

simo

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>
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

> UNITED STATES OF AMERICA,
>
>
> Case No. 03-20139-Cr-MARRA
>
> Plaintiff,
>
> vs. MIAMI, FLORIDA
> MARCH 5, 2003
>
> SIMO ELBAZ, et al.,
>
> Defendants.

> TRANSCRIPT OF INITIAL APPEARANCE & BOND HEARING
> BEFORE THE HONORABLE STEPHEN T. BROWN,
> UNITED STATES MAGISTRATE JUDGE

> APPEARANCES:

> FOR THE GOVERNMENT:

> BY: RICHARD BOSCOVICH, A.U.S.A.
> United States Attorney's Office
> 99 N.E. 4th Street
> Miami, FL 33132

> FOR THE DEFENDANT:

> PETER RABEN, ESQ.
> 200 S. Biscayne Blvd.
> Miami, FL 33131

> REPORTED BY: JERALD M. MEYERS, RPR-CM

Mir FL 33128-7797 - 305/374-8108

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> 1 INDEX
>
> 2 Witnesses: Direct Cross Redirect Recross
>
> 3 Niomi Zimmerman 14
>
> 4
>
> 5 Reporter's Certificate 22
>
> 6
>
> 7 (Call to order of the Court)
>
> 8 THE CLERK: The United States of America versus
>
> 9 Simo Elbaz, et al, case number 03-20139 Criminal-Marra,
>
>10 sealed.
>
>11 THE COURT: Thank you. To begin with
>
>12 Mr. Boscovich, this is a sealed indictment.
>
>13 MR. BOSCOVICH: Yes, Your Honor. At this time
>
>14 the United States respectfully requests that the Court
>
>15 unseal the indictment based on the arrests here today.
>
>16 THE COURT: All right. Thank you, sir. That
>
>17 will be granted.
>
>18 Now, when I call your name, if you hear your name
>
>19 called, just raise your hand to indicate your presence.
>
>20 Simo Elbaz.
>
>21 THE DEFENDANT: Yes.
>
>22 THE COURT: Thank you. Each of you whose names I
>
>23 just called, please listen carefully. This is your initial
>
>24 appearance before this Court.
>
>25 Each of you has the right to remain silent.
>
>
>

3

>
>
> 1 Anything you say can and may be used against you in a court
>
> 2 of law, but you each have the right to remain silent at all
>
> 3 proceedings, including this one.

>
> 4 Each of you has the right to an attorney if you
>
> 5 wish one, but if you cannot afford one, the Court will
>
> 6 appoint one for you, but you each have the right to your
>
> 7 own attorney at all proceedings, including this one.

>
> 8 When you appear in front of me individually, I
>
> 9 will ask you if you understood these rights, as I have just
>
>10 explained them. If you have any questions or there is
>
>11 anything that you don't understand, we will deal with it at
>
>12 that time.

>
>13 In addition, you may have a right to have a bond
>
>14 hearing. You may have a right to be released on bond.

>
>15 Finally, when you appear in front of me, I will
>
>16 see to it that you are informed of the charges that have
>
>17 been made against you.

>
>18 Now, we are not dealing today with the question
>
>19 of your guilt or innocence regarding those charges. My
>
>20 only purpose is to make sure that you understand what it is
>
>21 that the government has charged you with.

>
>22 Now, Mr. Elbaz?

>
>23 THE DEFENDANT: Yes, Your Honor.

>
>24 THE COURT: Did you understand your right to
>
>25 remain silent as I just explained it?

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>
>
> 1 THE DEFENDANT: Yes, I do.
>
> 2 THE COURT: Do you understand your right to an
>
> 3 attorney as I just explained it?
>
> 4 THE DEFENDANT: Yes.
>
> 5 THE COURT: You are charged with a conspiracy to
>
> 6 commit wire fraud. Do you understand that?
>
> 7 THE DEFENDANT: Yes, Your Honor.
>
> 8 THE COURT: Mr. Raben. Okay. Mr. Raben, you are
>
> 9 filing a temporary appearance?
>
>10 MR. RABEN: Yes, I am.
>
>11 THE COURT: Government, bond recommendation,
>
>12 please.
>
>13 MR. BOSCOVICH: Yes, Your Honor. At this point
>
>14 the United States spoke to defense counsel. We are
>
>15 changing our recommendation to a higher corporate surety
>
>16 bond.
>
>17 We would like that the defendant's current wife,
>
>18 which I understand is an attorney, a member of the Florida
>
>19 Bar, and has refiled some paperwork with the I.N.S. because
>
>20 they are remarried and he is upping his I.N.S. paper work,
>
>21 that she, in fact, put that under oath that, in fact, she
>
>22 is married to the defendant and she, in fact, has filed for
>
>23 his permanent residency because of their marriage.
>
>24 If she is able to do that, we recommend a
>
>25 \$250,000 corporate surety bond with a Nebbia condition,
>
>
>
>

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>
>
> 1 Your Honor.
>
> 2 MR. RABEN: Your Honor, we would agree with the
>
> 3 government. We spoke to Mr. Boscovich and we showed him a
>
> 4 document entitled "permanent resident" or address status.
>
> 5 Mr. Boscovich agreed that the government would
>
> 6 not ask for the 10 days hold to inquire from the I.N.S. his
>
> 7 status if his wife is an American citizen, and is also an
>
> 8 attorney would swear under oath, under penalty of perjury
>
> 9 and risk losing her Bar card, as to whether he is here
>
>10 legally or not. We have no objection to that inquiry.
>
>11 THE COURT: Okay. Before we get to that, what is
>
>12 the defendant's position as it regards the bond, the
>
>13 \$250,000 corporate surety bond with a Nebbia? Are you
>
>14 going to want a bond hearing?
>
>15 MR. RABEN: I am, yes, Your Honor. We are
>
>16 prepared to proceed or wait until the end of calendar;
>
>17 whatever the Court would like.
>
>18 THE COURT: Okay. We will deal with the swearing
>
>19 part after we get to the bond hearing part, if you catch my
>
>20 drift.
>
>21 MR. RABEN: Yes, Your Honor.
>
>22 THE COURT: Okay. I am going to come back to
>
>23 this on the bond hearing.
>
>24 MR. RABEN: Thank you.
>
>25 [There was a short recess].
>
>
>

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>
> 1 THE COURT: Let's go back to Mr. Raben.
>
> 2 THE CLERK: The middle of page 4, the United
>
> 3 States of America versus Simo Elbaz, case number 03-20139-
>
> 4 Criminal-Marra.
>
> 5 THE COURT: Let me see if I can find that
>
> 6 Pretrial Services report. I have got it. All right. The
>
> 7 government has requested a \$250,000 corporate surety bond
>
> 8 with a Nebbia condition. Government, go ahead and proceed,
>
> 9 please.
>
>10 MR. BOSCOVICH: Yes, Your Honor. The defendant
>
>11 is charged in every single count, Mr. Elbaz, of the
>
>12 indictment.
>
>13 We consider him to be the lead defendant in the
>
>14 case. This, as you well know, Your Honor, involves the
>
>15 interstate transportation of household goods; consumer
>
>16 goods.
>
>17 In essence, what the case entails is they were
>
>18 given, that is, the consumers were given an artificially
>
>19 low estimate on the Web site or one of several Web sites
>
>20 owned or operated by the defendant.
>
>21 Once the estimate was given and the consumer
>
>22 would sign up or sign the contract or agree for the actual
>
>23 transportation of the household goods, one of the
>
>24 defendant's companies or one of the companies under his
>
>25 control, a truck would appear at the residence and would
>
>
>

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>
> 1 then proceed to load the consumer's goods onto the truck.
>
> 2 Generally, the modus operandi of the conspiracy
>
> 3 is as follows:
>
> 4 After the goods had been loaded onto the truck,
>
> 5 the foreperson of the truck or the foreman of the truck
>
> 6 would then advise the person, that is the consumer, that
>
> 7 there their household belongings occupied were more cubic
>
> 8 feet than had been originally estimated, and based on that
>
> 9 and several other excuses, such as packing or packaging
>
>10 material would at times double, triple or if not quadruple
>
>11 the price of the move.
>
>12 Effectively at that point many consumers would
>
>13 obviously complain. At times they requested that their
>
>14 goods be taken off the truck immediately. They were denied
>
>15 that.
>
>16 This defendant, using aliases, was actually put on
>
>17 the phone to speak to the consumers on some occasions, and
>
>18 at that point they would literally tell the consumers one of
>
>19 several scenarios.
>
>20 One was, "We will discuss the price later," and
>
>21 drive away with their goods and/or they would go ahead and
>
>22 have them sign a blank bill of lading and they will discuss
>
>23 the discrepancy later or simply drive away with the goods,
>
>24 effectively extorting the consumers at a later date, that if
>
>25 they did not pay the inflated price claimed by the company
>
>
>

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>
> 1 owned or controlled by this defendant, they would never see
>
> 2 their goods again.

> 3 In essence, in a nutshell, Your, Honor that is the
>
> 4 essence of the conspiracy. Our position is that he is the
>
> 5 lead defendant in the case, owning the companies that is the
>
> 6 moving companies and/or controlling the on other moving
>
> 7 companies under which his Web cite operated, Your Honor.

> 8 THE COURT: Okay. That's all good and well. Is
>
> 9 there anything further about risk of flight or anything
>
>10 like that having to do with this bond?

>
>11 MR. BOSCOVICH: Oh, yes, Your Honor. Originally
>
>12 the United States requested or was going to request
>
>13 pretrial detention.

>
>14 We reviewed the A-File; that is, the Immigration
>
>15 & Naturalization service file on this particular
>
>16 individual.

>
>17 Upon reviewing this file, I noted that he is an
>
>18 Israeli national, not a U.S. national and came into the
>
>19 United States and tried to change his status to become a
>
>20 permanent resident based on marriage.

>
>21 We determined that the marriage was based on a
>
>22 person of Cuban extraction in the United States, and he
>
>23 filed that petition with the I.N.S., I believe it was on --
>
>24 one second, Judge. I have it written out.

>
>25 I believe the petition was on 10-16-2002. It has
>
>
>

9

>
>
> 1 now come to our attention, Your Honor, that upon the arrest
>
> 2 of this defendant, he was, in fact, not living with the
>
> 3 woman who had claimed marriage on the I.N.S. papers and,
>
> 4 therefore, which had supported the basis of his temporary
>
> 5 status here in the United States and was rather he now
>
> 6 claims he is married to another U.S. citizen, and at this
>
> 7 point is when I spoke to counsel for the defendant, and he
>
> 8 told me that this new woman is, in fact, his current legal
>
> 9 wife.

>
>10 She is a U.S. resident that supposedly has
>
>11 divorced the previous Cuban wife which he had based his
>
>12 previous request, and he has refiled for a permanent
>
>13 residency status based on this new marriage, and that's
>
>14 where we left talking, Your Honor, before we were put
>
>15 towards the end of the calendar.

>
>16 THE COURT: Okay. Anything further from the
>
>17 government?

>
>18 MR. BOSCOVICH: Nothing further from the United
>
>19 States other than, Your Honor, he does have extensive ties
>
>20 in Israel. He travels extensively to Israel. In fact, in
>
>21 his A-file I noted that during the pendency of his first
>
>22 application, he requested authorization to come and go to
>
>23 Israel on several occasions.

>
>24 On one occasion he stated that it was to see his
>
>25 relatives and/or family business, and he stays at times up
>
>
>

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>
> 1 to 3 weeks in Israel, which is a rather extensive amount of
>
> 2 time, given the frequency of his travel. That's all,
>
> 3 Judge.

> 4 THE COURT: Thank you. Mr. Raben.

> 5 MR. RABEN: If the Court please, on behalf of
>
> 6 Mr. Elbaz, first, can I ask that his wife come forward?
>
> 7 The marshals have asked for security reasons that she stay
>
> 8 back.

> 9 THE COURT: Sure.

>10 MR. RABEN: Your Honor, my client is charged in
>
>11 every count because the government has alleged in their
>
>12 predicate acts that he was the owner of the business, and
>
>13 many of the allegations are based upon the aider and
>
>14 abettor principle.

>15 Second, this rendition by Mr. Boscovich was
>
>16 accurate, but it was a little misleading. Mr. Elbaz had
>
>17 been married to a Cuban woman who was a permanent resident.

>18 He applied to be a permanent resident. He was
>
>19 divorced from her, so he abandoned that application.

>20 Subsequently, he married Niomi Zimmerman, and I
>
>21 have for the Court a certificate of marriage that I asked
>
>22 Ms. Zimmerman to bring today, and I will show Mr. Boscovich
>
>23 so that the marriage is in existence, and I have
>
>24 Ms. Zimmerman's passport.

>25 Ms. Zimmerman not only is his wife, but she is

11

>
>
> 1 also his I.N.S. attorney. Ms. Zimmerman is an attorney.
>
> 2 She has been for 5 years, and she's house counsel. She has
>
> 3 worked for Progressive Insurance for the last 8 to 9 years.
>
> 4 She is here both to elucidate to the Court
>
> 5 anything the Court would like, and also to satisfy the
>
> 6 government's concern about his alien status. That is, I
>
> 7 produced to the government a form I-485 which is a
>
> 8 permanent resident or adjustment status form, being
>
> 9 divorced from the Cuban woman.
>
>10 Marrying Ms. Zimmerman, who is also a U.S.
>
>11 citizen, he filed an updated request for permanent resident
>
>12 status, and that is pending I.N.S. determination.
>
>13 Notwithstanding the existence of this ongoing
>
>14 investigation, you know, it is a double-edged sword.
>
>15 Flight, yes, Mr. Elbaz did fly back and forth
>
>16 overseas to Israel over the last 6 months. While the
>
>17 government says that he has ties to Israel, first of all,
>
>18 he is married to an American citizen and owns a home here.
>
>19 Second, notwithstanding that he knew the ongoing
>
>20 nature of this investigation, every time he returned from
>
>21 Israel and, in fact, I showed the government that my client
>
>22 had to fill out requests to I.N.S. to allow him to travel
>
>23 and to be able to come back to the United States, because
>
>24 if you are no legal here, when you leave you are barred
>
>25 re-entry.
>
>
>

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>
>
> 1 Mr. Elbaz filed legitimate requests so that he
>
> 2 was able to leave and come back. So I point out to the
>
> 3 Court that, notwithstanding the fact that he knew this
>
> 4 investigation was ongoing, he left to Israel and came back,
>
> 5 and this is over 3 times.

>
> 6 Ms. Zimmerman is here. She is married to my
>
> 7 client. They are a home owner, and as set forth in the
>
> 8 Pretrial Services report, they own the home that has about
>
> 9 \$80,000.

>
>10 She has a salary of approximately \$70,000. I
>
>11 have her 1040's here indicating her income.

>
>12 What I am suggesting to the Court is a \$250,000
>
>13 corporate bond is rather onerous for this individual.

>
>14 Mr. Elbaz is self-employed. He is no longer
>
>15 affiliated with any of the companies set forth in the
>
>16 indictment. I think he has about \$500 in a bank account
>
>17 which is set forth in the forfeiture allegation.

>
>18 However, he and his wife have a joint bank
>
>19 account, as most married couples which has about \$4,000 in
>
>20 it.

>
>21 What I am asking is a significant personal surety
>
>22 bond which can be co-signed by Niomi Zimmerman. And as the
>
>23 Court is aware, she has stable income and she is able to
>
>24 earn a substantial amount of money; however, not enough to
>
>25 cover the premium unanimous on a \$250,000 bond.

13

>
>
> 1 I would also ask this Court to consider, in
>
> 2 conjunction with that, either a moderate 10 percent bond or
>
> 3 small corporate surety bond if this court feels as though a
>
> 4 corporate surety might be necessary to assure the
>
> 5 whereabouts of Mr. Elbaz.

>
> 6 So I appreciate the government's willingness to
>
> 7 even taken our proffer regarding the legitimacy of the
>
> 8 client so that they are not asking for a 10 day hold or
>
> 9 pretrial detention.

>
>10 Nevertheless, I think \$250,000 is rather onerous
>
>11 under, one, the facts of this case. We are not talking
>
>12 about any guns, drugs or violence and, 2, where he is
>
>13 married to an officer of the court who is going to sign in
>
>14 any amount this court determines is appropriate. Thank
>
>15 you.

>
>16 THE COURT: Who owns the home? I am asking you,
>
>17 Mr. Raben.

>
>18 MR. RABEN: I understand the wife does.

>
>19 THE COURT: Okay. Let's have Ms. Zimmerman step
>
>20 over to the microphone, please.

>
>21 MR. RABEN: Here.

>
>22 THE COURT: The microphone.

>
>23 THE CLERK: Raise your right hand.

>
>24 (Whereupon the witness was duly sworn by the Clerk of the
>
>25 Court)

'14

>
>
> 1 THE CLERK: Please state your full name, for the
>
> 2 record, and spell your last name.
>
> 3 THE WITNESS: Niomi Ann Zimmerman,
>
> 4 Z-i-m-m-e-r-m-a-n shit.
>
> 5 THE COURT: I am not going to inquire into the
>
> 6 immigration status. If you want to ask any questions, that
>
> 7 is fine, Mr. Boscovich.
>
> 8 MR. BOSCOVICH: May I, Your Honor?
>
> 9 THE COURT: Go ahead.
>
>10 MR. BOSCOVICH: Thank you.
>
>11 CROSS EXAMINATION
>
>12 BY MR. BOSCOVICH:
>
>13 Q. Ms. Zimmerman, now, you have been married to Simo Elbaz
>
>14 since January 29th of 2003; is that correct?
>
>15 A. February 8th. January 29th is the day that we applied
>
>16 for the license.
>
>17 Q. Okay. So since February of this year?
>
>18 A. Yes.
>
>19 Q. Now, do you currently reside with him full time?
>
>20 A. Yes.
>
>21 Q. And how long have you known the defendant?
>
>22 A. About a year.
>
>23 Q. Now, you are also his immigration lawyer. And did you
>
>24 file papers to change his status here in the United States?
>
>25 A. Yes.
>
>
>

15

>
>
> 1 Q. And did you review any divorce documents or documents
>
> 2 that he had been previously married and divorced?
>
> 3 A. Yes.
>
> 4 Q. And those papers and divorce is, in fact, final?
>
> 5 A. Yes.
>
> 6 Q. And in terms of his residence, how long have you two
>
> 7 been actively living together?
>
> 8 A. A couple months. A few months.
>
> 9 Q. So even for a period of time before you were actually
>
>10 married, correct?
>
>11 A. Yes.
>
>12 Q. And are you a member of the Florida Bar?
>
>13 A. Yes, I am.
>
>14 Q. And are you a member in good standing at this point?
>
>15 A. Yes, I am.
>
>16 Q. And how long have you been a member of the Bar?
>
>17 A. Since early 1999.
>
>18 Q. And you understand that all of the information given
>
>19 here today is under oath; is that correct?
>
>20 A. Yes. Yes.
>
>21 MR. BOSCOVICH: No further questions from the
>
>22 United States.
>
>23 THE COURT: Okay. Ma'am, do you own the home?
>
>24 THE WITNESS: Yes, I do, Your Honor.
>
>25 THE COURT: When did you buy it, approximately,
>
>
>

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>

THE WITNESS: 2 years ago.

THE COURT: Okay. What is it approximate fair value?

THE WITNESS: About \$200,000.

THE COURT: Is there an outstanding mortgage on

THE WITNESS: Yes, for about \$130,000.

THE COURT: Okay. How much was put on it as a percent?

THE WITNESS: About \$10,000.

THE COURT: Okay. How did the equity go up so or 3 years?

THE WITNESS: Property values. I have an

MR. RABEN: Your Honor, I have an appraisal and a
if you would like to see it.

THE COURT: No, no. Okay. I am not doubting
at least not yet. I am asking questions. Okay.

n, are not a defendant before this court.

THE WITNESS: No, I am not.

THE COURT: Okay. That was not a question. That
 rement. The Court has no jurisdiction over you.

allow you to sign on this bond, will you agree

will not sell or further encumber the home pending

17

>
>
> 1 the outcome of these proceedings?
>
> 2 THE WITNESS: Yes, I do.
>
> 3 THE COURT: Okay. I have no other questions for
>
> 4 Ms. Zimmerman. Do you, Mr. Boscovich?
>
> 5 MR. BOSCOVICH: Just one quick question.
>
> 6 Ms. Zimmerman, who actually provided the monies for the
>
> 7 down payment of the house?
>
> 8 THE WITNESS: It was my own money.
>
> 9 THE COURT: Was it your own money?
>
>10 THE WITNESS: Yes.
>
>11 THE COURT: Incidentally, in terms of maintenance
>
>12 of the house and the cost of living and expenses, who
>
>13 primarily supports the home? Is it a shared venture, or is
>
>14 it primarily you or is it primarily Mr. Elbaz?
>
>15 THE WITNESS: Primarily it is me.
>
>16 MR. BOSCOVICH: Primarily it is you?
>
>17 THE WITNESS: Yes.
>
>18 MR. BOSCOVICH: No further questions from the
>
>19 United States.
>
>20 THE COURT: Thank you, ma'am. You may step back.
>
>21 Mr. Raben, I have now established something about
>
>22 some money in a back account and some equity in a home.
>
>23 Do you have anything else that you wish this
>
>24 Court to consider in terms of items that may reasonably
>
>25 assure the defendant's appearance here?
>
>
>

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>
> 1 MR. RABEN: No, Your Honor. I believe that the
>
> 2 government would not recommend a bond if they believed he
>
> 3 was a risk of flight.
>
> 4 I know Pretrial Services has recommended curfew
>
> 5 and electronic monitoring. The Court has a vast amount of
>
> 6 experience in that area and, obviously, the defendant would
>
> 7 agree to any conditions of release that the court deemed
>
> 8 appropriate sufficient to assure his appearance. So we
>
> 9 rely on the Court's judgment.

>10 THE COURT: All right. I have heard the argument
>
>11 of counsel and the evidence before this Court.

>12 As ties, well, without making a comment on the
>
>13 state of marriage in today's world, this is a new marriage,
>
>14 and as marital ties go and ties go in general, this is not
>
>15 as stable, obviously, as a long-term marriage, or anything
>
>16 like that, and this defendant does have significant ties
>
>17 outside of the United States.

>18 I, therefore, at least in principle, agree with
>
>19 the government that a corporate surety bond is necessary to
>
>20 reasonably assure the defendant's appearance.

>21 The charges against this defendant are serious,
>
>22 but I am not going to set a \$250,000 incorporate bond.
>
>23 What I am going to set is a \$50,000 corporate surety bond
>
>24 with a Nebbia condition.

>25 I am also going to set a \$100,000 personal surety
>
>
>

19.

>
>
> 1 bond to be co-signed by the defendant's wife. The
>
> 2 additional conditions of bond will be as follows:
>
> 3 The defendant is to surrender travel documents if
>
> 4 he has any. Travel is restricted to the Southern District
>
> 5 of Florida. He is to report to Pretrial Services as
>
> 6 directed.
>
> 7 He is to maintain a 9 p.m. to 6 a.m. curfew, to
>
> 8 be electronically monitored at defendant's expense. Any
>
> 9 other conditions the government wishes this Court to
>
>10 consider?
>
>11 MR. BOSCOVICH: Well, yes, Your Honor, that he
>
>12 not engage in any interstate transportation of consumer
>
>13 goods; that is, the moving industry, Judge.
>
>14 THE COURT: Okay. Fair enough. Stay away from
>
>15 the moving industry. Anything else, Mr. Boscovich?
>
>16 MR. BOSCOVICH: That's enough, Judge.
>
>17 THE COURT: Okay. Mr. Raben, how much time do
>
>18 you need on report re: counsel please, sir?
>
>19 MR. RABEN: A week, Your Honor.
>
>20 THE COURT: Any objection, government?
>
>21 MR. BOSCOVICH: I am sorry, Judge. I apologize.
>
>22 I missed that. I was talking to Pretrial Services.
>
>23 THE COURT: Mr. Raben wants a whole week on
>
>24 report re: counsel.
>
>25 MR. BOSCOVICH: That's fine with the United
>
>
>

20

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>
>
> 1 States, Judge.
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> 2 THE COURT: Okay. The report re: counsel will be
>
> 3 Tuesday, March 11, 2003 at 10:00 a.m; arraignment, the same
>
> 4 date, same time.

> 5 MR. RABEN: Your Honor, could I move it to a day
>
> 6 before or a day after?

> 7 THE COURT: Sure. The day before I don't have to
>
> 8 ask the government. A day after I do. What will it be?

> 9 MR. RABEN: Monday is fine.

>10 THE COURT: Okay. Then we will change that to
>
>11 report re: counsel and the arraignment will be Monday March
>
>12 10, 2003 at 10:00 a.m.

>13 MR. RABEN: The matter of the Nebbia, does Your
>
>14 Honor want, pursuant to your practice, that I address this
>
>15 with the government because we are talking about \$7,500.

>16 My client's wife has a stock fund which is
>
>17 significantly higher than that which she would utilize to
>
>18 pay for the corporate surety. And if you would like to
>
>19 hear testimony and evidence from that, we are prepared to
>
>20 do that right now.

>21 THE COURT: What you are going to do is you are
>
>22 going to go through the Nebbia with Mr. Boscovich. He may
>
>23 need some time. I don't know, but I am not going to take
>
>24 up the time right now.

>25 MR. RABEN: I understand.

> 21.

>

>

> 1 THE COURT: If we can resolve it today and I can

>

> 2 accommodate you, I will, but if I can't I won't. So if you

>

> 3 all are still here at the end of the calendar, I will say

>

> 4 why.

>

> 5 MR. RABEN: All right.

>

> 6 THE COURT: Okay.

>

> 7 MR. RABEN: Thank you.

>

> 8 (Whereupon the proceedings were concluded)

>

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> 1 C E R T I F I C A T E

>

> 2 I hereby certify that the foregoing is an accurate

> 3 transcription of proceedings in the above-entitled matter.

>

> 4

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> 5

DATE	JERALD M. MEYERS, RPR-CM
	Miami, FL 33128-7797

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