

1 UNITED STATES OF AMERICA
2 UNITED STATES DISTRICT COURT
3 MIDDLE DISTRICT OF FLORIDA

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5 HONORABLE SUSAN C. BUCKLEW
6 UNITED STATES DISTRICT JUDGE PRESIDING
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8 UNITED STATES OF AMERICA,)
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10 PLAINTIFF,)
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12 VS.) NO. 8:21-cr-348-SCB-SPF
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14 JEREMY BROWN,)
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17 DEFENDANT.)
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STATUS CONFERENCE
****ZOOM VIDEO CONFERENCING****
REPORTER'S TRANSCRIPT OF PROCEEDINGS
MARCH 16, 2022
TAMPA, FLORIDA

MELISSA A. PIERSON, CA CSR 12499,
IL CSR 084.003138, RPR
FEDERAL OFFICIAL COURT REPORTER
801 N. FLORIDA AVENUE, 2ND FLOOR
TAMPA, FLORIDA 33602
PH: (813) 301-5336
USDCTranscripts@gmail.com

APPEARANCES OF COUNSEL:

ON BEHALF OF PLAINTIFF:

ROGER B. HANDBERG
UNITED STATES ATTORNEY
BY: MS. RISHA ASOKAN, ESQ.
ASSISTANT UNITED STATES ATTORNEYS
400 N. TAMPA STREET
ST. 3200
TAMPA, FL 33602
(813) 274-6000
Risha.Asokan@usdoj.gov

ON BEHALF OF DEFENDANT:

SANSONE LAW, P.A.
BY: MR. WILLIAM F. SANSONE, ESQ.
609 W. De LEON STREET
TAMPA, FL 33606
(813) 361-0874
sansone@gmail.com

1 TAMPA, FLORIDA; MARCH 16, 2022

2 - - -

3 (COURT IN SESSION AT 9:34 A.M.)

4 * * *

5 (Held via Zoom video conference.)

6 THE COURT: Okay. That brings us back now to
7 United States of America vs. Jeremy Brown. Could I have
8 counsel state their appearances starting with counsel for the
9 United States.

10 MS. ASOKAN: Good morning, your Honor. Risha
11 Asokan for the United States.

12 THE COURT: Good morning.

13 MR. SANSONE: Good morning, your Honor. Bill
14 Sansone on behalf of Mr. Jeremy Brown.

15 THE COURT: I haven't done anything on this case
16 since we were here last, but I have been following what the
17 Magistrate Judge has been doing in this case and the most
18 recent filing to the Order to Show Cause, and it's my
19 understanding, and the Order to Show Cause has to do with
20 payment from a *gofundme* account for Counsel's attorneys fees,
21 and I notice you did file, as I think the Magistrate Judge
22 requested you file, Mr. Sansone, a Notice that you reached
23 the statutory maximum and just -- you had done this recently.

24 You know, when we were here last, the Government
25 said that -- my notes are that they were contemplating

1 filing -- contemplated filing a Superseding Indictment. So
2 what's the status of that?

3 MS. ASOKAN: Yes, your Honor. Thank you. The
4 status is that the pertinent equity holders who have an
5 interest in the documents at issue -- I performed a
6 classification interview over the last eight weeks, I guess
7 it has been, and we received that review's outcome last week,
8 which confirmed that the documents were, in fact,
9 "classified," remain classified, and essentially giving DOJ
10 authority to pursue charges. That's where we are now.

11 There is some degree of coordination that has to
12 take place between our office and the DC -- our DC
13 counterparts and the National Security Division, which is
14 what we are working through right now, but we are expecting
15 we can proceed with charges expeditiously, and I came here
16 today to ask your Honor for 30 days for us to file a
17 Superseding Indictment.

18 THE COURT: Okay, Ms. Asokan.

19 When we were here last, Mr. Sansone, you said that
20 the Defense anticipated that they may file, or you may file,
21 or he may file a Motion to Suppress. Is that still accurate?

22 MR. SANSONE: Yes, your Honor. That's actually
23 ready to be filed. It could be filed either today or
24 tomorrow, and the reason for the delay, a lot of times in
25 cases I'm able to file Motions to Suppress based on

1 jurisdictional issues without client input. This is a case
2 where I have to have client input. I was in a full week
3 trial last week and I just needed Mr. Brown, he is very
4 involved in this case, as your Honor is aware, to give me the
5 green light to file, which he has. It is completed. I was
6 getting all the exhibits together. I'm going to file it
7 under seal because of a Protective Order. There's not many,
8 but it has to do with discovery and that will be filed today
9 or tomorrow.

10 Your Honor, just to let you know, I don't -- I was
11 thinking about the Superseding Indictment, and I don't think
12 that my motion needs to wait for the Superseding Indictment
13 because the classified material was also found, along with
14 the weapons as a result of the search. So we're attacking
15 the search warrant. So it would cover any evidence found at
16 Mr. Brown's home. So I don't think I need to wait for the
17 Superseding Indictment since those documents were also found
18 as part of the search.

19 THE COURT: Okay. Well, I would prefer you not
20 wait. I would prefer you go ahead and file it --

21 MS. ASOKIN: Yes, your Honor.

22 THE COURT: -- so we are moving on this.

23 My concern about this case is that we're spending a
24 lot of time and effort on peripheral issues, and Mr. Brown
25 does not appear to be a person that's going to plead. So I

1 think once we get this Motion to Suppress resolved, if I deny
2 the Motion to Suppress, once you file the Superseding
3 Indictment, and there shouldn't be a lot of new information
4 on it, it's either there or it's not, and I don't know if
5 there's going to be a lot of discovery on whether -- you
6 know, it is -- it is what it is. We need to set this case
7 for trial. I mean, this is a case that needs to go to trial.
8 You know your client wants to go to trial, Mr. Sansone, at
9 some point. He's incarcerated and we're just spending time
10 on things that we shouldn't spend time on, and money, not to
11 mention that.

12 So, you know, if you're going to supercede within
13 30 days, and you're going to file the Motion to Suppress
14 immediately, I'm not going to set it. I was going to set it
15 for a trial date certain, but I think I'll wait 30 more days
16 in order to do that.

17 So, at any rate, those are my thoughts. That's why
18 I wanted to hold this case because, you know, we should try
19 with all due speed to go ahead and give Mr. Brown a trial.
20 If I deny the Motion to Suppress, and once you file your
21 Superseding Indictment, and you're going to file it within
22 30 days, I'm assuming he's going to again plead not guilty.
23 I don't know that there's going to be anything that
24 Mr. Sansone needs to do in addition. Maybe? But I sure
25 would like to get this case tried as soon as we can get it

1 tried.

2 MS. ASOKAN: Your Honor.

3 THE COURT: Go ahead.

4 MS. ASOKAN: May I be heard briefly on this. One
5 thing important to supply to the Court, once the Indictment
6 is filed, it does initiate classified information procedures.

7 THE COURT: I know.

8 MS. ASOKAN: So that could present additional
9 delay. I know that Mr. Sansone has been working to obtain a
10 clearance but he has not yet obtained it, and I know at least
11 on the end of the Court's information and security clearance,
12 that they did make sure they would move quickly on this one.
13 So hopefully there is no delay once the necessary paperwork
14 and things like that are submitted.

15 To the extent that there is litigation, we have to
16 follow suit unfortunately, your Honor, and that could build
17 in additional delay.

18 THE COURT: Is this one of those cases -- I mean,
19 I've been here before. Is this one of those cases where my
20 courtroom deputy, for example, is going to have to get a
21 clearance; that my -- my last one, the court reporter,
22 courtroom deputy, the law clerk that worked on the case all
23 had to get a clearance in order to proceed. Am I going --
24 are we all going to have to do that?

25 MS. ASOKAN: Your Honor, at this time I'm not sure.

1 My instinct is probably not, but I can ask our counterparts
2 in DC what they anticipate when it comes to these types of
3 charges.

4 MADAM COURT REPORTER: Your Honor, I already have
5 clearance, just to let you know.

6 THE COURT: That's good to know. Okay. All right.
7 That's one person down. I've still got the courtroom deputy;
8 and the courtroom deputy that worked with me last time that
9 got clearance is no longer with the court, and the law clerk
10 that worked on the case is no longer a law clerk. So I tell
11 you, that was Kristin Ramirez, Mr. Sansone, so that was --

12 MR. SANSONE: Yes.

13 THE COURT: Okay. That's disappointing, but yes.
14 Okay.

15 Then I will note the Government has 30 days in
16 order to supercede on the Indictment and bring additional
17 charges.

18 Mr. Sansone, you said you're going to file your
19 Motion to Suppress within, if not, today/tomorrow. The
20 Government then has 14 days in order to respond, and then if
21 nothing else is filed, it will be ripe. So we're looking at
22 a while on this. So what -- do you want me to reset this for
23 about 60 days? If I need to set the Motion to Suppress for a
24 hearing, then I will set it within those 60 days, but you
25 know, I just don't see us being able to do anything in the

1 next 60 days. Mr. Sansone?

2 MR. SANSONE: Yes, your Honor. We are requesting a
3 hearing on the Motion to Suppress, just to let you know.

4 THE COURT: Okay. All right. Then obviously once
5 the Motion to Suppress is filed, that will toll any speedy
6 trial, but I'm not sure there are any outstanding motions
7 even though, I guess, there's a hearing that the Magistrate
8 Judge has set for March 25th on the Order to Show Cause.
9 That was a motion that was issued by the Court.

10 So Mr. Sansone, have you talked with your client
11 about speedy trial and is he willing to waive his speedy
12 trial rights?

13 MR. SANSONE: Well, yes, your Honor, and since this
14 case -- he knows about the Motion to Suppress, I mean, that
15 was fully litigated because it was dispositive.

16 THE COURT: You're going in and out, Mr. Sansone.
17 Would you repeat that.

18 MR. SANSONE: Yes, your Honor. And especially we
19 just discussed the other day the Motion to Suppress. He
20 understands that is -- needs to be heard, fully litigated
21 because it is dispositive of all the charges, including the
22 superseding charge.

23 THE COURT: Okay. All right. Then I'll find the
24 ends of justice require a continuance. I will reset this,
25 and I will reset it for a status within -- in 60 days. That

1 would be May the 18th, at 9:00 o'clock. I'm not going to set
2 it for a trial at this time in light of the fact the
3 Government says they are going to supercede within 30 days.
4 And I will note that Mr. -- well, you and your client,
5 Mr. Sansone, request a hearing on any Motion to Suppress. So
6 as soon as I see the Motion to Suppress, I'll make that
7 determination and perhaps go ahead and set it for a hearing
8 to include time for the Government to file a response. Okay.
9 Thank you.

10 MS. ASOKAN: Your Honor, there is one more issue I
11 wanted to raise with the Court. It has to do with discovery.
12 As your Honor is aware, from the last time we were here there
13 was a Protective -- Motion for Protective Order filed, I
14 believe, last time we spoke. The Magistrate Judge had not
15 yet ruled on it, but since then a Protective Order has been
16 entered. I believe that was on February 2nd.

17 It's my understanding, after speaking with
18 Mr. Sansone repeatedly about this, that the Defendant has not
19 yet seen any discovery in this case, and I think part of
20 that -- and I won't speak for Mr. Sansone, but my suspicion
21 is part of that is the Protective Order requires the
22 Defendant to sign an Acknowledgement. It's Attachment A to
23 the Protective Order that acknowledges the terms of it,
24 implications and any consequences by not abiding by its
25 terms. In order for the Defendant to view discovery he has

1 to sign the Protective Order and that Attachment has to be
2 filed with the Court. So up until yesterday -- Defense
3 counsel and I just spoke about this -- it's my understanding
4 that Mr. Brown both has not seen any discovery in this
5 particular case and also has not signed the Protective Order.

6 Now, that raises a couple concerns for the
7 Government. One, plainly that the Defendant has not seen
8 discovery, even though discovery has been produced as late as
9 last November.

10 And two, your Honor, I know from jail calls and
11 other indications from the Defendant that he is viewing
12 discovery in the DC case, which has a lot of overlap with the
13 discovery in our case.

14 So your Honor, there is concern from the Government
15 that the Defendant is using the DC discovery as an end
16 runaround following the terms of the Protective Order in this
17 case. So these are a couple of issues we found prudent to
18 raise with the Court today and leave it to Your Honor to
19 decide how to proceed.

20 THE COURT: There's a Protective Order with respect
21 to the DC case?

22 MS. ASOKAN: There is, your Honor, but it's not as
23 restrictive as ours, and there is no requirement that he
24 file -- sorry, that he sign an Attachment or anything like
25 that, but there is significant overlap in the type of

1 discovery, and the materials in discovery, and so the
2 Defendant is seeing some of that material in the DC case, but
3 not seeing material -- the same material in our case, and
4 therefore, doesn't have to sign the terms of our Protective
5 Order, but still gets the benefit of seeing discovery in the
6 DC case.

7 THE COURT: Well, I'm not sure what you can do
8 about that if there is no pro -- if there's not -- if there's
9 not an inclusive Protective Order in the DC case. He's not
10 violating anything by looking at that discovery, you know, as
11 long as he doesn't look at any discovery that you give to
12 Mr. Sansone. Without signing something, I don't know what
13 you're going to do about that.

14 Mr. Sansone, let me ask you, has your client -- is
15 he not going to sign the -- whatever he was requested to
16 sign, that he would not do whatever he was requested to do?
17 I'm being vague because I haven't seen it.

18 MR. SANSONE: Yes, your Honor. Not to get -- this
19 won't implicate any attorney/client privilege. I had
20 actually -- there is material that I could give him, and then
21 there is also this sensitive material that I could show him
22 on the computer. I had lots of documents that were copied,
23 showed him -- we went through the Protective Order. He saw
24 the Attachment A he needed to sign. He said he wasn't going
25 to sign it. I told him I could not share any discovery with

1 him and I have not. The only discovery in this case he has
2 seen with the Government, which the Government does know, is
3 the search warrant because that was -- and that was provided
4 to him. That information, the Government does know that he
5 has that. So in working on the Motion to Suppress, he has
6 gone through the search warrant, he had the Search Warrant
7 Affidavit.

8 Now, there are going to be some attachments to the
9 Motion to Suppress. I'm going to file, as an abundance of
10 caution, all those under seal because they are discovery and
11 he has not seen those attachments, even though he's read the
12 motion, he has not seen any of the discovery. I needed to
13 include those, but I'm going to be filing those under seal so
14 they won't be in the public domain, and therefore,
15 essentially he sees some discovery that way, but I have not
16 shown him any discovery. I don't know the extent of what he
17 has from DC. I'm sure there's overlapping because it has to
18 do with January 6th. I do know that is under a Protective
19 Order also and that's where we stand.

20 THE COURT: All right. He's being -- who is he
21 being represented by on the DC case?

22 MR. SANSONE: He's being represented by a CJA
23 attorney out of Maryland who I have been in contact with.

24 THE COURT: Okay. All right. Well, I'm not sure
25 what you do about that. He's not going to sign it,

1 apparently, so you know, he doesn't get to see what he
2 shouldn't see. If he sees it through -- or something
3 similar, or the same thing through discovery that he's gotten
4 in the DC case, and he's not prohibited from doing that, you
5 know, I don't know what you do about that.

6 MS. ASOKAN: I understand, your Honor. It was just
7 a concern that the Government -- that we have about discovery
8 in this case, about the Defendant's right to see discovery
9 proceeding to trial especially.

10 I would just also note that there is significant
11 overlap, but the case here is a firearms case that was a
12 spinoff from it. So the discovery where our case is -- there
13 is more in our case because it was a result of the search
14 warrant and what we learned after the search warrant was
15 executed.

16 So there is going to be some discovery that is
17 directly pertinent to our case that will be present at trial
18 that is covered by the Protective Order. So we just want the
19 Court to be aware of that, and to place it on the record that
20 the Defendant, without signing the Protective Order, is not
21 going to be able to see that.

22 MR. SANSONE: Your Honor, just to let you know, the
23 Government is right. Ours is the weapons case and there is a
24 lot of weapons in discovery. I am having another attorney
25 who deals in weapons a lot look at the weapons discovery.

1 I -- he was governed by the Protective Order, and I actually,
2 in an abundance of caution, had him sign the Attachment A and
3 I filed it with the Court. So that's the only person who has
4 received any discovery. It's an attorney out of
5 Jacksonville. He has read the Protective Order. He signed
6 the Attachment A and I have filed it with the Court.

7 THE COURT: Okay. Mr. Sansone, are you just -- is
8 he just doing this because he's interested and he's a friend
9 or how are you using him?

10 MR. SANSONE: Oh, this -- he's doing it -- an
11 initial review because this is his kind of expertise, and
12 then he's going to decide on how he wants -- either to be
13 compensated or not. I just sent him an initial package to
14 get his review and whether he enters a formal notice of
15 appearance. But I told him even for an initial review he
16 would have to abide by the terms of the Protective Order,
17 which he completely agreed to do that. So that's where we
18 are. We just found somebody who would be helpful, and
19 whether he actually, kind of, enters formally the team, I
20 just don't know because he didn't know what it stated, and he
21 didn't know whether he would be able to offer any help and
22 that's what he is reviewing right now.

23 THE COURT: I don't know how -- because if he wants
24 any money, I don't know how he's going to be involved, I
25 mean, because you know, we're not going to go pay a second

1 attorney.

2 MR. SANSONE: Oh, I fully understand that and he
3 understands that. It would have to be something he works out
4 with either Mr. Brown or -- the subject of the Show Cause has
5 to do with a Trust that has money in it. There would not
6 be -- there would not obviously be any CJA.

7 THE COURT: I can also see all sorts of problems
8 with Mr. Brown or the Trust paying a second attorney and not
9 paying -- agreeing to pay his court-appointed attorney.

10 MR. SANSONE: I understand that, your Honor. We
11 might be alleviating that concern also.

12 THE COURT: Okay.

13 MR. SANSONE: That's one of these issues --

14 THE COURT: What does that mean?

15 MR. SANSONE: Well, Judge, I don't -- there's
16 discussions -- without getting into it -- that essentially he
17 or the Trust would be paying for an attorney anyway. Through
18 the Court funds he might essentially, starting from the
19 beginning of this case, pay for his own private counsel and
20 then all of those issues would be alleviated.

21 THE COURT: Okay.

22 MR. SANSONE: These are one of those loss-of-time
23 issues that really don't have anything to do with the
24 substance of the case that we are spending time on.

25 THE COURT: That's also a big problem as far as

1 security clearance, we have to start from square one on that.
2 Okay. What a mess. All right. For want of a better word.

3 Okay. Well, I will, again, find the ends of
4 justice require a continuance, and I will set this case over
5 for a status on May the 18th, at 9:00 o'clock, by way of
6 Zoom, and Mr. Sansone, I look forward to your Motion to
7 Suppress that you told me you were going to file today or
8 tomorrow, and the Government has indicated they are going to
9 supercede within the next 30 days.

10 All right. I would appreciate once you supercede,
11 some guidance on, you know, who has to -- who can view the
12 classified documents, and whether or not we have to get
13 security clearance for the courtroom deputy and law clerk
14 that might work on it, and also what type of security
15 clearance. All right.

16 MS. ASOKAN: Absolutely, your Honor.

17 THE COURT: Thank you.

18 MS. ASOKAN: Thank you, your Honor.

19 MR. SANSONE: Thank you, your Honor.

20 (Court adjourned at 9:57 am)
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