

CR-10-00757-PHX-ROS, July 26, 2010

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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4			
5	United States of America,)	
6)	
7	Plaintiff,)	
8	vs.)	
9)	CR-10-00757-PHX-ROS
10	James R. Parker, et al.,)	
11)	
12	Defendants.)	
13)	July 26, 2010
14)	2:05 p.m.
15)	

BEFORE: THE HONORABLE ROSLYN O. SILVER, CHIEF JUDGE
REPORTER'S TRANSCRIPT OF PROCEEDINGS

STATUS HEARING

Official Court Reporter:
Elaine Cropper, RDR, CRR, CCP
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 35
Phoenix, Arizona 85003-2151
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

United States District Court

CR-10-00757-PHX-ROS, July 26, 2010

A P P E A R A N C E S

1
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CR-10-00757-PHX-ROS, July 26, 2010

P R O C E E D I N G S

1 (Court was called to order by the courtroom deputy.)

2 (Proceedings begin at 2:05.)

3 (Ms. Bertrand is present telephonically.)

4 THE COURT: Please be seated.

02:05:08

5
6 COURTROOM DEPUTY: This is case number CR 10-757,
7 *United States of America v. James R. Parker and Jacqueline. L.*
8 *Parker*, on for status conference.

9 MR. SEXTON: Good afternoon. Peter Sexton for the
10 United States.

02:05:22

11 THE COURT: Good afternoon.

12 MR. CARPENTER: Good afternoon, Your Honor. Dana
13 Carpenter. Also appearing for Thomas Hoidal. We had
14 originally filed a limited notice of appearance at the
15 arraignment. We are not going to represent Mr. -- Mr. Hoidal
16 is not going to represent James Parker and I am not going to
17 represent Jacqueline Parker. I am not sure if they have made
18 additional -- if they have both retained counsel or what they
19 have done in that regard. Perhaps Ms. Bertrand can state that
20 or the record. But I would ask the Court that I have leave to
21 be dismissed at this time.

02:05:33

02:05:57

22 THE COURT: So that means both you or Mr. Hoidal,
23 does he represent somebody else?

24 MR. CARPENTER: Your Honor, both Mr. Hoidal
25 represents James Parker, the first defendant in this matter, or

02:06:09

United States District Court

CR-10-00757-PHX-ROS, July 26, 2010

1 at least he did to the arraignment. I represented the wife, 02:06:13
2 Jacqueline Parker, who, by the way, are both present and out of
3 custody in the back of the courtroom.

4 But it was just for the limited purposes of
5 arraignment in cases, Mr. Hoidal and mine, filed a limited 02:06:25
6 notice for the arraignment only. We have not been retained. I
7 came today because I wanted to make the record clear.

8 THE COURT: Okay. Let me see if I understand.
9 You're moving to withdraw?

10 MR. CARPENTER: In effect, yes, although I'm not sure 02:06:42
11 we have -- other than the limited appearance we made, that I
12 needed to do that.

13 THE COURT: And then with respect to Mr. Hoidal, do
14 you anticipate he is going to move to withdraw?

15 MR. CARPENTER: He has asked me to do that here today 02:06:54
16 as well verbally.

17 THE COURT: So then are these defendants, the
18 Parkers, without counsel?

19 MR. CARPENTER: I believe on the phone right now is
20 Joy Bertrand, who has been asked to be local counsel for a law 02:07:04
21 firm I believe out of Chicago. But that is the only appearance
22 that I know, and I know they entered a limited appearance as
23 well.

24 MS. BERTRAND: Yes, Your Honor. Joy Bertrand
25 appearing by phone today per the Court's order. 02:07:18

United States District Court

CR-10-00757-PHX-ROS, July 26, 2010

1 THE COURT: And, Ms. Bertrand, who do you represent 02:07:22
2 then?

3 MS. BERTRAND: Your Honor, so far, my limited notice
4 of appearance was only as to Mr. Parker. And just to make sure
5 the record is clear, the firm that I would be working with as 02:07:34
6 local counsel is The Minns Law Firm out of Houston, Texas.

7 THE COURT: All right. Let me stop you. Would you
8 spell the name?

9 MS. BERTRAND: Sure. M, as in Mary, I, N, as in
10 Nancy, N, as in Nancy, S, as in Sam. 02:07:54

11 THE COURT: So, okay. And that is the firm that
12 actually represents Mr. Parker?

13 MS. BERTRAND: Well, their representation has not
14 been final. We expect it to be finished up, because of the pro
15 hac vice, within 30 days. Right now their representation has 02:08:14
16 not been finalized. That's why I permitted a limited
17 appearance, just to let the Court know we're expecting to be
18 hired and have this finished up. And because the Court was
19 planning on discussing scheduling today, we didn't want to have
20 to redo the scheduling hearing in a month or so. 02:08:36

21 Right now I don't believe that that has all been
22 completed. The initial step is to take a look the hiring.

23 THE COURT: Well, before this hearing can go forward,
24 I am going to ensure that there is representation because,
25 obviously, I can not move forward on something as critical as 02:08:58

CR-10-00757-PHX-ROS, July 26, 2010

1 the schedule without representation.

02:09:05

2 Do you know, Ms. Bertrand, who is going to represent
3 Mr. Parker's wife?

4 MS. BERTRAND: No, ma'am. I do not know who is going
5 to be representing Mrs. Parker so far. My association so far
6 has only been with regards to Mr. Parker.

02:09:18

7 THE COURT: So, then, Mr. Carpenter, as of today, you
8 still represent Ms. Parker until I allow you to withdraw.

9 MR. CARPENTER: Well, I don't think that that is
10 actually true, because of the limited notice of appearance.
11 But I wanted, as a courtesy today, to come and make sure the
12 Court understood what was happening.

02:09:46

13 THE COURT: Okay. So then she's unrepresented?

14 MR. CARPENTER: That is correct. And I think that
15 that is an issue that the Court has to address.

02:09:57

16 THE COURT: And she's here in the courtroom.

17 MR. CARPENTER: Yes. And I don't want to make any
18 representations as to how she wishes to proceed because I don't
19 know.

20 THE COURT: So in other words, you don't know? You
21 haven't talked to her about that?

02:10:17

22 MR. CARPENTER: No.

23 THE COURT: Well, I'm not going to talk to her about
24 anything. She's here in the courtroom. Are you?

25 Please come forward.

02:10:28

CR-10-00757-PHX-ROS, July 26, 2010

1 MR. CARPENTER: Do you want her at the podium, Your 02:10:35
2 Honor?

3 THE COURT: Yes.

4 And do you intend to obtain counsel for yourself?

5 MS. PARKER: Yes. 02:10:48

6 THE COURT: And have you made efforts to do so?

7 MS. PARKER: Yes.

8 THE COURT: Do you have counsel?

9 MS. PARKER: I am talking to the same firm that my
10 husband is. 02:10:55

11 THE COURT: Okay. So, Ms. Bertrand, do you know
12 anything about that?

13 MS. BERTRAND: What I know about it, Your Honor, is
14 that we are -- at this time believe that we cannot ethically
15 represent both Mr. and Mrs. Parker and that we will be looking 02:11:12
16 for an attorney for Mrs. Parker as well.

17 But our initial belief is that we cannot represent
18 both of them. We're going to be happy to help her, however,
19 find counsel and assist in those arrangements, but we do not
20 represent her at this time. 02:11:35

21 THE COURT: All right. And that makes sense. We're
22 not going to hold this scheduling conference, then, until
23 everyone has counsel here in the courtroom.

24 I did note, however, that there were two separate
25 scheduling orders, proposed scheduling orders, submitted, one 02:11:50

CR-10-00757-PHX-ROS, July 26, 2010

1 for the government and, Ms. Bertrand, I understand you have 02:11:59
2 agreed to this.

3 MS. BERTRAND: Yes.

4 THE COURT: And, Mr. Carpenter, you proposed a
5 different one for -- with longer dates, much longer dates, 02:12:07
6 probably because you're a slow reader.

7 MR. CARPENTER: That's part of the reason, Your
8 Honor.

9 THE COURT: All right. Well, you're no longer in
10 this case but I appreciate your moving forward even though you 02:12:23
11 had limited involvement.

12 So I am -- but I am not going to issue the scheduling
13 order at this point until it is clear that there is
14 representation on behalf of all the defendants.

15 Now, obviously -- and also, you can tell Mr. Hoidal 02:12:46
16 that I need something in writing for the Court to allow his
17 substitution of counsel. Obviously, we're a long ways closer
18 to having that take place, but that has to be done in writing
19 and as expeditiously as possible.

20 The same for Ms. Parker. You need to get counsel. 02:13:15
21 You've now heard what the issues are. And I agree with
22 Ms. Bertrand, that out of an abundance of caution, her firm or
23 the firm that represents your husband, the Minns firm, through
24 her here in Arizona, should not be representing you. Do you
25 understand? 02:13:37

United States District Court

CR-10-00757-PHX-ROS, July 26, 2010

1 MS. PARKER: Yes. 02:13:38

2 THE COURT: Okay.

3 All right. We're going to set this hearing off, the
4 status hearing today, for approximately two weeks.

5 And counsel are then to accomplish what you have 02:13:46
6 proposed that you are going to do in advance of that, at least
7 within 10 days.

8 Christine?

9 COURTROOM DEPUTY: August 10 at 11 a.m.

10 THE COURT: August 10 at 11 a.m. 02:14:00

11 MR. SEXTON: Could I ask for a different time and
12 date because I've got some conflicts on that date?

13 THE COURT: We can do it a week later.

14 COURTROOM DEPUTY: No. We can do August 30.

15 THE COURT: August 30, then, at 10 a.m. 02:14:16

16 MS. BERTRAND: Okay.

17 THE COURT: August 30 and then by August 20,
18 representation for all the defendants needs to have been
19 accomplished and everybody knows how that is accomplished.

20 I should say August 13. It all needs to be 02:14:35
21 accomplished. And by the 20th you're to file a joint notice of
22 the proposed schedule for completion of this matter. Is that
23 clear?

24 Mr. Sexton?

25 MR. SEXTON: First off, Judge, was it 10 o'clock on 02:14:53

CR-10-00757-PHX-ROS, July 26, 2010

1	August 30?	02:14:55
2	COURTROOM DEPUTY: Yes.	
3	MR. SEXTON: And when is the trial setting in this	
4	case?	
5	MS. BERTRAND: I don't believe there's a trial set,	02:15:02
6	Your Honor.	
7	THE COURT: Let's see.	
8	COURTROOM DEPUTY: It's set for August 3.	
9	THE COURT: It's set for August 3.	
10	MR. SEXTON: That's what I'm concerned with, with an	02:15:14
11	August 30 status conference with an August 3 trial setting	
12	there. We should get something on the record.	
13	COURTROOM DEPUTY: There's already a motion to	
14	continue pending.	
15	THE COURT: There's a motion to continue which is	02:15:25
16	pending and the motion is granted. So then the matter will be	
17	set for trial two months after the third and that will be.	
18	COURTROOM DEPUTY: October 5.	
19	THE COURT: October 5. And I presume no one in this	
20	courtroom objects to the continuance of the trial. Am I	02:15:42
21	correct?	
22	MR. SEXTON: That's correct from the government.	
23	MS. BERTRAND: That's correct, Your Honor.	
24	THE COURT: Ms. Parker, any objection?	
25	MS. PARKER: No.	02:15:51

CR-10-00757-PHX-ROS, July 26, 2010

1 THE COURT: Mr. Carpenter? 02:15:52
2 MR. CARPENTER: Your Honor, could the minute entry
3 reflect my withdrawal as of today?
4 THE COURT: It will.
5 MR. CARPENTER: All right. Thank you. 02:16:01
6 THE COURT: So there's been no objection. The motion
7 to continue is granted. The Court finds the Speedy Trial Act
8 is that there is a basis for continuing the trial to allow
9 counsel to prepare for trial adequately. So that the time is
10 excluded. And there has been a written motion filed, so that 02:16:18
11 takes care of that.
12 All right. Anything else, Mr. Sexton?
13 MS. BERTRAND: Your Honor, what time was the hearing
14 on the 30th?
15 THE COURT: 10 o'clock. 02:16:30
16 Anything else?
17 MR. SEXTON: I have nothing further.
18 MS. BERTRAND: No, Your Honor.
19 THE COURT: Anything else, Ms. Parker?
20 MS. PARKER: No. 02:16:37
21 THE COURT: Mr. Carpenter, anything else?
22 MR. CARPENTER: No, Your Honor. Thank you.
23 THE COURT: All right. We're adjourned.
24 MS. BERTRAND: Thank you, Your Honor.
25 (Whereupon, these proceedings recessed at 2:16 p.m.)

United States District Court

CR-10-00757-PHX-ROS, July 26, 2010

C E R T I F I C A T E

I, ELAINE M. CROPPER, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control, and to the best of my ability.

DATED at Phoenix, Arizona, this 5th day of August, 2012.

s/Elaine M. Cropper

Elaine M. Cropper, RDR, CRR, CCP

United States District Court