

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 06-CR-50064
)	
VS.)	January 8, 2007
)	
HOLLIS WAYNE FINCHER,)	
)	
Defendant.)	

TELEPHONE CONFERENCE
BEFORE THE HONORABLE JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE
FAYETTEVILLE, ARKANSAS

APPEARANCES BY TELEPHONE

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FOR THE PLAINTIFF

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1 flurry of activity in this case that's commenced last Friday
2 when rather late in the day, Mr. Stilley had filed a motion
3 seeking certain relief with respect to his client. It came in,
4 as I said, rather late in the day when I was involved in an
5 investiture of the new U. S. magistrate judge, Judge Marchewski,
6 and we addressed it. I was able to get the attorneys on the
7 phone, and we took certain actions which resulted in Mr. Fincher
8 having been taken to the emergency room that evening, Friday
9 evening, where he was seen by Dr. Horan.

10 I spoke with my lawyer, Ms. Setser, after I had
11 received a report from Dr. Horan, and Ms. Setser then called Ms.
12 Johnson and Mr. Stilley and briefed them as to the report that
13 I had received from Dr. Horan, which essentially, to try to
14 capsule it, was that the discomfort and chest pains and other
15 problems that Mr. Horan (sic) was experiencing apparently is due
16 to a gallbladder situation, gallstones, and a condition which
17 may at some time in the future require that his gallbladder be
18 removed.

19 The doctor indicated to me that since the procedure is
20 not -- not one that's highly unusual or complicated, that many
21 times it's just done on an outpatient basis laparoscopically,
22 and that the recovery time is reasonably short for a person who
23 has to undergo it. He indicated that he believed that Mr.
24 Fincher's discomfort probably was coming from the diet, that he
25 wasn't eating what he should or that he was eating things that

1 he shouldn't. I asked him if he believed that Mr. Fincher's
2 condition was such that he ought then to be hospitalized, and he
3 said no. He said that he would have some discomfort, but that
4 it didn't require -- wasn't life-threatening and would not
5 require hospitalization.

6 I asked him if he believed -- and he couldn't really
7 answer me, but I put the question to him as to whether, based on
8 what he saw, if Mr. Fincher could proceed with the trial today,
9 this day, Monday, and he said, well, he didn't really know, that
10 he could have some discomfort and maybe could have an attack and
11 be in pain, and that would be unhandy and not an optimum
12 situation, but he couldn't say that he could not physically
13 proceed with it.

14 I then directed the marshal -- Marshal Thomas, I
15 believe, was there -- to go ahead and take Mr. Fincher back to
16 the jail and to insure that whatever medicines had been pre-
17 scribed for him, that he was to get them as and when they had
18 been prescribed for him to have them, and that, I think, was
19 essentially the substance of that report.

20 The following morning, Saturday morning at about 9:00
21 o'clock, I again spoke personally with Mr. Stilley and Ms.
22 Johnson, with Ms. Setser on the phone. We didn't have the court
23 reporter, but we spoke and went over much of what I've already
24 now described, and at that time, I encouraged and requested Mr.
25 Stilley to try to go see Mr. Fincher straightaway and to see

1 what he could find out and how he could evaluate the situation
2 and what we could do with respect to this trial.

3 Mr. Fincher -- pardon me, Mr. Stilley -- had asked
4 earlier that the case be delayed and not start today because of
5 this medical situation, and based upon what has been described
6 here, it seemed to me that that was a reasonable thing,
7 certainly. Also to give Mr Stilley a chance to see Mr. Fincher
8 himself, and if he wanted to, to maybe see if he wanted to have
9 Mr. Fincher's personal physician try to see him. And so we
10 determined Saturday morning that we would grant the motion for
11 the continuance and not start the trial Monday, today, but
12 instead would move it and schedule it to start tomorrow,
13 Tuesday, I suppose at 8:30. I'm not sure we set a time.

14 And I recall, I believe, saying Saturday morning that
15 in light of what I had heard from Dr. Horan, that some people
16 want to get their problems rectified by surgery when it's
17 indicated, some do not, and he had indicated to me that the
18 gallbladder situation with Mr. Fincher, he didn't believe, was
19 life-threatening, and therefore I suppose it would be something
20 that could be delayed; need not be addressed immediately. It
21 would be pretty much up, I suppose, to Mr. Fincher to make that
22 call.

23 And so I believe I indicated to Mr. Stilley that my
24 thought would be if Mr. Fincher wanted to proceed and have the
25 surgery, get the gallbladder removed, or whatever needed to be

1 done to get him out of the situation he was in, the recurring
2 pain and so on, if he were of a mind to do that, and to do it
3 straightaway, get on with it maybe this week, then I certainly
4 would grant the continuance so that that could be done and so he
5 could get healed up, and then be in a better shape to go to
6 trial. If, on the other hand, he felt that he could manage it
7 and wanted to go forward with it, then we would go forward with
8 it Tuesday morning.

9 Now, I have tried to recite what my recollections are
10 without benefit of any notes, so I may not have got it covered
11 completely. But let me inquire, Ms. Johnson, do you have any
12 comments or corrections, or is that essentially your recollec-
13 tion of what happened?

14 MS. JOHNSON: It is, Your Honor. I have no
15 corrections or comments.

16 THE COURT: All right. Mr. Stilley, what about you?

17 MS. STILLEY: Your Honor, same here. That's my
18 recollection.

19 THE COURT: Okay. Now then, given that background,
20 Mr. Stilley, were you able, in fact, to see your client?

21 MR. STILLEY: Yes. I went and saw him on Saturday and
22 I went and saw him on Sunday, yesterday evening, and he says
23 he's weak, but says he'll be -- he plans to be there and
24 prepared for trial on Tuesday.

25 THE COURT: So he's wanting to go?

1 MR. STILLEY: He does.

2 THE COURT: Well, okay. Do you think he's up to it?

3 MR. STILLEY: I do. The only thing that he really
4 kind of had a complaint about was, he said some of the food they
5 brought him, he just couldn't eat it. He said, "I've been
6 sick, couldn't eat for three days, and I just -- some of this
7 stuff, I just can't eat it."

8 THE COURT: Well, now let me get on that, too. I
9 overlooked that, I think. One thing that I had asked Ms.
10 Johnson was that we see about try to get a hold of Dr. Horan or
11 -- yeah, Dr. Horan -- and see what his thoughts would be about
12 the diet. What should Mr. Fincher have, or not. Were you able
13 to do that?

14 MS. JOHNSON: Actually, Your Honor, you asked Ms. Erin
15 to call and make contact with the doctor, and I stated, I
16 believe, that I would call the jail and try to --

17 THE COURT: You're right. You're right. So let me
18 ask Erin -- and I believe you did tell me. Can you just tell us
19 on the record what you found out, Erin?

20 MS. SETSER: I spoke with Dr. Horan's wife, who was
21 the emergency room doctor working that morning. He works nights
22 and --

23 THE COURT: Well, now, is she a doctor, too?

24 MS. SETSER: She's a doctor, yes.

25 THE COURT: Okay.

1 MS. SETSER: And she reviewed Mr. Fletcher's medical
2 records, was aware of his situation, and she said for someone
3 with a gallbladder condition such as his, that he needed a very
4 bland diet, probably no more than eighteen hundred calories,
5 nothing fried. She said basically a diabetic diet, which the
6 jail has in place. So I spoke with Marshal Spellman, relayed
7 that to him, and he said he would relate that to the jail and
8 implement that diet.

9 THE COURT: Well, Oscar, I'm not surprised that he
10 wouldn't like that. It doesn't sound very good to me. I don't
11 know, from what little I know, I suspect that a bland diet for
12 a diabetic is not very tasty, and I can see why he would not
13 like it, but I don't know what I can do about that. I mean, I
14 think it's very important that he not -- that he not aggravate
15 his condition by having foods that he would like very much to
16 have, so I don't know what to say about that.

17 What I believe we have to do there is to try to make
18 sure that he is given sustenance so that he's not going to fade
19 away on us, and have his strength there, but not to give him
20 anything that's going to provoke his condition.

21 MR. STILLEY: Well, I agree, Your Honor. What he told
22 me was that there were some things -- for example, he said
23 turnip greens, he ordinarily liked them, but in his -- you know,
24 being so weak from this thing, he just -- he said, "I just
25 couldn't take it down." He said they had some meat there, too,

1 which ordinarily he'd eat just about any kind of meat you set in
2 front of him, but he said he tried it, and it -- he just
3 couldn't stand it.

4 THE COURT: Well, let me say this. We'll do our best
5 to try to work with him. I don't know what else to do. If you
6 can -- if he can, or you can, come up with something that's
7 reasonable that will fit within that criteria of being bland and
8 sort of a diabetic thing that he thinks he wants, I'll ask the
9 jail to see if they can accommodate it, within reason.

10 MR. STILLEY: Okay, very good.

11 THE COURT: I mean, I don't know what else to say.
12 Again, I haven't been over at the jail, and I don't know what --
13 what kind of an operation they've got there, but I will again
14 ask you that if you've got something in mind, say, a specific
15 thing that he thinks that he wants, we'll try our best to get it
16 for him. If you'll just call Erin here -- I'll put that on her
17 again. Oscar, if you'll call her if he's got some particular
18 food, and she'll get through to the marshals and see if we can
19 get it for him, okay?

20 MR. STILLEY: Sounds good.

21 THE COURT: All right, so then we're going to go in
22 the morning?

23 MR. STILLEY: That is correct, or that's my opinion on
24 it, Your Honor.

25 THE COURT: All right. Wendy, is that all right with

1 you?

2 MS. JOHNSON: Yes, sir.

3 THE COURT: All right. Now, I don't know if you all
4 know, but a very distinguished Court of Appeals judge who
5 happened to be a friend of mine and a good acquaintance has
6 died, Judge Terry Crabtree, and his funeral services are set
7 tomorrow at 1:00 o'clock, and, frankly, I need to attend that.

8 MS. JOHNSON: Yes, sir.

9 THE COURT: I'm sorry to do this to you, but I think
10 that -- here's what I think we should do. I'd like to start at
11 8:30 in the morning and see if we can pick this jury, and if we
12 can get that done by noon, or by 11:30 at least, then that would
13 give me a chance to go up and attend the funeral, and then we'd
14 be ready to start with presentation of proof Wednesday morning.

15 And I apologize for taking a half day out of your
16 schedule, but I just -- I just really have an obligation. I am
17 the chief judge here, and I just think we owe it to, you know,
18 a fallen colleague to go to his funeral, and I've just got to do
19 that.

20 Do you have any problem with that, Oscar?

21 MR. STILLEY: No, Your Honor. I agree with you
22 heartily, and I think you should do it. I don't have a problem
23 at all.

24 THE COURT: All right. Now, Wendy, I don't know if
25 you've said, maybe you don't know, but that compresses our time

1 frame a bit because Judge Beth Deere has an investiture I think
2 late -- I think it's late Friday. I'm not sure what time it is,
3 and I need to go to that, too. But that's not as imperative,
4 and I know Beth would understand if I'm not able to get there.
5 But it looks like we would have three days in the clear --
6 actually, three and a half, counting -- tomorrow is a half day,
7 and then Wednesday, Thursday, and Friday, if necessary.

8 What about it, Wendy? Can you put your case on -- if
9 we can get this jury selected Tuesday morning, is there a chance
10 that you can get your case on in one day?

11 MS. JOHNSON: Yes, sir.

12 THE COURT: Maybe even less than that?

13 MS. JOHNSON: Yes, Your Honor.

14 THE COURT: All right. Oscar, what do you have? Do
15 you know what you have in the way of witnesses now? Can you
16 give me some idea of where you are on that?

17 MR. STILLEY: Your Honor, I think that we can do ours
18 in no more than half a day. No more. And I really think it
19 would be less than that, but I just don't think it will take a
20 great long time.

21 THE COURT: I know you've had other fish to fry,
22 dealing with this medical situation, but have you had a chance,
23 Oscar, to think about giving me some sort of a written response
24 on Wendy's Motion in Limine?

25 MR. STILLEY: Oh, certainly, Judge. Actually, the

1 relief requested was the admonishment to tell me not to encroach
2 upon the prerogative of the Court, and I agree that that --

3 THE COURT: You're not going to do that?

4 MR. STILLEY: Do what?

5 THE COURT: You're not going to do that, of course?

6 MR. STILLEY: Absolutely not. I have no intention of
7 doing that.

8 THE COURT: Well, as you know -- and I know that there
9 may be rather strong feelings in this, as you know there are in
10 many cases, but I think that I've done a little bit of research,
11 and there's quite a bit of law, I think, on this issue that we
12 can talk about, and if and when the time comes to instruct the
13 jury, I think that's the point where we'll have our discussions
14 about what the law may be. But I think with respect to the
15 jury, what we're going to be interested in are the contested
16 facts, and I'm not sure I know what they are.

17 What facts are going to be heavily contested, Oscar?
18 Can you give me a clue on it? I mean, first of all, he had the
19 weapons, did he not? I don't think there's any dispute about
20 that.

21 MR. STILLEY: No. He went on the front page of the
22 newspaper and showed them, and told everybody, and called them
23 machine guns, and claimed a right to have them, so, you know,
24 you can't, with a straight face, deny that.

25 THE COURT: Okay, so what's the -- what facts do you

1 think are in dispute that we need to get the jury to decide?

2 MR. STILLEY: I think we have a dispute about whether
3 or not there was any interstate commerce, and I'm just having to
4 presume -- they didn't specifically say this, but I'm having to
5 presume that their jurisdictional nexus is interstate commerce.
6 So my theory is that they're going to have to prove interstate
7 commerce. Prove those facts.

8 THE COURT: All right. What else now? When I say
9 "all right", I'm not saying I necessarily agree with you, but
10 I'm just trying to make sure I've got a list of what you want to
11 talk about.

12 MR. STILLEY: Certainly.

13 THE COURT: What else? Interstate commerce. What
14 else?

15 MR. STILLEY: It would be that his -- that he's
16 authorized by state to maintain and keep these machine guns, and
17 I think that -- I think that's going to be a factual issue. As
18 a matter of fact, I see that as factual issue number two right
19 after interstate commerce.

20 THE COURT: Well, now tell me what you mean by that,
21 the authorized by the state.

22 MR. STILLEY: Well, I take this straight from the
23 language of 922(O) that says that a person -- I mean, there's an
24 exception there for somebody that's authorized under -- let's
25 see if I can find this right here. Okay, here it says, "This

1 subsection does not apply with respect to a transfer to or by,
2 or possession by or under the authority of the United States or
3 any department or agency thereof, or a state or a department
4 agency or political subdivision thereof." And it would be our
5 position that his possession was by or under the authority of
6 the State of Arkansas.

7 THE COURT: Okay. Are you going to offer some proof,
8 maybe some person who will testify that acting on behalf of the
9 state, he extended authorization to Mr. Fincher for possession?
10 Something to that effect?

11 MR. STILLEY: Your Honor, I mean, I feel like I can
12 get that evidence from their own witnesses. I feel like they
13 would have to -- when I showed them the facts and the things
14 that they have actually given me in their prior statements,
15 etcetera, I feel like that I can establish that from them. But,
16 I mean, obviously, you know, we'd want to have our own witnesses
17 prepared for that, but --

18 THE COURT: Well, I'm having a little trouble -- I'm
19 not sure I'm following that, but anything else? What else do
20 you think is in dispute?

21 MR. STILLEY: Well, obviously, you know, in a trial,
22 there's going to be some other things that's in dispute, but
23 really, that's the main things right there. That's the main
24 things that I've --

25 THE COURT: All right. Now, Wendy, what's your

1 position on these matters?

2 MS. JOHNSON: First off, Your Honor, with the
3 interstate nexus, I believe we addressed that in our Motion in
4 Limine, and we've done quite a bit of research on that very
5 issue. That's not an element that the Government must prove,
6 and so I think that kind of goes to the core of what our concern
7 was. Just from what we heard prior, and then what I've read on
8 the internet just recently, as of yesterday, there was an
9 article interviewing Mr. Stilley, and it was addressing that the
10 federal prosecutor had asked the judge -- and their words are
11 "to censor the arguments", referring to my Motion in Limine, and
12 I believe Oscar is quoted as saying, "I'm going to ask the
13 question. What else can I say? There is a Second Amendment,
14 and it means something, I hope."

15 And so my concern is that I -- and I mean no dis-
16 respect to Mr. Stilley, but I think that the jury instructions
17 simply do not include interstate nexus, and I don't think that
18 that should be argued to the jury, because he's arguing a matter
19 of law that he wants the law to state, and it simply is not a
20 part of the statute.

21 THE COURT: All right, and what with respect to the
22 authorization business?

23 MS. JOHNSON: Well, I really don't understand -- I
24 understand what he's trying to argue is that somehow this
25 militia, this group of six or eight men in Northwest Arkansas

1 that hold themselves out to be the militia of Northwest
2 Arkansas, is somehow going to be deemed -- and he wants the jury
3 to determine that they are a political subdivision of the State
4 of Arkansas. There simply is no authorization for that, and I
5 don't believe that there's any case law that -- in fact, there's
6 case law to the contrary, that it is somewhat well-settled, Your
7 Honor.

8 And I understand there's issues in the Second
9 Amendment that are up for debate, but that particular issue has
10 been fairly well settled with the circuits in that just a
11 sedentary militia or some claim of a posse comitatus or some
12 type of militia is just not enough to make it a government sub-
13 division, or a political subdivision, and so we do have issues
14 with that. It's just contrary to law, which is the very reason
15 for our Motion in Limine.

16 THE COURT: All right. Oscar, you haven't been able
17 to file anything in writing in response to their motion and
18 brief, have you?

19 MR. STILLEY: No, I haven't.

20 THE COURT: Are you going to be able to do that
21 between tomorrow and -- now and tomorrow?

22 MR. STILLEY: I could, but I think I've just pretty
23 much put out -- put my position out there, my position being
24 that I intend to --

25 THE COURT: Well, let me point out why I ask you that.

1 In the Motion in Limine -- of course, I don't believe you filed
2 a brief either, did you, Ms. Johnson?

3 MS. JOHNSON: Not attached to my motion, Your Honor.

4 THE COURT: All right. Well, it's sometimes good to
5 give me a separate brief, but in the body of her motion, for
6 example in Paragraph 4, she cites U. S. v. Peck and U. S. v.
7 Gleason, and Casara v. United States. Now, I've looked at those
8 cases, and I think they pretty much say what she says they do,
9 but if you have a different view, that's why I need a written
10 brief from you, Oscar, if you're going to tell me that those
11 authorities are inapposite or they don't mean what she says they
12 do. Also, we found in our research the case of United States v.
13 Hale. Are you familiar with that case, Oscar?

14 MR. STILLEY: Only too familiar, Judge.

15 THE COURT: Huh?

16 MR. STILLEY: Only too familiar, Judge.

17 THE COURT: Only too familiar. What does that mean?

18 MR. STILLEY: I've read it and I know what it says.

19 THE COURT: Well, my point is that I would be
20 interested in you telling me what you think it says. I've been
21 reading it, too, and it seems to address some of the arguments
22 that Ms. Johnson is making here.

23 They seem to say what is required to avail yourself of
24 that 922(O) business, and it says, "Technical membership in a
25 state militia membership and an unorganized state position of

1 membership in a non-governmental military organization is not
2 sufficient to satisfy the reasonable relationship business."
3 Are you familiar with that aspect of that case?

4 MR. STILLEY: Your Honor, I am, but let me say this.
5 Let me say this. What she's saying in this Paragraph 4 -- I see
6 these cases, and I agree that it's the District Court's duty to
7 instruct the jury on the law and, you know, we don't disagree on
8 those --

9 THE COURT: Well, I agree -- wait a minute. We're
10 conflating two different things here. We all agree that it's my
11 obligation to instruct the jury on the law which applies to
12 facts which are properly to be decided by them, but I'm not sure
13 that what you're wanting to argue to them is a fact that is
14 properly to be decided by them. I think under Hale, it's
15 probably something to be decided by me as a matter of law. I
16 think that's what Ms. Johnson is saying.

17 MR. STILLEY: I'm going to have to disagree with you.

18 THE COURT: Well, that's why I want you to file a
19 brief, Oscar, because, see, I don't know until I've talked to
20 you where you're coming from on that, and I kind of need to
21 know. So I know you're trying to get prepared, but I'd like to
22 see -- if you want to respond to her brief and give me your
23 thoughts on Hale and any other case -- there's a couple of
24 others. U. S. v. Petty is what comes to my mind. I wish you'd
25 do that, and I'd like to see you lawyers about 8:15 in the

1 morning. I'm going to figure on trying to start the voir dire
2 around 9:00, but I'd like to see you at 8:15 promptly here in my
3 office, and if you can get something on paper, Oscar, give me
4 your thoughts as to what these authorities hold or don't hold,
5 it would sure be helpful to me because that's what I want to
6 talk about about 8:15 in the morning, okay?

7 MR. STILLEY: Now, is that going to be in the
8 courtroom there at 509?

9 THE COURT: It'll be here on the fifth floor, yeah.
10 Well, I'll ask you back to chambers. That's probably where
11 we'll talk about this because that's a matter I generally talk
12 about in chambers. Because I'm going to have some other matters
13 I want to go over with you all. We'll talk about voir dire,
14 peremptory challenges, and a number of things we need to talk
15 about. But I really want to address this question so that we
16 don't spend a lot of time wallowing around in front of the jury.
17 Can we do that?

18 MR. STILLEY: I'd like to do it in the -- in the
19 courtroom. I think there's a lot of public interest in it and
20 a lot of people that would like to hear what goes on between the
21 counsel and the Court on this.

22 THE COURT: Well, I know that, Oscar, but that's not
23 the way I normally do it, and I don't see any reason to make an
24 exception in this case. So I want to meet with you all here in
25 chambers at 8:15 and talk about this matter as a matter of

1 housekeeping, then we'll determine what part of it we need to do
2 in the courtroom, okay?

3 MS. JOHNSON: Yes, Your Honor. That's good for the
4 Government.

5 MR. STILLEY: Your Honor, I'm going to have to -- I'm
6 going to have to make my objection to that. I think he's got a
7 right to --

8 THE COURT: All right, I'll note your objection. I'll
9 overrule it, and I'll see you at 8:15 in the morning, okay?

10 MR. STILLEY: Just a minute. I've got another -- a
11 couple of things. One, on the 8:15, I was under the under-
12 standing it was 8:30, and I'd like to -- I'd like to start at
13 8:30, if you don't mind. It's just fifteen minutes.

14 THE COURT: Well, I do mind, because I've got a
15 problem in trying to get this jury selected, Oscar, by 12:00.
16 So I want you to be here at 8:15, okay?

17 MR. STILLEY: I'll be there at 8:15, but I do have one
18 other thing, and that is, because my client has lost so much
19 weight and he hasn't been able to get somebody to give him a
20 proper haircut, I'd like for his family to be able to bring some
21 clothes to him and try to get things arranged so he -- make sure
22 he's got something to wear and he looks more or less decent.

23 THE COURT: I don't see any problem with that. Wendy,
24 do you have any problem with that? They need to make sure he's
25 got civilian clothes to appear at trial. Is there any problem

1 with that?

2 MS. JOHNSON: No, not -- not any at all, Your Honor.

3 THE COURT: All right. I'll ask Erin to talk with the
4 marshals. Can you get that stuff over to him this afternoon,
5 Oscar? Because it'll be kind of a -- I don't know what time --
6 if they're going to bring him from -- I guess it would be from
7 Fort Smith, they'll probably start pretty early, so you need to
8 do that this afternoon if you can. Can you do that, Oscar, this
9 afternoon?

10 MR. STILLEY: Your Honor, we certainly can. We
11 certainly can. I'll talk to Wendy later about where he's going
12 to be. I'm going to assume he's going to be here in the
13 Sebastian County Jail until I'm told that he's going to be
14 moved.

15 THE COURT: Is that right? I don't know. I assume
16 he'll stay there tonight. Will he not, Wendy, or do you know?

17 MS. JOHNSON: I would assume the same, Your Honor. I
18 do not know, but I can certainly check.

19 THE COURT: Well, let me find out. If they're going
20 to move him -- and I wouldn't see why they would, but if they
21 do, Oscar, we'll call you and let you know, okay?

22 MR. STILLEY: That works.

23 THE COURT: But as far as you know -- unless we tell
24 you differently, that's where he'll be at least through this
25 evening. Now, again, I don't know what time they might start in

1 the morning, but probably around 6:00 or 6:30, to be here by
2 8:15, I imagine.

3 All right, anything else?

4 MS. JOHNSON: No, Your Honor.

5 MR. STILLEY: I think that's it, Judge.

6 THE COURT: All right, see you in the morning.

7 (WHEREIN THE TELEPHONE CONFERENCE WAS CONCLUDED.)

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