Mr. Meggs is detained and he is also
 6
     at the D.C. jail.
 7
               THE COURT: Okay. So he is detained. Okay.
 8
               All right. So we'll take all that up tomorrow.
 9
               Just please remind me to just talk about Ms. Meggs
     and the schedule for her and whether he -- whether
10
11
     ultimately counsel represents both or we have two new
12
     orders.
13
               The bottom line is, I've got to -- have to
14
    provide -- we can -- I have to look at -- I haven't
15
     confronted this in many years. But in theory, they could
16
     proceed with the same lawyer, unless -- so long as they are
17
     sort of advised about potential conflicts and waive them.
18
               MR. NESTLER: Yes.
19
               THE COURT: We'll just have to take that up.
20
               MR. NESTLER: I believe that's the case,
21
     Your Honor.
22
               We just wanted to flag for Your Honor anything
23
     they might need to have independent counsel appointed to
24
     advise them on the potential for conflict --
25
               THE COURT:
                           Yep.
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MR. NESTLER: -- and any negative outcomes for
 1
 2
     their own cases if they have the same counsel.
 3
               THE COURT: Right. Okay.
               All right. Well, we'll take a look at that before
 4
 5
     tomorrow. And I'll make sure we do what we're supposed to
 6
     do to make sure everybody's rights are observed and they're
 7
     adequately informed about the risks that they want
 8
    proceeding with the same lawyer.
 9
              MR. NESTLER: Yes, Your Honor.
10
               THE COURT: All right. Anything further?
11
              MR. NESTLER: Not from the government, Your Honor.
12
               THE COURT: All right. Thanks very much.
13
              MR. NESTLER: Thank you. Have a nice day.
14
               THE COURT: You too. Bu-bye.
15
               (Proceedings concluded at 4:45 p.m.)
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C E R T I F I C A T E

I, William P. Zaremba, RMR, CRR, certify that the foregoing is a correct transcript from the record of proceedings in the above-titled matter.

Please note: This hearing occurred during the COVID-19 pandemic and is therefore subject to the technological limitations of court reporting remotely.

Date: April 7, 2021 /S/ William P. Zaremba William P. Zaremba, RMR, CRR

Case 1:21-cr-226928-24P2M Documention and [2] F24#70 04/apphiles [1] 8807e 32 of (3) Fetter [1] 8/1 **239 [1]** 2/13 27/17 appointed [1] 29/23 COURTROOM **239-286-2905 [1]** 2/8 Additionally [1] 23/5 **DEPUTY: [5]** 4/19 5/22 **240 [1]** 2/4 address [1] 16/17 6/2 14/15 20/14 **252-6928 [1]** 1/17 adequately [1] 30/7 **DEFENDANT CROWL: 28 [1]** 3/3 advise [1] 29/24 **[1]** 3/16 advised [1] 29/17 **2905 [1]** 2/8 **DEFENDANT YOUNG: 2:30 [3]** 13/24 14/11 afford [1] 22/25 **[1]** 3/17 afternoon [7] 3/2 3/13 14/25 **DEPUTY CLERK: [1]** 3/14 3/21 4/1 4/13 7/12 3/2 agents [1] 5/15 MR. FOLEY: [15] 4/3 30 [2] 19/21 20/6 **Ahmed [2]** 1/13 3/5 4/10 6/24 15/15 15/23 **3249 [1]** 2/19 ahmed.baset [1] 1/19 16/12 16/16 16/24 20/3 **333 [1]** 2/18 aided [1] 2/20 20/11 20/21 21/8 22/2 aiding [4] 5/2 5/5 6/11 **33901 [1]** 2/12 22/7 26/14 **3391 [1]** 2/4 6/14 MR. NESTLER: [29] **33990 [1]** 2/8 alert [2] 11/17 15/6 7/12 8/4 8/22 9/7 10/2 354-3249 [1] 2/19 **Alexandra [2]** 1/14 3/6 10/15 13/14 13/17 14/1 **371 [2]** 4/25 6/9 Alexandra. Hughes [1] 17/7 19/7 19/23 20/19 **3:00 [2]** 13/24 28/18 1/21 21/18 23/21 24/11 **3:30 [4]** 20/15 20/16 align [1] 19/10 26/22 27/14 27/17 20/17 20/23 aligned [1] 23/23 4/16 28/15 28/21 29/1 29/5 all [41] 29/18 29/20 30/1 30/9 All right [1] 5/21 30/11 30/13 **472-3391 [1]** 2/4 alleged [1] 11/7 as [38] **MS. HERNANDEZ: 4:08 [1]** 1/6 allowed [1] 22/19 **[25]** 4/2 4/7 5/10 5/25 **4:45 [1]** 30/15 along [1] 24/5 10/24 12/9 12/17 12/25 already [4] 9/12 18/2 13/5 14/24 15/2 15/6 18/3 29/1 17/16 17/22 19/24 20/1 **555 [1]** 1/16 also [6] 3/11 15/18 20/10 20/18 21/6 21/25 **5:00 [1]** 14/10 21/8 23/10 23/11 29/5 24/15 24/17 25/7 25/22 **Although [1]** 11/10 26/9 always [1] 12/23 28/11 THE COURT: [66] **60 [1]** 9/19 am [3] 11/9 11/24 **6080 [1]** 2/13 13/23 **690-6080 [1]** 2/13 Amendments [1] 5/15 /**S [1]** 31/10 **6928 [1]** 1/17 **AMERICA [2]** 1/3 3/4 6th [7] 20/8 20/9 20/14 **AMIT [1]** 1/10 20/23 22/23 23/17 amongst [2] 17/5 19/5 **100 [1]** 12/12 26/13 **amount [1]** 19/22 **1030 [1]** 2/7 analyzed [1] 21/21 **11 [1]** 1/5 Andre [2] 2/14 3/11 12th [1] 18/18 70 days [2] 22/17 another [2] 12/3 23/20 **1361 [2]** 5/6 6/15 22/20 anticipate [5] 8/4 9/2 **14 [2]** 18/12 24/20 **7166 [1]** 2/3 9/3 24/7 28/21 **15 [1]** 24/20 any [14] 3/25 5/15 8/1 **1512 [3]** 5/3 6/12 6/20 10/11 11/8 12/2 12/11 **152412 [1]** 2/7 9th [1] 2/7 17/5 21/10 21/24 24/17 **15th [3]** 18/9 23/7 24/25 26/20 30/1 25/12 anybody [1] 17/13 22/20 **16th [1]** 13/24 abetting [4] 5/2 5/5 anyone [1] 11/8 **1752 [2]** 5/8 6/17 6/11 6/14 anything [6] 15/4 17th [2] 13/24 14/25 able [14] 3/20 3/23 16/14 23/18 26/2 29/22 **18 [9]** 4/24 5/2 5/5 5/8 7/20 9/12 13/2 13/7 30/10 6/8 6/11 6/14 6/17 6/19 14/13 17/22 17/24 anything's [1] 15/8 **19 [1]** 31/6 24/19 27/2 27/5 27/22 aol.com [1] 2/4 1st [1] 11/17 28/1 apologize [2] 5/22 22/3 about [20] 8/21 9/4 Apparently [1] 27/1 10/20 12/20 13/2 13/6 appear [1] 27/9 **2,6 [1]** 1/4 13/21 15/12 16/15 APPEARANCE [1] 1/9 **20001 [1]** 2/18 18/16 19/5 19/12 20/8 APPEARANCE/ARRAI **202 [2]** 1/17 2/19 21/4 21/13 23/20 26/4 **GNMENT [1]** 1/9 **2021 [2]** 1/5 31/10 29/9 29/17 30/7 APPEARANCES [2] **20530 [1]** 1/16 above [1] 31/4 1/12 1/21 **20777 [1]** 2/3 above-titled [1] 31/4 appeared [2] 21/1 **21-28** [1] 3/3 according [1] 26/18 27/5 23/14 **21-28-2 [1]** 4/22 Act [1] 28/8 appearing [3] 19/11 21-28-2,6 [1] 1/4 actually [1] 23/11 19/15 22/18

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