

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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UNITED STATES OF AMERICA) NO. 4:17-CR-132-1
)
)
VS.) Houston, Texas
) 8:40 a.m.
)
CHRISTOPHER W. OLIVER) May 15, 2017

RE-ARRAIGNMENT
BEFORE THE HONORABLE VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:

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Ms. Julie N. Searle
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FOR THE DEFENDANT:

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COURT REPORTER:

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Proceedings recorded by mechanical stenography.
Transcript produced by computer-assisted transcription.

1 P R O C E E D I N G S

2 (Defendant present.)

3 THE COURT: Good morning, everybody. Please be
4 seated.

08:40:17 5 United States of America versus Chris Oliver.
6 For the United States?

7 MR. LEUCHTMANN: Andrew Leuchtmann and Julie
8 Searle for the United States, Your Honor.

9 MS. SEARLE: Good morning, Your Honor.

08:40:27 10 THE COURT: Who is going? Which one of
11 you-all?

12 MR. LEUCHTMANN: I will, Your Honor.

13 THE COURT: For the defendant, please?

14 MS. DRAPER: Good morning, Your Honor. Genesis
08:40:34 15 Draper for Mr. Christopher Oliver.

16 THE COURT: All right. Mr. Oliver, I
17 understand you wish to enter a plea of guilty in a case
18 that is now pending against you in this Court. Is that
19 correct, sir?

08:41:08 20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Before I can take your plea, I need
22 to ask you some questions under oath. Would you raise your
23 right hand to be sworn, please.

24 (Defendant sworn.)

08:41:17 25 THE DEFENDANT: I do.

1 THE COURT: You understand, sir, that you're
2 now under oath and that if you answer any of my questions
3 falsely that your answers can be used against you in
4 another prosecution for perjury, that is for telling a
5 false statement?

08:41:31

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: State your full name, please.

8 THE DEFENDANT: Christopher Wayne Oliver.

9 THE COURT: How old are you.

08:41:36

10 THE DEFENDANT: I am 53.

11 THE COURT: How far did you go in school.

12 THE DEFENDANT: I went -- Bachelor's degree.

13 THE COURT: Pardon me?

14 THE DEFENDANT: Bachelor's degree.

08:41:43

15 THE COURT: Okay. Have you ever been treated
16 for any mental illness or addiction to narcotic drugs of
17 any kind?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Are you currently under the
20 influence of any medication, alcoholic beverage, or
21 narcotic drug of any kind?

08:41:52

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Did you receive a copy of the
24 indictment, that is the charges that are pending against
25 you in this Court?

08:42:01

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Did you have a chance to go over
3 those charges with your lawyer, Ms. Draper?

4 THE DEFENDANT: Yes, Your Honor.

08:42:07

5 THE COURT: Are you satisfied with the counsel
6 and representation that your lawyer has provided to you?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you need any additional time to
9 speak with your lawyer this morning before I take the plea

08:42:17

10 of guilty?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Ms. Draper, have you had sufficient
13 time to investigate the law and the facts concerning the
14 case against your client?

08:42:23

15 MS. DRAPER: Yes, Your Honor.

16 THE COURT: And has he been able to cooperate
17 with you in every way?

18 MS. DRAPER: Yes, Your Honor.

19 THE COURT: Do you believe that he understands
20 the nature of the charges pending against him?

08:42:28

21 MS. DRAPER: Yes, Your Honor.

22 THE COURT: Do you know of any reason why he
23 should not plead guilty, or any meritorious defenses he
24 might have?

08:42:36

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Is there any plea agreement in this
2 case, Mr. Leuchtmann?

3 MR. LEUCHTMANN: Yes, Your Honor.

08:42:42

4 THE COURT: Would you state what section of
5 Rule 11 that has been filed under?

6 MR. LEUCHTMANN: 11(C) (1) (A) and (B), Your
7 Honor.

8 THE COURT: Would you state for the record the
9 terms of that plea agreement?

08:42:48

10 MR. LEUCHTMANN: Yes, Your Honor. The
11 defendant pleads guilty to Count 2 of the indictment, and
12 if he persists in that plea through sentencing and if the
13 Court accepts this plea, the United States will move to
14 dismiss any remaining counts of the indictment at the time
15 of sentencing.

08:43:00

16 At the time of sentencing the United
17 States agrees not to oppose defendant's anticipated request
18 to the Court, and the United States probation office that
19 he receive a two-level downward adjustment under 3E1.1(a)
20 of the sentencing guidelines, should the defendant accept
21 responsibility as contemplated by the guidelines.

08:43:13

22 If the defendant qualifies for an
23 adjustment under Sentencing Guideline 3E1.1(a) and the
24 defendant's offense level is 16 or greater, the United
25 States may move for an additional one level downward

08:43:29

1 adjustment based on the timeliness of the plea, or the
2 expeditious manner in which the defendant provided complete
3 information regarding his role in the offense.

4 And, finally, the United States will not
08:43:42 5 seek a loss amount in excess of \$250,000, pursuant to
6 United States Sentencing Guidelines Section 2B1.1(b)1.

7 THE COURT: All right. Mr. Oliver, are those
8 the terms of your plea agreement with the government as you
9 understand them?

08:43:55 10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Did anybody make any different
12 promise or assurance to you of any kind to induce you to
13 enter into this plea of guilty?

14 THE DEFENDANT: No, Your Honor.

08:44:02 15 THE COURT: Did anybody force you to enter a
16 plea of guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Do you understand that other than
19 the government's agreement to dismiss certain counts, that
08:44:10 20 the remaining terms of the plea agreement are really
21 recommendations to the Court, and that I can reject those
22 recommendations without permitting you to withdraw your
23 plea of guilty or impose a sentence -- and impose a
24 sentence that might be more severe than you anticipated?

08:44:22 25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you understand that the offense
2 to which you have indicated you wish to plead guilty is a
3 felony offense, and that if your plea is accepted and you
4 are adjudged guilty of that offense that that adjudication
08:44:35 5 may deprive you of valuable civil rights such as the right
6 to vote, the right to hold public office, the right to
7 serve on a jury, or the right to possess a firearm of any
8 kind?

9 THE DEFENDANT: Yes, Your Honor.

08:44:46 10 THE COURT: The maximum possible penalty
11 provided by law regarding the crime to which you have
12 indicated you wish to plead guilty is not more than ten
13 years imprisonment and a fine of not more than \$250,000.
14 Do you understand, sir?

08:45:11 15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Do you understand that the Court
17 can also impose a period of supervised release following
18 any term of imprisonment of up to three years, and that if
19 you violate any of the terms or conditions of supervised
08:45:24 20 release that might be imposed as part of your sentence,
21 then you can be imprisoned for up to two years without
22 credit for the time already served before that violation
23 occurred?

24 THE DEFENDANT: Yes, Your Honor.

08:45:33 25 THE COURT: You understand that you cannot be

1 placed on probation and have the imposition or execution of
2 your sentence suspended and that you are not eligible for
3 parole?

4 THE DEFENDANT: Yes, Your Honor.

08:45:43

5 THE COURT: You understand for each offense you
6 must pay a special assessment of \$100 in this case? That
7 would be \$100 for the one count of conviction.

8 THE DEFENDANT: Yes, Your Honor.

08:45:56

9 THE COURT: The Sentencing Commission has
10 issued advisory guidelines for judges to help us determine
11 the appropriate sentence in a criminal case. Have you had
12 a chance to talk to your lawyer about how the sentencing
13 guidelines might work in your case?

14 THE DEFENDANT: Yes, Your Honor, I have.

08:46:13

15 THE COURT: Do you understand that I won't be
16 able to determine the appropriate sentence for your case
17 until after a presentence investigation report has been
18 prepared and you and your lawyer and the lawyer for the
19 United States have a chance to review that report and the
20 objections to that report that you might want to make?

08:46:27

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: You understand that the sentence
23 that I impose might be different from any estimate that
24 your lawyer may have given to you?

08:46:36

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: You understand that after it has
2 been determined what guideline applies in this case that I
3 have the authority to impose a sentence that is more severe
4 or less severe than what is called for under the
5 guidelines?

08:46:47

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you understand that -- that
8 under some circumstances you or the government might have
9 the right to appeal any sentence that I impose?

08:47:05

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you understand that parole has
12 been abolished in the federal system and that if you are
13 sentenced to prison, you will not be released on parole.

14 THE DEFENDANT: Yes, Your Honor.

08:47:14

15 THE COURT: Do you understand that if I do not
16 accept the sentencing recommendation and your plea
17 agreement that you will still be bound by your plea and you
18 will have no right to withdraw it?

19 THE DEFENDANT: Yes, Your Honor.

08:47:22

20 THE COURT: Do you understand that you have the
21 right to plead not guilty to the offense charged against
22 you, and to persist in that plea; and if you do so, you
23 would have a right to trial by jury, and at that trial you
24 would be presumed to be innocent and the government would

08:47:33

25 have to prove your guilt beyond a reasonable doubt; and you

1 would have the right to the assistance of your counsel for
2 your defense; and the right to see and hear all witnesses,
3 and have them cross-examined by your defense; and the right
4 on your part to decline to testify, unless you voluntarily
08:47:51 5 elected to do so, in your own defense; and the right to
6 issuance of subpoenas and other compulsory process to
7 compel the attendance of witnesses to testify in your
8 defense; and if you decided not to testify, or put on any
9 evidence at all that that fact could not be used against
08:48:04 10 you in trial?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you understand that by entering
13 a plea of guilty that if that plea is accepted by this
14 Court that there will be no trial by jury and you will have
08:48:12 15 waived, or given up, the right to trial by jury and all of
16 the other rights associated with the trial by jury that I
17 have just described to you?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: The charge to which you have
08:48:21 20 indicated you wish to plead guilty is under Count 2 of the
21 indictment. I am striking that previous pleading off the
22 record so that there is no indication of that previous in
23 the status sheet that you guys filed on Friday, the
24 previous one.

08:48:37 25 MR. LEUCHTMANN: Thank you, Your Honor.

1 THE COURT: All right.

2 MR. LEUCHTMANN: Thank you.

3 THE COURT: Looks like that was a total
4 screw-up.

08:48:42 5 MR. LEUCHTMANN: Thank you. I sincerely
6 appreciate it.

7 THE COURT: Byron, just take that off the
8 docket sheet completely.

9 CASE MANAGER: Yes, Your Honor.

08:48:48 10 THE COURT: I don't want that on the docket
11 sheet.

12 Count 2, bribery concerning programs
13 receiving federal funds, the elements of which are: That
14 you were an agent of the Houston Community College; that
08:49:01 15 the Houston Community College was an organization that
16 received in any one-year period benefits in excess of
17 \$10,000 under a federal program involving a grant; that you
18 corruptly solicited, accepted and agreed to accept anything
19 of value from any person with the intent to be influenced
08:49:19 20 and rewarded in connection with any business of HCC and
21 that the business transaction and series of transactions
22 involved anything of value of \$5,000 or more.

23 Do you understand what the government is
24 claiming that you have done to violate the law, sir?

08:49:33 25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And did you commit this crime?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: All right. Mr. Leuchtmann, would
4 you please make a representation concerning the facts that
08:49:45 5 the government would be prepared to prove if this case were
6 to proceed to trial?

7 MR. LEUCHTMANN: Yes, Your Honor. If this case
8 were to proceed to trial, the following facts, among
9 others, would be offered to establish the defendant's
08:49:55 10 guilt.

11 From May '15 through May 2016, Chris
12 Oliver held the position of District 9 Trustee for Houston
13 Community College. In his capacity as District 9 Trustee,
14 Mr. Oliver was an agent of HCC, and that by voting on
08:50:10 15 contracts over \$50,000 he was authorized to act on behalf
16 of HCC with respect to its funds.

17 In his capacity as District 9 trustee, he
18 also qualified as an elected public official. Houston
19 Community College receives well in excess of \$10,000 per
08:50:26 20 year in federal funding including the time period that
21 stretched between May 2015 and May 2016.

22 On May 29th, 2015, Oliver and KS met at a
23 restaurant in the Southern District of Texas. Oliver
24 repeatedly asked KS if he was working on behalf of law
08:50:43 25 enforcement. Oliver and KS discussed how Oliver had helped

1 KS secure business with HCC in the past, and how he could
2 do so again in future endeavors. Oliver and KS then agreed
3 that KS would pay Oliver approximately \$2,500 per month
4 based on what he had paid him in the past.

08:51:01

5 On June 2nd, 2015, Oliver and KS met at a
6 coffee shop in the Southern District of Texas. KS paid
7 Oliver \$2,500 cash in an envelope. Oliver told KS that if
8 he found a contract to bid on and a certified company, he
9 would make him a millionaire.

08:51:18

10 On July 7th, 2015, Oliver and KS met at a
11 restaurant in the Southern District of Texas. KS paid
12 Oliver \$2,500 cash in an envelope. Oliver provided KS with
13 a list of the various contracts at HCC and implied that if
14 he asked, he would deny all knowledge of how KS got the
15 list.

08:51:36

16 On August 7th, 2015, Oliver and KS met at
17 a coffee shop in the Southern District of Texas. KS paid
18 Oliver \$2,000 cash in an envelope as well as a \$500 Visa
19 gift card. Oliver discussed voting on contracts that
20 Sirama was competing for stating, "Unless you say
21 something, I won't be voting for it. If I vote, it is
22 going to stick."

08:51:52

23 On November 19th, 2015, Oliver and KS met
24 at a coffee shop in the Southern District of Texas. KS
25 stated that he had found a company to use in order to bid

08:52:06

1 on a pest control contract at HCC. Oliver discussed
2 exerting his influence at HCC in order to move the company
3 up the bid list so that they would have a better chance at
4 securing the contract. KS paid Oliver \$1,000 cash in an
5 envelope and a \$500 Visa gift card.

08:52:22

6 On February 3rd, 2016, Oliver and KS met
7 at a coffee shop in the Southern District of Texas. Oliver
8 complained to KS about not getting enough money. Oliver
9 claimed he kept the contract off the agenda so he could
10 convince the board to vote on the basis of best value as
11 opposed to lowest bid so that KS's company would win the
12 contract. KS paid Oliver \$1,100 cash and a \$400 gift card.

08:52:39

13 Oliver and KS met three more times in the
14 Southern District of Texas. During those meetings, which
15 took place on April 8th, May 11th, and May 13th of 2016,
16 Oliver continued to insist that he had delayed the bidding
17 process and that he would convince the board to vote on the
18 basis of best value rather than lowest bid, while
19 simultaneously soliciting payment from KS for his efforts.

08:52:56

20 When KS told him that the company he was using to bid on
21 the pest control contract was not willing to pay him
22 anymore money without some results, Oliver ended the
23 relationship.

08:53:15

24 THE COURT: Mr. Oliver, you have heard the
25 facts that the government has indicated it would be

08:53:27

1 prepared to prove against you if this case were to proceed
2 to trial. Having heard those facts, sir, how do you now
3 plead to the charges pending against you, guilty or not
4 guilty, sir?

08:53:38

5 THE DEFENDANT: Guilty, Your Honor.

6 THE COURT: Are you ready to sign the plea
7 agreement under oath at this time?

8 THE DEFENDANT: Yes, Your Honor.

9 (Document executed.)

08:54:57

10 CASE MANAGER: Sir, can you raise your hand?
11 Do you solemnly swear that you have read and understand
12 your plea agreement, and that you willingly signed the plea
13 agreement at this time, so help you God?

14 THE WITNESS: So help me God.

08:55:07

15 THE COURT: It is the finding of this Court
16 that in the case of the United States of America versus
17 Christopher Oliver that the defendant is fully competent
18 and capable of entering an informed plea, that the
19 defendant is aware of the nature of the charges and the
20 consequences of his plea, that his plea of guilty is a
21 knowing and voluntary plea supported by an independent
22 basis in fact containing each of the essential elements of
23 the offense. This plea is therefore accepted and the
24 defendant is now adjudged guilty of the offense charged in
25 Count 2 of the indictment.

08:55:18

08:55:31

1 The Court orders that a presentence
2 investigation report be prepared. By July 10, 2017, the
3 initial report should be disclosed to counsel. By July 31,
4 2017, counsel should object in writing or state that there
08:55:44 5 is no objection. By August 21, 2017, the probation officer
6 should submit to the Court a final presentence report with
7 an addendum addressing any contested issues.

8 Sentencing is set for August 28th, 2017,
9 at 9:30 a.m. Ms. Draper, if you want to be present with
08:56:36 10 your client for his interview, please let probation know
11 today that you will attend.

12 MS. DRAPER: Yes, Your Honor.

13 THE COURT: Anything else?

14 MR. LEUCHTMANN: One more thing, Your Honor.

08:56:44 15 There is, of course, the potential 5K language in the plea
16 agreement and the possibility of cooperation, further
17 cooperation by the defendant.

18 THE COURT: There is?

19 MR. LEUCHTMANN: Yes. I believe there is.

08:56:56 20 THE COURT: It just wasn't written on the
21 sentence data sheet. I didn't even admonish him on that
22 because you didn't put it in the sentence data sheet.

23 MR. LEUCHTMANN: I'm sorry, Your Honor, I
24 didn't know that was one of the elements you needed since
08:57:09 25 the 5K is only a potential and not a definite thing that

1 will happen.

2 THE COURT: Well, I have to admonish him on
3 that.

4 MR. LEUCHTMANN: Okay, Your Honor.

08:57:13

5 THE COURT: If there is even a 5K potential out
6 there, that is one of the admonishments. Y'all just
7 completely screwed up the sentence data sheet this time,
8 huh?

08:57:24

9 MR. LEUCHTMANN: My humble apologies for
10 anything I left out.

11 THE COURT: Mr. Oliver, I need to give you one
12 more admonishment based on what the United States has just
13 said to me.

08:57:31

14 You understand that even though you have
15 an agreement to cooperate with the government, that they
16 might still decide that you have not substantially assisted
17 them and that they might not ask the Court to impose a
18 lighter sentence, based on a -- based on Section 5K of the
19 sentencing guidelines, that it is up to them ultimately to
20 determine whether or not you provided substantial
21 assistance? You understand that?

08:57:54

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Okay. Now, I have got to give you
24 the admonishment.

08:58:02

25 MR. LEUCHTMANN: Okay, Your Honor.

1 THE COURT: So you are supposed to tell me if
2 there is a potential for a 5K.

3 MR. LEUCHTMANN: My humble apologies, Your
4 Honor, that's why I wanted to mention it before we went
08:58:11 5 anywhere.

6 THE COURT: And I took that -- Ms. Draper, we
7 are taking that other sentence data sheet off of the
8 docket --

9 MS. DRAPER: Thank you, Your Honor.

08:58:17 10 THE COURT: -- so there is not any confusion
11 about what is going on. I don't want that on the -- on the
12 docket sheet. So that will be gone.

13 Anything else, then?

14 MR. LEUCHTMANN: That's it.

08:58:28 15 THE COURT: More surprises?

16 MR. LEUCHTMANN: Both parties wanted to ask
17 pursuant to that potential cooperation that the case remain
18 under seal until his sentencing.

19 THE COURT: Okay. And the defendant is on
08:58:37 20 bond. Where is my bond paperwork, Byron? Do I have --

21 CASE MANAGER: Yes, Your Honor, you should have
22 it.

23 THE COURT: Where is it? I don't see it in
24 here. Do you have it? Looks like it is Number 12, Byron.

08:59:33 25 Do you see it?

1 CASE MANAGER: Yes, Your Honor.

2 THE COURT: All right. The defendant is on
3 bond, \$25,000 unsecured bond. Does the United States have
4 any objection to the defendant remaining on bond pending
5 sentencing?

09:00:14

6 MR. LEUCHTMANN: No, Your Honor.

7 THE COURT: Mr. Oliver, have you had any new
8 law violations since you have been on a bond, since -- when
9 was this? March of 2017?

09:00:25

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Have you missed any appointments
12 with your pretrial officer?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Are you working?

09:00:31

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: What are you doing?

17 THE DEFENDANT: I do construction --
18 construction final cleans, which is construction
19 make-readies.

09:00:39

20 THE COURT: I'm sorry, I literally didn't --
21 don't lean over to the mic. I could not understand you.

22 THE DEFENDANT: I'm sorry. I make construction
23 final cleans. We do final cleans, which is really
24 construction make-readies.

09:00:49

25 THE COURT: "Fido" cleans? Is that what you --

1 THE DEFENDANT: Final cleans. Final cleans.

2 THE COURT: Final cleans?

3 THE DEFENDANT: Yes.

4 THE COURT: All right.

09:00:56 5 THE DEFENDANT: Kind of janitorial.

6 THE COURT: Okay. All right. Then you will
7 remain on the same bond, same conditions of release. Your
8 lawyer will let you know when you're supposed to be in
9 court again. All right?

09:01:09 10 THE DEFENDANT: Yes, ma'am. Yes, Your Honor.

11 THE COURT: Okay. And the -- Byron, the -- and
12 that one is already filed under seal or what?

13 CASE MANAGER: The whole case is sealed, Your
14 Honor. It is not visible on the docket publicly.

09:01:26 15 THE COURT: Oh, I see. Okay. All right.

16 Okay. Thank you.

17 MS. SEARLE: Your Honor, just on the motion to
18 seal part, I think right now the -- the order that I think
19 is in place right now, it -- the -- expires in about a
09:01:42 20 week's time, where it would --

21 THE COURT: It does? The order?

22 MS. SEARLE: Yes, Your Honor, because we --

23 THE COURT: What order is it? Hold on. Let me
24 find it. Sealed financial affidavit. Where is the order
09:01:52 25 for seal? What instrument number is it?

1 MS. SEARLE: I don't know off the top of my
2 head, Your Honor, but I do remember when we asked to have
3 it sealed.

4 CASE MANAGER: 16.

09:02:04 5 THE COURT: Print it off for me.

6 MS. SEARLE: I believe --

7 THE COURT: Why would it only be sealed for a
8 period of time?

9 MS. SEARLE: Well, at that time, Your Honor, we
09:02:08 10 only asked for 30 days because we were uncertain of what
11 Mr. Oliver's decision was going to be. And so, Your Honor,
12 we're happy to either -- however the Court would like for
13 us to proceed. Maybe we could file a joint motion asking
14 for the case to continue being sealed since he is now
09:02:25 15 cooperating with the United States. But that is my
16 concern, Your Honor.

17 THE COURT: This just says that the criminal
18 indictment is under seal, not that the file is under seal.
19 Byron, why did you say that it said the file was under
09:02:41 20 seal? It just says the indictment is under seal.

21 CASE MANAGER: Well, the whole case is sealed,
22 Your Honor.

23 THE COURT: Based on this order?

24 CASE MANAGER: No, based on its opening. It
09:02:50 25 was opened sealed.

1 THE COURT: It was opened as a sealed case?

2 MS. SEARLE: Correct, Your Honor.

3 THE COURT: So there is nothing that would
4 change that. This just says that the indictment remains
5 under seal. So is it still listed as a sealed case?

09:02:57

6 CASE MANAGER: It's a sealed case, Your Honor.

7 THE COURT: So that is not by any order of the
8 Court. Did you file it as a sealed case?

9 MS. SEARLE: Yes.

09:03:08

10 MR. LEUCHTMANN: Yes.

11 MS. DRAPER: So just for --

12 THE COURT: There is nothing else I have to do.

13 MS. SEARLE: That's what we're asking.

14 THE COURT: I mean, you filed it as a sealed
15 case?

09:03:16

16 MR. LEUCHTMANN: Yes, we filed it under seal.

17 THE COURT: Okay. Why do you-all keep filing
18 motions to seal the indictment? What does that even mean?

19 I mean, why are you just doing the motions to seal the
20 indictment?

09:04:09

21 MR. LEUCHTMANN: I think that's all we had
22 filed at that point in the case. If there is some -- if
23 there is some broader language we could use, then we will
24 be glad to.

09:04:19

25 THE COURT: It's just a question. I mean, I

1 keep looking at all these orders, and all of these are
2 orders to seal the indictment; but it doesn't matter if the
3 case is filed and it is filed as a sealed case. So it is
4 still in place right, Byron?

09:04:31

5 CASE MANAGER: Yes, Your Honor.

6 THE COURT: All right. Thank you, guys.

7 MR. LEUCHTMANN: Thank you, Your Honor.

8 MS. DRAPER: Thank you, Your Honor.

9 (Concluded at 9:04 a.m.)

10 COURT REPORTER'S CERTIFICATE

11

12 I, Kathleen K. Miller, certify that the foregoing is a
13 correct transcript from the record of proceedings in the
14 above-entitled matter.

15

16 DATE: July 27, 2017 /s/ Kathleen K. Miller, RPR, RMR, CRR
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