

1 THERE WITH MY WEB CD ROM EVER SINCE THEN.

2 THE COURT: SPEAK UP.

3 MR. SUTCLIFFE: I'VE NOT BEEN ABLE TO VIEW IT SO I
4 REALLY DIDN'T CARE WHAT WAS ON IT.

5 THE COURT: ALL RIGHT. ONE REASON I TOOK THE BENCH
6 THREE OR FOUR MINUTES LATE THIS AFTERNOON IS I WAS DRAFTING AN
7 ORDER I WAS INTENDED AND TOLD YOU I WOULD ISSUE TO THE PRIOR
8 LAWYERS IN THIS CASE, AND I'M GOING TO TAILOR THAT ORDER TO WHAT I
9 BELIEVE AND NOW UNDERSTAND BASED UPON WHAT THE LAWYERS AND
10 MR. SUTCLIFFE JUST TOLD ME. BECAUSE I AM UTTERLY ASTONISHED,
11 BAFFLED, AND UPSET THAT DESPITE MY EFFORTS AND ORDERS THAT THE
12 MATERIAL HAS NOT BEEN TRANSFERRED FROM ONE LAWYER TO THE
13 SUCCESSIVE LAWYER AND IS NOT IN THE CURRENT POSSESSION OF THE
14 STANDBY LAWYER OR THE DEFENDANT. I DON'T SEE HOW WE CAN PROCEED
15 TO TRIAL, EVEN PUTTING ASIDE ISSUES OF WHO REPRESENTS
16 MR. SUTCLIFFE UNDER THAT STATE OF AFFAIRS AND I DON'T INTEND TO DO
17 SO.

18 WHAT IS THE CALCULATIONS ON THE SPEEDY TRIAL ACT THAT I
19 ASKED TO YOU LOOK INTO?

20 MS. DUARTE: YOUR HONOR, WHEN I HAD DONE IT PREVIOUSLY,
21 I HAD SAID THAT ACCORDING TO MY CALCULATIONS, THE LAST DAY THAT WE
22 COULD START TRIAL WOULD BE OCTOBER 10TH. THAT HAS NOT CHANGED
23 BECAUSE YOU DID NOT EXCLUDE TIME LAST TIME.

24 THE COURT: YEAH. MR. SUTCLIFFE DID NOT WAIVE TIME AND
25 THAT WAS HIS RIGHT.