

1 MR. SUTCLIFFE: Thank you, Your Honor.

2 Yes. I got the name from the police report. The  
3 handwriting was terrible.

4 THE COURT: Those things happen. Don't worry about  
5 that.

6 MR. SUTCLIFFE: May I be heard, Your Honor?

7 THE COURT: Yes.

8 MR. SUTCLIFFE: Thank you, Your Honor.

9 I believe that Mr. Laverick's testimony is very  
10 relevant in that the FBI agent, Mr. Cugno, wrote down -- after  
11 the arrest, he had written a report in which he made statements  
12 that he had heard the defendant make statements which came to  
13 be used against the defendant, and the defendant wishes to  
14 contest those statements being used against him as being an  
15 illegal seizure, a violation of his Miranda rights, and  
16 further, it goes to impeachment of Case Agent Cugno in this  
17 case as to his actions and what he wrote in that report.

18 And only Mr. Laverick can provide that knowledge of  
19 what really took place and what was really said to impeach the  
20 agent in this case.

21 THE COURT: Okay. Up until now, I haven't been aware  
22 of any effort on the part of the defendant, personally, or any  
23 lawyer representing him previously, to challenge evidence based  
24 upon Miranda or to challenge the lawfulness of the search.

25 The proffer that Mr. Sutcliffe made doesn't satisfy