

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

1			
2			
3			
4	UNITED STATES OF AMERICA,)	
)	
5	Plaintiff,)	
)	
6)	Case No.
	vs.)	8:21-CR-00348-SCB-SPF
7)	
)	
8	JEREMY BROWN,)	
)	
9	Defendant.)	
10			
11			

STATUS CONFERENCE
(taken via Zoom videoconference)
BEFORE THE HONORABLE SUSAN C. BUCKLEW
UNITED STATES SENIOR DISTRICT JUDGE

JANUARY 19, 2022
9:28 A.M.
TAMPA, FLORIDA

Proceedings transcribed via courtroom digital audio recording by transcriptionist using computer-aided transcription.

DAVID J. COLLIER, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER
801 NORTH FLORIDA AVENUE, 7TH FLOOR
TAMPA, FLORIDA 33602

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES :

FOR THE GOVERNMENT :

Risha Asokan
United States Attorney's Office
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
(813) 274-6000

FOR THE DEFENDANT :

William F. Sansone
Sansone Law, P.A.
609 West De Leon Street
Tampa, Florida 33606-2719
(813) 361-0874

P R O C E E D I N G S

- - - oOo - - -

1
2
3 THE COURT: All right. United States of America
4 versus Jeremy Brown. This is 21-348.

5 If Counsel will state their appearances, starting
6 with counsel for the United States.

7 MS. ASOKAN: Good morning, Your Honor. Risha Asokan
8 for the United States.

9 THE COURT: Good morning.

10 MR. SANSONE: Good morning, Your Honor. Bill Sansone
11 on behalf of Mr. Jeremy Brown.

12 THE COURT: So, Mr. Sansone, you're sitting in your
13 car.

14 MR. SANSONE: I'm in the back seat. I'm in traffic
15 on I-4.

16 THE COURT: Hopefully that's not true.

17 Okay. I know that Judge Flynn has been very busy in
18 this case, and the transcripts were filed on the motion for
19 reconsideration, so let me just ask both of you, I've read the
20 transcripts, and Judge Flynn orally denied the motion for
21 reconsideration, yet it still is showing pending on the
22 calendar. Is it -- or on my docket. Is it your understanding
23 that it's no longer pending, or are we waiting for him to do a
24 written order, or what do you think? Or should I call and ask?

25 MR. SANSONE: My position, Your Honor, is I think

1 he's made his ruling fairly clear, he just hasn't issued a
2 written order.

3 THE COURT: Okay. And is it his intent to issue a
4 written order? Did he say that?

5 I'll check with him. I'll check with him.

6 MR. SANSONE: I'm not sure, Your Honor.

7 THE COURT: All right. I'll check with him. I did
8 read the transcript, so I know he ruled from the bench and he
9 denied the motion for reconsideration for several reasons.

10 MR. SANSONE: Correct.

11 THE COURT: I know there are two other outstanding
12 motions, and it's my understanding that there's a hearing on
13 the motion by the Government for the -- about the Go Fund Me
14 account at noon today; is that correct?

15 MR. SANSONE: Yes, Your Honor.

16 MS. ASOKAN: Yes, Your Honor.

17 THE COURT: Okay. And there is another motion the
18 Government filed for a protective order. Is that still
19 pending?

20 MS. ASOKAN: Yes, Your Honor.

21 MR. SANSONE: Yes, Your Honor. And there's been a
22 response to that. I filed a response in opposition.

23 THE COURT: Okay. All right.

24 MR. SANSONE: And I want to alert Your Honor to one
25 more thing.

1 I'm not sure, the Government could speak better to
2 this, whether the Government is going to supersede on a count
3 of possessing classified materials, but I have been contacted
4 by somebody else in -- I think it's the Department of Justice,
5 I'm not sure, that I am going through the process of getting a
6 security clearance to get certain documents in this case for my
7 ability to review them. I'm guessing that would be associated
8 with the possible superseding of Mr. Brown being in possession
9 of classified material. But I have just begun the process of
10 getting security clearance in order to get additional
11 discovery.

12 THE COURT: All right. What says the Government?
13 Is that what's happening here?

14 MS. ASOKAN: Yes, Your Honor. That was something
15 that I wanted to raise today and alert the Court to. So
16 Mr. Sansone has been contacted by the SISO that's assigned to
17 this case to get clearance to not only view the discovery but
18 also, in the event that the Government does supersede, that
19 he's able to review it with Mr. Brown.

20 The update on our end on that is actually today at
21 one o'clock our D.O.J. counterparts are meeting with the D.O.D.
22 stakeholders who actually own the information that's at issue
23 here. As I'm sure the Court is familiar, it's kind of a
24 complicated process as to getting declassification or even just
25 use authority for charging, and because of COVID and other

1 issues in December, they weren't able to set that meeting
2 sooner, but they are aware that the status conference is taking
3 place right now and that the Court will expect some kind of
4 update as to how long this is actually going to take so that
5 D.O.J. can come up with a charging decision.

6 We were told that we should conservatively tell the
7 Court 90 days, just because there is about -- I believe the
8 count is now 30 classified documents, or what appears to be
9 classified documents, and so giving the stakeholders sufficient
10 time to review that material and let us know about a charging
11 decision, they've said 90 days is a conservative estimate.
12 However, knowing that we're on, you know, a schedule here and
13 that the defendant is detained, we've also asked them to speed
14 it up as much as they can and that we would provide the Court
15 with continuance updates if it's actually not going to take
16 that long.

17 THE COURT: Yeah, I had hoped that we might even talk
18 about a trial date today, because it seems we're spending a lot
19 of time on the motions for bond and the reconsideration, and it
20 also seems, from my having read the transcripts, that Mr. Brown
21 has no intentions of pleading and would like his day in court,
22 so I was thinking that we would go ahead and just try to come
23 up with a date that we think we could try the case, or at least
24 a month that we think we could be looking at as far as trying
25 the case.

1 As the case sits now, without any Superseding
2 Indictment, how long -- how long of a trial does the Government
3 expect it to be?

4 MS. ASOKAN: Your Honor, just on the firearms
5 charges, I think the Government can put on its case in
6 three days. It's not super complicated. Of course, if we have
7 the classified documents, that will add a complication and
8 additional time, but with what we have right now, I think
9 three days for the case-in-chief is sufficient.

10 THE COURT: Okay. And, Mr. Sansone, I'm sure you're
11 going to put on a case of some sort, if the defendant wishes to
12 testify, so how long would you anticipate your case lasting?

13 MR. SANSONE: Well, Judge, it's hard to tell.
14 I would think more than two days. But as to the initial
15 discovery, Judge, and, Your Honor, a number of attorneys have
16 said this, but one is I have been operating under -- I told the
17 Government that I would essentially operate under the
18 protective order, even though we've objected to it, and I've
19 told Mr. Brown that, so I'm operating under as if that's
20 essentially a temporary protective order; but even if it wasn't
21 there, if it wasn't there, because the Government was nice
22 enough to give me personal access so that I could sit down with
23 Mr. Brown, but that has been -- and show him different
24 documents and things like that, I have not been able to do that
25 because that has all been suspended, so even as to the weapons

1 case I haven't been able to go through with him the additional
2 discovery, and then of course if there's the superseding -- and
3 Mr. Brown knows that that might be coming, the Government has
4 been upfront about that, and he's aware that that is actually
5 most likely coming, but just as to the weapons case, maybe
6 two days, so it would be a week, I guess. We haven't gone
7 through discovery with him yet.

8 THE COURT: Okay. Let's just assume for purposes of
9 this discussion that it remains just a weapons case. When do
10 you think -- and I know you're guessing, because nobody knows
11 what's happening with COVID, but assuming it gets better next
12 month, when would you be ready to go to trial?

13 MR. SANSONE: Judge, the only thing that -- I have a
14 trial in front of Judge -- not before April. I have a trial in
15 front of Judge -- a trial at the beginning of February, an
16 armed kidnapping case, then a trial in front of Judge Honeywell
17 beginning of March.

18 And I do want to let Your Honor know I'm switching my
19 attention to that. You're correct, we've been spending a lot
20 of time on bond. I believe there's going to be a motion to
21 suppress based on lack of probable cause as to the search
22 warrant that led to the weapons, and I won't get that -- and
23 I've been up front about that and I will be working on that
24 immediately, but I wanted to let Your Honor know that that will
25 be coming, which will hopefully -- we would be asking for a

1 hearing, but that would be dispositive of the case if it was
2 ruled that there was no probable cause.

3 THE COURT: All right. And this is, I guess, for the
4 Government, or maybe you, Mr. Sansone. That search warrant,
5 that came out of D.C.?

6 MR. SANSONE: Yes, Your Honor.

7 THE COURT: Okay. I know from reading the transcript
8 there was a warrant that Judge Sneed did, but that was just for
9 DNA, right?

10 MR. SANSONE: Correct, Your Honor.

11 THE COURT: Okay. All right. Do you know whether
12 you're going to file an appeal of the bond yet, or --

13 MR. SANSONE: Yes, Your Honor, but I need to talk to
14 Mr. Brown about priorities, and that would be a lot more time,
15 to get that done. I think I need to switch to the motion to
16 suppress, to get that before the Court, and the Government to
17 move the case along, because bond doesn't really move the case
18 along. I'll talk to Mr. Brown about that. He is -- he
19 understands, I think he will understand that, but, yes, I am
20 going to file an appeal, but I think I'm going to be switching
21 my energies to the motion to suppress, to get that moving.

22 THE COURT: Okay. I think that it's probably a good
23 idea, because -- especially in light of his statements
24 regarding his Second Amendment rights, because anything, should
25 he happen to even get bond, would require, you know, a no

1 firearm and no firearms in the house and that sort of thing,
2 so --

3 MR. SANSONE: Yes, Your Honor.

4 THE COURT: It does seem like that's spinning your
5 wheels unnecessarily.

6 Okay. So what would you like me to do today then?
7 I guess it's not feasible to set a trial time today?

8 MR. SANSONE: Your Honor, I would ask for the March
9 date for two reasons. That will give me the ability to do the
10 motion -- to work just on the weapons case, and I think we'll
11 be a lot further along in the Government's decision about
12 whether this is also going to become -- *(inaudible due to*
13 *connection issues.)*

14 THE COURT: You mean March for a status?

15 MR. SANSONE: Yes, Your Honor, and I guess the April
16 trial date.

17 THE COURT: Okay. What says the United States?

18 MS. ASOKAN: Your Honor, I think we feel the same,
19 and hopefully in the interim can provide the Court, whether
20 informally or through a report, as to the status of the
21 classified documents and our charging decision.

22 THE COURT: All right. Then, Mr. Sansone, I'll grant
23 your motion to continue, restatus this case for March the 16th
24 at nine o'clock in the morning.

25 Okay. Thank you.

1 MR. SANSONE: That's all I have before the Court.
2 Thank you, Your Honor.

3 THE COURT: All right.

4 MS. ASOKAN: Your Honor, just for the record, can the
5 time be excluded?

6 THE COURT: Yes. I'm sorry. I would put that in the
7 written order, but, yes, it's a continuance requested by the
8 defense and the time is excluded under the Speedy Trial Act.

9 MS. ASOKAN: Your Honor, if I may, just one more
10 question for the Court. Will Your Honor or Judge Flynn be
11 resolving the motion for protective order?

12 THE COURT: Well, it's referred to Judge Flynn.
13 I think those kind of orders -- those kinds of motions are
14 automatically referred to the mag, so I would anticipate it
15 would be him.

16 MS. ASOKAN: Understood, Your Honor. Thank you.

17 THE COURT: But the motion to suppress I will do,
18 should it be filed.

19 MS. ASOKAN: Thank you, Your Honor.

20 THE COURT: All right. Thank you.

21 MR. SANSONE: Thank you, Your Honor.

22 - - - - -

23 (Proceedings concluded at 9:41 a.m.)

24 - - - - -

25

C E R T I F I C A T E

This is to certify that the foregoing transcript of proceedings taken in a status conference in the United States District Court is a true and accurate transcript of the proceedings taken by me in machine shorthand and transcribed by computer under my supervision, this the 10th day of February, 2022.

/S/ DAVID J. COLLIER

DAVID J. COLLIER
OFFICIAL COURT REPORTER