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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

HONORABLE A. HOWARD MATZ, UNITED STATES DISTRICT COURT JUDGE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 STEVEN WILLIAM SUTCLIFFE,)
)
 Defendant.)

CASE NO. CR 02-00350 AHM

copy

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Los Angeles, California
Tuesday, October 21, 2003
3:00 p.m.

STATUS CONFERENCE

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P R O C E E D I N G S

1
2 THE CLERK: Calling Item No. 1: CR 02-350 (A)
3 U.S.A. versus Steven William Sutcliffe.

4 Counsel --

5 THE COURT: Wait a minute. Before we
6 have appearances --

7 (Pause)

8 THE COURT: Counsel, you can go ahead and announce
9 your appearances while we are waiting for the court.

10 MS. DUARTE: Good afternoon, Your Honor. Elena
11 Duarte for the United States, with case agent Jeffrey Cunoz
12 from the FBI.

13 THE COURT: Good afternoon.

14 MR. REED: David Reed, advisory counsel.

15 THE DEFENDANT: Steven Sutcliffe, accused.

16 THE COURT: Okay. And with the government, I
17 assume, from looking out over the benches, there is some
18 additional people whom I had hoped would be here. Would you
19 identify who they are, please?

20 MS. DUARTE: Yes, Your Honor. Per the court's
21 order, Ms. Amy Standifer is here from MDC, legal counsel,
22 and also Mr. Armando Saavedra, S-a-a-v-e-d-r-a, with the
23 computer -- I'm not sure of his title, but with computers at
24 MDC.

25 THE COURT: He's responsible for the installation

1 and maintenance of the computers that are available to
2 inmates there?

3 MS. DUARTE: Yes, he is the computer systems
4 manager, I'm told.

5 THE COURT: Okay. Anyone else?

6 MS. DUARTE: Available by telephone, Your Honor,
7 is Mr. Jason Weiss, Special Agent Jason Weiss, W-e-i-s-s,
8 who is the computer analysis response team member from the
9 FBI, who has assisted Mr. Saavedra.

10 THE COURT: Are you already on the telephone line,
11 Mr. Weiss?

12 MR. WEISS: Yes, Your Honor, I am. Thank you.

13 THE COURT: All right. We have a number of things
14 to discuss. Here's what they are and here's the sequence in
15 which we will discuss them.

16 First is the status of the electronic evidence and
17 the facilities and equipment available to Mr. Sutcliffe at
18 the MDC. I'll be asking the government representative,
19 primarily Ms. Duarte, questions. I'll give Mr. Sutcliffe a
20 chance to respond.

21 Then I want to talk about pending motions; after
22 that, the state of discovery; and after that, the trial date
23 and the duration of the trial date and the impact on the
24 other counsels' schedules, including Mr. Reed; after that,
25 there are a number of miscellaneous items that I'll take up,

1 including one that, in fairness to Mr. Sutcliffe, I'll
2 request the government and other people to temporarily leave
3 the courtroom. So that's what we're going to cover.

4 Let's start with the electronic evidence.
5 Defendant sent me a letter dated October 5th. I caused it
6 to be filed and circulated and served on October 8th.

7 The government filed the following three items,
8 all in one way or another having to do with the state of the
9 electronic evidence and equipment: Ms. Standifer filed a
10 declaration on October 15th, and the government filed a
11 status filing -- I think it was filed on October 17th, and
12 the government also filed a response to the defendant's
13 October 5th letter. That last item was filed yesterday,
14 October 20th.

15 Now, working backwards, Ms. Duarte, what's the
16 state of the SCSI card and SCSI cable issue and the
17 availability of those two devices to enable Mr. Sutcliffe to
18 access those hard drives which are SCSI drives?

19 MS. DUARTE: Your Honor, I am informed that
20 Mr. Weiss, Special Agent Weiss, FedEx'd those materials
21 yesterday to Mr. Saavedra at MDC.

22 THE COURT: He did what to them?

23 MS. DUARTE: FedEx'd, that would be Federal
24 Express. And I'm advised by Mr. Saavedra that those items
25 in fact were received at MDC today and that he thinks he

1 will be able to install them, particularly with the
2 telephonic assistance of Special Agent Weiss, and it's my
3 understanding that he is going to attempt to install them
4 today and tomorrow at the latest, so that that remaining
5 drive with data on it, the one SCSI drive -- and that's
6 spelled S-C-S-I drive -- is going to be available no later
7 than tomorrow for defendant to view.

8 THE COURT: Okay. Mr. Saavedra, you can respond
9 to me from where you're sitting.

10 MR. SAAVEDRA: Yes, sir.

11 THE COURT: I don't doubt this, but do you confirm
12 the correctness and accuracy of what Ms. Duarte just told
13 me?

14 MR. SAAVEDRA: Yes, I do.

15 THE COURT: And you expect to have the SCSI card
16 and SCSI cable and any other devices necessary to access
17 that drive or those drives, all available on the particular
18 computer that I've already been told has been made
19 specifically and exclusively available to Mr. Sutcliffe?

20 MR. SAAVEDRA: Yes, sir.

21 THE COURT: Okay. And Mr. Weiss, are you
22 available to assist Mr. Saavedra tomorrow?

23 MR. WEISS: Yes, Your Honor.

24 THE COURT: Okay. And I am ordering you --
25 although I am sure it was your intention to do so, I'm

