

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

United States of America,) Criminal Action
) No. 19-CR-018
Plaintiff,)
) STATUS CONFERENCE
vs.)
) Washington, DC
Roger Jason Stone, Jr.,) February 1, 2019
) Time: 2:11 p.m.
Defendant.)

TRANSCRIPT OF STATUS CONFERENCE
HELD BEFORE
THE HONORABLE JUDGE AMY BERMAN JACKSON
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S

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1 Okay. You guys can be seated. I have a couple more
2 issues I want to raise. This is a case that's already received
3 and is going to continue to receive a great deal of public
4 attention. I expect the lawyers to familiarize themselves with
5 Local Criminal Rule 57.7(b) that talks about the conduct of
6 attorneys in criminal cases, and to comply with its provisions.

7 One provision, 57.7(b)(1), provides that it's the
8 duty of the lawyer or law firm not to release or authorize the
9 release of information or opinion which a reasonable person
10 would expect to be disseminated by means of public
11 communication in connection with a pending or imminent criminal
12 litigation with which the lawyer or lawyer firm is associated,
13 if there's a reasonable likelihood that such dissemination will
14 interfere with a fair trial or otherwise prejudice the due
15 administration of justice. And this goes for both sides,
16 obviously.

17 Rule 57.7(c) contains specific guidance for what
18 should be done in widely publicized cases. In this case, I'm
19 sure it's no surprise to anyone, that I've noticed that there's
20 already been considerable publicity, fueled in large part by
21 extrajudicial statements of the defendant himself. I recognize
22 that the arrest and indictment were public and the defendant
23 may have justifiably felt the need to get his story out. But
24 there's no question that at this point he certainly had that
25 opportunity.

1 And since this is a criminal proceeding and not a
2 public relations campaign, and since it's incumbent upon me to
3 ensure the fairness and the dignity of these proceedings, and I
4 need to take into consideration the interest and the safety of
5 the government, the defendant, the witnesses, the jurors, the
6 court personnel, and the public, I believe that it behooves
7 counsel and the parties to do their talking in this courtroom
8 and in their pleadings and not on the courthouse steps or on
9 the talk show circuit.

10 And so to that end, I am considering -- I have not
11 yet decided -- that in light of my obligation to safeguard the
12 defendant's right to a fair trial, and also to ensure that we
13 will have the ability to seat a jury that has not been tainted
14 by pretrial publicity in this matter, of issuing a written
15 order, pursuant to Local Rule 57.7(c). It would require all
16 parties and counsel for both sides to, quote, refrain from
17 making further statements to the media or in public settings
18 that are substantially likely to have a materially prejudicial
19 effect on the case, close quote. It would not be directed at
20 one side or the other, it would be directed to both.

21 It would not be a bar on all public relations,
22 activities or press communications, but only those related to
23 this case. A party could discuss foreign relations,
24 immigration or Tom Brady as much as they wanted. I would be
25 happy to hear from either side right now if you wanted to note

1 any objections on the record at this time. But that will not
2 be necessary because I'm going to give you each an opportunity
3 to tell me what your position is in writing. And if you're
4 opposed, to provide me the reasons why I shouldn't do this in
5 writing. And those submissions will be due next Friday,
6 February 8.

7 As you consider what your position might be, there
8 are a few things that I would encourage everyone to think
9 about. First, I think it's important that the defendant should
10 be aware that to the extent any of his public pronouncements
11 turn out to be inconsistent with each other or bear on the
12 facts of the case in any way, the Office of Special Counsel
13 will be free to introduce any of them as evidence against him
14 at trial.

15 Also, I want to recognize and I think it's important
16 that this defendant has a legitimate interest in exercising his
17 First Amendment rights. But he's also affirmed that he has an
18 interest in exercising his constitutional right to have a trial
19 and to put the government to its proof. And it's my
20 responsibility to ensure that he has a fair trial. Right now,
21 notwithstanding the fact that the defendant may be well known
22 within certain circles, I believe that we will be able to seat
23 an unbiased jury, that doesn't have an opinion about the
24 allegations in this case.

25 But the problem is, while Mr. Stone may wish to be

1 free to disseminate his response to those allegations in his
2 public appearances, every time he does the media outlets may
3 feel constrained to reiterate in detail what the allegations
4 are in the indictment in response.

5 And so the upshot of treating the pretrial
6 proceedings in this case like a book tour could be that we end
7 up with a much larger percent of the jury pool that's been
8 tainted by pretrial publicity than we have now, and that's what
9 it's my job to balance here. I want to say, again, I haven't
10 heard from both sides, I haven't made up my mind. And I will
11 read and seriously consider anything either side submits. But
12 that's what I'm looking to be enlightened about.

13 But now having heard all of that, I've covered every
14 issue I wanted to cover. Is there anything that the government
15 wants to add or that I need to take up today?

16 MR. MARANDO: Court's indulgence, Your Honor.

17 THE COURT: All right.

18 (Pause.)

19 MR. MARANDO: Thank you, Your Honor. The only thing
20 that I can think of that is left, to have a formal speedy trial
21 determination made on the record.

22 THE COURT: I think I said I granted your motion,
23 that this is a complex case.

24 MR. MARANDO: Thank you, Your Honor. That is all.
25 Thank you.