

1 way it's going to be. Boxes will be here provided you
2 cooperate in turning them over.

3 What's next on your agenda, Mr. Sutcliffe?

4 THE DEFENDANT: When does the Court want me to turn
5 those over?

6 THE COURT: You should probably turn them over on
7 Tuesday afternoon so you have use of them between now and the
8 start of trial.

9 THE DEFENDANT: Will the Court ask or order the BOP
10 to provide fresh boxes which can be taped up? Mine can't be
11 taped up. They're just big boxes. I'd feel much safer if they
12 were packed and taped.

13 THE COURT: Fine. They'll be packed and taped.
14 They'll be kept physically secure.

15 What's next, Mr. Sutcliffe?

16 THE DEFENDANT: I notice the Court keeps saying it's
17 gone to extraordinary lengths to show all the evidence is in my
18 hands. In your motion where you denied order requiring me the
19 production of audio tapes, you again stated that you've gone to
20 extraordinary lengths to show that all the evidence has been
21 provided to me and that you're satisfied that such evidence has
22 indeed been available. Then you went on to say, "Indeed, on
23 October 23, 2003, Defendant sent a letter to the Court
24 confirming that he had recently received four audio tapes from
25 one of his prior lawyer's paralegal."

1 Well, I would point the Court back to that letter and
2 I would again tell the Court that I am not in possession of all
3 my discovery, that I did not receive the four audio tapes, and
4 I did notify the Court in that letter on October 23 that the
5 Court is referring to where in that letter that was sent to me
6 from Sara Ritz, it says, "I unfortunately have received --"
7 This is her speaking. "Dear Steven, I have unfortunately
8 received the tapes and other information that we discussed."
9 And she goes on to say, "I just wanted you to know I tried to
10 get the tapes to you as you have requested for quite some time.
11 I will see if there is any way to get the information to you
12 through the MDC channels."

13 So with all due respect, Your Honor, the Court is
14 incorrect. And that it would be so satisfied so quickly to
15 waive away my rights under Brady, under due process, you know,
16 it really upsets me, Your Honor.

17 THE COURT: Okay. Well, I understand your position
18 and it's noted.

19 Anything else, Mr. Sutcliffe?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: We're adjourned. We'll see you on
22 Wednesday morning.

23 (Proceedings concluded at 12:13 p.m.)
24
25