

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA

4 v. S(7) 98 Cr. 1023

5 USAMA BIN LADEN, et al.,
6 Defendants.

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9 New York, N.Y.
10 May 14, 2001
11 9:30 a.m.

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Before:

HON. LEONARD B. SAND,
District Judge

1 APPEARANCES

2 MARY JO WHITE
United States Attorney for the
3 Southern District of New York
BY: PATRICK FITZGERALD
4 KENNETH KARAS
PAUL BUTLER
5 Assistant United States Attorneys

6 ANTHONY L. RICCO
7 EDWARD D. WILFORD
CARL J. HERMAN
8 SANDRA A. BABCOCK
Attorneys for defendant Mohamed Sadeek Odeh

9 FREDRICK H. COHN
10 DAVID P. BAUGH
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11 Attorneys for defendant Mohamed Rashed Daoud Al-'Owhali

12 DAVID STERN
DAVID RUHNKE
13 Attorneys for defendant Khalfan Khamis Mohamed

14 SAM A. SCHMIDT
15 JOSHUA DRATEL
KRISTIAN K. LARSEN
16 Attorneys for defendant Wadih El Hage

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1 (Deliberations resumed)

2 (Time noted, 4:10 p.m.; jury not present)

3 THE COURT: The note from the jury reads: "The jury
4 appreciates the court's continued efforts to provide us the
5 information we require in order to deliberate. We would also
6 like to request a few additional items: Government's Exhibit
7 660 -- chart of phone calls; Government's Exhibit 321, V1, V2,
8 and V3 re El Hage. WEHXS11 -- Bin Laden letters; GX310-74A.
9 Since it is near the end of the day, we will not require the
10 items until tomorrow."

11 Any problem providing any of these?

12 MR. KARAS: No, Judge, there shouldn't be. The first
13 note asks for Government's Exhibit 310-74A, which we did
14 provide.

15 THE COURT: And what is V1, 2 and 3?

16 MR. SCHMIDT: Those are small notebooks that came in
17 with the expert.

18 THE COURT: V?

19 MR. SCHMIDT: V.

20 THE COURT: Is tomorrow the day we begin at 11:00?
21 Maybe a little earlier, maybe 10:30.

22 MR. DRATEL: Judge, how are you marking this note?

23 THE COURT: Each one has a separate date. So this
24 will be Court Exhibit Roman I of today's date.

25 (Court's Exhibit I duly marked)

1 THE COURT: How are we going to know whether we sent
2 in Exhibit 310?

3 MR. KARAS: Someone is checking upstairs, your Honor.
4 We should be able to know very shortly.

5 Your Honor, our records upstairs did not have the
6 original 310, so we did send it in.

7 THE COURT: That is GX310-74A.

8 MR. KARAS: I think we sent in both 310-74A and the
9 translation as well, 74A-T.

10 THE COURT: My note to the jury says: "Ladies and
11 gentlemen, the exhibits you requested will be given to you
12 tomorrow morning. Our records reflect that Government's
13 Exhibit 310-74A and the translation Exhibit GX310-74A-T have
14 previously been sent to you. Have a good evening."

15 I am handed a note which tells me that arrangements
16 have been made by the marshal for the jurors for tomorrow
17 morning and that we should be able to begin at 10:00 a.m.
18 tomorrow.

19 When the jury indicates that it wants to go home, we
20 will adjourn.

21 MR. COHN: Your Honor, are you giving them an
22 instruction somehow to continue not to read the papers, etc.?

23 THE COURT: Each time, no.

24 MR. COHN: I know they are not being brought in to be
25 dismissed. Could you reinforce that from time to time

1 somehow? I don't care if it is done outside my presence if
2 the court wants to do it.

3 THE COURT: Has the note been sent in? Where is that
4 note? I will add it to that note.

5 MR. COHN: Just as an extra precaution.

6 THE COURT: You want me to reinforce my instruction
7 not to read anything with respect to the McVeigh case?

8 MR. HERMAN: Withdrawn.

9 MR. COHN: This case, Judge.

10 THE COURT: Please adhere to my previous
11 instructions.

12 MR. COHN: Don't read anything about FBI --

13 THE COURT: "P.S. Please continue to adhere to my
14 previous instructions to avoid reading, listening to or
15 watching anything concerning this case or related matters."

16 Very well. Subject to all of that we are adjourned
17 until --

18 MR. DRATEL: Your Honor, when do you want the
19 exhibits? At 10 or earlier?

20 THE COURT: Why don't you assemble them at 9:30 and
21 we will send them in at 10, depending on when they actually
22 start.

23 MR. COHN: Your Honor, are we being discharged now or
24 are we waiting --

25 THE COURT: We are awaiting because between now and

1 when the jury actually leaves they may have something else.

2 MR. COHN: I thought you said we should go.

3 THE COURT: I will send in word when the jury has
4 actually left.

5 (Recess)

6 (Adjourned until 10:00 a.m., Tuesday, May 15, 2001)

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