

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	.	
	.	
Plaintiff,	.	CR No. 23-0069-01 (CKK)
	.	
v.	.	
	.	
ISAAC THOMAS,	.	Washington, D.C.
	.	Monday, July 3, 2023
Defendant.	.	10:00 a.m.
.	

TRANSCRIPT OF STATUS HEARING
BEFORE THE HONORABLE COLLEEN KOLLAR-KOTELLY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:	ADAM M. DREHER, AUSA U.S. Attorney's Office 601 D Street NW Washington, DC 20530
For Defendant:	JOHN M. PIERCE, ESQ. John Pierce Law P.C. 21550 Oxnard Street Suite 3rd Floor OMB #172 Woodland Hills, CA 91367
Court Reporter:	BRYAN A. WAYNE, RPR, CRR U.S. Courthouse, Room 4704-A 333 Constitution Avenue NW Washington, DC 20001

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P R O C E E D I N G S

THE DEPUTY CLERK: Criminal case 23-69, the United States versus Isaac Thomas. Counsel, please identify yourself for the record, starting with the government.

MR. DREHER: Good morning, Your Honor. Adam Dreher on behalf of the United States.

MR. PIERCE: Good morning, Your Honor. John Pierce on behalf of Mr. Thomas, who is present.

DC PRETRIAL OFFICER: Good morning, Your Honor. Shania Fennell from D.C. Pretrial Services.

THE COURT: All right. Good morning.

So I take it, Mr. Pierce, the two other individuals are here as paralegals?

MR. PIERCE: Yes, Your Honor.

THE COURT: All right. The first order of business is to pick up on the violation report that was filed with the Court from Pretrial Services. So I have an updated report that was filed on June 30 that has updated it to some degree, so let me go through it. Your counsel has indicated that somehow you don't seem to understand what I ordered, so let me go through, and you tell me why you don't understand it.

So let me start with the first thing, which is you've been using marijuana and testing positive for marijuana. You've indicated that it was for medical use, which is certainly allowed, and if that's the case, then there isn't an issue in

1 terms of your violating the requirements of your conditions
2 of release. However, as I understand it, what we have is a
3 card that -- a photocopy of some sort of marijuana card, and
4 we also have received something that is Greenlight Wellness
5 Cannabis doctors having looked at -- you can sign up and get
6 it.

7 I'm sorry. These aren't going to work. What I need is,
8 if you're going to a doctor, okay, I need either something
9 that indicates a prescription or an actual report that says
10 whatever your problem is. And it can be in summary terms --
11 I'm not asking for details, anxiety or whatever else it is --
12 that you can use medical marijuana and the quantity.

13 Do you understand what I'm asking you to do? Because I
14 thought we did the last time.

15 THE DEFENDANT: Yes, Your Honor. I do have that.
16 I signed the release for Pretrial Services, and I thought
17 that they were going to be able to get that report with that.
18 So that was my fault. I'm really sorry about that.

19 THE COURT: All right. So let me hear from Pretrial
20 as to what needs to be done to clarify and get this hopefully
21 finalized. One question I have is, I assume you went someplace
22 to have someone tell you you can smoke marijuana for a medical
23 purpose.

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Did you go to a doctor?

1 THE DEFENDANT: Greenlight Wellness is a licensed
2 medical provider for the state of Michigan, and they did a
3 doctor's visit with me and they determined that I would be
4 eligible for that.

5 THE COURT: Okay. So as a practical matter, if we
6 can check to make sure that it's actually a licensed medical
7 practice. It would have to have a release so that we could
8 get the record which indicates they saw you, you need it, and
9 how much.

10 THE DEFENDANT: Yes.

11 THE COURT: That's all we need.

12 THE DEFENDANT: Yes, Your Honor. I did sign that
13 release for them on Thursday. We didn't receive it until that
14 morning. But as soon as we received it, we did go ahead and
15 get that signed.

16 THE COURT: Okay. So do you have that?

17 DC PRETRIAL OFFICER: Your Honor, I thought the
18 pretrial service officer from Michigan was going to be on the
19 Zoom line.

20 THE COURT: Right. I thought that they were as well,
21 attending the hearing via Zoom. That's what they sent us an
22 email about.

23 DC PRETRIAL OFFICER: If you give me a chance, I can
24 step out and see if she can get on the line.

25 THE COURT: Okay. That would be helpful to get the

1 information.

2 DC PRETRIAL OFFICER: But we did find out about --

3 THE DEPUTY CLERK: The person -- I don't know why
4 they're not here. The name appears.

5 THE COURT: Her name is there.

6 MI PRETRIAL OFFICER: Yes. Good morning, Your Honor.
7 Can you hear me?

8 THE COURT: Yes. We didn't hear you earlier. Can you
9 give us your name?

10 MI PRETRIAL OFFICER: Yes. Good morning. Andrea
11 Jarois on behalf of Pretrial Services, Eastern District of
12 Michigan.

13 THE COURT: Okay. We don't have your actual photo, but
14 I can hear you.

15 MI PRETRIAL OFFICER: If you would like me to turn my
16 video on, I can certainly do that.

17 THE COURT: If you could do that, I think it certainly
18 would be helpful so everybody can see who we're talking to.

19 Okay, great.

20 So we're at the marijuana issue in terms of supposedly he
21 has signed a release for you to be able to get whatever the
22 report is from the Greenlight Wellness Cannabis. So where are
23 we with this?

24 MI PRETRIAL OFFICER: So on June 29, which I believe
25 was on Thursday, Mr. Thomas did provide me with a release of

1 information for Greenlight Wellness. I indicated to both him
2 and counsel, it's not something that I provide; it's something
3 he would need to sign with Greenlight, as I'm not the one
4 disclosing the information. Greenlight is the one disclosing
5 the information. He completed that form on June 29.

6 I had no indication if he provided that form to Greenlight
7 Wellness specifically or where he obtained that release,
8 whether it was from Greenlight or online. I did place a phone
9 call into Greenlight Wellness on June 30, and I faxed them a
10 copy of the release of information.

11 The individual I talked to said she was just filling in and
12 she couldn't check records as to whether or not they already
13 had the release of information on file, and she indicated that
14 on today's date the owner would be back in and would be able
15 to return my call and hopefully provide me with the information.

16 THE COURT: Okay. So the release of information has to
17 go to the group that's releasing the information. They're the
18 ones who have to know that you're saying, yes, I can release
19 this information to Pretrial. So you have to sign it, but you
20 have to give it to the group that has it if you're doing a
21 specific one that's related to them. If you do a general
22 release, Pretrial can take that and use that, but if you're
23 using specific ones for the program, the program actually has
24 to get it to know that they can now answer the questions when
25 Pretrial calls them.

1 THE DEFENDANT: Yes, Your Honor. Ms. Andrea asked me
2 to email that to them, and I did email that to them right
3 after I texted a copy to Ms. Andrea. And I do have that email
4 as well if the Court needs that.

5 THE COURT: All right. Well, you can provide it to the
6 D.C. Pretrial Services.

7 So at this point, this is a work in progress, I guess I
8 would call it. We still don't have it finalized in terms of
9 having it clear that a physician has ordered that he be able
10 to use marijuana, whatever the quantity is, for whatever his
11 issue is. Is that a good summary?

12 DC PRETRIAL OFFICER: Yes, Your Honor.

13 THE COURT: All right. At this point we will follow
14 through with the Pretrial Services from Michigan to see
15 whether this can be resolved. This would have been helpful
16 if this had been done a long time ago. That's why we were
17 in court on May 1, to discuss this. We're now on July 3.

18 THE DEFENDANT: Yes.

19 THE COURT: All right. The next thing is the mental
20 health evaluation. As I understand it, you want to go to
21 treatment to Insight Behavioral Health, but do not want to
22 give a release for that. But you have done a release, as I
23 understand it, with Genesee Health System. You evidently went
24 there for an evaluation. You still need an intake assessment.

25 So we're back to, let me just say "evaluation," by somebody

1 who says, yes, you need some sort of mental health or
2 emotional support or treatment, what it's for in general
3 terms, doesn't have to be really detailed, and what it is that
4 they're proposing the treatment be --

5 THE DEFENDANT: Yes.

6 THE COURT: -- so that we can then monitor if you're
7 supposed to go once a week, or whatever it is, you're actually
8 doing that. So which one are you getting treatment from?

9 THE DEFENDANT: Your Honor, so I'm -- I would love to
10 explain this. I'm sorry about the confusion. So I --
11 basically, what had originally happened is I went to sign up
12 for the evaluation, but they asked me what type because they
13 weren't sure if it was a competency evaluation or what type of
14 health evaluation it was. So I asked Ms. Andrea, and they
15 were working on getting an answer from the D.C. office to see
16 what type of evaluation.

17 In the meantime, I went ahead -- just to show that I was
18 trying my best to work this out, I did start signing up for
19 services with Insight Therapy. Now, when I started signing
20 up with them, I signed up for the -- it's called behavioral
21 health assessment, which is a five-hour assessment, and it
22 should have given us all the answers we needed. However, they
23 informed me their next available opening is not until
24 September 16th of 2024.

25 So I let Ms. Andrea know, and I told her I was going to

1 try to be getting a quicker evaluation from Genesee Health
2 Systems. I completed that evaluation on Thursday, I believe
3 the 29th, the same day as all of this. I completed the over-
4 the-phone mental health evaluation, which is the first step.
5 They informed me that if I would like to continue with
6 treatment, that is up to me, or that I could continue doing
7 treatment with Insight.

8 Now, I told Ms. Andrea that I'm not sure exactly what the
9 next step is. I can sign a release for Insight, but I just
10 want it to be on the record that they informed me they will
11 not work with court orders, I guess. So if they can, I would
12 love to do that with them. I have no problem. But I'm just
13 worried that if I do sign up for that with the Insight that
14 they might drop me as a client.

15 THE COURT: We're not asking for reports. I mean,
16 I'm sure they're not interested in having the court orders
17 that make them do evaluations, is usually what they're not
18 interested in. What we're interested in is do you need
19 treatment, what is it for, what is it, and what's the
20 treatment.

21 Am I correct? Is there anything else that we need?

22 DC PRETRIAL OFFICER: Yes, Your Honor.

23 THE COURT: And that you're complying with it.

24 THE DEFENDANT: Yes. And I did that initial
25 evaluation. And if the Court would like me to set up further

1 evaluations, that's not an issue. I'm willing to do that as
2 well, Your Honor.

3 THE COURT: All right. So let me hear from Pretrial
4 as to what you want him to do at this point. It's not a
5 competency issue. I don't think anybody has raised that
6 issue. Am I correct, Mr. Pierce?

7 MR. PIERCE: That's correct, Your Honor.

8 THE COURT: At this point, what do you want Mr. Thomas
9 to do? I think it's Michigan. The ball is in your court.

10 MI PRETRIAL OFFICER: Yes. Thank you, Your Honor.
11 Just for clarification, when I spoke to Mr. Thomas about the
12 purpose of the mental health evaluation or assessment, I have
13 my notes that I did notify him on May 10 that it was not for
14 competency and that it was for treatment of any sort of mental
15 health diagnoses.

16 At this point I don't have any record that an assessment
17 was completed anywhere. I'm getting conflicting information,
18 as I did contact Genesee Health Systems after I received the
19 release of information. They indicated that Mr. Thomas only
20 completed the screening portion, which was just to verify his
21 insurance and if he would qualify for treatment, and that no
22 intake assessment was completed.

23 He indicated to me he was just receiving counseling through
24 Insight Behavioral Health. I've never heard of a facility
25 refusing to treat someone if they're being ordered by the

1 court to obtain treatment. I did contact them and left a
2 voicemail. I have not received a return call.

3 I will defer to the Court on this one, but again I have no
4 proof or record that he is receiving anything, because I don't
5 have a signed release. And, again, I have no proof or record
6 that he's completed any sort of intake assessment again due to
7 conflicting information received from various parties.

8 THE COURT: All right. It does seem to me that I don't
9 know what the Insight -- in terms of they don't want to deal
10 with court orders. Usually they don't want to do evaluations.
11 We're not asking for evaluations for the court. We're asking
12 them to simply verify that, one, they've evaluated you, two,
13 they think you need some sort of support -- mental health,
14 emotional, whatever -- what it's for in terms of are you
15 supposed to show up for a group therapy, what is it and how
16 often, and whatever it is that they have. That's it. We're
17 not asking for anything else.

18 At this point, we don't have any information. So we don't
19 have any information as to what the evaluation was from
20 Insight or whatever or their records. We don't have -- and
21 you have not completed the full screening in terms of the
22 intake, which was the one that would assess what your actual
23 needs are, if there are particular needs.

24 Some decision needs to be made, and something needs to be
25 provided with it. If you want to do the -- I suppose we could

1 hear back from Insight as to what they're willing to do and
2 what they're not willing to do, but I thought you told me they
3 would not take you until 2024.

4 THE DEFENDANT: Yes, Your Honor. That's why I signed
5 up with GHS. But I am still willing to sign a release for
6 Insight. I just don't know if it would be helpful because,
7 like I said, they won't be able to provide any assessments
8 until that date.

9 THE COURT: Okay. So that's not going to do any good.

10 THE DEFENDANT: Yes.

11 THE COURT: So it sounds like Insight is out of the
12 picture if they're not going to have an opening for you until
13 2024.

14 THE DEFENDANT: Yes, Your Honor. That's why I went to
15 Genesee Health Systems and got that screening done. Now, I
16 can go ahead and schedule that other intake if you guys can
17 give me that opportunity. It was kind of a last-minute trying
18 to find another place after Insight basically said no. But if
19 you guys would provide me with that, I would have no problem
20 going and getting a more extensive evaluation done from them.
21 And they have the release already, but I can sign another one
22 if that's needed as well.

23 THE COURT: So let's assume we leave Insight out of the
24 picture since they're not available until 2024, which is too
25 late. Are you familiar at all with Genesee, from the Michigan

1 Pretrial person?

2 MI PRETRIAL OFFICER: Your Honor, I haven't
3 specifically worked with them directly at this point in time,
4 but again, I did make contact with an individual and I can
5 certainly attempt to work with them.

6 THE COURT: All right. My recommendation, the focus
7 should be with Genesee since hopefully they would have an
8 opening, assuming that he needs treatment. The intake
9 assessment has to be scheduled. And we do -- if the release
10 that you have is sufficient, then we should be able to do
11 that. Did they give you some indication of how quickly they
12 can schedule the intake assessment from anybody?

13 THE DEFENDANT: Your Honor, I haven't gotten that
14 answer, but I could get that by the end of today if that's --
15 you know, if I'm allowed to have that opportunity.

16 THE COURT: All right. I think we should focus on
17 Genesee Health System since they seem to be the more viable
18 one at this point in terms of getting the evaluation, but they
19 would need the intake assessment so we can figure out what, if
20 anything, they're proposing, whether you need anything and
21 what they're proposing it be.

22 As I said, we don't get into a lot of details about it.
23 It's just assessing do you need treatment of whatever nature
24 it is, what the issue is so we have some sense of what the
25 problem is, and then what are they suggesting is the

1 treatment.

2 THE DEFENDANT: Yes.

3 THE COURT: So it's not that difficult.

4 THE DEFENDANT: Yes. I'm sorry for the confusion,
5 Your Honor. I will do my best to get this sorted out for us.

6 THE COURT: The last one is the home visits. That's
7 a standard procedure in terms of doing unannounced visits.
8 It's to make sure that nothing's going on in homes or other
9 problems. I've had cases where they do unannounced visits and
10 there are firearms all over the bedroom or there's drugs all
11 over or something else. So it's a standard procedure.

12 They are willing to have -- obviously, it's unannounced,
13 so they're not going to have set up an appointment to have
14 your lawyer there, but you can certainly put your phone on
15 and he can listen to whatever is being said when they come and
16 visit if that's what you want. But you need to do it.

17 THE DEFENDANT: Yes, Your Honor. My attorney --
18 they did go ahead and let them know that we agreed to that.
19 That's not an issue, Your Honor. At first we just had a
20 little bit of questions on whether I was at work or whatnot,
21 if they showed up if I would be there. But once we sorted
22 that out, we did go ahead and let them know we have no issue
23 with that at all, Your Honor.

24 THE COURT: All right. The other issue is that,
25 although you did report this time the law enforcement contact,

1 you do seem to be having some traffic violations. If they
2 accumulate, you're then viewed as a scofflaw. So my suggestion
3 is, if you want to stay in the community and looking at what
4 you're doing in the community, it's important to be in
5 compliance.

6 THE DEFENDANT: Yes.

7 THE COURT: At this point, I'll hear from Probation
8 as to what they recommend. My inclination would be to have
9 another hearing, continue the motion for the revocation to
10 make sure that we actually get a doctor with a form that
11 indicates he actually needs the marijuana, what it's for,
12 and how often and what quantity.

13 Second thing is that we get this intake assessment and we
14 get whatever is going to come with that in terms of getting
15 the information in terms of whether he does need some
16 treatment or support, what it's for, what it consists of, so
17 we are in a position to see whether you're complying with it.
18 And then the home visit, we should move forward with that.

19 From Probation's perspective, let me ask the -- not
20 Probation, I'm sorry -- Pretrial Services' perspective from
21 Michigan, is there anything else? And what time frame would
22 you see that he should comply in?

23 MI PRETRIAL OFFICER: Yes. Thank you, Your Honor.
24 I will defer to the Court in this matter, but I do feel it is
25 acceptable to allow another time frame for these objectives to

1 be completed. I would say 30 to 45 days should be sufficient.
2 Again, I haven't worked with Genesee Health Systems directly;
3 but I've worked with many agencies, and I haven't had an issue
4 with individuals scheduling something. Three weeks is
5 probably the longest it takes. So I can't imagine it would
6 take them beyond that. If so, we can certainly notify the
7 Court for an extension. I do think that would be acceptable.

8 I would like clarification in regard to the intake
9 assessment from Genesee Health Systems. If they recommend
10 that Mr. Thomas participate in counseling, would we be, (a)
11 ordering Mr. Thomas to participate in treatment with Genesee
12 Health Systems, and (b) that I'm authorized to contact that
13 counselor to confirm his attendance and that he is complying
14 with treatment and making progress?

15 THE COURT: Yes. I mean, the whole point of this is to
16 do -- we're not the clinical people. So the clinical people
17 make a decision as to whether or not he needs some sort of
18 therapy or support, or however they want to label it, and then
19 what the purpose of it is so we have some sense of how serious
20 it is. That's really the purpose of that; if they set out a
21 program for he needs group therapy, single-therapy counseling,
22 whatever, that we have some idea of what it is and that we
23 know that he's in compliance.

24 The program would let us know if he's not in compliance.
25 In other words, we would be able to contact them, and if he's

1 supposed to be showing up every two weeks or something and
2 he's not doing that, Pretrial would be notified, or they could
3 check to make sure that that's what he's doing.

4 The program will decide whether he's actually participating
5 and not just showing up and not -- you know, participating in
6 it. And they would provide that information to Pretrial. But
7 if he needs the treatment, then we need to know that he's
8 actually complying with what they set out.

9 So is there any issue, Mr. Pierce?

10 MR. PIERCE: No issue whatsoever, Your Honor. I will
11 double down and triple down my efforts. I think I have a good
12 line of communication with Ms. Andrea, but I think I can work
13 very well with her and I'll make sure that everything is
14 complied with, Your Honor.

15 THE COURT: Okay. So do we want -- in terms of this
16 issue, leaving aside the status portion of it, do we want in
17 terms of this issue to set it up -- my inclination would be to
18 give you 45 days to make sure that the intake -- and I expect
19 it to be perfect at that point. We've had a couple of
20 discussions. This is not rocket science, and Mr. Thomas, it
21 seems to me, is smart enough to be able to figure this out in
22 terms of what he needs to do.

23 So I want to make sure that within the 45 days this is all
24 done. And it's basically three major things that are being
25 done. At this point I won't revoke based on his traffic

1 things, but I'm just pointing out, accumulating a bunch of
2 traffic things at some point is going to be a problem.

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: But at least the three main ones are the
5 medical marijuana use, the mental health evaluation treatment,
6 and a home visit. So I'll give six days. Do you want to set
7 this up as another hearing with a report prior to that as to
8 whether he's in compliance?

9 DC PRETRIAL OFFICER: Yes, Your Honor.

10 THE COURT: All right. Is there anything else from the
11 Michigan pretrial officer? Anything else that you want to
12 bring up?

13 MI PRETRIAL OFFICER: Nothing further at this time,
14 Your Honor. Thank you.

15 THE COURT: All right. In terms of -- I'm going to set
16 another date that will be inclusive of a continuation of the
17 motion to revoke the release, and I will also move to a sort
18 of status report at this point. So let me let you go ahead
19 and sit down.

20 So where are we with discovery or anything else? What's
21 happening with this case?

22 MR. DREHER: Your Honor, after the protective order was
23 issued by this court, the government was able to provide all
24 the case-specific discovery as well as links and information
25 for how to access the global discovery with January 6.

1 During that transfer, I did ask the defense's preference as
2 to how to receive the information contained within the
3 defendant's cell phone, and I have not heard back as to what
4 sort of media that that information should be placed on.

5 Also, with the codefendant, Ms. Legros, a cell phone was
6 obtained from her as well, and I've been trying to at least
7 work with both parties to see what sort of information should
8 be shared from either cell phone, if any, outside of the
9 specific January 6 information.

10 THE COURT: Okay.

11 MR. DREHER: As for the government's position, I
12 believe we're ready to move forward perhaps with a scheduling
13 order with a trial date in the future, but certainly would
14 leave that to the defense.

15 THE COURT: All right.

16 Mr. Pierce, in terms of the phone, can you indicate today
17 on the record how you want to get it?

18 MR. PIERCE: Not being an IT person, I'm not sure I
19 can at this moment, but what I will do for sure, Your Honor,
20 I will get with my expert here, Ms. Lambert, and we'll get
21 with Mr. Dreher and coordinate and get it done.

22 THE COURT: All right. Any other issues?

23 MR. PIERCE: No, Your Honor. I think this case is
24 likely headed to a trial, so whenever the Court is inclined to
25 think about trial dates, we certainly would be happy to --

1 THE COURT: What I do if we're going to go to a trial
2 is I will issue to you a trial scheduling template which has
3 all of the events that would need to be done in order to get
4 to a trial. I would ask that both counsel discuss dates that
5 you want to have these taken care of.

6 It starts with discovery disputes, goes all the way to voir
7 dire, jury instructions, witness lists, exhibit lists, etc.
8 And once I get that in, I'm in a better position to set a
9 trial date. I have to say my calendar for trials is very
10 tight at this point, but I would want you to set up whatever
11 motions hearings or whatever else you need to do.

12 I will send that trial template out to you for you to have
13 a discussion, fill it in, and then I will take a look at it
14 and see if I agree with it; and the next time you come back,
15 we'll have a discussion about it. I won't adopt it until I
16 look at it and can consider what's happening.

17 In terms of moving towards trial, it would be helpful to
18 have on the record a decision as to whether your client is
19 interested at least in listening to a plea offer or he doesn't
20 want to hear one at all. He doesn't have to accept it.

21 (Defense conferring.)

22 MR. PIERCE: So, Your Honor, Mr. Thomas will certainly
23 entertain plea discussions. I think it's likely the case
24 would go to trial, but he would definitely entertain the
25 discussions.

1 THE COURT: Okay. We can do both of these
2 simultaneously in terms of if there's some discussion of a
3 plea offer, and we can set the schedule. In terms of actual
4 work, probably isn't until later anyway, so there would be
5 enough time to have some discussion if he at least wants to
6 hear it.

7 MR. DREHER: Yes, Your Honor. Just for the record,
8 there are two separate victim officers that I'll speak with in
9 the intervening 45 days and work with my chain of command to
10 get some sort of offer presented.

11 THE COURT: Okay. It sounds as if the codefendant
12 appears to be out of pocket, at least at this point from the
13 near future from what I can understand talking to defense
14 counsel for her.

15 MR. DREHER: That's my understanding.

16 THE COURT: I'm going to proceed with Mr. Thomas
17 without her at this point in terms of trials, etc., whatever.

18 MR. DREHER: Will it just be a minute order to separate
19 the trials, Your Honor, or do you want me to present something
20 to the Court?

21 THE COURT: At this point I'll hear whatever the last
22 bit is -- I think it's Mr. Brennwald that has her -- as to
23 whether there's anything new. If she at some point is in a
24 position to participate, then we'll pick up with her. But I'm
25 not going to wait for her to be in a position to make some

1 decisions going forward. I'm going to go forward with
2 Mr. Thomas.

3 MR. DREHER: Yes, Your Honor. Thank you.

4 Your Honor, if I could make a suggestion, then?

5 THE COURT: Sure.

6 MR. DREHER: Would the Court be at least willing to
7 review *in camera* portions of Ms. Legros' cell phone in terms
8 of discovery for the Thomas trial then?

9 THE COURT: Yes. If you talk to Mr. Brennwald about
10 what system to set up, I can do that.

11 MR. DREHER: Yes, Your Honor. Thank you.

12 THE COURT: All right. Anything else, Mr. Pierce?

13 MR. PIERCE: Not from the defense, Your Honor.

14 THE COURT: All right. Let me ask my law clerk what my
15 openings are at this point. They're pretty tight.

16 (Court conferring.)

17 Okay. August 18. If you're in compliance with the
18 pretrial, we can do this by Zoom. If you're not, you're
19 showing up in person again.

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: All right? So I can do -- I have basically
22 back-to-back trials, so what I'm doing is carving out certain
23 afternoons and days within the trials. So are people
24 available August 18? And that would include Pretrial.

25 MR. PIERCE: Yes, Your Honor.

1 THE COURT: So August 18 at 3:30. Does that work?

2 MR. DREHER: That works for the government.

3 MI PRETRIAL OFFICER: That works for Pretrial Services
4 in Michigan.

5 MR. PIERCE: Yes, Your Honor.

6 THE COURT: Okay, terrific. Then I'll set it up for
7 Zoom unless I get another report. When do you want this done
8 so I get another report that indicates he's hopefully in
9 compliance? So I'll kick it to the Michigan Pretrial Services
10 officer.

11 MI PRETRIAL OFFICER: I'm sorry. Can you repeat that?

12 THE COURT: What I want to do is, prior to August 18,
13 is to get a report from you that hopefully says he's in
14 compliance with the three issues that we have at this point
15 that are left with the motion to revoke. When do you think
16 all of that should be done such that you can provide it to me?

17 MI PRETRIAL OFFICER: I do believe -- I think the one
18 thing that may take the longest would be the scheduling of the
19 intake assessment. But again, in my experience, that normally
20 isn't any further out than three weeks. I'm sure that I could
21 get a memo or at least notify Pretrial Services by the first
22 week of August. Potentially, I could do August 4 or August
23 11, which would be a week prior to the hearing?

24 THE COURT: Okay. Why don't we do August 11. If it's
25 done before that, you can -- that's an outside date. No later

1 than that date. If he's in compliance prior to that time, you
2 can let me know so that I know --

3 MI PRETRIAL OFFICER: Yes, Your Honor.

4 THE COURT: -- the motion to revoke has been resolved
5 or not resolved.

6 MI PRETRIAL OFFICER: Yes, Your Honor.

7 THE COURT: So we're talking about the report no later
8 than August 11 on the issues that relate to the violation
9 report, and we'll have a status on August 18 at 3:30. I will
10 send out to you a trial template so that you and counsel can
11 get together and figure out what dates, depending on what kind
12 of motions or lack thereof, you're going to be filing.

13 I think that's it. Anything else from the government?

14 MR. DREHER: No, Your Honor. Thank you.

15 THE COURT: Okay. Mr. Pierce?

16 MR. PIERCE: No, Your Honor. Thank you very much.

17 THE COURT: All right. Mr. Thomas, you're smart
18 enough. Let's not have this problem. This should be resolved
19 without a further issue.

20 THE DEFENDANT: Yes, Your Honor. I just wanted to
21 say thank you very much for taking the time to hear my case
22 today and to allow me to work this out and still be able to
23 celebrate Independence Day this weekend. Thank you.

24 THE COURT: All right. The other thing we're going to
25 do is the speedy trial, which is between today's date -- let

1 me just see -- which at this point is 70 days is September 11.
2 So do you remember your speedy trial rights?

3 THE DEFENDANT: Yes, Your Honor, I do.

4 THE COURT: Are you willing not to count from today's
5 date, July 3, until when you come back on August 18 to allow
6 you to get the trial template, get yourself in order with the
7 motions for release and making some decisions about moving
8 forward in your case?

9 THE DEFENDANT: Yes, Your Honor. I'm willing to
10 consent to that.

11 THE COURT: All right. Then I'll find it's in the
12 interest of the justice, the community, and the defendant to
13 continue speedy trial rights between July 3 and August 18.

14 All right. I would -- as soon as you can get the plea
15 offer together, please go ahead and do it so that there's
16 enough time for people to discuss it.

17 What I do -- it's my practice at some point, even if we
18 have a trial date, before the trial to put on the record what
19 the plea offer was, what it means in terms of -- what exactly
20 if you went to trial what you'd be facing, if you accepted the
21 plea in terms of sentencing options, and then he can indicate
22 to me whether he's accepted it or not. This is just to make
23 sure there's no misunderstanding of what the plea offer was.

24 It's not in any way to force you to accept a plea. I don't
25 get involved with them. My role is, only if you decide to

1 plea, to make sure it's a knowing and voluntary decision.
2 So it's also a knowing and voluntary decision to go forward
3 to trial. All right?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Parties are excused.

6 THE DEFENDANT: Thank you.

7 MI PRETRIAL OFFICER: Thank you, Your Honor.

8 THE COURT: Thank you. I appreciate you making
9 yourself available. I know it was inconvenient.

10 MI PRETRIAL OFFICER: Not a problem. Thank you.

11 (Proceedings adjourned at 10:34 a.m.)
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CERTIFICATE

I, BRYAN A. WAYNE, Official Court Reporter, certify that the foregoing pages are a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Bryan A. Wayne
Bryan A. Wayne