

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

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 8:21-CR-348
)	
JEREMY BROWN,)	
)	
Defendant.)	
_____)	

**ZOOM VIDEOCONFERENCE
STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE SUSAN C. BUCKLEW**

**July 20, 2022
9:54 a.m. to 10:07 a.m.**

APPEARANCES:

FOR THE PLAINTIFF:	DANIEL J. MARCET, ESQUIRE
(Via Zoom)	United States Department of Justice Office of the United States Attorney 400 North Tampa Street Suite 3200 Tampa, Florida 33602

FOR THE DEFENDANT:	ROGER FUTERMAN, ESQUIRE
(Via Zoom)	Roger D. Futerman & Associates 13620 49th Street North Suite 201 Clearwater, Florida 33762

ALSO PRESENT:	JEREMY BROWN, DEFENDANT
(Via Zoom)	

(Proceedings recorded by mechanical stenography, transcript produced by computer-aided transcription.)

REPORTED BY (VIA ZOOM):
Rebekah M. Lockwood, RDR, CRR
Official Court Reporter
(813) 301-5380 | r.lockwooduscr@gmail.com
P.O. Box 173496, Tampa, Florida 33672

1 (Call to Order of the Court at 9:54 a.m.)

2 **THE COURT:** All right. Now, we need to get
3 Mr. Brown. The next case is 21-348, United States of America
4 versus Jeremy Brown.

5 **MR. MARCET:** Good morning, Your Honor. Daniel Marcet
6 on behalf of the United States.

7 **THE COURT:** Mr. Marcet, we're trying to get Mr. Brown
8 in. He had requested to be here.

9 **MR. FUTERMAN:** Good morning, Your Honor. Roger
10 Futerman on behalf of Mr. Brown.

11 **THE COURT:** Mr. Futerman, Mr. Brown is on as well.
12 Mr. Brown, can you hear me okay?

13 **THE DEFENDANT:** Yes, I can, Judge Bucklew, and good
14 morning.

15 **THE COURT:** Good morning. All right. This case is
16 actually set for a status, and I really wanted to set the case
17 for trial. But, frankly -- and, Mr. Marcet, this question is
18 to you. I've heard -- we've heard nothing about any security
19 clearances from anybody, my law clerk, the court reporter, the
20 courtroom deputy. I mean, we've heard nothing. And everybody
21 responded quickly.

22 **MR. MARCET:** Yes, Judge. I spoke with Carli
23 Rodriguez-Feo yesterday. She's the CISO handling everything.
24 She apologized for the delay. She said there's a big backlog
25 due to COVID, but that she was going to reach out to your

1 chambers today to discuss all of those matters.

2 And, unfortunately, defense counsel is in the same
3 boat. As far as I know, he timely submitted everything that
4 was requested of him, and his background check for the
5 preliminary clearance, as well as for his associate, is still
6 underway. I wasn't given a time frame, but all I was told is
7 that it's still being worked on, and that they would be given a
8 preliminary clearance as soon as feasible.

9 **THE COURT:** Well, I think it's been at least two
10 months, as far as my -- I don't know.

11 Ms. Black, how long has it been?

12 **THE COURTROOM DEPUTY:** May.

13 **THE COURT:** May. So, yeah, two months. So last time
14 we did this, it was a lot quicker than that.

15 **MR. MARCET:** I understand, Judge. I will relay the
16 sentiment to Ms. Rodriguez-Feo and urge her to do everything
17 she can to do it as soon as possible.

18 **THE COURT:** In addition to that, they've been very
19 unresponsive. I mean, I've not heard anything from her office
20 or Justice or whoever the individual that's doing this,
21 because -- in fact, I was looking for her number and name, and
22 I couldn't find it. And I was thinking, you know, my
23 experience before has been they have contacted chambers quite
24 regularly, but this has just been nothing.

25 **MR. MARCET:** I apologize for that, Judge. I wasn't

1 aware of that. I will call Ms. Rodriguez-Feo right after this
2 and make sure to encourage her to be more responsive.

3 **THE COURT:** Mr. Futerman, same thing goes with you.
4 Right? You're not cleared or you haven't heard anything else?

5 **MR. FUTERMAN:** Correct. And I also -- my associate
6 has indicated that none of our contacts or references or
7 anybody has been contacted either. It's like it hasn't started
8 the investigation.

9 **THE COURT:** Well, nobody -- and it's my courtroom
10 deputy and law clerk said the exact same thing. So, you know,
11 what's going to -- I'm just going to sever out those two
12 counts, and we'll go to trial on the other counts if we can't
13 get some sort of date here that they think they can conclude.
14 This is crazy.

15 **MR. MARCET:** Understood, Judge.

16 **THE COURT:** Mr. Futerman, you finished your trial?

17 **MR. FUTERMAN:** Yes, trials.

18 **THE COURT:** Yeah. So I had wanted to -- I had wanted
19 to set this case for trial, and, you know, without any
20 information about the -- well, I still could set this case for
21 trial and then -- and I know you have a pending motion, but I
22 can set the case for a trial date with the understanding that
23 if we can't get security clearance, we'll just sever out the
24 counts and proceed to trial on the counts that don't require
25 security clearance.

1 **MR. FUTERMAN:** That would be fine, Your Honor. And
2 then maybe we could revisit detention at that point, depending
3 on how things pan out.

4 **THE COURT:** All right. So, Mr. Futerman, anything
5 you want to tell me? Anything about the case, anything I need
6 to be brought up to date on or anything like that?

7 **MR. FUTERMAN:** We're just hopeful there will not be a
8 need for trial after an evidentiary hearing before the Court,
9 so that, of course, Mr. Brown has been asking me about the
10 process as it relates to the evidentiary hearing. I have given
11 him both --

12 **THE COURT:** You're not actually entitled to an
13 evidentiary hearing. That's a decision that I make after
14 determining whether there's any need for an evidentiary
15 hearing.

16 **MR. FUTERMAN:** Right.

17 **THE COURT:** So there may not be an evidentiary
18 hearing. A motion like this, which really relies on the
19 warrants themselves and the affidavits in support of the
20 warrants, most of the time, I don't set hearings on. So -- but
21 at any rate, I don't want to commit to anything, because
22 I've -- although I've read the papers, I have not written the
23 order or done anything of that sort yet.

24 **MR. FUTERMAN:** I relayed that to Mr. Brown and
25 explained to him. He has now got the government's response

1 too. He just wanted me to relay that to the Court, and I
2 explained the process.

3 So in the event that the Court makes a finding
4 adverse to Mr. Brown in that doesn't -- does not have a hearing
5 or has a hearing and rules against him, obviously, the next
6 step would be a trial. And Mr. -- the prosecutor and I were
7 discussing a potential, Mr. Marcet, October trial date, if
8 that's agreeable to the Court?

9 **THE COURT:** Yeah. I would like to get it on my trial
10 calendar, because then I know at least you've reserved the
11 time, and that would be -- that would be good.

12 How about -- how about setting it -- how long of a
13 trial -- all right. Let's take two scenarios. And,
14 Mr. Futerman, I'll ask Mr. Marcet first, and I'll come to you
15 and ask you this. How long of a trial, Mr. Marcet, should we
16 have all the counts in the trial?

17 **MR. MARCET:** For our case in chief, I would think
18 four days would be sufficient.

19 **THE COURT:** And if we have only the firearms?

20 **MR. MARCET:** And the explosives?

21 **THE COURT:** Yeah.

22 **MR. MARCET:** That would be -- that would probably cut
23 a half day off. The only difference, I think, would be the
24 witnesses that testify as to, you know, why the materials are
25 classified.

1 **THE COURT:** Okay. Mr. Futerman, how long do you
2 think your case would last? And I'm not going to hold you to
3 this, I'm just trying to figure out when I can set the case.

4 **MR. FUTERMAN:** I would say two or three days. There
5 may be an expert DNA witness that we're looking into and some
6 other issues that relate to the material, and so I would say
7 two to three days, Your Honor.

8 **THE COURT:** Okay. Well, then I'm going to put it on
9 the trial calendar for October the 3rd. And if we have to go
10 over into the following week, we'll go over into the following
11 week. Which would be -- well, Columbus day is the 10th.
12 That's a holiday, but it would be we pick back up again on the
13 11th.

14 So I'm going to set that on my calendar, and that
15 way, we have a date certain. And perhaps that will give --
16 give your people at the Justice an opportunity to proceed with
17 whatever clearance they need to do. And, you know, my
18 intention would be to go ahead and go to trial, and we'll just
19 sever out the two counts and proceed on what we have.

20 **MR. MARCET:** Understood, Judge. Is there a deadline
21 that you'd like me to relay to them as to when you expect the
22 clearances to be done? You know, if we get it on
23 September 15th, I don't think -- I think it would have to be
24 severed, so an earlier deadline.

25 **THE COURT:** Yeah. I don't know.

1 Mr. Futerman, I guess you have -- have you seen
2 anything? Have you looked at anything?

3 **MR. FUTERMAN:** In what respect, Your Honor?

4 **THE COURT:** Any of the classified documents, I'm
5 sorry.

6 **MR. FUTERMAN:** No. No.

7 **THE COURT:** Okay. So I think that's really a
8 question for the defense. So you tell me by what date you
9 think it would be necessary for you to have the security
10 clearance so you can do the proper investigation so that you
11 could be ready for trial October 3rd.

12 **MR. FUTERMAN:** I think 30 days, because then I have
13 to go back and speak to Mr. Brown and et cetera, et cetera,
14 et cetera. So 30 days from now, I would like to be able to go
15 in and see those documents.

16 **THE COURT:** Okay. That's fair. End of August? So
17 that way, that gives him at least a month to prepare as far as
18 those particular counts.

19 **MR. MARCET:** Understood, Your Honor.

20 **THE COURT:** All right.

21 **MR. FUTERMAN:** Your Honor, are we able to set --

22 **THE COURT:** Your hair grow long.

23 **THE DEFENDANT:** Excuse me, Your Honor?

24 **THE COURT:** I said you're letting your hair grow
25 long.

1 **THE DEFENDANT:** Yes, Your Honor. I haven't cut my
2 hair since the government took my children away almost two
3 years ago.

4 **THE COURT:** Well, the only time I've seen you is the
5 pictures, and you were -- had short hair.

6 Mr. Futerman, anything you would like to discuss this
7 morning?

8 **MR. FUTERMAN:** No, Your Honor.

9 But if the Court would be gracious maybe to set a
10 status before the trial date so we can see where are.

11 **THE COURT:** Oh, yeah. Absolutely will.

12 Mr. Marcet, is there anything you would like to
13 discuss this morning?

14 **MR. MARCET:** No, Your Honor.

15 **THE COURT:** All right.

16 Mr. Futerman -- Mr. Brown, just hold on.

17 Mr. Futerman, if we do the trial and you set an
18 October 3rd trial calendar, do you want me to restatus this
19 again next month or do you want me to restatus it in September?

20 **MR. FUTERMAN:** In September, so I can definitely tell
21 you I'm ready to go. If I have an expert witness, there's no
22 conflicts, et cetera, et cetera, so I think --

23 **THE COURT:** Okay.

24 **MR. FUTERMAN:** -- September will be more fruitful.

25 **THE COURT:** All right. Then I will set this case for

1 a status in September. Statuses are September 21st at nine
2 o'clock in the morning, and they will be by Zoom.

3 So, Mr. Brown, if you wish to participate, you can
4 participate as well.

5 Mr. Brown, you had your hand up, so go ahead.

6 **THE DEFENDANT:** Yes, Your Honor.

7 First, I'd like to clarify that there are four counts
8 of classified materials, not just two.

9 **THE COURT:** Okay. I may have misspoke.

10 **THE DEFENDANT:** I certainly understand. And,
11 certainly, you appear to be very astute in this case, and I
12 think you would have recognized it as the systematic pattern of
13 behavior for the Department of Justice in the January 6th
14 hearings to constantly delay.

15 And I will tell you, as somebody who has held a top
16 secret clearance for many years and who was someone who
17 submitted applications for interim security clearance for
18 numerous times to brief civilians and members of Congress on
19 operations, it does not take over ten months to grant security
20 clearances. So I think this would just be another example of
21 the government's efforts to delay this case until it is more
22 politically suitable for these trials to proceed.

23 So I would implore the Department of Justice to maybe
24 talk to the Department of Defense on how to better properly get
25 these security clearance, even though they're not actually

1 necessarily needed. The contents of the documents really are
2 going to be irrelevant to our defense. But, again, I like to
3 call out incorrect behavior whenever I see it.

4 But, Your Honor, it was a pleasure to meet you this
5 morning, and I look forward to seeing justice served.

6 **THE COURT:** All right. And you're absolutely
7 correct, Counts 6 through 9 are the document cases -- document
8 counts, and that's what I would sever out if we can't get the
9 security clearance.

10 All right. Very good. If you have nothing else to
11 come before the Court, then we're finished. Thank you.

12 **MR. FUTERMAN:** Thank you, Your Honor.

13 **MR. MARCET:** Thank you, Judge.

14 (Proceedings adjourned at 10:07 a.m.)

15

16

17

18

19

20

21

22

23

24

25

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

CERTIFICATE OF REPORTER

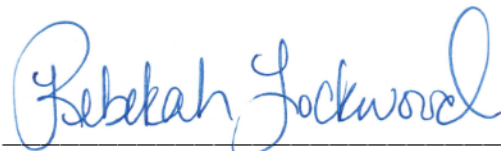
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Rebekah M. Lockwood, RDR, CRR, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings; and that the foregoing pages constitute a true and complete computer-aided transcription of my original stenographic notes to the best of my knowledge, skill, and ability.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Tampa, Hillsborough County, Florida, this 16th day of February 2023.



REBEKAH M. LOCKWOOD, RDR, CRR
Official Court Reporter
United States District Court
Middle District of Florida