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IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	Case No. CR03-88C
Plaintiff,)	
)	Seattle, Washington
v.)	May 27 & 28, 2003
)	
LAURA JEAN MARIE STRUCKMAN,)	
)	
Defendant.)	
)	
)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

For the Plaintiff: Larry J. Wszalek
Mark T. Odulio
Christopher J. Maietta
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Proceedings recorded by computer-aided stenography.

1 THE CLERK: Case No. CR03-88C, United States versus
2 Struckman. Counsel, please make your appearances.

3 MR. ODULIO: Your Honor, for the United States Mark
4 Odulio.

5 MR. MAIETTA: Your Honor, Chris Maietta on behalf of
6 the United States.

7 MR. WSZALEK: Larry Wszalek.

8 THE COURT: All right. And let the record show that
9 the defendant is present. Do you have anything you need to take
10 up before we select the jury?

11 MR. ODULIO: Yes, Your Honor, just some housekeeping
12 matters. Just to let the Court know, we have given Madam Clerk
13 a revised exhibit list this morning. I'm not sure if the Court
14 wants to take up the matter of exhibits this morning.

15 THE COURT: No.

16 MR. ODULIO: Also, Your Honor, we have a change in our
17 witness list. One of the witnesses will not be testifying
18 today. His name is Jeffrey Lee.

19 THE COURT: Will he not be testifying at all?

20 MR. ODULIO: He will not be testifying at all, yes,
21 Your Honor.

22 THE COURT: All right.

23 MR. ODULIO: And the government anticipates that it may
24 be able to get its case in today.

25 THE COURT: All right. Ms. Struckman, during the

1 course of jury selection one of the things the Court will do
2 will be to ask the jurors if they know any of the people who are
3 going to be called as witnesses.

4 Is there anybody you want me to ask them about that you
5 might be intending to call as a witness in the case?

6 THE DEFENDANT: (Shakes head.)

7 THE COURT: All right. Let the record show that she
8 indicated no. Are you ready to start the jury selection? Mr.
9 Bentley?

10 MR. BENTLEY: Your Honor, as involuntary standby,
11 involuntary from the point of view of the defendant, I would
12 like permission to sit in the first row here --

13 THE COURT: By all means.

14 MR. BENTLEY: -- rather than next to the defendant.

15 THE COURT: By all means. Ms. Struckman, if at any
16 time you want to consult with Mr. Bentley, just say so, or
17 somehow indicate and I'll stop the trial so you can consult with
18 him, okay?

19 THE DEFENDANT: (Nods head.)

20 MR. BENTLEY: For the record, I did spend some time
21 with her this morning before Court.

22 THE COURT: Before we get started with jury selection,
23 let me raise one issue that I want to make sure that I'm
24 thinking clearly about. I gather from the government's trial
25 brief that you may attempt to introduce evidence regarding how

1 these funds were generated, that is, through the tax avoidance
2 seminars.

3 And I want to talk about the admissibility of that evidence
4 and make certain that the Court thinks carefully and thoroughly
5 about that issue. So go ahead.

6 MR. ODULIO: Your Honor, a couple of reasons why that
7 evidence is relevant. First, it provides the jury information,
8 evidence of why the structuring occurred. Specifically, the
9 seminars generated a lot of money, and the bank records, which
10 we will be introducing, reflect the deposits from that business
11 into those accounts, which form the basis in part of the
12 structuring.

13 Secondly, the subject matter of these seminars touched in
14 part on a tax scheme called sovereignty, and the aspects of that
15 which the government believes are relevant are dealing in cash,
16 the nominee bank accounts which are opened up in the names of
17 nominees, rather than their own names, not using a Social
18 Security number or TIN on opening the bank accounts. All of
19 those are aspects of the tax scheme called sovereignty, which
20 was the subject matter of many of these seminars.

21 THE COURT: Are there indications in the seminar
22 materials that deal with this -- the structuring or the
23 reporting requirements?

24 MR. ODULIO: Your Honor, we do expect that a witness in
25 this matter will discuss structuring and cash transactions, the

1 understanding that she had based on her experience through these
2 seminars, that that was a widely accepted practice amongst --

3 THE COURT: Is this based upon statements made by the
4 defendant or co-conspirators of the defendant?

5 MR. ODULIO: It's based in part, but it's based more on
6 what her understanding is of the scheme.

7 THE COURT: That may be problematic. Are you talking
8 about prior bad acts, or are you talking about information that
9 is part of the transactions that are the conspiracy, the alleged
10 conspiracy?

11 MR. ODULIO: I think we're talking about information
12 that's part of the conspiracy.

13 THE COURT: Are you -- are you talking also under
14 404(b) about evidence that goes to the intent issue?

15 MR. ODULIO: Well, we believe it does go to the intent
16 issue, Your Honor. And the witness, Shoshanna Szuch, which is
17 the witness the government anticipates, will be the only witness
18 who will be discussing this matter, and we are not planning on
19 eliciting specific testimony about specific statements.

20 The government's plan is to have her discuss her
21 understanding of the scheme based on her employment with Global
22 Prosperity and her participation via attending the seminars and
23 listening to the tape series, which was the basis of the
24 business.

25 THE COURT: Well, we'll see how a foundation is laid.

1 Have you discussed this issue with Ms. Struckman, Mr. Bentley?

2 MR. BENTLEY: No, Your Honor.

3 THE COURT: All right. You might sometime after we get
4 the jury selected, if she's willing to talk to you about it,
5 talk about the possibility of her objecting to this evidence,
6 and making certain that a record is made of -- that allows the
7 Court to make a determination of whether it's admissible or not.

8 MR. BENTLEY: Very well.

9 THE COURT: All right. Let's bring in the jury.
10 Counsel, I propose to conduct all the voir dire myself. That
11 way Ms. Struckman, as a pro se defendant, won't have a
12 disadvantage in the jury selection.

13 (Brief Pause.)

14 THE COURT: Yes. Anybody seated on the left-hand side
15 of the rows, other than the first row, if you would move over to
16 the other side of the courtroom, because the jury will be seated
17 where you are now.

18 (Brief Pause.)

19 MARSHAL: Your Honor, may I approach briefly?

20 THE COURT: Yes.

21 (Brief pause.)

22 THE COURT: Ms. Struckman, from time to time during the
23 course of the jury selection process we may conduct part of the
24 proceedings at the sidebar, and when I say can I see the parties
25 at sidebar, that means -- that includes yourself also. So

1 please feel free to come up here and participate whenever we do
2 anything at sidebar, okay?

3 THE DEFENDANT: (Nods head.)

4 (Brief pause.)

5 THE COURT: While we're waiting -- could somebody close
6 that door? While we're waiting for the jurors, Ms. Struckman,
7 what we're going to be doing in the jury selection process is I
8 will be asking the jurors a bunch of questions about their
9 background, and who they know, and whether they've participated
10 or had disputes with the government, or tax problems, or the
11 like.

12 As that information is elicited, you should keep in mind
13 that there are two things I will be asking you after that
14 process is completed. One is do you have any challenges for
15 cause. That means has anything come out during the questions
16 I've asked of the jurors that you believe suggests that a
17 juror -- a prospective juror could not be fair and impartial in
18 your case.

19 And if you believe that there is such a person -- I'll ask
20 are there any challenges for cause, and I'll invite you to make
21 the challenges up at sidebar. So be listening during the course
22 of my questioning of the jurors for anything that you think
23 might bear upon their ability to be fair and impartial.

24 Secondly, at the end of the questioning, I'll be asking you
25 to exercise peremptory challenges. By that I mean each side can

1 challenge up to a certain number of jurors for any reason
2 whatsoever that doesn't have to do with -- well, basically any
3 reason whatsoever, anybody that you think you would prefer not
4 to have on the jury you can challenge for cause -- peremptorily.
5 And I'll ask then at that point that you write those names and
6 juror numbers down.

7 You can challenge up to 10 people for peremptory challenges.
8 The government can challenge up to six people for peremptory
9 challenges. So at the end of the selection process or the
10 questioning I'll be asking you do you have any peremptory
11 challenges. If so, write them down and hand them up.

12 When I say that then, the clerk will have given you a sheet
13 of paper on which to write the names and the numbers of people
14 that you want to challenge and you don't prefer to have on the
15 jury, okay?

16 THE DEFENDANT: (Nods head.)

17 THE COURT: When I ask for that, it will refer to all
18 the jurors, those jurors in the box and those additional
19 prospective jurors seated on the benches that aren't in the box,
20 okay? All right.

21 (Brief Pause.)

22 THE COURT: All right. Why don't you folks who are not
23 able to get on this side have a seat on the first bench over
24 here. Good morning, ladies and gentlemen. Will those of you
25 who are prospective jurors in this case please stand and raise

1 your right hand to be sworn.

2 (Prospective jurors sworn.)

3 THE COURT: All right. Thank you. Please be seated.
4 Let me give you just a brief outline, ladies and gentlemen, of
5 what's going to happen this morning. We will end up with 12 of
6 you selected to serve as jurors in this case. The rest of you
7 will be finished well before noon, in all likelihood. You will
8 be excused, and that will constitute your jury service for this
9 term of federal court.

10 The 12 of you will probably be finished no later than
11 tomorrow, at the very latest sometime on Wednesday, in all
12 likelihood. I'll be asking a number of questions of all of you
13 to help the lawyers and the parties select a fair and impartial
14 jury in this case.

15 I'll tell you a little bit about the case when I get started
16 on that process. And then we will go through the panel and have
17 each of you say a little bit about yourselves to help the
18 parties and the lawyers. And then we will select the 12 who
19 will sit on the jury.

20 At this time the clerk will call the jury. By that I mean
21 she will call out your name and a number. Please remember that
22 number, because we will refer to you by the -- by number during
23 the course of the jury selection process.

24 In addition, as she calls out your name and number, please
25 take seats in the order in which you're called as you're called,

1 with juror number 1 seated on the front row of the jury box in
2 the seat that's nearest me. 1 through 6 on the front row. 7
3 through 14 on the back row. And then continuing on with juror
4 number 15 in the position where the gentlemen is in the red
5 shirt. If you'll stand up. Juror number 15 will be there. And
6 15 through 20 on that row. And then continuing on on those rows
7 until we get everybody seated.

8 As we get to the benches, some of you will not have been
9 called, and you'll be seated in places that those jurors who
10 have been called will be seated. So if you'll just get up and
11 move to the back of benches, I'd appreciate it, so we can seat
12 everybody in the order in which they're called.

13 If you'll call the jury, please.

14 THE CLERK: Juror number one, Margaret Frazier,
15 F-r-a-z-i-e-r, Margaret Frazier; juror number two, Gladys
16 Mildred Fisher, F-i-s-h-e-r, Gladys Fisher; juror number three,
17 Katherine Sutherland, S-u-t-h-e-r-l-a-n-d, Katherine Sutherland;
18 juror number four, Daniel Voller, V-o-l-l-e-r, Daniel Voller;
19 juror number five, Mary Ann Reece, R-e-e-c-e, Mary Ann Reece.

20 Juror number six, Wendy Waites, W-a-i-t-e-s, Wendy Waites;
21 juror number seven, Suzanne Taitingfong, T-a-i-t-i-n-g-f-o-n-g,
22 Suzanne Taitingfong; juror number eight, Van Spohn, S-p-o-h-n,
23 Van Spohn. Juror number nine --

24 THE COURT: Wait just a moment and let them get up
25 here. Number seven is Ms. Taitingfong, and Mr. Spohn is number

1 eight. Okay.

2 THE CLERK: Juror number nine, Jeffrey Keever,
3 K-e-e-v-e-r, Jeffrey Keever; juror number 10, Mona Page,
4 P-a-g-e, Mona Page; juror number 11, Elizabeth Davis, D-a-v-i-s,
5 Elizabeth Davis; juror number 12, Richard Phillips,
6 P-h-i-l-l-i-p-s, Richard Phillips; juror number 13, Bernice
7 Baker, B-a-k-e-r, Bernice Baker; juror number 14, Paul Grohe,
8 G-r-o-h-e, Paul Grohe.

9 THE COURT: You folks on the first row might want to
10 move back now, if you would, please.

11 THE CLERK: Juror number 15, Albert Leonard,
12 L-e-o-n-a-r-d, Albert Leonard; juror number 16, Teresa Ducharme,
13 D-u-c-h-a-r-m-e, Teresa Ducharme; juror number 17, Brian Clark,
14 C-l-a-r-k, Brian Clark; juror number 18, Lee Wolf, W-o-l-f, Lee
15 Wolf; juror number 19, Linda Dean, D-e-a-n, Linda Dean; juror
16 number 20, Brendan O'Neill, O-'-N-e-i-l-l, Brendan O'Neill.

17 Juror number 21, David Manzanares, M-a-n-z-a-n-a-r-e-s,
18 David Manzanares; juror number 22, Jody Day, D-a-y, Jody Day;
19 juror number 23, Karl Bargmeyer, B-a-r-g-m-e-y-e-r, Karl
20 Bargmeyer; juror number 24, Noel Walther, W-a-l-t-h-e-r, Noel
21 Walther; juror number 25, Patricia Hutton, H-u-t-t-o-n, Patricia
22 Hutton.

23 Juror number 26, Michael Lohss, L-o-h-s-s, Michael Lohss;
24 juror number 27, Raymond Knutsen, K-n-u-t-s-e-n, Raymond
25 Knutsen; juror number 28, Maurice Fox, F-o-x, Maurice Fox; juror

1 number 29, Norman Douglas, D-o-u-g-l-a-s, Norman Douglas; juror
2 number 30, Michael Boucher, B-o-u-c-h-e-r, Michael Boucher.

3 Juror number 31, Jacque Bates, B-a-t-e-s, Jacque Bates;
4 juror number 32, Lauri LeClech, L-e-C-l-e-c-h, Lauri LeClech;
5 juror number 33, Allen Schultz, S-c-h-u-l-t-z, Allen Schultz;
6 juror number 34, Kevin Kerkof, K-e-r-k-o-f, Kevin Kerkof; juror
7 number 35, Yousef Arefi-Afshar, A-r-e-f-i - A-f-s-h-a-r, Yousef
8 Arefi-Afshar; juror number 36, Bruce Davie, D-a-v-i-e, Bruce
9 Davie; and juror number 37, Brian Kerntke, K-e-r-n-t-k-e, Brian
10 Kerntke.

11 Your Honor, we have 37 jurors.

12 THE COURT: All right, ladies and gentlemen, my
13 comments from this point will be addressed to both those of you
14 seated in the jury box and those additional jurors seated on the
15 benches.

16 I'll be asking you a number of questions, which are intended
17 solely to assist the Court and the parties in selecting a fair
18 and impartial jury. It is very important that you respond to
19 these questions truthfully and candidly, because it is
20 fundamental to our system of justice that the parties are
21 entitled to a fair and impartial jury.

22 In this case the government, the United States, has charged
23 the defendant, Ms. Struckman, with criminal charges contained in
24 an indictment. An indictment is nothing more than the method by
25 which the government commences a criminal prosecution, and it is

1 not evidence of anything.

2 But in this indictment the government charges that Ms.
3 Struckman participated in a scheme to mask the fact that she was
4 making transactions that were above a certain level that
5 requires filing of reports with the government about cash
6 transactions, and that she intended to do so in order to avoid
7 this reporting requirement. Now, this is nothing more than a
8 summary of what the government alleges. It's not evidence of
9 anything. But it is contained in the indictment.

10 At government's counsel table -- if you will introduce
11 yourselves, counsel. And listen carefully to these names and
12 then look at these folks and tell me if you think you know any
13 of these people.

14 MR. ODULIO: Mark Odulio for the United States.

15 MR. MAIETTA: Chris Maietta for the United States.

16 MR. WSZALEK: Larry Wszalek for the United States.

17 THE COURT: And do you have a case agent, counsel?

18 MR. WSZALEK: Yes, Michael Hardaway.

19 THE COURT: Okay. Do any of you think you know or
20 recognize any of those names or people? All right. Thank you.
21 At the defense table -- Ms. Struckman, if you will stand, please
22 -- is Laura Jean Marie Struckman. Do any of you think that you
23 know Ms. Struckman?

24 And behind Ms. Struckman is an attorney who may at some
25 point, if she chooses, assist her in the defense of this case,

1 and that's Mr. Bentley, Mr. Allen Bentley. Do any of you think
2 you might know Mr. Bentley? All right. Thank you. You may be
3 seated.

4 As I ask you questions, please raise your hand if your
5 answer to any of my questions would be yes. I will make a note
6 of that fact, and then I may ask you follow-up questions at a
7 later time. But for the time being it is generally not
8 necessary for you to say anything in response to my questions,
9 other than to raise your hand.

10 As I indicated earlier, this trial should be concluded
11 either tomorrow or Wednesday. Is there anybody who cannot serve
12 for the duration of the trial? Number 6. And number 15? Or --
13 yes, 15. 16. Did you raise your hand, ma'am? Okay. And the
14 other is number?

15 PROSPECTIVE JUROR NO. 28: 28.

16 THE COURT: 28. Have any of you heard, or read, or
17 seen anything about this case? I see no response. Have any of
18 you ever had a conflict with or claim against the United States?
19 I see no response.

20 Have any of you ever been employed by the United States
21 government? Number 3, number 15, number 21. 20 -- the next,
22 23, is it?

23 PROSPECTIVE JUROR NO. 24: 24.

24 THE COURT: And 24. And number?

25 PROSPECTIVE JUROR NO. 29:

1 THE COURT: 29?

2 PROSPECTIVE JUROR NO. 29: 29.

3 THE COURT: And number?

4 PROSPECTIVE JUROR NO. 32: 32.

5 THE COURT: 32. Have any of you or your immediate
6 family ever been employed by the Internal Revenue Service?
7 Number?

8 PROSPECTIVE JUROR NO. 23: 23.

9 THE COURT: 23. Have any of you ever been audited by
10 the Internal Revenue Service and felt that you were treated
11 unfairly during the course of that audit? Number?

12 PROSPECTIVE JUROR NO. 28: 28.

13 THE COURT: 28. Number?

14 PROSPECTIVE JUROR NO. 19: 19.

15 THE COURT: 19. I'm going to read now a list of names
16 of people who may be called to testify in the course of this
17 trial, and I'll ask you to raise your hand if you think you
18 might know any of these people. Kimberli Reichert,
19 R-e-i-c-h-e-r-t; Sharon Ashley, S-h --- A-s-h-l-e-y; Shoshanna,
20 S-h-o-s-h-a-n-n-a, Szuch, S-z-u-c-h; Dale Mitchell; David
21 Bowden, Bou -- B-o-w-d-e-n; and Michael Hardaway,
22 H-a-r-d-a-w-a-y. Do any of you think you might know any of
23 those people? I see no response.

24 Are any of you now, or have you been, and the same for any
25 members of your immediate family, have any of you ever been

1 employed by law enforcement agencies of any kind? Number 3.
2 That question was kind of garbled. Let me ask it again so that
3 if you didn't understand it we make sure that we get everybody's
4 response.

5 Are any of you now, or have you been, or has any member of
6 your immediate family ever been employed by a law enforcement
7 agency? Number 3. Anybody else? Number 1. And number?

8 PROSPECTIVE JUROR NO. 29: 29.

9 THE COURT: 29. Have any of you had any training in
10 the law? Are any of you relatives of immediate family members
11 who are lawyers? Number 1, number 8, number 11, 16, and --

12 PROSPECTIVE JUROR NO. 21: 21.

13 THE COURT: 21. Under our system of justice there are
14 certain principles of law that apply to cases such as this.
15 These include that an accused is presumed innocent until proven
16 guilty, that guilt must be proven by the government beyond a
17 reasonable doubt, that an accused cannot be compelled to
18 testify, and if he or she chooses to exercise that right, you
19 cannot allow that to affect your determination of the issues,
20 and that you must accept the law as given to you by me. Are
21 there any of you who cannot accept and abide by these
22 principles? I see no response.

23 Do any of you know of anything whatsoever that would prevent
24 you from being a fair and impartial juror in this case? Are
25 there any of you who have something in your background that you

1 think the lawyers or the parties in this case should know about
2 you in deciding whether you should be a member of this jury? I
3 see no response.

4 In this case the defendant has elected to defend herself.
5 Is there any among you who will be unduly influenced by that, or
6 will be unable to judge her fairly and impartially even though
7 she's not represented by an attorney?

8 Are all of you satisfied that you will be able to judge her
9 fairly and impartially despite the fact that she's not
10 represented by an attorney and that she's representing herself?
11 I see no response.

12 Are there any among you who believe that the United States
13 income tax laws should not be enforced, or that they are
14 unconstitutional? I see no response.

15 Which of you have served on juries before? Number 2,
16 numbers 5, 11, 12, 13, 14, 15.

17 PROSPECTIVE JUROR NO. 21: 21.

18 THE COURT: 21. 24, is it?

19 PROSPECTIVE JUROR NO. 24: (Nods head.)

20 THE COURT: 25. And next?

21 PROSPECTIVE JUROR NO. 29: 29.

22 THE COURT: 29.

23 PROSPECTIVE JUROR NO. 36: 36.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 36: 36.

1 THE COURT: 36. Lest any of you think you've been
2 picked on as jurors, my wife has served on 11 juries. And in
3 fact I served for two weeks down in King County Superior Court
4 some time -- two or three weeks?

5 THE CLERK: Two, I think.

6 THE COURT: I think it was two weeks. It's been some
7 time. I'm getting quite old, so that it's been a while, but my
8 jury service certificate is up in the jury room. So I've been
9 there, too.

10 Let me see counsel and the defendant at sidebar.

11 (Sidebar conference as follows:)

12 THE COURT: One of the prospective jurors, Brendan
13 O'Neill, has pending a charge of graffiti, and I think it's a
14 malicious mischief in the second or third degree. I don't
15 propose to embarrass him by asking questions about it, but I
16 think you should know about it, okay?

17 MR. ODULIO: Thank you.

18 (Open Court.)

19 THE COURT: Have any of you or your immediate family
20 ever been charged with a felony, other than -- and I don't mean
21 to include a traffic-related offense such as DUI, or the like.
22 Anything other than that that any of you or your immediate
23 family has been charged with?

24 All right. Ms. -- that's number 20. Anything else?

25 Mr. O'Neill, is that the matter that you disclosed on your --

1 PROSPECTIVE JUROR O'NEILL: (Nods head.)

2 THE COURT: All right. Nothing else?

3 PROSPECTIVE JUROR O'NEILL: (Shakes head.)

4 THE COURT: Okay. Do any of you believe that you have
5 ever been treated unfairly by a law enforcement officer? Okay.
6 Do any of you have any problems with hearing, or sight, or any
7 other medical problem that might impair your ability to devote
8 full attention to this trial? Number 4.

9 PROSPECTIVE JUROR: Your Honor, I do wear a hearing
10 aid, but I seem to do well.

11 THE COURT: All right. Have you been able to hear me
12 all right?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Now, beginning with juror number
15 one, I'm going to ask each of you one by one to stand up and
16 make a short speech about yourselves, and I'll give you a cheat
17 sheet so that you don't have to remember all of this.

18 State your name again, if you will, please. Just describe
19 briefly what jobs you have held since you got out of school, if
20 you've been employed out of the home, what your family situation
21 is, that is, are you married, are there others living in your
22 home, do you have any children living at home, and, briefly
23 stated, any work history of your spouse or significant other, or
24 any adult children, what jobs have they held, just state it
25 briefly, and then what you do in your spare time.

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EXAMINATION

BY THE COURT:

A My name is Margaret Frazier, and I currently work at the University of Washington as a human resource administrator for the College of Education. Previous to that I worked for real estate companies as -- in property management, and KING television as a salesperson.

Do you want me to go back any further?

Q That's all right.

A I'm married, I have three stepchildren, and they are all grown. And seven grandchildren. My stepson works as a -- as a tech support person for a -- Pacific Coast Feather. One of my stepdaughters is a nurse practitioner. And my other stepdaughter works for NOAA Fisheries.

Outside activities, I go hiking, I garden, and I knit.

Q All right. You indicated somebody in your family has been involved in law enforcement?

A I have an uncle that was a policeman in Ohio. He has been retired now for many years.

Q All right. And somebody in your family is a lawyer?

A My sister is an attorney, although she is not a practicing attorney.

Q Did she ever practice?

A She was in private practice on her own right after she graduated from law school for a few years, but --

1 Q Where did she practice?

2 A Out of her home.

3 Q Here in Seattle?

4 A Yes, in Seattle.

5 Q And do you know what type of work she did?

6 A Wills primarily.

7 Q All right.

8 A Some child custody work, that kind of thing.

9 Q Okay. Thank you.

10 A Okay.

11 EXAMINATION

12 BY THE COURT:

13 Q Juror number two.

14 A Gladys Fisher, and pretty much after college I worked in
15 Doctors Hospital that used to be here as a dietitian. So my
16 major field has been in foods and nutrition, and that part of
17 it, until I got married and had four children.

18 And my oldest daughter is in the mission, married to a
19 preacher. And one son is in the fish business, Commercial Food
20 Services up in Mt. Vernon. And our other son works for ARCO
21 near Ferndale. And our youngest daughter is a post master in
22 Silvana, which is outside of Stanwood, Washington.

23 And that -- my husband is a school teacher for 33 years in
24 the art field, and --

25 Q What does he teach?

1 A Art.

2 Q Oh, I'm sorry.

3 A Up at the high school, Mt. Vernon High School. And outside
4 activities, I love gardening and working with food, and active
5 in church activities. And my husband and I, we like to hike and
6 travel and do extra things like that.

7 Q Okay. You indicated you have served as a juror. On how
8 many trials?

9 A Well, it's been -- I served at least three, I think.

10 Q Okay.

11 A One of them was a marijuana case, and the others were
12 misdemeanors, I believe it was.

13 Q Okay. Was the jury able to reach a verdict in all of them?

14 A Yes, yes.

15 Q All right. Thank you.

16 EXAMINATION

17 BY THE COURT:

18 Q Juror number three.

19 A My name is Katherine Dana, or Sutherland. I just got
20 married actually, so I'm having trouble with what my name is.
21 I'm a business manager for a small company in Edmonds.

22 Q What do they do?

23 A As a business manager?

24 Q No, what does the company do?

25 A Oh, it's in the oil spill response business.

1 Q Okay.

2 A I just got married. My husband is a police officer for
3 Everett, and he has been since college. Right after college I
4 worked for the Department of Commerce, actually the NOAA
5 Fisheries. And then my mom works for a police department as
6 their public information officer.

7 Q Which agency?

8 A For Lynnwood --

9 Q Okay.

10 A -- Police Department. Let's see. Outside activities,
11 reading, water-skiing, hiking.

12 Q Is there anything about the fact that some of your family
13 members have been involved in law enforcement that you think
14 would make it difficult for you to be fair and impartial to both
15 sides in this case?

16 A No.

17 Q All right. Thank you.

18 EXAMINATION

19 BY THE COURT:

20 Q Number four.

21 A Yeah, I'm Dan Voller. I'm a heavy equipment mechanic for 35
22 years. And I have two children, 21 and 22, both going to
23 school. And my wife works as a clerk for an insulation company.
24 And do a lot of boating, that type of thing, do a little
25 traveling.

1 Q Okay. You indicated that you may have a health problem?

2 A My hearing is just -- I have a touch of hearing loss.

3 Q Have you been able to hear me all right?

4 A Yes.

5 Q Okay. If you are selected, feel free to just raise your
6 hand if you're having any difficulty at all. We have a PA
7 system that works pretty well, and we can make sure it's turned
8 up high enough.

9 A Yeah.

10 Q Okay?

11 A I don't have any trouble.

12 Q All right. Thank you.

13 EXAMINATION

14 BY THE COURT:

15 Q Number five.

16 A I'm Mary Ann Reece. I'm a retired registered nurse for 30
17 years. Spent 15 of those as a director of nurses. My
18 husband -- I am married, of course. I have two children, 35 and
19 36. My son is employed by the railroad. He lives in Montana.

20 I have three grandchildren, a brand new grandson. My
21 daughter is employed in the home, and was previously employed in
22 food service. And my son-in-law is employed in food services as
23 well.

24 My husband has been a steamfitter. He was a steamfitter for
25 30 years. We are both retired now and enjoying a life of

1 leisure, if you'd call it that. My outside interests are
2 genealogy and genealogy and genealogy.

3 Q All right. How many cases have you served on?

4 A Just one, Your Honor.

5 Q What Court was that?

6 A In King County.

7 Q Was it criminal or civil?

8 A It was criminal.

9 Q Was the jury able to reach a verdict?

10 A Yes, we were.

11 Q All right. Thank you.

12 EXAMINATION

13 BY THE COURT:

14 Q Number six.

15 A My name is Wendy Waites, and I'm currently employed with
16 Washington Tree Service. Since college, I have worked with
17 Seafirst Bank for 12 years. I owned my own business, a bakery,
18 in Sequim, Washington. I'm married.

19 My husband is employed at Washington Tree Service also.

20 Other than that, he was marketing tech businesses. My -- I have
21 a son 20 who is employed at Washington Tree Service. And I have
22 a daughter who is 18 and ready to graduate from high school.

23 My outside activities are trying to manage the household,
24 and I am a caretaker for my 83-year-old mother.

25 Q You indicated you may have a problem regarding the duration

1 of the trial.

2 A The company I work for is 56 years old, and we do nothing on
3 the computers. We have a 30,000 customer base. We are right in
4 the middle of implementing a computer program.

5 Q All right. Thank you.

6 EXAMINATION

7 BY THE COURT:

8 Q Number seven.

9 A My name is Suzanne Taitingfong. I am married. I've worked
10 for credit unions all my adult life. I work as a manager for
11 Boeing Employees Credit Union right now. My husband is civilian
12 contracted through the military. He works for the Navy exchange
13 system. We have three children, one graduating from high
14 school, another one at the University of Washington, and a
15 10-year-old.

16 And extracurricular activities are gardening, reading and
17 keeping up with the kids.

18 Q Okay.

19 EXAMINATION

20 BY THE COURT:

21 Q Number 8.

22 A My name is Van Spohn. I'm a chemist doing environmental
23 testing. I've been there for about 14 years. I'm married. I
24 have a wife in Covington. She works at Fred Meyer as a cashier.
25 Outside activities, I enjoy skiing, fishing, mountaineering,

1 hiking.

2 Q You indicated somebody in your family is a lawyer?

3 A My cousin and my aunt.

4 Q Okay. Where do they practice?

5 A Houston, Texas.

6 Q All right. Do you know what type of work they do?

7 A I have no idea.

8 Q Okay. Thank you.

9 EXAMINATION

10 BY THE COURT:

11 Q Number nine.

12 A My name is Jeff Keever. I'm the food service director at
13 Everett Community College. Before that I was food service
14 director in a retirement community. I have been with the same
15 partner for nine years, and my partner is a doctor. And I like
16 to travel and I like to hike.

17 Q Okay. Thank you.

18 EXAMINATION

19 BY THE COURT:

20 Q Number 10.

21 A My name is Mona Page. I'm married, three children, nine
22 grandchildren. My work history, I retired from Rite Aid Drug.
23 My husband is a retired heavy duty truck mechanic. Outside
24 activity, RV and just enjoying retirement.

25 Q Okay.

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EXAMINATION

BY THE COURT:

Q Number 11.

A I'm Elizabeth Davis, and I'm single, no children. I worked for about 14 years at Microsoft, and then about eight years I did -- I owned a store. And I've sold that now. And I'm a student at Seattle Central Community College in the boat building program. And I like boating.

Q Somebody you know is a lawyer?

A Yes. Oops, my father is a lawyer in Seattle, corporate law.

Q What type of work?

A Corporate.

Q And do you know the name of the firm?

A Davis Wright.

Q I've heard of that firm. I think I know your father pretty well. And you've been a juror before?

A Yes.

Q And how many cases have you sat on?

A Just one.

Q And was it criminal or civil?

A It was criminal.

Q Was the jury able to reach a verdict?

A Yes.

Q Okay. Thank you.

EXAMINATION

1 BY THE COURT:

2 Q Number 12.

3 A My name is Richard Phillips. I work for Honeywell Aerospace
4 Electronics Systems. I'm an international sales manager. My
5 wife is a housewife and occasional student. I have a
6 10-year-old son at home.

7 As far as my immediate family, my father was employed by the
8 Veterans Administration, retired in 1972. My mother retired as
9 a registered nurse in 1972. And as far as outside activities,
10 cub scout activities with my son, and we like to travel.

11 Q And how many cases have you served on as a juror?

12 A In 1990 in Orange County, California, I had a
13 two-and-half-week obligation and there were two criminal trials
14 and one civil trial.

15 Q Was the jury able to reach a verdict in all of them?

16 A Yes, on all three of them.

17 Q Okay. Thank you.

18 EXAMINATION

19 BY THE COURT:

20 Q Number 13.

21 A My name is Bernice Baker. My work history, I've always
22 worked for Washington Mutual bank. I'm retired as of about
23 three years ago. And I worked for them about 27 years all and
24 all.

25 I am married, with four grown children. My husband was a

1 teamster, and he is also retired as of about five years ago. My
2 two sons, one is a heavy-duty truck driver for a landscaping
3 firm. Another works for a property management firm.

4 My daughters, one is a graphic artist, and the other works
5 as a retail salesperson for Precor exercise equipment company.
6 My outside activities are enjoying the grandchildren, playing a
7 little golf and traveling.

8 Q And how many trials have you served on?

9 A I've been called -- this is my third one, and I actually
10 served on one in Bellevue.

11 Q Was it criminal or civil?

12 A It was a child custody, so I'm not sure.

13 Q Was the jury able to reach a verdict?

14 A Yes.

15 Q All right. Thank you.

16 EXAMINATION

17 BY THE COURT:

18 Q Number 14.

19 A My name is Paul Grohe. I retired from Seafirst Bank in
20 1990. I worked there for 34 years. Relationship officer, loan
21 officer, and various other capacities. Presently I'm indulging
22 in metal sculpture, which has been my vocation, so to speak, for
23 the last couple of years.

24 My wife is retired. She taught aerobics and lessons for
25 Weight Watchers. And she most recently was an office support

1 clerk tech for a firm over -- over in Redmond. We have two
2 children. My son is in construction in Illinois. My daughter
3 teaches preschool in Bellevue.

4 Outside activities, trail running, hiking, traveling and
5 enjoying grandkids.

6 Q All right. And how many juries have you served on?

7 A Three, as I recall, and they were criminal cases in King
8 County District Court.

9 Q And was the jury able to reach a verdict in all of them?

10 A Yes.

11 Q All right. Thank you.

12 EXAMINATION

13 BY THE COURT:

14 Q Number 15.

15 A My name is Albert Leonard. I have worked at a number of
16 organizations doing computer programming in various roles. Far
17 too many to list them today. I'm divorced. I have a
18 four-year-old. My ex-wife works -- has worked for various
19 organizations doing business analyst work, which is related to
20 the computer programming.

21 And outside activities, I read a lot, and play on the
22 computer, spend time with my daughter.

23 Q You indicated somebody you know has been employed by the
24 United States, yourself or a family member?

25 A Yes. For five years I worked for the U.S. Army Corps of

1 Engineers as a civilian computer support person.

2 Q All right.

3 A And I also did a two-and-a-half-week contract for a DOT
4 agency, but I cannot be more specific about it.

5 Q All right. How many juries have you served on?

6 A One.

7 Q Was it criminal or civil?

8 A Criminal.

9 Q Was the jury able to reach a verdict?

10 A No, the parties settled just as we were headed for the room.

11 Q Okay. And you indicated you may have a problem with the
12 duration of the trial?

13 A I only get to see my daughter once a week, and that would be
14 tomorrow evening.

15 Q What time do you get to see her?

16 A 3:30 to 6:30. She's in Covington.

17 Q Okay. All right. Thank you.

18 EXAMINATION

19 BY THE COURT:

20 Q Number 16.

21 A My name is Teresa Ducharme. I'm working at home, mother,
22 working mother. And I retired from Microsoft after 10 years. I
23 was OEM sales director for them. I have -- I'm married. My
24 husband is an attorney. He represents his clients before the
25 state legislature in Olympia. I have a nine-year-old-boy and a

1 five-year-old girl.

2 Q I'm sorry, does your husband work for a firm?

3 A No, he's an independent contractor.

4 Q And what are most of the types of people he represents?

5 A He would mostly represent business interests. Typically
6 he'll have six or seven contracts during the course of a
7 legislative session, typically he handles those over a course of
8 years, and they will be different so that he doesn't have a
9 conflict of interest.

10 Q I hope you sold your Microsoft more than a couple of years
11 ago.

12 A Do I have to talk about that?

13 Q You indicate you might have a problem regarding the duration
14 of the trial?

15 A Well, I'm in a little bit of a bind because the legislature
16 has been unable to finish their session, and so I'm basically
17 single parenting, and my son has started their baseball
18 playoffs. So I can probably mush together for a day, but beyond
19 that it becomes difficult to manage.

20 Q Okay. Thank you.

21 EXAMINATION

22 BY THE COURT:

23 Q Number 17.

24 A My name is Brian Clark. I work for a local grocery company
25 called QFC. I'm married. I have three children, all living at

1 home. My oldest son who's 19 is a full-time student and also
2 works at a tile company in Kirkland. And outside activities
3 include visiting with my children and hiking.

4 Q All right.

5 EXAMINATION

6 BY THE COURT:

7 Q Number 18.

8 A My name is Lee Wolf, and I am married, have three kids, 9, 7
9 and 4. I've worked for Boeing as a mechanic for 16 years. And
10 I like to hunt, fish, water-ski, snowmobile, the outdoors.

11 Q All right. Thank you.

12 DIRECT EXAMINATION

13 BY THE COURT:

14 Q Number 19.

15 A My name is Linda Dean. For several years I've worked for GE
16 Commercial Finance as a collection manager. I'm married. I
17 have three grown children, ages 32 -- actually 32 tomorrow, 30
18 and 28. My son is the oldest. He's a golf pro. My oldest
19 daughter works for Nike. And my youngest daughter is a cardiac
20 nurse. I'm married. My husband has been retired for many
21 years. We like to golf and fish, and that's about it.

22 Q Okay. Now, you indicated that you had some concerns about
23 an audit in the past. Let me -- I don't want to get into the
24 details of that, but is it something that you think, given the
25 nature of this trial, would make it difficult for you to be

1 completely fair and impartial to both sides in this case?

2 A If it involved the IRS, yes, I would have a hard time.

3 Q Would you feel more comfortable not serving on the jury?

4 A If it involves the IRS, yes, I would.

5 Q All right. Thank you.

6 EXAMINATION

7 BY THE COURT:

8 Q Number 20.

9 A My name is Brendan O'Neill Kohl. I'm a student at Western
10 Washington University, graduate in the summer. I work at a
11 community bike shop. I've taught English in Mexico. I've
12 worked at a veterinary clinic, construction.

13 Q What do you do in your spare time?

14 A Travel, bike, write.

15 Q All right. Thank you.

16 EXAMINATION

17 BY THE COURT:

18 Q Number 21.

19 A My name is Dave Manzanares. I'm currently retired. I have
20 two children, a daughter 34 and a son 30. I went to the
21 University of Washington, and after that I spent my entire
22 career working for the Federal Department of Health & Human
23 Services. I started out there as an auditor, and then I was in
24 administration for about five years. Then I was into
25 negotiating costs for the last 18 years.

1 My daughter works for Nordstrom, and what she does is she
2 handles special customer complaints. If a customer has an
3 unusual complaint, she actually handles it in a more personal
4 manner. My son works for the Double Tree as a manager there.
5 My wife is retired. I like sports.

6 Q You said that somebody in your family has been an attorney?

7 A My brother is an attorney.

8 Q Where does he practice?

9 A He's a public defender for Pierce County.

10 Q Okay. Is there anything about his employment that you think
11 would affect your ability to be fair and impartial to both sides
12 in this case?

13 A No, no.

14 Q And you have served as a juror. On how many cases?

15 A Just one case.

16 Q What Court was that?

17 A It was in a city Court in Texas. It was a shoplifting case.

18 Q All right. Was the jury able to reach a verdict?

19 A Yes.

20 Q All right. Thank you.

21 EXAMINATION

22 BY THE COURT:

23 Q Number 22.

24 A My name is Jody Day. I have been an industrial painter for
25 27 years. My wife works for Better Business Bureau. I have

1 three kids, 26, 21, and 18. I just enjoy sports, outdoors,
2 everything else.

3 Q Okay. Thank you.

4 EXAMINATION

5 BY THE COURT:

6 Q Number 23.

7 A My name is Karl Bargmeyer, and my wife and I have been
8 married 43 years. We have two daughters in their early 40s. I
9 spent four years in the Navy, eight years at Boeing, 20 years
10 with IBM, and 10 years with the Internal Revenue Service.

11 My daughters -- my wife has been employed in various
12 administrative functions with local companies, and she's now
13 retired. My oldest daughter is an administrator with Alaska
14 Airlines. The youngest is a dental assistant. Both have been
15 working in their jobs more than 20 years.

16 We golf, we travel, we camp with a travel trailer, and we
17 fish.

18 Q Okay. What years did you work for the IRS?

19 A From 1990 to 2000.

20 Q Okay. Did you retire from the IRS?

21 A I retired from IBM when IBM pulled out of Seattle, and went
22 to work for the IRS, and after 10 and a half years retired from
23 the IRS.

24 Q Okay. Would you be uncomfortable serving on this jury with
25 the implications involving the IRS and taxes?

1 A I don't think so. I worked for five years on the telephones
2 answering tax questions, and then the last five years I worked
3 as a writer editor, I wrote newsletters for IRS employees and
4 tax practitioners in a four state area.

5 Q Let me ask the question a little differently: If a member
6 of your family were unjustly accused of a crime that involved
7 the IRS, would you be satisfied to have 12 people with your
8 background and experience serve as the jurors in that case?

9 A Completely.

10 Q All right. Thank you.

11 EXAMINATION

12 BY THE COURT:

13 Q Number 24.

14 A Noel Walther. I worked for the Seattle schools for 35 years
15 as a teacher and counselor. Retired. Then I worked, I think it
16 was the -- kind of like in the federal, but we did testing for
17 the Armed Services, the Office of Personnel Management. And we
18 did those going into the Service, as well as traveling to many
19 high schools and giving the Armed Services test as a vocational
20 tool.

21 Family, three sons, and they're all grown.

22 Q Why don't you wait just a moment until --

23 A Yes.

24 Q -- the sirens get on by.

25 A Oh, all right.

1 Q All right. Go ahead.

2 A That's all right. My sons are scattered, and they do
3 different things. And outside activities, I enjoy going out in
4 our boat. I just came back last night. Play a little golf. My
5 wife and I like to travel. So we try to use our retirement
6 years as well as we can, enjoy some of the things that we
7 couldn't do earlier.

8 Q What did you teach in high school?

9 A Oh, I taught mathematics for the Seattle schools, and then I
10 was a counselor for the Seattle schools.

11 Q Okay. How many trials have you sat on as a juror?

12 A Two up in Everett.

13 Q What Court?

14 A They were both criminal cases in Everett.

15 Q Okay. And was the jury able to reach a verdict in both of
16 them?

17 A Yes, it did.

18 Q All right. Thank you very much.

19 A Yes.

20 EXAMINATION

21 BY THE COURT:

22 Q Number 25.

23 A I'm Patricia Hutton. For 26 years I was an office manager
24 for a disability insurance company. Now I pack up household
25 furniture for my partner of 12 years. We have no children. We

1 have two dogs. I like gardening and traveling.

2 Q All right. How many cases have you sat on?

3 A Three, two in Oregon and one here.

4 Q Okay. Were they all criminal, civil, or some of both?

5 A I do not recall the Oregon ones. The one here was civil.

6 Q Was the jury able to reach a verdict in all of them?

7 A Yes.

8 Q Okay. Thank you.

9 EXAMINATION

10 BY THE COURT:

11 Q Number 26.

12 A My name is Michael Lohss. I work -- I'm a software
13 development manager for Adaptoz. I've been in software since I
14 got out of college. I am married, with a 21-month-old. My wife
15 is a pension fund administrator. And for outside activity, I
16 like woodworking, camping, working on my car.

17 Q Okay. And how many juries have you sat on?

18 A Zero.

19 Q Oh, I'm sorry. You're number 26.

20 EXAMINATION

21 BY THE COURT:

22 Q Number 27.

23 A My name is Ray Knutsen. Work history, I have been a diesel
24 mechanic for about 13 years. I work for a container outfit on
25 the Seattle waterfront right now. I have three children under

1 the age of 6. 6, 4 and 2. My wife is a manager/bartender.
2 Outside activities, basically just taking care of our
3 two-and-a-half-acre property.

4 Q Okay.

5 EXAMINATION

6 BY THE COURT:

7 Q Number 28.

8 A My name is Maurice Fox. I'm a semi-retired entrepreneur.
9 I've done a lot of different things. One I should mention is I
10 served on the board of a publicly traded bank for five years.
11 My wife and I have been married for 39 years. We have two sons
12 that work for a company we founded and sold in '95. They both
13 have children. We have five grandchildren.

14 My wife and I spend most of our time boating in the Eastern
15 Caribbean and Eastern seaboard, and we come here in what we call
16 the wintertime, which is now. And that's about it.

17 Q You indicate you may have a problem regarding the duration
18 of the trial?

19 A I sustained an injury to my leg and an infection. I'm
20 having trouble getting that under control. It's flared up
21 again, and I may have to seek medical care.

22 Q Okay. And you also indicated that you had had an audit
23 situation. Is that something that you feel would affect your
24 ability to be fair and impartial to both sides in this case?

25 A We've been audited four times. The first time they gave all

1 the money back. So I guess -- I guess not.

2 Q All right. You don't have any concerns about your ability
3 to be fair and impartial to both sides?

4 A No, not necessarily. I just wanted to point out that I did
5 have one uncomfortable experience with the IRS.

6 Q Okay. Thank you.

7 EXAMINATION

8 BY THE COURT:

9 Q Number 29.

10 A My name is Norm Douglas. I currently work for Weyerhaeuser
11 Company, pulp paper, packaging and wood products. Married. Two
12 children, grown, married and gone from the home. I enjoy
13 outdoor activities, golfing and skiing, and have participated in
14 those activities with my family over the years.

15 Q What was the employment by the United States?

16 A After high school and through college and after -- my first
17 employment after college I worked for the United States Forest
18 Service during summers for about eight years.

19 Q Okay. And somebody in your family has been involved in law
20 enforcement?

21 A My brother was a state patrol officer, Washington State
22 Patrol, some years -- many years ago.

23 Q Okay. And how many trials have you sat on as a juror?

24 A I was an alternate on one that I recall.

25 Q Was it criminal or civil?

1 A That was a civil case.

2 Q In what Court?

3 A It was in the Federal Way District Court.

4 Q Okay. Thank you.

5 EXAMINATION

6 BY THE COURT:

7 Q Number 30.

8 A Hello. My name is Mike Boucher. I drive truck for a
9 living, for the last 15 years. I've got an eight-year-old
10 daughter. Just recently married. My wife is a stay-home mom,
11 unemployed from Boeings. We like to hike and fish and camp.

12 Q All right. Thank you.

13 EXAMINATION

14 BY THE COURT:

15 Q Number 31.

16 A My name is Jacque Bates, and I'm a CPA. I practice in the
17 tax area and have a Master's in tax, actually. I have no
18 children. I'm single. And I enjoy any outdoor activity.

19 Q Is there anything about the nature of your employment that
20 you think would affect your ability to be fair and impartial to
21 both sides in this case?

22 A That's difficult to say without knowing more information,
23 but I think there is a possibility that I could be not
24 impartial.

25 Q Okay. Thank you.

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EXAMINATION

BY THE COURT:

A I'm Lauri LeClech. I currently work for Benefit Port Northwest, which is an insurance broker and administrator. I work in the accounting department doing broker commissions and accounts payable. I'm a divorced mother of a -- well, divorced single parent of a 17-year-old daughter. I enjoy reading, exercising, and shopping.

Q Somebody in your family was employed by the United States?

A Well, I did a short period there, probably about six months, as a clerk typist for the federal government.

Q What agency?

A Youth and Social Service.

Q All right. Thank you.

EXAMINATION

BY THE COURT:

Q Number 33.

A My name is Allen Schultz. I'm an unemployed network operations analyst formerly with AT&T Wireless. I'm married for two years, no children. Before I was a network analyst I had a 10-year career as a graphic artist, CAD designer. My wife is an unemployed staff trainer from a recruiting firm.

Outside activities are skiing and bicycle riding, and I have a hobby as a gas welder.

Q I'm sorry?

1 A Gas welding.

2 Q Oh. Thanks.

3 EXAMINATION

4 BY THE COURT:

5 Q 34.

6 A My name is Kevin Kerkof. I'm employed at Washington
7 Technology Center for the past six years. I am single. No
8 children. I enjoy playing soccer, bicycling and outdoor
9 activities, hiking.

10 Q All right.

11 DIRECT EXAMINATION

12 BY THE COURT:

13 Q 35.

14 A My name is Yousef Arefi-Afshar. I just graduated from
15 Colorado College last Monday, so the work history is limited. I
16 own a clothing company based in Mountlake Terrace. My folks --
17 my mother runs a small clothing company, or a small retail
18 clothing store. My father is technical support for Boeing.

19 And outside activities include looking for grad schools.

20 Q Okay. What are you looking for in a grad school?

21 A It's a good question.

22 Q I mean, what area?

23 A Like a Master's Degree in either business or law.

24 Q Okay.

25 EXAMINATION

1 BY THE COURT:

2 Q Number 36.

3 A My name is Bruce Davie. I drive truck. After high school,
4 farming and stuff. I went cross-country, narrowed it down to
5 running the I-5 corridor. Now I'm running just locally. My
6 wife is a bridal consultant or retail associate down here in one
7 of the malls down here. We don't have no kids.

8 Basically outdoor sports is biking, fishing, and that's
9 about it.

10 Q All right. How many cases have you sat on as a juror?

11 A And I sat on one, it's criminal, and we reached a verdict.

12 Q All right. Thank you.

13

EXAMINATION

14 BY THE COURT:

15 Q And number 37.

16 A My name is Brian Kerntke. I work at a trucking company as a
17 mechanic, and I'm married and have three kids. And my outside
18 activities would be camping and riding four-wheelers, and stuff
19 like that.

20 THE COURT: All right. Thank you. Let me see counsel
21 and -- the parties at sidebar, please.

22 (Sidebar conference as follows:)

23 THE COURT: Will there be any objection to excusing
24 those jurors who have a problem regarding duration of the trial?

25 THE DEFENDANT: No.

1 MR. ODULIO: No, Judge.

2 THE COURT: So that means we are excusing juror number
3 6, 15, 16, 28. Then on juror number 19, who said she did not
4 feel she could be fair, is there any objection to excusing her?

5 MR. MAIETTA: No.

6 MR. ODULIO: No.

7 THE COURT: Ms. Struckman?

8 THE DEFENDANT: I don't know how to answer that.

9 THE COURT: All right. I'm going to excuse number 19.
10 And number 31 had the same problem regarding the IRS and tax
11 implications and the like. Is there any objection to her being
12 excused?

13 THE DEFENDANT: Same thing.

14 MR. ODULIO: No.

15 THE DEFENDANT: I don't know how to respond to that.

16 THE COURT: All right. I'm going to excuse number 31.
17 Any other challenges for cause?

18 MR. ODULIO: Your Honor, earlier you informed us that
19 juror number 20 is presently charged with some criminal
20 violations.

21 THE COURT: Yes.

22 MR. ODULIO: So given that circumstance, the government
23 would ask for his excuse.

24 THE COURT: Is there any objection to that?

25 THE DEFENDANT: I don't -- I don't know how to respond

1 to that.

2 THE COURT: I'm going to excuse number 20. Any others?

3 MR. ODULIO: Nothing further.

4 THE COURT: Then if you will write down -- first of
5 all, do you have any additional questions you want to ask? Ms.
6 Struckman, you have to respond verbally.

7 THE DEFENDANT: No, sir, I don't have any questions.

8 MR. ODULIO: No questions.

9 THE COURT: All right. Then write down your peremptory
10 challenges.

11 (Open court.)

12 THE COURT: If you folks would like to stand and
13 stretch. We're almost finished. But I have to ask you not to
14 speak, because everything that is said has to be taken down.

15 (Brief Pause.)

16 THE COURT: Mr. Bentley, if you want to pull one of
17 those chairs back there and sit on them, that's fine. Those are
18 worse than church pews.

19 MR. BENTLEY: Thank you, Your Honor.

20 (Brief Pause.)

21 THE COURT: Gentlemen, wrap it up.

22 (Brief Pause.)

23 THE COURT: Juror number 1, I'm going to ask you to
24 step down and have a seat back on the benches, and I'll ask
25 juror number 13 to move into that seat. Jurors 2, 3, 4 and 5

1 will remain seated. Juror number 6 will step down, and juror
2 number 14 will move into that seat. 7 will remain seated.
3 Number 8 will step down, and juror number 17 will move into that
4 seat. Jurors 9, 10, 11 and 12 will remain seated. If you folks
5 on the back will move down two chairs, please.

6 Does the government agree that the Court has correctly
7 recognized the challenges?

8 MR. ODULIO: It does.

9 THE COURT: Does the defendant agree that the Court has
10 correctly recognized the challenges, Ms. Struckman?

11 THE DEFENDANT: As far as I can tell.

12 THE COURT: All right. Does the government accept the
13 jury as presently constituted?

14 MR. ODULIO: Yes, it does.

15 THE COURT: Does the defendant accept the jury as
16 presently constituted, Ms. Struckman?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Ladies and gentlemen, if you'll
19 stand and raise your right hand to be sworn.

20 (Jurors sworn.)

21 THE COURT: All right. Thank you. Please be seated.
22 Ladies and gentlemen, those of you who were not selected to
23 serve on this jury will be excused in just a moment to report to
24 the jury clerk, and that will constitute your service for this
25 term of federal court.

1 Thank you very much for your willingness to appear here this
2 morning. It's very important to our system of justice that
3 people like yourselves are willing to serve, and we appreciate
4 it deeply. Thank you again. You're excused.

5 Now, ladies and gentlemen, you are now the jury in this
6 case. And I want to take a few minutes to tell you something
7 about your duties as jurors and to give you some instructions.
8 It will be your duty to decide from the evidence what the facts
9 are. You will hear the evidence, decide what the facts are, and
10 then apply those facts to the law which I will give to you. In
11 doing so, you must follow the law as I give it to you, whether
12 you agree with it or not.

13 The evidence will consist of the testimony of witnesses,
14 documents and other things received into evidence as exhibits,
15 and any facts on which the lawyers agree, or which I may
16 instruct you to accept.

17 When I said the lawyers, I mean the lawyers and the
18 defendant. You should not take anything I may say or do during
19 the trial as indicating what I think of the evidence or what
20 your verdict should be.

21 This is a criminal case brought by the United States
22 government. The charges against the defendant are contained in
23 an indictment. An indictment is simply the government's
24 description of the charges and is not evidence of anything.

25 The following things are also not evidence, and you must not

1 consider them as evidence in deciding the facts of this case:
2 Statements and arguments of attorneys, questions and objections
3 that are made to evidence as it comes in, testimony that I
4 instruct you to disregard, and anything you may have seen or
5 heard when the Court is not in session, even if what you see or
6 hear is done or said by one of the parties or by one of the
7 witnesses.

8 Some evidence may be admitted for a limited purpose only.
9 When I instruct you that an item of evidence has been admitted
10 for a limited purpose, you must consider it only for that
11 limited purpose and for no other.

12 Evidence may be direct or circumstantial. Direct evidence
13 is testimony by a witness about what that witness personally saw
14 or heard or did. Circumstantial evidence is indirect evidence,
15 that is, it is proof of one or more facts from which can find
16 another fact. You are to consider both direct and
17 circumstantial evidence. The law permits you to give equal
18 weight to both, but it is for you to decide how much weight to
19 give to any evidence.

20 There are rules of evidence which can control what can be
21 received into evidence. When a lawyer or a party asks a
22 question or offers an exhibit into evidence and somebody on the
23 other side thinks that it is not permitted by the rules of
24 evidence, that person may object. If I overrule the objection,
25 the question may be answered or the exhibit received. If I

1 sustain the objection, the question cannot be answered or the
2 exhibit cannot be received. Whenever I sustain an objection to
3 a question, you must ignore the question and must not guess what
4 the answer would have been.

5 Sometimes I may order that evidence be stricken from the
6 record and that you disregard or ignore the evidence. That
7 means that when you are deciding the case you must not consider
8 the evidence which I told you to disregard.

9 In deciding the facts of this case, you may have to decide
10 which witnesses to believe and which witnesses not to believe,
11 or how much of any witness' testimony to believe. You may
12 believe everything a witness says, or only part of it, or none
13 of it.

14 In deciding what to believe, you may consider a number of
15 factors, including the witness' ability to see or hear or know
16 the things the witness testified to, the quality of the witness'
17 memory, the witness' manner while testifying, whether the
18 witness had any interest in the outcome of the case, or any
19 motive, bias or prejudice, whether the witness has
20 contradicted -- was contradicted by anything the witness said or
21 wrote before trial, or by other evidence, and how reasonable was
22 the witness' testimony when considered in the light of other
23 evidence which you believe.

24 I will now say a few words about your conduct as jurors.
25 First, do not talk to each other about this case, or about

1 anyone who has anything to do with it, until the end of the
2 case, when you go to the jury room to decide your verdict.

3 Second, do not talk with anyone else about this case, or
4 about anyone who has anything to do with it, until the trial has
5 ended and you have been discharged as jurors. Anyone else
6 includes members of your family and your friends. You may tell
7 them that you are a juror, but do not tell them anything about
8 the case until after you have been discharged by me.

9 Third, do not let anyone talk to you about the case or about
10 anyone who has anything to do with it. If anyone should attempt
11 to talk to you about the case, immediately identify yourself as
12 a juror and tell them to stop. If they do not stop, bring it to
13 my attention promptly, and I will see to it that they do.

14 Fourth, don't read any news stories or articles, or listen
15 to any radio or television reports about the case, or about
16 anyone who has anything to do with it. Fifth, do not do any
17 research, such as consulting dictionaries or other reference
18 materials, and do not make any investigation about the case on
19 your own. For example, you should not go to any location about
20 which there may be testimony, or perform any other
21 investigation, or do any research of any kind.

22 Sixth, if you need to communicate with me simply give a
23 signed note to the clerk to give to me. And lastly, do not make
24 up your mind about what your verdict should be until after
25 you've gone to the jury room to decide the case, and you and

1 your fellow jurors have discussed the evidence. Keep an open
2 mind until then.

3 At the end of the trial you will have to make your decision
4 based upon what you recall of the evidence. You will not have a
5 written transcript to consult, and it is difficult and time
6 consuming for the reporter to read back lengthy testimony. I
7 urge you, therefore, to pay close attention to the testimony as
8 it is given.

9 If you wish, you may take notes to help you remember what
10 witnesses said. If you do take notes, please keep them to
11 yourself until you and your fellow jurors go to the jury room.
12 If you do not take notes, you should rely upon your own memory
13 of what was said and not be overly influenced by the notes of
14 other jurors.

15 The trial will begin shortly. First, each side may make an
16 opening statement. An opening statement is not evidence. It is
17 simply an outline to help you understand what that party expects
18 the evidence will show. A party is not required to make an
19 opening statement.

20 The government will then present its evidence and the
21 defendant may cross-examine those witnesses. Following the
22 government's case, the defendant, if she chooses, may present
23 evidence, and the government's counsel may cross-examine.

24 After all the evidence has been presented, the attorneys
25 will make their closing -- the attorneys and Ms. Stockman will

1 make their closing arguments to summarize and interpret the
2 evidence for you, and I will instruct you on the law. I said
3 Stockman, I meant Struckman. Pardon me. After that you will go
4 to the jury room to deliberate on your verdict.

5 We'll take a 15-minute recess at this time. The clerk will
6 show you up to the jury room and get you settled in. We'll
7 start up again at 10 minutes after. We'll be in recess.

8 (Recess.)

9 THE COURT: All right. The government's opening
10 statement.

11 MR. MAIETTA: Your Honor, Chris Maietta on behalf of
12 the United States. One housekeeping matter, Your Honor, with
13 regard to any witnesses that may be in the courtroom. We would
14 ask you to make an inquiry if any witnesses are in the
15 courtroom.

16 THE COURT: If there are any persons in the courtroom
17 who are expected to testify, I have to ask you to wait outside.
18 I see no response.

19 MR. MAIETTA: Thank you, Your Honor. Ms. Struckman,
20 counsel, ladies and gentlemen. Good morning. The defendant in
21 this case, and her husband, David Struckman, deposited 3.7
22 million dollars into three bank accounts between the dates of
23 June 1997 and August 1998, 3.7 million dollars.

24 And during the same time period the defendant and her
25 husband withdrew more than \$900,000 in cash from three bank

1 accounts. In fact, they made 122 cash withdrawals from three
2 bank accounts. All of those withdrawals for cash were under
3 \$10,000.

4 And these three bank accounts were under the names Crescent
5 Moon Enterprises, Spectack-Ular Holdings and Alternate Ventures.
6 And the defendant and her husband opened these three bank
7 accounts. And they opened these three bank accounts at a branch
8 of the U.S. Bank of Washington.

9 And when they opened these three accounts, they went to the
10 bank, they filled out paperwork, and one particular form that
11 they filled out, and they submitted to the bank, was a W-8 form.
12 And this W-8 form is also known as a certificate of foreign
13 status.

14 It's a form that simply tells the bank that the account
15 holder is a foreign entity, and it also allows the bank account
16 holder to not provide a Social Security number or a taxpayer
17 identification number, a TIN.

18 And in this case, the defendant and her husband opened the
19 three accounts and submitted W-8 forms to the bank. And it was
20 from these three accounts that the defendant and her husband
21 made 122 cash withdrawals. And every single one of those cash
22 withdrawals were for an amount below \$10,000.

23 Now, to withdraw the money the defendant and her husband,
24 David Struckman, went to one of the branches of U.S. Bank of
25 Washington. They went to the Spring Glen branch in Renton,

1 Washington, to withdraw the money.

2 And the bank employees at Spring Glen got to know the
3 defendant and her husband quite well. They were frequent
4 visitors to the bank. And one particular employee, Sharon
5 Ashley, worked at the bank. She was a merchant teller at the
6 bank.

7 And some of her duties included working with business
8 customers, their business accounts. She had access to the
9 vault. She handled high dollar transactions. And she got to
10 know the defendant and her husband very well. They were
11 frequent visitors to the bank.

12 And on one occasion the defendant came into the bank,
13 presented a check to Sharon Ashley for an amount -- for an
14 amount of money over \$10,000. Now, she presented the check to
15 Sharon. Sharon then picked up a form. The form is called a
16 currency transaction report.

17 And a currency transaction report is a form that has to be
18 filed by a bank employee whenever a customer comes into the bank
19 and wishes to either cash or withdraw cash for more than
20 \$10,000, or if the customer wishes to deposit cash for more than
21 \$10,000. So in either case, you withdraw cash for more than
22 \$10,000, the form gets filled out; you deposit cash for more
23 than \$10,000, the form gets filled out.

24 And in this case the defendant wanted to withdraw more than
25 \$10,000 in cash. So Sharon Ashley began to fill out the form.

1 The defendant then stopped. She said, "Sharon, what are you
2 doing?" And Ms. Ashley said, "Well, based on the amount of the
3 transaction, I have to fill this form out, and this form then
4 gets submitted to the government."

5 At that point the defendant stopped, she hesitated, she
6 paused. She then asked Sharon if she wrote out a check for an
7 amount under \$10,000 whether that form would have to be filed,
8 and Sharon said no, the form would not have to be filed. So the
9 defendant then wrote a check out for an amount under \$10,000,
10 and Sharon put the form away.

11 And just to give you an idea of the frequency that the
12 defendant and her husband would go to the bank and make these
13 cash withdrawals, I'll give you some examples. June 3rd, 1997,
14 a Tuesday, the defendant walks into the bank. The check is
15 written payable to cash for \$9,000. She hands the check to the
16 teller. The teller then gives the defendant \$9,000 in cash.
17 The defendant walks out the door with \$9,000 in cash.

18 The next day, a Wednesday, the defendant again is at the
19 bank. A check is made payable to cash. She gives it to the
20 teller. The teller gives her \$9,000 in cash. The defendant
21 walks out the door. This happens again on the following day,
22 and on the following day.

23 And another thing the defendant would do, and her husband,
24 when they went to the bank, is that they would request the
25 withdrawals of cash be in denominations of \$100, \$100

1 denominations.

2 So if she was -- the defendant was withdrawing \$9,000 in
3 cash, she would get 90 one hundred dollar bills. And the bank
4 tellers -- initially the bank tellers would count out 90 one
5 hundred dollar bills, 1, 2, 3. That took a while.

6 But the defendant and her husband were frequently in the
7 bank, and so they didn't bother counting out the cash, one
8 hundred dollar bills, to them anymore. They just gave it to the
9 defendant, and they walked out. 122 cash withdrawals. And
10 every single one of them was for under \$10,000. Not one was for
11 more than \$10,000.

12 So where was this money coming from? Well, that's a
13 question that Sharon Ashley and many of the bank tellers had
14 themselves. They wanted to know where this money was coming
15 from. They were just curious. As bank employees, they see a
16 lot of customers coming through.

17 And on one occasion the defendant came in to deposit
18 business checks, and the bank teller asked the defendant what
19 she did for a living. And the defendant said that her and her
20 husband were in a business where they conducted seminars, and it
21 showed people how to start their own business.

22 Well, now, the bank teller knew. And Sharon Ashley was also
23 working that day, and she heard the defendant tell this story
24 about this business. And the business the defendant was talking
25 about is called Global Prosperity.

1 And Global Prosperity sold certain products. And one of the
2 products that they sold were audio cassette tapes. And on these
3 audio cassette tapes were recordings. And they were recordings
4 where the speakers spoke about viewpoints, opinions about taxes
5 and government. And these tapes were sold by Global Prosperity
6 for \$1,250 apiece, for a package, a set of 12 cassettes.

7 And Global Prosperity also sold tickets to offshore
8 seminars. Now, these offshore seminars were held outside the
9 country in places like Cancun, Mexico, Aruba, and the Bahamas.
10 And at these seminars speakers would talk about tax opinions and
11 opinions about the government. And a ticket to actually go to
12 one of these seminars cost \$6,250. Global Prosperity was a very
13 lucrative business. It made a lot of money.

14 And one of the philosophies that was advocated at these
15 seminars that are on the tapes was this concept of sovereignty.
16 And sovereignty was simply a concept that people were free to do
17 what they wanted. The government wasn't under their -- they
18 were not under the government's jurisdiction. They didn't have
19 -- the government did not have control over them.

20 And the defendant and her husband purported or claimed that
21 they were sovereign, they were free, the government didn't have
22 any authority over them. And they actually submitted
23 affidavits, both her husband and the defendant submitted
24 separate affidavits to the King County clerk's office. And in
25 these affidavits they declared that the federal, state, and

1 local governments had no authority over them, including the IRS,
2 the Social Security Administration, the Department of Tax
3 Revenue.

4 And part of this concept of sovereignty was this idea that
5 you should pay for things in cash. If you go out and buy a car,
6 you pay in cash. If you go get your haircut, you pay in cash.
7 Any type of services, you pay in cash.

8 Well, the defendant and her husband, David Struckman, they
9 paid in cash for a lot of things. And one person that saw
10 firsthand how they spent their money was a person by the name of
11 David Bowden.

12 Now, Mr. Bowden owned a car detailing shop. And David
13 Struckman would bring their cars into Mr. Bowden's detailing
14 shop to have them cleaned, waxed, repaired. He would just do --
15 Mr. Bowden would do anything.

16 And on one particular day Dave Struckman was at Mr. Bowden's
17 business, and he saw Mr. Bowden's 1932 Plymouth sedan. It was
18 owned by Mr. Bowden. He put a lot of time and effort in
19 repairing this 1932 Plymouth sedan, about \$25,000 worth of
20 repairs. And Dave Struckman wanted that car. And he told Mr.
21 Bowden, even though it wasn't for sale, he told Mr. Bowden, "I
22 want it. Name your price. I'll buy it."

23 Mr. Bowden thought about it. He'd spent about \$25,000 in
24 repairing the car. And he said, "Dave Struckman, \$28,000 and
25 it's yours." David Struckman said, "Sold. I'll be right back."

1 A short time later Dave Struckman came back to Mr. Bowden's
2 business with a brown paper bag. Inside the brown paper bag,
3 \$28,000 in cash in \$100 denominations.

4 Where did this \$28,000 come from? He didn't make a cash
5 withdrawal of \$28,000. The defendant and his wife -- or the
6 defendant and Dave Struckman were making cash withdrawals for
7 under \$10,000. A \$9,000 cash withdrawal here, a \$9,500 cash
8 there, another 9,000 cash withdrawal. A few cash withdrawals
9 and you get to that \$28,000.

10 About three weeks -- about three weeks later Dave Struckman
11 was back at Mr. Bowden's business. This time Dave Struckman saw
12 a boat. And that boat did not belong to Mr. Bowden. He was
13 working on it, doing some detailing. But Dave Struckman wanted
14 it. Dave Struckman got the owner -- the owner's name, spoke to
15 the owner, bought the boat for more than \$25,000. Dave
16 Struckman paid cash, more than \$25,000 in cash. Just another
17 example of what they did with the money.

18 Mr. Bowden and his wife actually were taken out to dinner by
19 the defendant and Dave Struckman one night. They went to the
20 Metropolitan Grill here in downtown Seattle. The four of them
21 had dinner. They had drinks. They had dessert. The total
22 bill, \$1,300. Who paid for it? The defendant and Dave
23 Struckman, and they paid for it in cash.

24 Well, where else was this money going? I mean, they were
25 making all these cash withdrawals, so where else was this

1 money -- I mean, you take out \$9,000 here and \$9,000 there, and
2 you go to the bank about two or three times a week. This was a
3 lot of cash.

4 They were also depositing the money in a safe deposit box
5 company in Bellevue, Washington. And Mr. Bowden learned about
6 this. Mr. Bowden was over at Dave Struckman and the defendant's
7 house a lot, and he learned that the defendant would frequently
8 go up to this safe deposit box company in Bellevue, Washington,
9 over in Bellevue, and deposit cash. And this was a private --
10 privately owned safe deposit box company. It wasn't affiliated
11 with the government in any way.

12 Now, the defendant in this case is charged with conspiracy
13 to structure a currency transaction. And that simply means that
14 the defendant and her husband agreed to structure currency
15 transactions for the purpose of evading the reporting
16 requirements. And they did this -- they did this by making cash
17 withdrawals, 122 cash withdrawals, and every single one of them
18 was for under \$10,000. And this happened between June 1997 and
19 August 1998.

20 And, ladies and gentlemen, at the end of this case, after
21 you've heard all the evidence, we are confident -- we are
22 confident that the evidence will show that the defendant is
23 guilty of conspiracy to structure a currency transaction, and we
24 will ask that you find the defendant guilty.

25 Thank you.

1 THE COURT: Ms. Struckman, do you wish to make an
2 opening statement?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: All right. You might pull that microphone
5 down and speak right into it.

6 THE DEFENDANT: I want to make a statement for the
7 record. I do not want to defend myself in this action. I want
8 counsel of choice. Mr. Allen Bentley is not my counsel of
9 choice. I will not be participating --

10 MR MAIETTA: Objection, Your Honor.

11 THE DEFENDANT: -- in these proceedings without counsel
12 of choice. Thank you.

13 THE COURT: All right. Call your first witness.

14 MR. ODULIO: The government calls Kimberli Reichert.

15 KIMBERLI REICHERT, BEING SWORN, TESTIFIED AS FOLLOWS:

16 THE CLERK: Would you take the stand. State your full
17 name and spell your last name.

18 THE WITNESS: Kimberli Reichert, R-e-i-c-h-e-r-t.

19 DIRECT EXAMINATION

20 BY MR. ODULIO:

21 Q Ms. Reichert, where are you employed?

22 A U.S. Bank.

23 Q And what is your position there?

24 A I'm a senior fraud investigator.

25 Q How long have you been employed by U.S. Bank?

1 A Approximately 25 years.

2 Q And have you held any other positions with U.S. Bank?

3 A Yes. I've been a fraud investigator for the past three
4 years. Prior to that I was a branch manager for 10 years, and
5 prior to that an operations manager for 10 years.

6 Q And your business location, is it here in Seattle?

7 A Yes, it is.

8 Q Just give us the duties of your position.

9 A My current position?

10 Q Yes, ma'am?

11 A I investigate internal and external fraud against the bank,
12 and I respond to bank robberies.

13 Q And as a branch manager what were your duties?

14 A As a branch manager I oversaw the sales of an office and the
15 operations manager reported to me.

16 MR. ODULIO: May the witness be given Government's
17 Exhibits 1, 2 and 3?

18 Q Government's Exhibit 1, ma'am, do you recognize that
19 document?

20 A Yes, I do.

21 Q What is it?

22 A This is a business signature card.

23 Q And is that a record kept by U.S. Bank?

24 A Yes, it is.

25 Q Government's Exhibit 2, please.

1 A Okay. This is also a business signature card.

2 Q And, again, is that related to U.S. Bank?

3 A Yes, it is.

4 Q Government's Exhibit 3, please.

5 A Also a business signature card.

6 MR. ODULIO: Your Honor, we have voluminous records
7 here, Exhibits 4, 5 and 6. May the witness briefly review them?

8 THE COURT: Yes.

9 Q (By Mr. Odulio) Ma'am, if you could review Government's
10 Exhibits 4, 5 and 6 located at this table.

11 THE COURT: You folks can stand up and stretch, if
12 you'd like.

13 (Brief pause.)

14 MR. ODULIO: Your Honor, may I assist the witness?

15 THE COURT: Yes.

16 (Brief pause.)

17 A Okay.

18 Q (By Mr. Odulio) You may return. Thank you. Ms. Reichert,
19 what are those documents?

20 A They are business statements from U.S. Bank and all of the
21 corresponding deposits, checks written and copies of the items
22 within the deposit.

23 Q And are those records of U.S. Bank?

24 A Yes, they are.

25 MR. ODULIO: If the witness could be handed

1 Government's Exhibit 7, 8 and 9.

2 Q Government's 7, Ms. Reichert.

3 A Okay.

4 Q Do you recognize those records?

5 A Yes, I do.

6 Q And what are they?

7 A These are checks that were drawn on an account at U.S. Bank.

8 They are copies of the cleared items.

9 Q And is that -- Government's Exhibit 7, can that be found in
10 Government's Exhibit 4? Is that a subset of Government's
11 Exhibit 4?

12 A Yes.

13 Q Government's Exhibit 8, Ms. Reichert. Do you recognize
14 those documents?

15 A Yes, I do.

16 Q And are they documents of U.S. Bank?

17 A Yes, they are.

18 Q And are those documents a subset of Government's Exhibit 5?

19 A Yes.

20 Q And, Ms. Reichert, Government's Exhibit 9. Do you recognize
21 those documents?

22 A Yes, I do.

23 Q What are they?

24 A They are also checks drawn on U.S. Bank.

25 Q And is that a subset of Government's Exhibit 6?

1 A Yes, it is.

2 Q Ms. Reichert, is it the regular practice of U.S. Bank to
3 make such records?

4 A Yes, it is.

5 Q And were these records kept in the course of a regularly
6 conducted business activity?

7 A Yes, they were.

8 MR. ODULIO: Your Honor, at this time the government
9 moves 1 through 9.

10 THE COURT: Any objection, Ms. Struckman? Hearing no
11 objection, they'll be admitted.

12 (Plaintiff's Exs. Nos. 1 through 9 admitted.)

13 Q (By Mr. Odulio) Ms. Reichert, if you could flip to
14 Government Exhibit 1, please.

15 A Okay.

16 Q Is there an account -- you testified that this was a
17 signature card?

18 A Correct.

19 Q Is there an account that is identified on the signature
20 card?

21 A Yes. This is a signature card for Crescent Moon
22 Enterprises.

23 Q And does it indicate when this account was opened, ma'am?

24 A March 27th, 1996.

25 Q And does it indicate who opened the account?

1 A The account was opened, and while under Crescent Moon, the
2 signers were David A. Struckman and Laura J. Struckman.

3 Q And do you know what type of account this is, Ms. Reichert,
4 whether it's an interest bearing or non-interest bearing?

5 A I need to look at the back. This account was opened as a
6 non-profit, and from the statement I can't -- or from the
7 signature card I can't tell if it is.

8 Q Would it refresh your recollection if you looked at a bank
9 statement?

10 A I did look at one when I went through. It is not an
11 interesting bearing account.

12 Q What significance does that fact have, that it's a
13 non-interest bearing account, what significance is that with
14 respect to the bank's reporting requirement to the Internal
15 Revenue Service?

16 A If an account is interest bearing, we're required to report
17 that interest in to the IRS.

18 Q And the fact that it's a non-profit, of what significance is
19 that with respect to the bank's treatment of this account?

20 A To the bank, actually non-profit, the only difference to us
21 is the structure of our service charge on the account.

22 Q Could you explain that, please?

23 A Traditionally we charge a non-profit organization a lower
24 service charge than a regular business account.

25 Q And how do you determine whether or not it's a non-profit?

1 A Based on the customer. We ask them that question.

2 Q Looking at Government's Exhibit 1, ma'am. In the box
3 labeled taxpayer I.D. number, it says W-815. Do you see that?

4 A Yes.

5 Q Can you explain that?

6 A What this means is that at the time the account was opened
7 there was not a tax I.D. number provided, and the bank was told
8 that it was a foreign status account.

9 Q And can you tell by the account number at which branch this
10 account was opened?

11 A The account opened in the Lynden office.

12 Q And do you know where that is located?

13 A As close as I know is it's up by Bellingham.

14 Q And are W-8 accounts common up in that area of the state?

15 A Yes, they are.

16 Q Why is that?

17 A Because it's close to the Canadian border. We have a lot of
18 Canadian citizens that bank with us.

19 Q Ms. Reichert, what is needed to establish -- what does a
20 customer need to establish that they are a foreign entity? What
21 did they have to bring to the bank at this time in 1996?

22 A They did not have to provide us with anything. We -- when
23 they told us they were foreign status, we gave them a W-8 form,
24 and they completed that. That's a government form.

25 Q And would a customer opening a W-8 account be required to

1 provide your institution with a Social Security number or a
2 taxpayer I.D.?

3 A If they had one, yes.

4 Q And if they don't have one, would they be required?

5 A You can't provide it if you don't have it.

6 Q And there's a box on Government's 1 regarding subject to
7 backup withholding. Do you see that?

8 A Yes, I do.

9 Q Would you explain that, please?

10 A There are businesses that are -- they have tax I.D. numbers
11 within the United States. If they've underreported on their
12 taxes in the past, they would be subject to backup withholding,
13 and that would mean that the bank would withhold some of the
14 interest that was earned and we'd pay it directly to the
15 government.

16 Q If you could turn to Government's Exhibit 2, please. Does
17 that identify -- I'm sorry, are you there?

18 A Yeah, I've got it.

19 Q Does that identify what account this is?

20 A Yes, this account is titled Alternate Ventures. And the
21 signers on the account are David Struckman and Laura Struckman.

22 Q And could you tell when this account was opened, Ms.
23 Reichert?

24 A July 22nd, 1996.

25 Q And can you determine at which branch this account was

1 opened?

2 A This was also opened at Lynden.

3 Q And how do you know that?

4 A I can tell by the account number. At the time these
5 accounts were opened, the first three digits of the account
6 number identified the physical location where it opened.

7 Q And the same question, does it indicate what type of account
8 this is, if it's an interest bearing or non-interest bearing?

9 A It is listed as a non-profit on the statement -- or on the
10 signature card, I'm sorry.

11 Q And based on your review of the documents, do you know
12 whether this is interest bearing or non-interest bearing?

13 A It is not interest bearing.

14 Q And there's an area on this form regarding taxpayer I.D.
15 number. Do you see that?

16 A Yes, I do.

17 Q Could you explain that, please?

18 A Again it says W-8 on file, which means no tax I.D. number
19 was provided to the bank. A W-8 was needed instead.

20 Q Does U.S. Bank treat W-8 accounts different from other
21 accounts?

22 A As far as our processing on the bank's end, no.

23 Q As far as the bank maintenance of the account and the way
24 they would service the account?

25 A The only thing that would be different on a W-8 account,

1 there is an annual certification of that -- or of the W-8
2 status.

3 Q And was that -- was that in place at this time?

4 A Yes, it would have been, but the branch doesn't do that.
5 It's a centralized process.

6 Q And if you'd turn to Government's Exhibit 3, Ms. Reichert.
7 What is that document, ma'am?

8 A Also a business signature card.

9 Q And does it indicate the account name?

10 A The account name is Spectack-Ular Holdings, and the signers
11 on the account are David A. Struckman and Laura Jean Marie
12 Struckman.

13 Q And is there an indication for when this account was opened,
14 ma'am?

15 A Yes, the account opened on October 10th, 1997.

16 Q And do you know whether or not this was an interest bearing
17 account or a non-interest bearing account?

18 A From the statement I can tell that it's not interest
19 bearing.

20 Q And that's when you reviewed Government's Exhibit 6?

21 A Correct.

22 Q Does it indicate whether or not this is a W-8 account or
23 non-profit account?

24 A It shows zeros as the TIN number, which would indicate a
25 W-8.

1 Q Turning to page 3 of this exhibit. What is that document?

2 A This is the certificate of foreign status.

3 Q A W- --

4 A The W-8, yes.

5 Q And can you determine which account this -- I'm sorry, which
6 branch this account was opened?

7 A This account opened at the Spring Glen branch in Renton.

8 Q Would you look at Government's Exhibit 7, please.

9 A Okay.

10 Q If you could turn to Check 187, dated June 12th, '97. I
11 believe it's the fifth one in. Are you there?

12 A Yes, I am.

13 Q Does it indicate which check this was drawn -- which account
14 this check was drawn on?

15 A This check is drawn on Crescent Moon Enterprises.

16 Q And who was it payable to?

17 A It is payable to cash.

18 Q And the date?

19 A The date is June 12th, 1997.

20 Q And what is the amount?

21 A The amount is \$9,000 even.

22 Q Ms. Reichert, are you familiar or do you know how an item
23 like this would be processed at your bank with respect to any
24 validation codes that appear on it?

25 A Yes, I am.

1 Q Would you explain that, please?

2 A On the reverse of that check there is a validated line that
3 indicates at what branch, on what day, that the check was
4 negotiated. This check indicates that it was cashed -- it was
5 cashed for check -- cashed for cash.

6 Q And is there any significance if there's only one
7 single data line?

8 A No.

9 Q And, now, the data line, is there any information on that
10 which indicates that the check was cashed for currency?

11 A At the end of the data line there's a "cc," and that means
12 check cashed.

13 Q And are there other data codes that may appear at the end of
14 single data lines?

15 A Yes. There's also a code that would be "ci" for cash in to
16 the teller window, and a "co," meaning cash paid out for, like,
17 a split deposit.

18 Q Who imprints these validation codes?

19 A The teller that's waiting on the customer.

20 Q And when are the checks imprinted?

21 A At the time of the transaction.

22 Q And what's the difference between the validation that we see
23 with this example and a code that I would -- a code that would
24 appear if you used the check to pay for an electric bill, or --

25 A Actually a check for, like, a utility time would not have

1 this validation, because it doesn't actually get processed by a
2 teller.

3 Q Okay. So the single line is significant because it appears
4 only when it's processed by a teller?

5 A Correct.

6 Q Would you turn to Government's Exhibit 8, please. The
7 second check, Ms. Reichert.

8 A 1315?

9 Q Yes, ma'am. What is that?

10 A That is a check drawn on Alternate Ventures for \$9,000.

11 Q And is it made payable to cash?

12 A It is payable to cash.

13 Q And is there a validation of this check?

14 A Yes, it is. It is validated by a teller.

15 Q And I notice it ends here in F 7. Would you explain that?

16 A That is actually an error message on the teller machine.
17 The machines were programmed, and if they lost their
18 programming, it would throw in an F 7, or an ampersand, instead
19 of the true designation.

20 Q And notwithstanding that error code, by looking at the
21 line, can you make a determination whether or not this check --
22 this item was, indeed, processed for cash?

23 A Because it's a check, it couldn't be a cash in or a cash out
24 transaction. The only thing it could be is a check cashed.

25 Q If you'd go to Government's Exhibit 9. The first check,

1 Check 1500, what is that, ma'am?

2 A That is a check drawn on Spectack-Ular Holdings, dated
3 5/18/98 for \$9,500.

4 Q And is there a validation code that appears on the side?

5 A There is a validation code, \$9,500 check cashed.

6 Q And that indicates that it was --

7 A Cash was paid.

8 Q Ms. Reichert, do you know whether or not there was a change
9 in the validation codes in June of 1998?

10 A Yes, there was.

11 Q And can you explain that for us, please.

12 A Prior to June of '98 U.S. Bank was owned by U.S. Bank. They
13 were purchased by First Bank, and we had a systems conversion,
14 which changed the equipment we used.

15 Q And what, if any, difference -- what, if anything, happened
16 with respect to the validation codes?

17 A The validation moved from the back of the item to two lines
18 on the front of the item.

19 Q And if you could go to Check 1515, dated June 24, '98.

20 A Okay.

21 Q Are you there?

22 A Yes, I am.

23 Q And did this -- was this processed after the change that you
24 just testified about?

25 A Yes, it was.

1 Q How do you know?

2 A I can tell because the validation is two lines on the front
3 of the check, and it has different information in it than the
4 previous ones did.

5 Q Okay. And this occurred, again, at what point in time?

6 A Mid-June of '98.

7 Q Based on looking at the validation codes here, is there a
8 way to determine whether or not this item was -- was cashed for
9 currency and whether or not this item was used to purchase a
10 cashier's check?

11 A No, there's not.

12 Q And how would you make that determination?

13 A All it says on the new validation would be an on us check,
14 which means it's drawn on U.S. Bank. But to determine if there
15 was a cashier's checks issued, you'd actually have to go to the
16 file copies that were kept in the branch.

17 Q And the validation code appearing on 1515, are there any
18 other outcomes or possibilities of how this item was handled?

19 A No. It would either be used to purchase a cashier's check,
20 or it was cash paid.

21 Q During this time period, Ms. Reichert, was there an informal
22 practice regarding the way the tellers would treat items such as
23 these that were used to purchase a cashier's check?

24 A Yeah. The majority of the tellers at the time, if this item
25 was used to purchase a cashier's check, they'd actually write

1 that on the back, cashier's check issued in lieu of, so that
2 there wasn't a question down the road as to did they pay this
3 out in cash or did they issue a cashier's check.

4 Q And do you see anything of that sort on Check 1515?

5 A No, I don't.

6 Q Were there any other changes in June of 1998 as a result of
7 the company's merger?

8 A Our account numbers changed. They went from a 10-digit
9 account number to 15-digit account number. So there would have
10 been an interim statement printed. A business statement would
11 go from the 1st until the end of the month. During this period
12 of time it went from the 1st of June to the middle of June, and
13 then a second statement was printed with the new account number
14 on it.

15 Q Other than the account number, was there any other changes
16 to the accounts?

17 A Not that I can think of.

18 Q Do you know what a currency transaction report is, Ms.
19 Reichert?

20 A Yes, I do.

21 MR. ODULIO: Hand her Government's exhibit 10, please.

22 A Okay.

23 Q And what is that document?

24 A This is a currency transaction report. The tellers are
25 required to complete this form if there is more than \$10,000 in

1 cash coming into the teller window or going out of their teller
2 window per customer per day.

3 MR. ODULIO: Your Honor, move -- the government moves
4 into evidence Exhibit 10.

5 THE COURT: Any objections, Ms. Struckman? Hearing no
6 objection, it will be admitted.

7 (Plaintiff's Ex. No. 10 admitted.)

8 Q (By Mr. Odulio) Ms. Reichert, drawing your attention to
9 Part 1, Section A. Is there an area in this section regarding a
10 Social Security number or an EIN?

11 A Yes, there is.

12 Q And why is that requested?

13 A That's their -- Section 1 is for the person who the
14 transaction was, on whose behalf the transaction was conducted,
15 and you would put their tax I.D. number or Social Security
16 number in that box.

17 Q And is there also an area for date of birth?

18 A Yes, there is.

19 Q And an address?

20 A Correct.

21 Q And an individual's name?

22 A Yes, individual or the business' name.

23 Q And if you could go to Section D and explain that section.

24 A Section D is for the individual that conducted the
25 transaction if it's other than the business name that's listed

1 at the top.

2 Q And is there an area also for a Social Security number on
3 that section?

4 A Yes, there is.

5 Q And Part 2, ma'am, could you describe what that is?

6 A Part 2 identifies the type of transaction. That's where
7 you'd list the dollar amount coming in, and what it was used
8 for, or how much was paid out.

9 Q And Part 3 here on the bottom?

10 A Part 3 is the name of the financial institution where the
11 transaction took place.

12 Q And the reverse of this one, does that regard multiple -- or
13 there's additional individuals participating in the transaction?

14 A That is correct.

15 Q And who's responsible for filling out the currency
16 transaction form?

17 A The teller that processes the transaction.

18 Q And does the customer sign the form in anyplace?

19 A No, there's nowhere for the customer to complete.

20 Q And is the customer told that this currency transaction
21 report is being filed?

22 A What the customer is told is based on the transaction there
23 is -- there's additional information that the teller needs, and
24 that helps her to complete this form.

25 Q Okay. And where would the teller have to obtain that

1 information, the Social Security number and the date of birth
2 and the like, the names, where would the teller get that?

3 A In most cases the person is a customer of ours, so we
4 already have that in our database. If we don't, we merely ask
5 the person that's standing there.

6 Q And do you know where this currency transaction report is
7 sent?

8 A It ultimately goes to the IRS.

9 THE COURT: All right, counsel, I'm going to let the
10 jury go to lunch, though it's a few minutes early. I want to
11 take something up with counsel. Ladies and gentlemen, please
12 report back. We'll start up again at 1:30. And when I say
13 1:30, I mean when the secondhand crosses the 12 we start. And
14 we can't start if any of you aren't present. So please be here
15 a little bit in advance of 1:30.

16 (Jury retires to the jury room.)

17 THE COURT: I want to make a record regarding Ms.
18 Struckman's insistence that she be permitted to be represented
19 by her counsel of choice. Am I correct that this issue was
20 discussed at some length before Judge Martinez?

21 MR. ODULIO: Yes, it was, Your Honor.

22 THE COURT: And am I correct also that the counsel of
23 choice is not a member of the bar?

24 MR. ODULIO: Yes, Your Honor.

25 THE COURT: Do you have some member of the bar at this

1 time, Ms. Struckman, that you want to represent you, or is it
2 the same person that you were talking about before Judge
3 Martinez?

4 THE DEFENDANT: It's the same person.

5 THE COURT: All right. You should understand, Ms.
6 Struckman, that this position that you're taking that you're not
7 going to participate in the proceedings and that it's because
8 you aren't permitted to have counsel of your choice is one that
9 is virtually guaranteed to result in your conviction in this
10 matter, and that there is a lot of authority for the proposition
11 that you will get no relief on appeal on this issue.

12 It's virtually certain to result in a conviction and that
13 will not be reversed on appeal, and that you will, in all
14 likelihood, have to go to prison if you maintain this position.
15 Do you understand that? I hear no response.

16 If you have an attorney that is a member of the bar that you
17 want to represent you, I need to know that. But if we're
18 talking about the same person, you cannot persist in this
19 position and expect the jury to have any alternative other than
20 to hear only one side of this case, and to, as a consequence, in
21 all likelihood, result in a verdict of conviction.

22 Having said that, we'll start up again at 1:30.

23 (Recess.)

24 (Jury present.)

25 THE COURT: Please be seated. All right.

1 Q (By Mr. Odulio) Ms. Reichert, do you know the defendant,
2 Laura Struckman?

3 A No, I do not.

4 MR. ODULIO: Madam Clerk, if the witness could be
5 handed Government Exhibit 22.

6 Q What is Government's Exhibit 22?

7 A This is a federal deposit insurance corporation certificate
8 for U.S. Bank showing we're federally insured.

9 MR. ODULIO: Your Honor, government moves Exhibit 22.

10 THE COURT: It be will be admitted.

11 (Plaintiff's Ex. No. 22 admitted.)

12 MR. ODULIO: No more questions.

13 THE COURT: Ms. Struckman, do you wish to ask any
14 questions? All right. You may step down.

15 MR. ODULIO: The government calls Sharon Ashley.

16 SHARON ASHLEY, BEING SWORN, TESTIFIED AS FOLLOWS:

17 THE CLERK: Would you take the stand. State your full
18 name and spell your last name.

19 THE WITNESS: Sharon L. Ashley, A-s-h-l-e-y.

20 DIRECT EXAMINATION

21 BY MR. ODULIO:

22 Q Ms. Ashley, where are you employed?

23 A Star Physical Therapy.

24 Q Is that located in the State of Washington?

25 A Yes, it is.

1 Q And what was your previous employment?

2 A U.S. Bank.

3 Q And what was your position there?

4 A I was a merchant vault teller.

5 Q Were you employed at a particular branch?

6 A Yes, Spring Glen branch in Renton.

7 Q What years were you employed at the Spring Glen branch?

8 A March of 1980 through March of 2000.

9 Q What were your duties there?

10 A I ordered currency and coin for the branch, and shipped
11 currency and coin, bought and sold money to the other tellers.
12 I did merchant deposits and transactions.

13 Q And how was your position different from a regular teller?

14 A Well, I was also a customer service teller as well. But it
15 differs from -- I handled the -- like I said, the merchant
16 deposits and large cash transactions.

17 Q And the merchant transactions deal with business accounts?

18 A Yes.

19 Q And did you have any extra procedures you had to follow in
20 conducting transactions -- large cash transactions?

21 A Sometimes I did. If I didn't have the money in my window,
22 it required going to the vault, and sometimes that would require
23 an extra person with a key to go in and get extra cash.

24 Q And did you have to get supervisor approval to conduct any
25 of these large cash transactions?

1 A Yes, if it was over my check cashing limit.

2 Q And what was your limit, do you remember?

3 A 5,000.

4 Q Did you have to -- any other extra procedures, such as an
5 I.D., or things like that?

6 A From the customer, yes, it would require I.D., and sometimes
7 checking a signature card to make sure they were a signer on the
8 account.

9 Q And were you familiar with the businesses -- business
10 customers that you serviced?

11 A Most of them, yes.

12 Q And how were you familiar with them?

13 A Just from the frequency of when they came in, I would know
14 them on sight. I would know where they were from.

15 Q And do you know the defendant Laura Struckman?

16 A Yes.

17 Q And could you point her out in the courtroom, where she's
18 sitting and an item of clothing?

19 A Right over there to your left. Right over there.

20 MR. ODULIO: Let the record reflect that the witness
21 has identified the defendant Struckman.

22 THE COURT: Yes.

23 Q (By Mr. Odulio) Do you remember your first transaction with
24 the defendant?

25 A Yes.

1 Q And what do you remember about it?

2 A She had come in to cash a check, and it was over the \$10,000
3 limit required to fill out a CTR report. Do you want me to go
4 ahead and explain the transaction?

5 Q Sure.

6 MR. ODULIO: Madam Clerk, if the witness could be given
7 Government Exhibit 10, please.

8 Q Are you familiar with Government Exhibit 10?

9 A Yes.

10 Q Is that the currency transaction report that you just
11 mentioned?

12 A Yes.

13 Q What happened during the course of that transaction?

14 A Since she wanted to cash a check for over the \$10,000, I
15 went to get this report. We're required to fill it out, and we
16 fill it out at the time, so we get all the necessary information
17 required on this report.

18 And when I got this report and I was going to start to fill
19 it out, she wondered -- Laura wondered what it was and what it
20 was for, and basically we just say that because of the amount of
21 the transaction we're required by law to fill this out. And
22 then she kind of -- kind of hesitated, and -- like she didn't
23 want to carry on with the transaction, at least not the original
24 transaction.

25 Q So what happened next?

1 A She asked if she was to write a check for this amount if
2 this report would be required, and I said no. So she went ahead
3 and wrote another check out which was less than \$10,000.

4 Q And had you seen her before this particular transaction?

5 A Not that I can recall.

6 Q And why does this particular transaction stick out in your
7 mind?

8 A Well, it wouldn't have at first, but then afterwards she
9 kept coming back to cash more checks. And, of course, they were
10 then under the \$10,000 limit. So based on the frequency that
11 she came in afterwards, that's what made this first transaction
12 stick in my mind.

13 MR. ODULIO: Madam Clerk, if the witness could be
14 handed Government's Exhibit 7, 8 and 9.

15 Q If you'd look at Government's Exhibit 7, Ms. Ashley.

16 A Okay.

17 Q And open it to the first check. What is that document?

18 A It's a check for \$9,000 drawn on Crescent Moon Enterprises
19 payable to cash.

20 Q And do you recognize that account, Crescent Moon
21 Enterprises?

22 A Yes, I do.

23 Q How do you recognize it?

24 A It's one of the accounts that Laura Struckman is a signer
25 on.

1 Q Is there a handwriting that you recognize on this writing?

2 A On the back of the check, yes, it's my handwriting. It's
3 the I.D. that I took during the transaction.

4 Q Did you always take I.D. during transactions with Ms.
5 Struckman?

6 A In the beginning, yes, until, you know, we knew who she was,
7 and didn't always list it on the back at that time. But in the
8 beginning, yes.

9 Q And do you remember what type of I.D.s that Ms. Struckman
10 provided?

11 A Washington driver's license and a Wells Fargo Visa card.

12 Q Did she provide you any other identification during the
13 course of your dealings with her?

14 A Yes, she did.

15 Q What were those items?

16 A An international driver's license, and a credit card drawn
17 out of the country on Mexico, or something like that that I
18 recall.

19 Q If you'd go to Government's Exhibit 8, please. If you can
20 go to an item dated June 26th, 1997, check number 1343. Are you
21 there, ma'am?

22 A Yes.

23 Q What is that item?

24 A This is a check for \$9,000 drawn on Alternate Ventures
25 payable to cash.

1 Q And do you recognize that account?

2 A Yes, I do.

3 Q How do you recognize it?

4 A It's also a business account that Laura Struckman was a
5 signer on.

6 Q And is there handwriting on the back of this item?

7 A Yes, there is.

8 Q Do you recognize that?

9 A Yes, it is mine.

10 Q Ms. Ashley, you testified earlier that you would need
11 authorization from your supervisor to conduct transactions such
12 as this?

13 A Correct, if they were over my check cashing limit.

14 Q Did you have to follow that procedure with Ms. Struckman?

15 A In the beginning I did, yes.

16 Q And what changed?

17 A At some point when I went to get a check okayed -- it has to
18 be okayed by the branch manager or a teller supervisor. At some
19 point, since we knew who she was, I asked if I still needed to
20 get these okayed, you know, get them initialed by the
21 supervisor, and they said no.

22 Q And why did they say no?

23 A Just because they knew who she was and that she was a signer
24 on the account. So just based on her coming in rather often
25 they just said I didn't need to get them okayed anymore.

1 Q Do you remember how many times she would come in a week?

2 A Sometimes as -- usually on average maybe twice, but

3 sometimes she came in three times a week.

4 Q If you could turn to Government's Exhibit 9. If you could

5 open to the second item. Do you recognize that?

6 A Yes, I do.

7 Q And what is it?

8 A It's a check for \$9,500 drawn on Spectack-Ular Holdings

9 payable to cash.

10 Q And are you aware of that -- do you recognize the

11 Spectack-Ular Holdings bank account?

12 A Yes, I do.

13 Q How do you recognize it?

14 A It's also an account that Laura Struckman is a signer on.

15 Q And is there a handwriting on the back of this --

16 A Yes, there is.

17 Q And do you recognize that?

18 A Yes, it is my handwriting.

19 Q Do you remember whether or not Ms. Struckman cashed any

20 checks with you for an amount exceeding \$10,000?

21 A No, I believe she did not.

22 Q And could you describe what a typical transaction with Ms.

23 Struckman was?

24 A It was just a check like these payable to cash, usually for

25 9,000, 9,500, and she just wanted to cash it and get large

1 bills, usually hundreds.

2 Q And what was your practice in terms of counting out those
3 denominations to the defendant?

4 A In the beginning I would -- I would hand count each bill to
5 her. Towards the end, it just got so I -- I would just strap
6 count it. Instead of counting each bill individually, I would
7 just count the straps, you know, like, 1, 2, 3. There's a
8 thousand dollars in each strap.

9 Q And did the defendant's withdrawals have an effect on the
10 cash inventory at your bank?

11 A I'm sorry?

12 Q Did the defendant's withdrawals, did that have an effect on
13 the inventory of cash at your bank?

14 A Yes, it did.

15 Q Could you please describe that?

16 A Well, since I was the vault teller I was responsible for
17 ordering and shipping currency for the branch. And we do have a
18 cash limit for the branch. And we're not supposed to exceed
19 that.

20 And when she would come in two or three times a week and
21 get -- you know, cash \$9,500 checks in hundreds, I would be sure
22 I had to have that, plus have extra hundreds for the other
23 customers who would want to cash, you know, large checks.

24 And it got to the point where she was coming in and
25 depleting our supply of cash, large bills, that I had to ask her

1 ahead of time, you know, are you coming in, you know, twice next
2 week, or whatever, and she would let me know when she was coming
3 in so I could order cash accordingly, so her transactions would
4 be covered, and I would still have bills, enough cash for the
5 other customers.

6 Q And based on your experience, was this kind of account
7 activity typical for the other merchant or business accounts
8 that you serviced?

9 A No.

10 Q Why not?

11 A It's very rare that -- I mean, I can't even recall of
12 another business conducting these types of transactions.
13 Usually they'll just write checks to whoever they're paying, or
14 whatever, or they -- they would come in and get cashier's
15 checks, you know, if they needed to pay bills, or whatever. But
16 very rarely would it be, you know, cash in this amount.

17 Q Ms. Ashley, was there a time when -- when you or your
18 colleagues made an inquiry about the type of business Ms. -- the
19 defendant engaged in?

20 A Yes, there was.

21 Q When was that?

22 A I can't say at what point it was. She had been coming in
23 for quite a while at this point, and we were curious as to what
24 the business was. And at some point one of the other tellers
25 asked her -- I was conducting a transaction with Laura, and one

1 of the other tellers asked her, you know, what --

2 THE COURT: You need to lay additional foundation as to
3 why this is not hearsay.

4 MR. ODULIO: Yes, Your Honor.

5 Q (By Mr. Odulio) Ms. Ashley, during the course of your
6 dealings with Ms. Struckman, did you learn what type of business
7 that she engaged in?

8 A Yes.

9 Q And how -- how did you get that information?

10 A She had -- she asked -- well, like I said, another teller
11 asked her, but I was present. Laura was standing in --

12 THE COURT: All right. Go ahead then.

13 A (continued) Laura was standing in front of me when the
14 teller asked this question, "What does your business do?" And
15 Laura replied that they conduct seminars for people who want to
16 start their own businesses, or it's a small business seminar.

17 MR. ODULIO: With the Court's indulgence.

18 (Brief pause.)

19 MR. ODULIO: No more questions.

20 THE COURT: Ms. Struckman, do you wish to ask any
21 questions? All right. You may step down.

22 MR. ODULIO: Your Honor, the government calls Shoshanna
23 Szuch.

24 SHOSHANNA SZUCH, BEING SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: Would you take the stand. State your full

1 name and spell your last name.

2 THE WITNESS: My name is Shoshanna Szuch. My last name
3 is S-z-u-c-h.

4 DIRECT EXAMINATION

5 BY MR. ODULIO:

6 Q Ms. Szuch, where do you reside?

7 A In Charleston, South Carolina.

8 Q And what is your occupation?

9 A I have a marketing business where I do print and web design.

10 Q Ms. Szuch, are you cooperating with the government pursuant
11 to a plea agreement?

12 A Yes, I am.

13 Q And what did you plead guilty to?

14 A Tax evasion.

15 Q Have you heard about an organization called the Institute of
16 Global Prosperity?

17 A I have.

18 Q And is your plea connected to your activities with the
19 Institute of Global Prosperity?

20 A Yes.

21 Q Are you currently awaiting sentencing?

22 A Yes, I am.

23 Q Who founded the institute of Global Prosperity?

24 A Dave Struckman and Dan Anderson.

25 Q And what did they do?

1 A They sold a tape course of 12 cassette tapes and had
2 seminars, three- to five-day seminars.

3 Q And do you remember how much these tapes were sold for?

4 A The tapes were sold for \$1,250, and the seminars were sold
5 for \$6,250.

6 Q And where did these seminars take place?

7 A The seminars were either in Mexico, Aruba, somewhere
8 offshore.

9 Q And did there come a time when you began to work for the
10 Institute of Global Prosperity?

11 A Yes.

12 Q And what were your duties?

13 A I had administrative responsibilities for published
14 materials, and over time -- and then recorded calls, managing,
15 whatever. It was a very decentralized organization, so -- and
16 then over time I started helping with the seminars.

17 Q When you say manage calls, what do you mean?

18 A Recorded calls. There were gap lines that people could call
19 into to find out what the program was about, and they would
20 listen to a recorded call. There were about eight to ten
21 recorded calls at any given time that talked about the program
22 or talked about training.

23 Q And you said you were involved with the seminars. Could you
24 elaborate on that, please?

25 A My husband and I helped with the logistics of the seminars,

1 the planning of how many rooms to hold, what food and beverage
2 functions, what meeting facilities.

3 Q And what was David Struckman's role in this business?

4 A Aside from being one of the founders, he was one of the top
5 marketing guys. He was the top marketing guy. He knew
6 everything that you needed to know about marketing and making
7 phone calls, talking to people, encouraging them to purchase one
8 thing and then the next. And training. Mostly all to do with
9 marketing.

10 Q And as part of your duties, your job duties, did you have an
11 occasion to interact with David Struckman?

12 A Yes. When it came to the recorded phone calls, he oversaw
13 that they were the ones that he wanted to have up. And when it
14 came to the hotel rooms, he was the one that gave us direction
15 as far as how many rooms to book with the number of attendants
16 that he wanted to pull.

17 Q Have you ever met the defendant, Laura Struckman?

18 A I have.

19 Q Can you identify her by an item of clothing and where she is
20 in the courtroom?

21 A She's sitting with the black top to my right.

22 MR. ODULIO: Let the record reflect that the witness
23 has identified the defendant.

24 THE COURT: Yes.

25 Q (By Mr. Odulio) Do you know if Laura Struckman had an

1 involvement in this business?

2 A I know that there was a business named Alternate Ventures
3 that she was in charge of when she was married to Dave, and that
4 had to do with a post card program to help generate leads.
5 People could buy those. At the seminars she would show up with
6 him, and introduce him as her husband and talk about things of
7 their life together.

8 Q Were you at the first seminar that was conducted by this
9 organization?

10 A Yes.

11 Q And can you recall what year that took place?

12 A That was February of 1997.

13 Q And do you remember where that seminar took place?

14 A It was in Cancun, Mexico.

15 Q Do you remember how many people attended that seminar?

16 A About 250.

17 Q Were there subsequent seminars that you attended?

18 A I attended every one until I disassociated. So I attended
19 two to three a year at the beginning, and then it turned into
20 more. It would be at least three trips, but sometimes there
21 would be two seminars, one week -- a week and a week, two
22 separate seminars.

23 Q Did there come a time when more and more people began to
24 attend the seminars?

25 A Yes.

1 Q When was that?

2 A It got bigger in '98. There was a time when between my
3 husband and I we were managing 3,000 people in a two-week
4 period. So 1,500 in and out, and then another 1,500 in and out.

5 Q And do you know what happened with the profits generated
6 from these seminars?

7 A I only know that the co-founder, Dan Anderson, all the money
8 went into an office in Boston, as far as I know, that -- and he
9 managed all of the accounts as far as I know, and he would share
10 the profits with Dave Struckman when it was just those two. And
11 I only knew that from what they told me.

12 Q Did you listen to the tape series yourself?

13 A I did.

14 Q And when you attended the seminars, did you listen to the
15 speakers at the seminars?

16 A I did.

17 Q Was a subject called sovereignty discussed as part of these
18 seminars and tapes?

19 A Yes, it was.

20 Q And what was your understanding of sovereignty?

21 A Sovereignty had to do with -- it was two-fold. It was --
22 one was separating from the government, and another one was
23 freedom in general.

24 So it included giving up a Social Security number, getting
25 away from anything that had your name on it, getting involved

1 with purchasing of trusts, having trusts own anything of
2 material value, essentially becoming a steward to these trusts.
3 And banking would have been offshore, or domestically with a W-8
4 account.

5 Every --

6 Q Just to be clear, the organization Global Prosperity itself
7 did not sell these packages?

8 A Correct.

9 Q They merely sold a ticket to attend the seminar?

10 A Right. There was a lot of other information as well.

11 Q You just mentioned a W-8. How are you familiar with that?

12 A At one time, when people were starting to use them, they
13 were excited about these accounts, because they could open them
14 up within the United States, even though it had a foreign --
15 supposedly a foreign jurisdiction. And then over time I heard
16 that the government was cracking down on them and people should
17 stay away from them. And then later on -- apparently I opened
18 up one and used a W-8. I don't recall seeing it, but I have
19 been shown the documents.

20 Q So you adopted some of these practices yourself?

21 A I did.

22 Q And could you give us some examples of what you did?

23 A Short of not -- withdrawing myself from Social Security, I
24 had bank accounts out of our country. I did not file tax
25 returns. I had bank cards that I would use for getting money

1 out of ATM machines. I had trust accounts, trusts that I
2 established to hold bank -- bank accounts supposedly and
3 personal property.

4 Q And were you using -- benefiting these items -- from these
5 items?

6 A Pardon?

7 Q Were you using these bank accounts and utilizing this
8 property that was placed in these nominees?

9 A Yes.

10 Q Did you do anything regarding the mail?

11 A Yes. I had a PO box at like a mail drop place, like a
12 Mailboxes, Et Cetera.

13 Q Did David Struckman speak at these seminars?

14 A He did.

15 Q And did he speak on the topic of sovereignty?

16 A He did.

17 Q And was Laura Struckman present?

18 A Some of the times.

19 MR. ODULIO: With the Court's indulgence.

20 (Brief pause.)

21 MR. ODULIO: No more questions, Your Honor.

22 THE COURT: Ms. Struckman, do you wish to ask any
23 questions? You may step down.

24 MR. MAIETTA: Your Honor, the United States calls David
25 Bowden to the witness stand.

1 DAVID BOWDEN, BEING SWORN, TESTIFIED AS FOLLOWS:
2 THE CLERK: Would you take the stand. State your full
3 name and spell your last name.
4 THE WITNESS: Dave Bowden, B-o-w-d-e-n.
5 DIRECT EXAMINATION
6 BY MR. MAIETTA:
7 Q Mr. Bowden, where do you currently live?
8 A In Kent, Washington, 17823 Southeast 224th.
9 Q Where did you live prior to that address?
10 A I lived on Benson Highway in Renton. I lived at 18613 108th
11 Avenue Southeast.
12 Q And how long had you lived at that address for?
13 A At that time maybe about 12, 13 years.
14 Q Do you know a person by the name of Laura Struckman?
15 A Yes.
16 Q And how do you know Laura Struckman?
17 A I know her from the -- from her and Dave coming in to get
18 their cars detailed.
19 Q And how long have you known Laura Struckman for?
20 A I think it was at the end of '96, early '97.
21 Q And can you look around the courtroom right now and let me
22 know if you see a Ms. Laura Struckman in the courtroom?
23 A Yes.
24 Q And could you point her out by her location?
25 A She's on the right side in the black sweater.

1 MR. MAIETTA: Your Honor, would the record reflect
2 identification of the witness?

3 THE COURT: Yes.

4 MR. MAIETTA: Or the defendant.

5 Q (By Mr. Maietta) Do you know David Struckman?

6 A Yes.

7 Q And how do you know David Struckman?

8 A Him and Laura came in to get their cars detailed at my shop
9 when they were first going together.

10 Q What was the name of your shop?

11 A It was D J's Detail Shop.

12 Q Okay. What did you do?

13 A Cleaned cars, waxed them, cleaned the interior.

14 Q And if you could tell us how you first -- how you came about
15 to meet Dave Struckman?

16 A Oh, I think him and Laura came in with some old cars. Laura
17 had a Probe, a Ford Probe, and Dave had an old pickup, and they
18 just were -- came in to have them detailed.

19 Q And what kind of cars would David Struckman have detailed?

20 A Well, at that time they were kind of beaters, at that time,
21 because it was just right at the beginning of this, when I first
22 met them.

23 Q And did there come a time when he brought other cars to you?

24 A Yes.

25 Q And what other cars did he bring to you to have serviced?

1 A There was a Ford Expedition, a Firebird convertible, '67 or
2 '8, and a '67 Mustang convertible, and then the '32 Plymouth
3 that he bought from me.

4 Q Okay. How often would he bring these cars to you?

5 A Oh, it varied, if they were in town or not. But it was --
6 you know, they -- it was probably two to three cars later on a
7 week, or more.

8 Q And how did he pay for those?

9 A Cash.

10 Q You just mentioned a car that was purchased. What kind of
11 car?

12 A It was a '32 Plymouth four door sedan.

13 Q And what type of work, if any, did you have in that car, did
14 you do to that car?

15 A Yeah, I did the car. I had a new engine in it, new
16 transmission, a V-8. I had -- I put an electric sun roof in it.
17 It had mags, and everything else on it.

18 Q How much money did you spend in repairing this car?

19 A Oh, anywhere from 26,000, probably, or more, you know, plus
20 my labor.

21 Q Did there come a time when you sold the car to somebody?

22 A Yes.

23 Q And who did you sell it to?

24 A I sold it to Dave Struckman.

25 Q Could you just tell us about that transaction, how it

1 transpired?

2 A He came in one day, and that's -- he -- I think he bought
3 that Expedition first, and then he came in and asked me if --
4 you know, he said he wanted the car. And I told him it wasn't
5 for sale. And he said, "Name your price. I want the car." I
6 told him I'd let him know tomorrow, because I didn't have a clue
7 what I had in it. And so the next day or two he came back, and
8 I told him 28,000.

9 Q What did he say?

10 A He said, "I'll be back in about a half hour."

11 Q What -- when he came back, what happened?

12 A He came back with \$28,000 cash in a paper bag, hundred
13 dollar bills.

14 Q What did you do with the money?

15 A I put it in the bank, I think, most of it.

16 Q What other type of vehicles did you detail at your shop?

17 A Everything, boats on the water, out of the water, you know,
18 cars, RVs, anything.

19 Q Did there come a time when you were detailing a boat for a
20 customer and Dave Struckman was interested in that boat?

21 A Yes.

22 Q Could you tell us a little bit about that transaction, or
23 that --

24 A I was cleaning a boat for a customer, and Dave dropped in.
25 I don't think he was having his car done that day, but he

1 dropped in, and said he wanted to buy the boat. I told him it
2 was a customer's boat. And I said I didn't know if it was for
3 sale. And he said, "Call him." So I called the guy up, and he
4 said, yeah, he wanted to sell it. That's why he was having it
5 detailed.

6 And --

7 Q And do you know if Mr. Struckman then bought the boat?

8 A Yes.

9 Q And do you know how much the boat cost?

10 A I think it was around -- it was either 26 -- I think it was
11 around 26,000. I'm not real positive, but it's somewhere in
12 that -- it was in the twenties.

13 Q And where did that transaction take place?

14 A I think it took -- right in front of the house there when I
15 was detailing it.

16 Q Your house?

17 A And it was the same type of thing, you know, he brought the
18 guy cash. And I was working, so I didn't really see it go on,
19 but the owner told me, he said the guy gave him a bag of cash.

20 Q Did there -- I'm going to draw your attention to a different
21 subject. Did there come a time when you learned what Laura
22 Struckman and Dave Struckman did for a living?

23 A Yes.

24 Q Did you know where they worked, or what business they worked
25 at?

1 A Yeah, later on. It was quite a bit later.

2 Q What was the name -- what was the name of that business?

3 A Global Prosperity.

4 Q And what was your understanding of what that business did?

5 A I didn't have any for quite a while. It was pretty
6 confusing. It was a -- it was pretty complicated, the whole
7 thing, so -- at first they don't really tell you what's going on
8 at all in the business. It's -- it's all strung out, and it
9 takes quite a while before you catch on what's going on, and by
10 that time you're already sticking money in it.

11 Q Did there come a time when you learned more about the
12 details?

13 A Yes.

14 Q And how did you learn about those details?

15 A They were having seminars at their house. They had three or
16 four at their house, seminars, small groups.

17 Q And who was present at these seminars?

18 A Dave, Laura, just -- and then other people that were brought
19 into the business.

20 Q Were there seminars held at other areas -- other places in
21 this area?

22 A Yeah. I had them at my house after -- their house was
23 small. I had a large house, so I wanted to look, see what --
24 you know, learn more about it. So I told them to have them at
25 my house.

1 And at some points there was 60 some people there from
2 everywhere, Hawaii, every state in the, you know, United States,
3 people were flying in, and they had them bused up from Holiday
4 Inn, and everywhere.

5 Q What type of products could you purchase if you were
6 interested?

7 A You could get a foreign driver's license, change your
8 birth -- you know, a foreign birth certificate, or a -- I don't
9 know what they were. Trusts, you know, foreign trusts, foreign
10 married -- or, you know, a marriage license. And they were
11 just -- you know, they basically told everybody to drop
12 everything they had with the government and get these -- you
13 know, drop out of the system basically, and get all these
14 foreign permits and licenses, and everything, and then you
15 wouldn't have to pay taxes.

16 Q Was there other seminars that were held?

17 A Yes.

18 Q And where were they held at?

19 A After I had enough of it -- there was just too many people
20 coming. There was three of them at my house, and they were
21 basically the same thing. And they'd tell these people to go
22 overseas to learn more about what was going on, because it was
23 illegal to say a lot of this in the United States.

24 But they did held -- hold them down in Renton for a while
25 at -- I don't know if it was a VFW, or something, a hall down

1 there for a while, and then they -- after that I think they went
2 on tour kind of around the United States, and was holding them
3 all over then. And then plus Cancun, Mexico, they were having
4 a -- this is one of their steps. They had like a group 1, 2, 3,
5 whatever it was.

6 Q Did you attend one of the seminars that went off --

7 A Yes.

8 Q That was offshore?

9 A Yes.

10 Q And where was that seminar located?

11 A It was in Cancun, Mexico.

12 Q And was Ms. Struckman at that seminar, if you remember?

13 A Yes.

14 Q And was David Struckman at that seminar?

15 A Yes.

16 Q What -- back in 1997 and 1998 where did you bank?

17 A U.S. Bank.

18 Q And what branch was that?

19 A Spring Glen.

20 Q Do you know if Laura Struckman and Dave Struckman also
21 banked at that particular branch?

22 A Yes.

23 Q How do you know that?

24 A Because that's -- Dave took me down to set up a foreign
25 trust, because I didn't even know what a foreign trust was. He

1 took me down and set it up there, and told me that's where they
2 did all their transactions and had their trusts set up.

3 Q Did there come a time when you saw Laura Struckman at the
4 bank?

5 A Yes, quite often, in the mornings.

6 Q Did you ever see her speaking to a particular bank employee?

7 A Yes.

8 Q And who was that bank employee?

9 A It was usually -- her name is Sharon. I don't know what her
10 name was, but I think she did all of the big transactions, or
11 something. She was always the main person at the bank, I think,
12 so --

13 Q And when you saw Laura at the bank -- strike that question.
14 Who did you see more often at the bank, Laura Struckman or Dave
15 Struckman?

16 A Laura.

17 Q Did Laura Struckman ever tell you about her banking
18 practices?

19 A Well, yeah, during the conversations between her and Dave
20 and me, you know, when I would go and pick up cars or something,
21 they, you know, they'd mention that they'd go down to the bank
22 every day and get under \$10,000 because the government wouldn't
23 find out about it. They wouldn't have to fill out some forms,
24 or something. I don't know.

25 Q Did Laura Struckman tell you anything about what they did

1 with the money they had, they withdrew?

2 A Well, it was pretty obvious them showing up with all these
3 new cars and boats, and then they both mentioned that they did
4 have a banking account or a safe deposit box up in Bellevue or,
5 you know, up north, Kirkland, Bellevue. I'm not sure where it
6 was. I never really paid --

7 Q What did they tell you they did with that safe deposit box?

8 A Just put money in it, I guess. You know, other than -- you
9 know, they said they were shipping out a hundred, two hundred
10 thousand dollars at a time in paper bags, grocery bags, wrapped
11 up in UPS and right through the mail.

12 And they said at one point they had so much money that they
13 had to change the way they were doing it, because they were
14 shipping too much of it out. And it was going back East and
15 down South and Denver, and I don't know where.

16 Q Let me back up a little bit. You had talked about how you
17 had gone over to Dave Struckman and Laura Struckman's house. Do
18 you know where that was located back in 1997 and 1998?

19 A Yes.

20 Q And where was that?

21 A It was in Renton. I don't know the address. But I would
22 pick up their cars. After I got into it a little bit, I would
23 go pick up their cars all the time at their house.

24 Q Were you inside the house?

25 A Yes.

1 Q What did you see inside the house?

2 A Well, it -- at one point, you know, they had all real nice
3 new furniture, fancy stuff. And, you know, another time I'd go
4 up there and it would all be gone and there would be -- you
5 know, I didn't count them, but three walls, four walls full of
6 computers and printers and stacks of money all over the place.
7 And tapes and, you know, just literature and stuff they were,
8 you know, sending out.

9 MR. MAIETTA: Okay. Court's indulgence.

10 (Brief Pause.)

11 Q Mr. Bowden, was there -- did there come a time when the
12 defendant and Dave Struckman took you out to dinner?

13 A Yes.

14 Q And do you remember the timeframe of when that took place?

15 A Well, not really. It was later on. I just couldn't figure
16 out what they were, you know, asking us for, because, you know,
17 we didn't have nothing. They had -- you know, you could tell
18 they were --

19 Q Okay.

20 A -- had quite a bit.

21 Q Where did they take you to dinner?

22 A Metropolitan Grill. It was somewhere around here, downtown
23 Seattle.

24 Q And who paid for dinner?

25 A Dave and Laura.

1 Q And what was the cost of the dinner?

2 A I think it was -- the four of us, it was a little over a
3 thousand dollars.

4 MR. MAIETTA: No further questions, Your Honor.

5 THE COURT: Ms. Struckman, do you wish to ask any
6 questions? You may step down.

7 MR. MAIETTA: Your Honor, the United States calls
8 Eileen Boman with the Department of Licensing, State of
9 Washington.

10 EILEEN BOMAN, BEING SWORN, TESTIFIED AS FOLLOWS:

11 THE CLERK: Would you take the stand. State your full
12 name and spell your last name.

13 THE WITNESS: Eileen R. Boman, B-o-m-a-n.

14 DIRECT EXAMINATION

15 BY MR. MAIETTA:

16 Q Ms. Boman, where do you work?

17 A Washington State Department of licensing in Olympia.

18 Q And what is your position?

19 A I am classified a licensing services manager in the public
20 disclosure and records unit, legal services.

21 Q And what are some of your responsibilities in that position?

22 A I am the custodian of records. I certify records. We have
23 contracts and non-contract public disclosure requests that come
24 in, and provide records to them.

25 Q And so part of your responsibilities are to maintain and

1 collect information?

2 A Yes.

3 MR. MAIETTA: Madam Clerk, could you show the witness
4 Government's Exhibit No. 14 and 15?

5 Q Ms. Boman, could you look at the three pages in Exhibits --
6 in Exhibit 14 and tell us what those documents are?

7 A The first document is the vehicle title application
8 registration certificate. The second page is a copy of the
9 vehicle certificate of title. The third page is a department
10 copy of the vehicle title application registration certificate.

11 Q Okay. Are these documents that are generated and stored by
12 the Department of Licensing?

13 A Yes, they are.

14 Q And are the events that appear in the document, the dates
15 and the numbers, are they made at or near the time that the
16 document would have been prepared?

17 A Yes.

18 Q And is it the regular practice of the State of Washington to
19 make such a record?

20 A Yes, it is.

21 Q And was this record kept in the regularly conducted
22 business?

23 A Yes.

24 Q Now, was this document also required to be recorded or
25 filed?

1 A Yes.

2 MR. MAIETTA: Your Honor, government moves to admit
3 Exhibit No. 14.

4 THE COURT: It will be admitted.

5 (Plaintiff's Ex. No. 14 admitted.)

6 Q (By Mr. Maietta) Ms. Boman, again with regard to Exhibit
7 No. 14, are there seals on these documents?

8 A Yes, all three are -- have the raised seal and my
9 signature -- a copy of my signature, with a stamp.

10 Q Your signature?

11 A Yes, my signature.

12 Q We'll go to Exhibit 15.

13 A Okay.

14 Q And, again, what is Exhibit 15, the first page only?

15 A The first page only is the vessel title application
16 registration certificate.

17 Q Now, is that a document that is regularly stored and
18 maintained by the department?

19 A Yes, it is.

20 Q Okay. Is it a regular practice to make such a record?

21 A Yes, it is.

22 Q And when a -- was this record made at or near the time of
23 the events described in the document?

24 A Yes, it was.

25 Q And is it a regular course of practice for the department to

1 keep this record?

2 A Yes.

3 MR. MAIETTA: Your Honor, we'd move to admit
4 Government's Exhibit No. 15 in evidence.

5 THE COURT: It will be admitted.

6 (Plaintiff's Ex. No. 15 admitted.)

7 MR. MAIETTA: The Court's indulgence.

8 (Brief pause.)

9 MR. MAIETTA: Your Honor, no further questions for this
10 witness.

11 THE COURT: Any cross-examination, Ms. Struckman? You
12 may step down. You folks can stand up and stretch, if you'd
13 like.

14 (Brief Pause.)

15 THE CLERK: Step forward, please, and raise your right
16 hand.

17 DALE MITCHELL, BEING SWORN, TESTIFIED AS FOLLOWS:

18 DIRECT EXAMINATION

19 BY MR. MAIETTA:

20 Q Mr. Mitchell, where are you employed?

21 A I'm employed at National Security Centers and Data Site
22 Northwest.

23 THE COURT: Sir, could you state your full name for the
24 record, if you would, please.

25 THE WITNESS: I'm sorry, my name is Dale Hoyze

1 Mitchell.

2 THE COURT: Can you spell the middle name?

3 THE WITNESS: H-o-y-z-e.

4 Q (By Mr. Maietta) And what is the National Security Center?
5 Can you describe that again?

6 A National Security Centers is a safe deposit center, and
7 that's where we have approximately 2,000 safe deposit boxes.

8 Q And what is Data Site?

9 A They're both storage companies. Data Site stores computer
10 media, and its sister company, National Security Centers,
11 stores -- does the safe deposit boxes.

12 Q Okay. And where is that -- where are they located?

13 A They're located at 12000 Northeast 8th in Bellevue.

14 Q They're both located in Bellevue?

15 A They are both located in the same place.

16 Q Is your company private, or is it affiliated with the
17 government in any way?

18 A It is completely private.

19 Q And what is your present position at that company?

20 A I am one of the two owners, and I do the accounting and
21 logistics, and my partner does the sales.

22 Q And who is your other partner?

23 A His name is Dave Heric, H-e-r-i-c.

24 Q And which company would you say you work more with?

25 A Data Site is the bigger of the two companies.

1 Q And do you meet with customers in regard to the National
2 Center -- National Security Center, the safe deposit box?

3 A On the National Security Center side, I'm the one who does
4 approximately about half of meeting with the customers as they
5 come to access their safe deposit box, myself and a clerk in my
6 office.

7 Q What size safe deposit boxes do you lease?

8 A The most common is our smallest, which is 5-by-10-by-18, and
9 then it goes to as large as a small refrigerator.

10 Q And what are the prices that range for the smallest to the
11 biggest?

12 A The smallest would be \$10 a month, which is \$120 a year, and
13 the largest approximately \$200 a month, or 2,000 a year -- or
14 2,400 a year. I apologize.

15 Q And can you walk us through how a person would actually
16 lease a safe deposit box?

17 A Okay. They come to us a lot of times through -- we
18 advertise in the Yellow Pages. They come to us at the window,
19 where we meet them, tell them about the safe deposit center. We
20 typically give them a tour of the center first.

21 The tour entails a -- they will sign in. That allows them
22 to go into the man trap, where they keypunch a code, and upon
23 keypunching that code they're let into the safe deposit center.

24 Q What types of documents must be filled out in order to lease
25 a safe deposit box?

1 A What we do, the documents is -- it's a lease document
2 similar to a lease on a building. We're basically leasing a
3 space to them.

4 Q Mm-hmm.

5 A So we do not like a bank take a Social Security number. And
6 they will typically sign the lease. Typically if they pay by
7 check, I don't take a look at their I.D. If they pay in cash, I
8 just verify their address. And once they sign the lease, then
9 they have access to their box any of our open hours.

10 Q What other document besides the lease is used or --

11 A I'm sorry, I'm sorry, I should have completed it. Once a
12 lease is signed, they sign an authorization card. So any time
13 they come in and sign and access, I have something to match up
14 their signatures. So they sign the authorization card.

15 When they enter into the man trap, they enter into -- a code
16 that they know. I enter in their box number and we get an
17 encryption. It's a six digit number that would identify -- if I
18 can't quite measure up their signature, at least the code would
19 match up. Because some people's signature changes every time
20 they come in.

21 Once they have done their code and it matches up, then
22 they're allowed into the main facility. Of which they have the
23 only -- we provide them with two keys. We do not have any key
24 to their box.

25 Q Do you issue -- issue any other type of documents so when a

1 person comes into the man trap or when they come into the
2 warehouse to go to a safe deposit box --

3 A Yes.

4 Q -- is there anything else they get?

5 A Okay. So when they -- now that they're in the system, when
6 they show up they will pick up a little signature card. They
7 will sign their name and put the box number, and that tells me
8 to pull their authorization card.

9 I time stamp that signature card and I also time stamp a
10 history card. So the signature card is a one time stamp. The
11 history card shows a history of all the stamps that they've come
12 in.

13 Q And do you keep a record of all of these documents?

14 A I keep on a monthly basis the signature cards. I put them
15 away in history, and we don't throw those away. And then the
16 history card itself is also kept after they surrender their box,
17 when the box -- they get done with their box. We still keep all
18 the documents.

19 Q And do you keep a history log or a record of everybody who
20 comes into your business?

21 A Well, each person that comes in has a signature card, like I
22 said. They -- once they've entered, then we also stamp their
23 individual box history. So if I go to a particular history
24 card, I can see if they've accessed it 10 times, 12 times in the
25 last year.

1 Q Did there come a time when a Laura Struckman and a Dave
2 Struckman leased a safe deposit box with your company?

3 A Per my records, they leased -- I'm trying to remember the
4 structure of what happened, but they did lease several boxes
5 with our company.

6 Q Okay.

7 MR. MAIETTA: Madam Clerk, could you show the witness
8 Government Exhibit 13?

9 Q And, Mr. Mitchell, could you just look on the first page of
10 the Government's Exhibit 13 and tell us what that document is?

11 A That is our standard lease rental document. The handwriting
12 on that is -- most of it is my handwriting. The signature would
13 be the tenant and the address would be the only two things that
14 weren't my handwriting.

15 Q Okay. Could you turn to the next page, page number 2? And
16 what's that?

17 A This would be the invoice and payment on the original sign
18 up. This is all my handwriting. It simply says what their
19 annual rental was on the box, and any security deposit that they
20 paid. And at the very top I noted that they had been referred
21 by somebody in Bellingham. So once in a while we just ask and
22 they tell us who referred them.

23 Q Okay. And page numbered 3 and 4, are those -- what are
24 those documents?

25 A Number 3 and 4, as they come in and pay, this document is

1 used when they pay by cash. If they pay by check, we don't
2 provide them with a payment receipt. The check works as a
3 payment receipt.

4 In this case, the first one is not my handwriting. It's my
5 business partner's. And it shows that they upgraded from one
6 box to another. It looked like at the end of the lease, the
7 one-year lease, they upgraded to a new box. And that would
8 be -- it looks up here as if the other documents are cash
9 payments as well.

10 Q Okay. And I guess it's number 5, what is that?

11 A Page number 5 is the authorization card that they signed
12 upon signing up at National Security Centers.

13 Q And page number 6 and the following pages, what are those
14 documents?

15 A This is the history card showing each time they accessed the
16 box. Like I said, when they use the signature card, we time
17 stamp the signature card and we time stamp the safe deposit
18 access history card.

19 Q And are all of these documents documents that were
20 maintained and stored at your business?

21 A These documents are maintained and stored by us, and nobody
22 has access. Basically I do all the maintaining of the files,
23 and this would be -- some of this is in their personal file for
24 that box, and other items would have been in a file that when
25 they come in were easily to be pulled.

1 Q Okay. Were all these documents made at or near the time of
2 the information reflected in the documents? In other words, do
3 the documents at least appear accurate as to when they were
4 actually generated?

5 A Yes. These documents with the dates that they have is when
6 they were date stamped, or if they have a handwritten date was
7 the date that it took place.

8 Q And is it a regular practice to make such a record like
9 these documents?

10 A This is standard practice, and it's our responsibility to
11 maintain these records.

12 Q And they're kept in the regular course of business?

13 A They are kept in the regular course of business.

14 MR. MAIETTA: Your Honor, we move to admit Exhibit No.
15 13 into evidence.

16 THE COURT: Any objection, Ms. Struckman? It will be
17 admitted.

18 (Plaintiff's Ex. No. 13 admitted.)

19 MR. MAIETTA: Thank you, Your Honor. It will be brief,
20 Your Honor.

21 Q (By Mr. Maietta) Mr. Mitchell, could you look at the first
22 page of Exhibit 13 again?

23 A Yes.

24 Q And whose name appears above the word "tenant"?

25 A The name that appears above the word "tenant" is Laura

1 Struckman.

2 Q And there's some numbers at the top of the page, 2057.

3 Could you explain a little bit about what those numbers refer
4 to?

5 A Okay. The numbers at the top, it's -- if I'm correct,
6 it's -- where it says, "The undersigned does hereby rent safe
7 deposit box number 2057," and that is crossed out when they
8 upgraded, and there's a 711 that is listed. They never took
9 that box, because that turned out to be apparently a wrong size,
10 and they upgraded to the 2178. So they went from 2057 to the
11 upgrade 2178.

12 Q Okay. And page number 2. Whose name appears on this
13 document, the address?

14 A And this is all in my writing. This is Laura and Dave
15 Struckman.

16 Q Okay. And does your name appear on this document?

17 A My name appears at the bottom.

18 Q Okay. And what box number is identified here?

19 A This was box number 2057, is their original box.

20 Q And what year was this?

21 A This was in April of 1996.

22 Q And how did they pay?

23 A They paid by cash.

24 Q And turn to page number 3.

25 A Page number 3 is a year later in April of 1997. Like I

1 said, this is -- my business partner filled this one out, and
2 they paid in cash when they upgraded from box 2057 to 2178.

3 Q Okay. And is this upgrade reflected in the document?

4 A This upgrade is reflected in this document.

5 Q And where is that?

6 A It is my handwriting in that portion. When Dave got done
7 changing the boxes, I wrote on here in several places upgrade,
8 up in the right-hand corner, and then in the middle I wrote
9 upgrade from 2057 to 2178. And I do this for accounting
10 purposes, so it's not missed.

11 Q And you referred to a Dave. Who is that Dave?

12 A I'm sorry, Dave Heric, my business partner.

13 Q And the next page. What name appears under the -- to the
14 right of the word "to"?

15 A I'm sorry, I don't know where you're --

16 Q Page --

17 A Oh, up to -- okay. The name there is Dave and Laura
18 Struckman. And it's a name change at this point to Rainbow
19 Holdings. And this was done, again, another year later in April
20 of 1998. And this is all my handwriting.

21 Q And how did they pay for this?

22 A This was paid in cash.

23 Q And the next page, if you'd go to that.

24 A Okay. The next page is two signature cards.

25 Q And what's the box number?

1 A I'm sorry, authorization cards is what we typically use.
2 For box 2178. And it has two signatures on it. And, frankly, I
3 can't make out the signatures. You would match those up. What
4 happens when somebody signs, I match up and make the signature.
5 And if the signature matches, then I let them go in and do their
6 pin code.

7 Q Okay. Turn to the next page. And what box number does this
8 document refer to?

9 A Are we looking at the history?

10 Q Yes.

11 A The safe deposit access. That is box 2178.

12 Q And there's some initials or some writing on here?

13 A Yeah. The initials -- when we time stamp their signature
14 card, we also then time stamp the history card, and we put our
15 initials. As you can see, Dave Heric is DH. My name, Dale
16 Mitchell, is DHM. And there's a few other people that have
17 gotten involved when they come in. Specifically, Brian Sinclair
18 would be the scribble that's BS, and the last is DO, which is
19 David Olson. So there's four parties active in this.

20 Q Okay. Can you go to the next set of pages? Could you just
21 briefly describe the significance of these documents and how
22 they're used?

23 A The significance of this document, it's called the access
24 ticket, is nobody is allowed into our facility unless they pull
25 this card and put their box number, and then where it says

1 signature or password, they sign that.

2 Like I said, I can't read some writings, so I match this --
3 I pull the authorization card and match up the signature, and
4 most times people are pretty consistent. So I match up the
5 signatures, and that's what this is important for.

6 This allows them then to go into the man trap, which is the
7 second level of security there. Their code. And if the code
8 ties out to the authorization card, then they're allowed in the
9 facility. So they have to have two items to get in, their
10 signature and the code.

11 Q I want to back up very briefly. The original 2057 box --

12 A Yes.

13 Q -- what was the size of that safe deposit box?

14 A The size of that box was our smallest box. It's
15 5-by-10-by-18. And the size of the 2178, I believe, which is
16 \$210, is 15-by-10-by-18.

17 Q Is that a rather large safe deposit box that you rent?

18 A It's -- actually, our most common is the 5-by-10. When you
19 get to the 15-by-10-by-18, that is a larger box. Of the 2,000
20 boxes we have, 1,000 would be the 5-by-10. Actually, a very
21 small percentage would be the 15-by-10. I couldn't tell you the
22 quantity that we have.

23 Q Okay.

24 MR. MAIETTA: Your Honor, no further questions for this
25 witness.

1 THE COURT: Do you wish to ask any questions, Ms.
2 Struckman? You may step down.

3 MR. MAIETTA: Your Honor, the United States calls a
4 representative from King County clerk's office.

5 FRANCES GAINES, BEING SWORN, TESTIFIED AS FOLLOWS:

6 THE CLERK: Would you take the stand. State your full
7 name and spell your last name.

8 THE WITNESS: Frances Gaines, G-a-i-n-e-s.

9 DIRECT EXAMINATION

10 BY MR. MAIETTA:

11 Q Ms. Gaines, is that right?

12 A That's right.

13 Q Okay. Where do you work?

14 A For the recorder's office.

15 Q And for what -- what government?

16 A King County recorder's office.

17 Q Okay. What are some of your responsibilities in that
18 position?

19 A I'm a supervisor for the customer service area.

20 Q And what position do you hold again?

21 A Supervisor.

22 Q Could you tell us some of your responsibilities, duties?

23 A I'm in the research part, where once you've recorded the
24 document and you need to retrieve it, you would come to our
25 area, and we would locate it and make out a certified copy for

1 you.

2 MR. MAIETTA: Madam Clerk, I just want to pass to you
3 Government Exhibit -- we have a change in the exhibit. It's
4 identical, but it has a raised seal, and I just want to provide
5 that to you.

6 Is that --

7 THE COURT: That's fine. Why don't you substitute it
8 for the one that she has.

9 MR. MAIETTA: And that's Government Exhibit No. 12.

10 THE COURT: You can approach and hand it to the clerk.

11 MR. MAIETTA: With the Court's indulgence. I
12 apologize, Your Honor.

13 Q (By Mr. Maietta) Ms. Gaines, what type of documents do you
14 normally handle? When a document is filed, can you just tell me
15 how or explain to me how it's recorded?

16 A A person can either walk in or send it through the mail,
17 bring the document in for recording. At that time the person at
18 the front desk would take the document, record it, and then it
19 has to go through a scanning process, data entry.

20 Q Okay. Could -- Government Exhibit No. 11, could you look at
21 that document, please? Can you tell whether that document was
22 mailed or whether somebody walked in?

23 A This was a walk on.

24 Q This was a walk on. How can you tell that?

25 A We put an X on it.

1 Q Is there anything else that identifies it as been -- having
2 been recorded with your office?

3 A The number on the side -- well, there's two numbers. It
4 gives you the year, month and date, and then the actual document
5 number.

6 Q Is there any other identifying mark on that? Is there -- is
7 there any other identifying mark on that document, on the back?

8 A Well, the back is where I -- you know, one of us would
9 certify and make a copy of it.

10 Q So was that a certified --

11 A This is a certified copy.

12 Q And whose signature is on the back?

13 A This is mine.

14 Q Could we also look at the next government exhibit, No. 12?
15 And can you identify whether that document was either walked in
16 or mailed?

17 A This is a walk on also.

18 Q And was that document also filed with your office?

19 A Mm-hmm.

20 Q And how can you tell that?

21 A By the recording number, and this also is certified on the
22 back by Dianne McKinnis.

23 Q And you certified that?

24 A No, this one was done by Dianne McKinnis, and she also works
25 for the county.

1 Q And does that have a raised seal?

2 A Yes, it does.

3 MR. MAIETTA: Your Honor, the government moves to admit
4 Exhibit No. 11 and No. 12 into evidence.

5 THE COURT: They will be admitted.

6 (Plaintiff's Exs. Nos. 11 & 12 admitted.)

7 MR. MAIETTA: Thank you. Court's indulgence.

8 Q (By Mr. Maietta) Just two questions for you, ma'am.
9 Government Exhibit No. 11, can you identify what name appears on
10 that document?

11 A At the top where it says, "from"?

12 Q Yes.

13 A That says David A. Struckman.

14 Q And for Government Exhibit No. 12?

15 A That's Laura J. Struckman.

16 MR. MAIETTA: No further questions, Your Honor.

17 THE COURT: Any questions, Ms. Struckman? You may step
18 down.

19 MR. ODULIO: Your Honor, the government calls Special
20 Agent Michael Hardaway.

21 MICHAEL HARDAWAY, BEING SWORN, TESTIFIED AS FOLLOWS:

22 THE CLERK: Would you take the stand. State your full
23 name and spell your last name.

24 THE WITNESS: My name is Michael D. Hardaway,
25 H-a-r-d-a-w-a-y.

1 DIRECT EXAMINATION

2 BY MR. ODULIO:

3 Q Where are you employed, sir?

4 A With the Internal Revenue Service.

5 Q What is your position there?

6 A I'm a Special Agent.

7 Q What is your educational background?

8 A I have a Bachelor's in business administration, emphasis in
9 accounting.

10 Q Do you hold any professional certifications?

11 A Yes, I'm a certified public accountant.

12 Q How long have you been employed with the Service?

13 A Almost 13 years.

14 Q And have you held any other positions other than being a
15 Special Agent?

16 A Yes. When I was first hired on, I worked for about four
17 years as a revenue agent.

18 Q What were your duties as a revenue agent?

19 A Revenue agents conduct the audits, tax audits, typically of
20 individuals, corporations, partnerships, so forth.

21 Q What are your duties as a Special Agent?

22 A My primary duties as a Special Agent are to investigate
23 alleged violations of the criminal tax, money laundering, or
24 currency reporting statutes under the jurisdiction of the
25 Internal Revenue Service.

1 Q Agent Hardaway, did there come a time when you joined an
2 investigation concerning the Institute of Global Prosperity?

3 A Yes, yes, I did.

4 Q And what is the Institute of Global Prosperity?

5 A The Institute of Global Prosperity is an organization that
6 was founded by David Struckman and Daniel Anderson. Later the
7 partnership was joined by a Lorenzo Lamantia. Global Prosperity
8 sells cassette tape series, holds offshore seminars, where
9 various views are espoused regarding the United States
10 government and taxation, amongst others.

11 Q And what role, if any, did you have in this investigation,
12 Agent Hardaway?

13 A My role essentially is to handle the Washington aspect of
14 it, because the Struckmans reside in our area, the Struckmans,
15 David and Laura, and any related individuals who live locally.

16 Q Are you familiar with the defendant, Laura Struckman?

17 A Yes, I am.

18 Q Can you identify her in the courtroom by her location and
19 item of clothing?

20 A She's seated right over here at the defendant's table, and
21 she's wearing a black blouse.

22 MR. ODULIO: Let the record reflect the witness has
23 identified the defendant.

24 THE COURT: Yes.

25 Q (By Mr. Odulio) Are you familiar with the signatures of the

1 defendant and that of her husband, David Struckman?

2 A Yes, I am. I've seen their signatures probably literally on
3 hundreds, if not in excess of a thousand documents.

4 Q What kind of documents have you seen their signatures on?

5 A Mostly checks. But anything from those to passport
6 applications, driver's licenses, vehicle title documents,
7 residential rental agreements, post office box, you name it.

8 MR. ODULIO: Madam Clerk, if the witness could be
9 handed Government's 18, Government's 19.

10 Q Open to Government's Exhibit 18, Agent Hardaway. What is
11 that document?

12 A It's a passport application for Laura Jean Marie Struckman
13 submitted to the United States Department of State.

14 Q Did you obtain that document as part of your investigation?

15 A Yes, I did.

16 Q Look into the front page of that document, Agent Hardaway.
17 Is there an attestation that this is a true copy of the
18 application?

19 A Yes, there is.

20 MR. ODULIO: Your Honor, the government moves 18.

21 THE COURT: It will be admitted.

22 (Plaintiff's Ex. No. 18 admitted.)

23 Q (By Mr. Odulio) Look on the second page of this document,
24 Agent Hardaway. Is there a signature that you recognize?

25 A Yes, I recognize the signature of Laura Jean Marie Struckman

1 on this document.

2 Q Is there an area of this document referring to a Social
3 Security number?

4 A Yes, there is, item 6.

5 Q And what do you see there?

6 A All zeros.

7 Q Who would have filled this out?

8 THE COURT: Counsel, I don't see how you can ask him
9 that question.

10 MR. ODULIO: Thank you.

11 Q (By Mr. Odulio) If you'd look at Government 19. What is
12 that document, sir?

13 A It's a passport application for David Alan Struckman that
14 was submitted to the United States Department of State.

15 Q And did you obtain that document as part of your
16 investigation?

17 A Yes.

18 Q Looking at the front page, is there an attestation that this
19 is a true copy of this application?

20 A Yes, there is.

21 MR. ODULIO: Your Honor, government moves 19.

22 THE COURT: It will be admitted.

23 (Plaintiff's Ex. No. 19 admitted.)

24 Q (By Mr. Odulio) Agent Hardaway, turning to the second page,
25 do you see a signature there?

1 A Yes, I recognize the signature of David Alan Struckman.

2 MR. ODULIO: Could the witness be given Government's
3 Exhibits 1 through 3?

4 Q Agent Hardaway, if you'd look at Government's Exhibit 1. Is
5 there a signature on this document that you recognize?

6 A There's two. I recognize the signature of David Alan
7 Struckman and Laura Jean Marie Struckman on this document.

8 Q And what is this document?

9 A This document is a signature card, bank account application
10 form for U.S. Bank for Crescent Moon Enterprises, and it was
11 submitted -- or the signers on the account are David Alan
12 Struckman and Laura Jean Marie Struckman.

13 Q And is there a date?

14 A Yes, this was done on March 27th of 1996.

15 Q Did you learn during the course of your investigation where
16 this account was opened?

17 A This account was opened in the Lynden, Washington branch of
18 U.S. Bank.

19 Q And where did the defendant and her husband live during this
20 time period?

21 A They resided in Renton, Washington.

22 Q Do you know the address where they resided?

23 A 1750 Ferndale Avenue Southeast in Renton.

24 Q And did they reside there from June 1997 until August 1998?

25 A Yeah, the entire time period, yeah.

1 Q Did you uncover any evidence that either the defendant or
2 her husband lived in Lynden?

3 A None whatsoever, no.

4 Q And where is Renton in relation to Lynden, do you know?

5 A Lynden, Washington is approximately 115 miles north of
6 Renton. Lynden is very near the Canadian border, outside
7 Bellingham, Washington.

8 Q Turn to Government's Exhibit 2, please. Do you recognize
9 that document, sir?

10 A Yes.

11 Q And what is it?

12 A It's a signature card or bank account application form for
13 U.S. Bank for an entity Alternate Ventures submitted by David
14 Alan Struckman and Laura Jean Marie Struckman.

15 Q Do you recognize the signatures on the document?

16 A Yes, I recognize the signature of David Alan Struckman and
17 Laura Jean Marie Struckman.

18 Q And is there a date on this document?

19 A Yes, July 22nd, 1996.

20 Q And during the course of your investigation did you learn
21 where this account was opened?

22 A This account also was opened in the Lynden, Washington
23 branch of U.S. Bank.

24 Q Could you look at Government's Exhibit 3, please. What is
25 that document?

1 A It's another signature card bank account application form
2 for U.S. Bank for a Spectack-Ular Holdings, and it was submitted
3 by -- or the signers are David Alan Struckman and Laura Jean
4 Marie Struckman. It was submitted on October 10th of 1997.

5 Q Are there signatures on that document that you recognize?

6 A Yes. I recognize the signatures of David Alan Struckman and
7 Laura Jean Marie Struckman.

8 Q Turn to page 2 of this document. And the column on the
9 left, does it indicate what type of account this is?

10 A The box indicating non-profit is checked.

11 Q And Exhibits 1 and 2, were there any indications of what
12 type of accounts those were?

13 A Exhibit 2 indicates non-profit as well. And Exhibit 1 also
14 indicates a non-profit.

15 Q Go back to Government's Exhibit 3, the third page. What is
16 that document, Agent Hardaway?

17 A This is a form W-8 certificate of foreign status.

18 Q And is there an entity on this -- listed on this form?

19 A Yes, a Spectack-Ular Holdings, with an address in Grand
20 Turks and Caicos Islands, British West Indies, is listed on this
21 document.

22 Q And if you could turn the page, sir. Do you recognize that
23 copy?

24 A Yes. This is a certificate of the trustee regarding
25 Spectack-Ular Holdings. This document shows Spectack-Ular

1 Holdings as a trust organized and domiciled in the Grand Turks
2 and Caicos Islands, and is signed by Laura Jean Marie Struckman
3 and David Alan Struckman.

4 Q Do you recognize those signatures?

5 A Yes.

6 Q Agent Hardaway, during the course of your investigation did
7 you learn where the bank statements for these accounts were
8 transmitted, the monthly bank statements?

9 A Yes. The monthly bank statements for Crescent Moon
10 Enterprises, Alternate Ventures and Spectack-Ular Holdings were
11 sent to two different mail drops.

12 Q And what is a mail drop?

13 A A mail drop is basically a private mailbox, your everyday
14 Mailboxes, Et cetera, or something similar.

15 Q Which two statements were sent -- which two accounts'
16 statements were sent to the same mail drop?

17 A Crescent Moon Enterprises and Spectack-Ular Holdings, they
18 were sent to a mail drop on 140th Avenue Southeast in Renton.

19 Q And the other account?

20 A Alternate Ventures was sent to a mail drop on Benson Road in
21 Renton.

22 Q Agent Hardaway, are you familiar with Government's Exhibits
23 4, 5 and 6?

24 A Yes, I am.

25 Q What is Exhibit 4?

1 A Exhibit 4 essentially represents the bank records for
2 Crescent Moon Enterprises for the time period of June 1997
3 through the closing of that account in May of 1998.

4 Q Did you conduct an analysis on the -- of Government's
5 Exhibit 4?

6 A Yes, I did.

7 Q What kind of analysis did you conduct?

8 A I typically -- typically when we analyze bank records, you
9 know, we first quantify the deposits or incoming activity and
10 analyze the outgoing. Of course, we make sure that our records
11 reconcile with the bank records. We look at the deposit items,
12 we look at the checks and expenditures and analyze them for any
13 kind of commonality, trends, specific individuals, places,
14 things like that.

15 Q Are you familiar with Government's Exhibit 5?

16 A Yes.

17 Q What is that?

18 A Those are bank records for the account Alternate Ventures
19 for the time period of June of '97 through August of 1998.

20 Q Did you conduct an analysis of that?

21 A Yes, the same type of analysis, you know, we conducted on
22 Alternate Ventures as I described regarding Crescent Moon
23 Enterprises.

24 Q And are you familiar with Government's Exhibit 6?

25 A Yes. 6 is bank records for the bank account of

1 Spectack-Ular Holdings for the time period October of '97, when
2 the account was opened, through August of 1998.

3 Q Did you conduct an analysis of those records?

4 A I did the exact same kind earlier described.

5 MR. ODULIO: Madam Clerk, if the witness could be given
6 Government's Exhibit 17, please.

7 Q Do you recognize that document, Agent Hardaway?

8 A Yes. I prepared it.

9 Q And what is it?

10 A This document essentially is a gross deposit summary of the
11 bank records in Exhibits 4, 5 and 6.

12 Q Agent Hardaway, does Exhibit 17 fairly and accurately
13 summarize the deposit activities in Exhibits 4, 5 and 6?

14 A Yes, it does.

15 MR. ODULIO: Your Honor, the government moves Exhibit
16 17.

17 THE COURT: It will be admitted.

18 (Plaintiff's Ex. No. 17 admitted.)

19 Q (By Mr. Odulio) If you'd look at Exhibit 17, Agent
20 Hardaway, could you identify the meaning of the columns for us?

21 A Yeah. Column one, which lists the statement ending date,
22 signifies the statement period. Business accounts at U.S. Bank
23 always ended on the last day of the month. Column two is the
24 deposit activity for Crescent Moon Enterprises for each of the
25 pertinent statement periods.

1 Column three is the deposit activity for the Alternate
2 Ventures bank account for -- again for the respective statement
3 periods. Column four is the deposit activity for the
4 Spectack-Ular Holdings bank account again for each of the
5 respective statement periods.

6 Column five, which is gross deposit totals, is -- merely
7 adds up the prior three columns, the deposit activity in
8 Crescent Moon Enterprises, Alternate Ventures and Spectack-Ular
9 Holdings bank accounts.

10 The sixth column, transfers between accounts, we wanted to
11 segregate out transfers between accounts to get what we feel
12 is -- get at what we feel is a more accurate reflection of the
13 deposit activity, which is the last column, net totals, or net
14 deposit activity.

15 Q Agent Hardaway, there's a -- in the first column on the left
16 a statement ending date. There appears to be two statement
17 ending dates for June. Do you see that?

18 A Yes, mm-hmm.

19 Q Can you explain that?

20 A Well, that month U.S. Bank, I think it was earlier testified
21 to by Kim Reichert, U.S. Bank, due to a merger and equipment
22 change, actually issued two statements in June of 1998, when
23 they moved to the new equipment. I think they stopped with the
24 old equipment as of 6/21, and then on 6/22 they started up with
25 the new equipment, and the first statement ends on 6/30.

1 Q Could you read for the jury the totals of Crescent Moon
2 Enterprises?

3 A Yes.

4 Q Sorry, in the time periods for which that covers.

5 A Okay. The first total represents the deposit activity for
6 Crescent Moon Enterprises from June of 1997 through the closing
7 of the account in May of 1998, and it was \$1,532,506.24.

8 Q Did you do the same for Alternate Ventures?

9 A I did as well. Deposit -- the deposit total for Alternate
10 Ventures from June '97 through August of '98 is \$1,377,817.96.

11 Q And for Spectack-Ular Holdings?

12 A Yes. The deposit total for Spectack-Ular Holdings from
13 October of '97, when the account was opened, through August of
14 1998, was \$929,359.43. For a total, when you add all three
15 accounts together, the next column it's \$3,839,683.63.

16 Q And, again, the effect on the next column on that figure?

17 A We identified transfers between the accounts of \$99,138.66.
18 We subtracted that from the gross deposit total to arrive at the
19 last total of \$3,740,544.97.

20 THE COURT: All right. We'll take the afternoon recess
21 for 15 minutes.

22 (Recess.)

23 THE COURT: All right.

24 Q (By Mr. Odulio) Agent Hardaway, during the course of your
25 investigation did you obtain records from the Internal Revenue

1 Service regarding the defendant and her husband, David
2 Struckman?

3 A Yes, I did.

4 Q If you could go to --

5 MR. ODULIO: Madam Clerk, Government's Exhibit 23 and
6 Government's Exhibit 24.

7 Q Agent Hardaway, what is Government's Exhibit 23?

8 A Exhibit 23 is a certificate -- certification of lack of
9 record from the Internal Revenue Service for Laura Jean
10 McNeeley, Social Security number 467-21-6848.

11 Q And --

12 A For the tax years 1997 and 1998.

13 Q Are you familiar with this individual?

14 A Yes. Laura J. McNeeley and Laura Struckman are the same
15 individual. McNeeley was her prior married name before she
16 married David Struckman.

17 Q Is there a certification on this document?

18 A Yes, there is.

19 MR. ODULIO: Your Honor, the government moves Exhibit
20 23.

21 THE COURT: It will be admitted.

22 (Plaintiff's Ex. No. 23 admitted.)

23 Q (By Mr. Odulio) Look at Government's Exhibit 24, Agent
24 Hardaway. What is that document?

25 A That's a certification of lack of record for David Alan

1 Struckman for tax years 1997 and 1998.

2 Q And does this document contain a certificate?

3 A Yes, it does.

4 MR. ODULIO: Your Honor, the government moves 24.

5 THE COURT: It will be admitted.

6 (Plaintiff's Ex. No. 24 admitted.)

7 Q (By Mr. Odulio) And can you just in layman's terms explain
8 what these two documents are?

9 A Essentially they mean that a search of the Internal Revenue
10 Service records were performed for any kind of evidence of a tax
11 filing for Laura J. McNeeley and David Alan Struckman, and no
12 record of any kind of tax filing for tax years 1997 and 1998
13 were found.

14 MR. ODULIO: Could the witness be handed Government's
15 Exhibit 7?

16 Q Are you familiar with Government's Exhibit 7?

17 A Yes.

18 Q What is it?

19 A It's a -- it's a series of checks that came out of Exhibit
20 4. Checks drawn on the Crescent Moon Enterprises bank account.
21 All the checks are made out to cash. All of the checks are for
22 amounts less than \$10,000. And all of the checks are signed by
23 Laura Jean Marie Struckman. And, lastly, all of the checks have
24 a validation -- bank validation code on the back, which
25 indicates that the check was indeed cashed for currency.

1 Q I'm sorry, you may have said this, Agent Hardaway. Did you
2 come to a determination about the amounts on these checks?

3 A Yeah, all the amounts were under \$10,000, yeah.

4 Q Go to Government's Exhibit 8, please.

5 MR. ODULIO: And, Madam Clerk, we're going to move on
6 to Government's Exhibit 9 next.

7 Q Agent Hardaway, what is -- are you familiar with
8 Government's Exhibit 8?

9 A Yes. It's a series of checks that were pulled from within
10 the Exhibit 5. It's a series of checks that were drawn on the
11 Alternate Ventures bank account. All of the checks were made
12 out to cash for amounts under \$10,000. All of the checks are
13 signed by Laura Jean Marie Struckman. And, again, all the
14 checks have the same bank validation code on the back, which
15 indicates that the checks were indeed cashed for currency.

16 Q And if you'd look at Government's 9. Are you familiar with
17 that?

18 A Yes.

19 Q And what is that?

20 A Again a series of checks pulled from within Exhibit 6,
21 checks drawn on the Spectack-Ular Holdings bank account. All
22 the checks are made out to cash. All of the checks are for
23 amounts under \$10,000. All the checks but three were signed by
24 Laura Jean Marie Struckman. The other three were signed by
25 David Alan Struckman. And all of the checks but 14 had that

1 previously mentioned validation code on the back, which
2 indicates that they were indeed cashed for currency.

3 Q What about the remaining 14 checks?

4 A Well, as previously testified to by Kim Reichert, at that
5 time period in June, where the bank switched equipment, and the
6 validation code started to -- it moved from the back of the
7 check to the front of the check, and there's 14 checks like
8 this. And this validation code can mean one of two things,
9 either it was cashed for currency, or it was used to purchase a
10 cashier's check.

11 Q And as part of your investigation did you do anything
12 further to resolve that question?

13 A Yes. All the cashier's checks purchased from the Spring
14 Glen branch were reviewed during this time period to see if any
15 of these checks was actually used to purchase a cashier's check,
16 and it was determined that none of the checks were used to
17 purchase cashier's checks. Thus meaning that they were going to
18 be used to -- used to -- or cashed for currency.

19 Q Just to make it clear, you're talking the last 14 items in
20 Exhibit --

21 A In 9, yes.

22 Q -- Exhibit 9, is that right?

23 A Yes.

24 Q If the witness could have Government's Exhibit 16. Did you
25 conduct a -- did you make a summary of the cancelled checks

1 appearing in Government Exhibits 7, 8 and 9?

2 A Yes, I did.

3 Q And what analysis did you do on Government Exhibits 7, 8 and
4 9?

5 A Essentially did a listing or a spreadsheet of the checks
6 contained within Exhibits 7, 8 and 9.

7 Q And does Exhibit 16 fairly and accurately summarize the
8 checks in Exhibits 7, 8 and 9?

9 A Yes.

10 MR. ODULIO: Your Honor, the government offers Exhibit
11 16.

12 THE COURT: It will be admitted.

13 (Plaintiff's Ex. No. 16 admitted.)

14 MR. ODULIO: Your Honor, with the Court's permission
15 we'd like to publish it.

16 THE COURT: All right.

17 Q (By Mr. Odulio) Agent Hardaway, starting with the column
18 date of withdrawal, explain to the jury what those columns mean.

19 A The date of withdrawal is the date of transaction, it lists
20 the date and the day of the week in which the currency
21 transaction took place.

22 Q Moving on to the next column.

23 A The next column is the amount of the check, the amount of
24 the transaction. The next column lists the bank account upon
25 which the check was drawn and the respective check number. And

1 the last column lists who signed the check, conducted the
2 transaction.

3 Q And as part of the investigation, did you total up the
4 column amount payable to cash?

5 A Yes. All of the -- all of the transactions totaled
6 approximately \$966,000.

7 Q Agent Hardaway, if we could go to Exhibit 9, the items for
8 Spectack-Ular Holdings. If you can go to June 18th, 1998, check
9 number 1511.

10 A Okay.

11 Q Is there a signature on that check that you recognize?

12 A Yes, the signature of David Alan Struckman.

13 Q And if you could go to checks number 1519 and 1520 in that
14 same exhibit.

15 A 1519 also has the signature of David Alan Struckman.

16 Q And 1520?

17 A Yes, the signature of David Alan Struckman on 1520.

18 MR. ODULIO: No more questions, Your Honor.

19 THE COURT: Any cross-examination, Ms. Struckman? You
20 may step down.

21 MR. ODULIO: Your Honor, at this time the government
22 would like the Court to take judicial notice that the U.S. Bank,
23 Spring Glen branch, is located within the Western District of
24 Washington.

25 THE COURT: It will do so.

1 MR. ODULIO: The government rests.

2 THE COURT: Very well. Ms. Struckman, do you wish to
3 call any witnesses? All right. Ladies and gentlemen, I'm going
4 to let you go home early, and we'll start up again, and we're
5 going to start a little later tomorrow morning because one of
6 the attorneys has another -- a doctor's appointment.

7 So we're going to start at -- I'm going to ask you to be
8 here by 9:45. I'm going to try to start then. It may be ten
9 o'clock before we can get started up. But you will be finished
10 easily tomorrow, I'm reasonably comfortable.

11 So I'm going to excuse you for the day, and then tomorrow
12 morning we'll start with the Court's instructions and then final
13 argument, and the case will then be submitted to you. So have a
14 nice evening. Please remember the Court's admonitions not to
15 discuss the case with anyone, not even amongst yourselves, don't
16 permit anyone to talk to you about the case, don't read, listen
17 or watch anything about the case, and don't do any investigation
18 or research regarding the matters under consideration here.

19 Have a nice evening. We'll see you tomorrow morning at
20 9:45. We'll be in recess.

21 (Recess.)

22
23
24
25

1 * * * May 28, 2003 * * *

2 (Jury not present.)

3 THE COURT: Have you had a chance to look at the
4 instructions?

5 MR. ODULIO: Yes, Your Honor.

6 THE COURT: Do you have any problems with them?

7 MR. ODULIO: We'd like to just discuss four of them,
8 Your Honor.

9 THE COURT: All right.

10 MR. ODULIO: The first instruction, instruction number
11 12, deals with the testimony of Shoshanna Szuch. We believe the
12 proper instruction instead is from the Ninth Circuit pattern
13 jury instructions 4.12, a witness who has pleaded guilty,
14 instead of a witness who has been an accompish.

15 THE COURT: So it should read you have heard testimony
16 from Shoshanna Szuch, who has pled guilty to --

17 MR. ODULIO: To a crime arising out of the same events
18 for which the defendant is on trial. This guilty plea --

19 THE COURT: Hang on a second. Go ahead.

20 MR. ODULIO: This guilty plea is not evidence against
21 the defendant --

22 THE COURT: All right.

23 MR. ODULIO: -- and you may consider it only --

24 THE COURT: All right.

25 MR. ODULIO: -- in determining this witness'

1 believability. You should consider this witness' testimony --

2 THE COURT: Why not just say you should consider such
3 testimony with greater caution than that of other witnesses?

4 MR. ODULIO: Yes, Your Honor.

5 THE COURT: All right. Any others?

6 MR. ODULIO: Your Honor, instruction number 15.

7 THE COURT: All right.

8 MR. ODULIO: I feel like instruction 16 covers the
9 charts and summaries applicable in this case. Charts and
10 summaries have been admitted into evidence.

11 THE COURT: Yes, I think that's right. All right.
12 Anything else?

13 MR. ODULIO: Your Honor, instruction number 18
14 identifies the co-conspirator as DS. The government asks that
15 it just be -- his name be used, David Struckman. I believe that
16 the evidence is ample in showing that David Struckman is an
17 unindicted co-conspirator.

18 THE COURT: So on line what, between 16 and 17?

19 MR. ODULIO: 16 and 17.

20 THE COURT: All right.

21 MR. ODULIO: And on the instruction number 23, the
22 second sentence, it's missing a word. It should read, "A
23 transaction which is a transfer." And that's directly from the
24 statute, the code of federal regulations.

25 THE COURT: Yes. Is that it?

1 MR. ODULIO: That's all for the --

2 THE COURT: All right. Ms. Struckman, do you have any
3 exceptions to the jury instructions? And I hear no response.

4 All right.

5 MR. ODULIO: Another housekeeping matter, Your Honor.
6 I don't know if you want to take the issue up of exhibits now.
7 Exhibit 15, page 1 is the only portion that was asked to be
8 received into evidence.

9 THE COURT: What is that? Let me see it, Gail.

10 MR. ODULIO: It's the Department of Licensing document
11 related to --

12 THE COURT: I just don't remember the record in that
13 regard.

14 MR. ODULIO: The other documents, part of that file is
15 not applicable and is not relevant, because it deals with the
16 previous owner of the boat.

17 THE COURT: All right. Exhibit 15 will be limited to
18 page 1 of the exhibit, and the others will be withdrawn.

19 MR. ODULIO: And finally, Your Honor, the issue of the
20 voluminous records. They were admitted in evidence. I'm not
21 sure how the Court wishes to handle them.

22 THE COURT: We'll send them up to the jury room.

23 MR. ODULIO: Okay.

24 THE COURT: Let's bring down to the jury.

25 (Jury present.)

1 THE COURT: Please be seated, folks. Members of the
2 jury, now that you have heard all the evidence, it is my duty to
3 instruct you on the law which applies to this case. Copies of
4 these instructions will be delivered to you in the jury room for
5 you to consult.

6 It is your duty to find the facts from all the evidence in
7 the case. To those facts you will apply the law as I give it to
8 you. You must follow the law as I give it to you, whether you
9 agree with it or not. And you must not be influenced by any
10 personal likes or dislikes, opinions, prejudices or sympathy.
11 That means that you must decide the case solely on the evidence
12 before you. You will recall that you took an oath promising to
13 do so at the beginning of the case.

14 In following my instructions, you must follow all of them
15 and not single out some and ignore others. They are all equally
16 important. You must not read into these instructions or into
17 anything the Court may have said or done any suggestion as to
18 what verdict you should return - that is a matter entirely up to
19 you.

20 The indictment in this case charges one crime against the
21 defendant. Count 1 of the indictment charges the crime of
22 conspiracy to structure a currency transaction. The crime
23 alleged in the indictment occurred on or about June 3, 1997, and
24 continued until on or about August 20, 1998.

25 The indictment is not evidence. The defendant has pleaded

1 not guilty to the charge. The defendant is presumed to be
2 innocent and does not have to testify or present any evidence to
3 prove innocence. The government has the burden of proving every
4 element of the charge beyond a reasonable doubt.

5 A defendant in a criminal case has a constitutional right
6 not to testify. No presumption of guilt may be raised, and no
7 inference of any kind may be drawn from the fact that the
8 defendant did not testify.

9 Proof beyond a reasonable doubt is proof that leaves you
10 firmly convinced that the defendant is guilty. It is not
11 required that the government prove guilt beyond all possible
12 doubt.

13 A reasonable doubt is a doubt based upon reason and common
14 sense and is not based purely on speculation. It may arise from
15 a careful and impartial consideration of all the evidence, or
16 from lack of evidence.

17 If after a careful and impartial consideration of all the
18 evidence you are not convinced beyond a reasonable doubt that
19 the defendant is guilty, it is your duty to find the defendant
20 not guilty. On the other hand, if after a careful and impartial
21 consideration of all the evidence you are convinced beyond a
22 reasonable doubt that the defendant is guilty, it is your duty
23 to find the defendant guilty.

24 The evidence from which you are to decide what the facts are
25 consists of the sworn testimony of any witness and the exhibits

1 that have been received into evidence. In reaching your verdict
2 you may consider only the testimony and exhibits received into
3 evidence. Certain things are not evidence and you may not
4 consider them in deciding what the facts are. I will list them
5 for you:

6 1. Arguments and statements by the parties are not
7 evidence. What the parties have said in their opening
8 statements and in their closing arguments and at other times is
9 intended to help you interpret the evidence, but it is not
10 evidence. If the facts as you remember them differ from the way
11 the parties state them, your memory of them controls.

12 2. Questions and objections by the parties are not
13 evidence. The parties may object when they believe a question
14 is improper under the rules of evidence. You should not be
15 influenced by the question, the objection or the Court's ruling
16 on it.

17 3. Testimony that has been excluded or stricken or that you
18 have been instructed to disregard is not evidence and must not
19 be considered. In addition, some testimony and exhibits may
20 have been received only for a limited purpose. Where I have
21 given a limiting instruction, you must follow it.

22 And fourth, anything you may have seen or heard when the
23 Court was not in session is not evidence. You are to decide the
24 case solely on the evidence received at the trial.

25 Evidence may be direct or circumstantial. Direct evidence

1 is direct proof of a fact, such as testimony of an eyewitness.
2 Circumstantial evidence is indirect evidence, that is, proof of
3 a chain of facts from which you could find that another fact
4 exists even though it has not been proved directly. You are to
5 consider both kinds of evidence. The law permits you to give
6 equal weight to both, but it is for you to decide how much
7 weight to give to any evidence.

8 In deciding the facts in this case, you may have to decide
9 which testimony to believe and which testimony not to believe.
10 You may believe everything a witness says, or part of it, or
11 none of it. In considering the testimony of any witness, you
12 may take into account the opportunity and ability of the witness
13 to see or hear or know the things testified to, the witness'
14 memory, the witness' manner while testifying, the witness'
15 interest in the outcome of the case and any bias or prejudice,
16 whether other evidence contradicted the witness' testimony, the
17 reasonableness of the witness' testimony in light of all the
18 evidence, and any other facts that bear on believability. The
19 weight of the evidence as to a fact does not necessarily depend
20 on the number of witnesses who testify.

21 You are here only to determine whether the defendant is
22 guilty or not guilty of the charge in the indictment. Your
23 determination must be made only from the evidence in the case.
24 The defendant is not on trial for any conduct or offense not
25 charged in the indictment. You should consider evidence about

1 the acts, statements, and intentions of others, or evidence
2 about other acts of the defendant, only as they relate to this
3 charge against this defendant. The defendant is on trial only
4 for the crime charged in the indictment, not for any other
5 activities.

6 You have heard testimony that the defendant made certain
7 statements. It is for you to decide whether the defendant made
8 the statements and, if so, how much weight to give to them. In
9 making those decisions, you should consider all of the evidence
10 about the statements, including the circumstances under which
11 the defendant may have made them.

12 You have heard testimony from Shoshanna Szuch, who has pled
13 guilty to a crime arising out of the same events for which the
14 defendant is on trial. This guilty plea is not evidence against
15 the defendant, and you may consider it only in determining that
16 witness' believability. You should consider such testimony with
17 greater caution than that of other witnesses.

18 You have heard evidence of other acts engaged in by the
19 defendant. You may consider that evidence only as it bears on
20 the defendant's motive, opportunity, intent, preparation, plan,
21 knowledge, identity, absence of mistake or accident and for no
22 other purpose.

23 You have heard testimony from persons who, because of
24 education, or experience, are permitted to state opinions and
25 the reasons for their opinions. Opinion testimony should be

1 judged just like any other testimony. You may accept it or
2 reject it, and give it as much weight as you think it deserves,
3 considering the witness' education and experience, the reasons
4 given for the opinion, and all the other evidence in the case.

5 Certain charts and summaries have been received into
6 evidence. Charts and summaries are only as good as the
7 underlying supporting material. You should, therefore, give
8 them only such weight as you think the underlying material
9 deserves.

10 The indictment charges that the offense occurred on or about
11 a certain date or during a period of time. The proof need not
12 establish with certainty the exact date of the alleged offense.
13 It is sufficient if the evidence in the case establishes beyond
14 a reasonable doubt that the offense was committed on a date
15 reasonably near the date alleged.

16 The defendant is charged in Count 1 of the indictment with
17 having knowingly, intentionally and unlawfully conspired and
18 agreed with D.S., an unindicted co-conspirator, known to the
19 Grand Jury, to violate Title 31 USC, Section 5324(a)(3) by
20 agreeing to structure or assist in structuring a currency
21 transaction for the purpose of evading the reporting
22 requirements of Title 31 USC, Section 5313 and Title 31 CFR,
23 Section 103.22 with one or more domestic financial institutions,
24 all in violation of Title 18 USC, Section 371.

25 In order for the defendant to be found guilty of Count 1,

1 the government must prove each of the following elements beyond
2 a reasonable doubt:

3 First, the defendant agreed with David Struckman no later
4 than on or about June 3, 1997, and continuing until August 20,
5 1998, to commit a criminal offense, that is an agreement to
6 structure a currency transaction for the purpose of evading the
7 reporting requirements required by law.

8 Second, the defendant became a member of the conspiracy
9 knowing of at least one of its objects and intending to help
10 accomplish it.

11 And, third, one of the members of the conspiracy performed
12 at least one overt act for the purpose of carrying out the
13 conspiracy, with all of you agreeing on a particular overt act
14 that you find was committed.

15 I shall discuss with you briefly the law relating to each of
16 these elements. A conspiracy is a kind of criminal
17 partnership - an agreement of two or more persons to commit one
18 or more crimes. The crime of conspiracy is the agreement to do
19 something unlawful. It does not matter whether the crime agreed
20 upon was committed.

21 For a conspiracy to have existed it is not necessary that
22 the conspirators made a formal agreement or that they agreed on
23 every detail of the conspiracy. It is not enough, however, that
24 they simply met, discussed matters of common interest, acted in
25 similar ways, or perhaps helped one another. You must find that

1 there was a plan to commit the crime of structuring a currency
2 transaction to evade the reporting requirements under the law.

3 One becomes a member of a conspiracy by willfully
4 participating in the unlawful plan with the intent to advance or
5 further some object or purpose of the conspiracy, even though
6 the person does not have full knowledge of all the details of
7 the conspiracy. Furthermore, one who willfully joins an
8 existing conspiracy is as responsible for it as the originators.

9 On the other hand, one who has no knowledge of a conspiracy,
10 but happens to act in a way which furthers some object or
11 purpose of the conspiracy, does not thereby become a
12 conspirator. Similarly, a person does not become a conspirator
13 merely by associating with one or more persons who are
14 conspirators, nor merely by knowing that a conspiracy exists.

15 An overt act does not itself have to be unlawful. A lawful
16 act may be an element of a conspiracy if it was done for the
17 purpose of carrying out the conspiracy. The government is not
18 required to prove that the defendant personally did one of the
19 overt acts.

20 A conspiracy may continue for a long period of time and may
21 include the performance of many transactions. It is not
22 necessary that all members of the conspiracy joined it at the
23 same time, and one may become a member of a conspiracy without
24 full knowledge of all the details of the unlawful scheme or the
25 names, identities or locations of all of the other members.

1 Even though a defendant did not directly conspire with other
2 conspirators in the overall scheme, the defendant has, in
3 effect, agreed to participate in the conspiracy if it is proved
4 beyond a reasonable doubt that:

5 The defendant directly conspired with one or more
6 conspirators to carry out at least one of the objects of the
7 conspiracy, the defendant knew or had reason to know that other
8 conspirators were involved with those with whom the defendant
9 directly conspired, and, three, the defendant had reason to
10 believe that whatever benefits the defendant might get from the
11 conspiracy were probably dependent upon the success of the
12 entire venture.

13 It is no defense that a person's participation in a
14 conspiracy was minor or for a short period of time.

15 Each member of the conspiracy is responsible for the actions
16 of the other conspirators performed during the course and in
17 furtherance of the conspiracy. If one member of a conspiracy
18 commits a crime in furtherance of a conspiracy, the other
19 members have also under the law committed the crime. Before you
20 may consider the statements or acts of a co-conspirator, you
21 must determine whether the acts or statements were made during
22 the existence of and in the furtherance of an unlawful scheme,
23 and whether any offense was one which could reasonably have been
24 foreseen to be a necessary or natural consequence of the
25 unlawful agreement.

1 Therefore, you may find the defendant guilty of a crime as
2 charged in Count 1 of the indictment if the government has
3 proved each of the following elements beyond a reasonable doubt:

4 A person committed the crime alleged in that count, the
5 person was a member of the conspiracy charged in Count 1 of the
6 indictment, the person committed the crime in furtherance of the
7 conspiracy, the defendant was a member of the same conspiracy at
8 the time that crime was committed, and the crime fell within the
9 scope of the unlawful agreement and could reasonably have been
10 foreseen to be a natural -- necessary or natural consequence of
11 the unlawful agreement.

12 The law of the United States provides that a financial
13 institution, other than a casino, shall file a report of each
14 deposit, withdrawal, exchange of currency or other payment or
15 transfer, by, through, or to such financial institution which
16 involves a transaction in currency of more than \$10,000.

17 You may find the defendant guilty of conspiracy to structure
18 currency transaction reports whether or not the financial
19 institution filed or failed to file a true and accurate currency
20 transaction report.

21 The term "currency transaction" means the physical transfer
22 of currency from one person to another. A transaction which is
23 a transfer of funds by means of bank checks, bank draft, wire
24 transfer, or other written order, and which does not include the
25 physical transfer of currency, is not a transaction in currency

1 for this purpose.

2 As used in these instructions, the term "structure" refers
3 to the manner in which a transaction was carried out.
4 Structuring occurs when a person acting alone or in conjunction
5 with, or on behalf of others, conducts or attempts to conduct
6 one or more currency transactions at one or more financial
7 institutions on one or more days, in any manner with the purpose
8 of evading currency transaction reporting requirements.
9 Structuring includes breaking down a single sum of currency over
10 \$10,000 into smaller sums, or conducting a series of cash
11 transactions all at or below \$10,000, with the purpose of
12 evading currency transaction reporting requirements. The
13 transaction or transactions need not exceed the \$10,000
14 reporting threshold at any single financial institution on any
15 single day in order to constitute structuring within the meaning
16 of this definition.

17 A financial institution as an insured -- is an insured bank,
18 the deposits of which are insured by the Federal Deposit
19 Insurance Corporation. The term "insured bank" means any bank,
20 including a foreign bank having an insured branch, the deposits
21 of which are insured in accordance with the law; and the term
22 "non-insured bank" means any bank the deposits of which are not
23 so insured.

24 An act is done knowingly if the defendant is aware of the
25 act and does not act through ignorance, mistake or accident.

1 The government is not required to prove that the defendant knew
2 that her acts or omissions were unlawful. You may consider
3 evidence of the defendant's words, acts or omissions, along with
4 all the other evidence, in deciding whether the defendant acted
5 knowingly.

6 When you begin your deliberations, you should elect one
7 member of the jury as your presiding juror. That person will
8 preside over the deliberations and speak for you here in Court.

9 You will then discuss the case with your fellow jurors to
10 reach agreement if you can do so. Your verdict, whether guilty
11 or not guilty, must be unanimous. Each of you must decide the
12 case for yourself, but you should do so only after you have
13 considered all the evidence, discussed it fully with the other
14 jurors, and listened to the views of your fellow jurors.

15 Do not be afraid to change your opinion if the discussion
16 persuades you that you should. But do not come to a decision
17 simply because other jurors think it is right. It is important
18 that you attempt to reach a unanimous verdict, but, of course,
19 only if each of you can do so after having made your own
20 conscientious decision. Do not change an honest belief about
21 the weight and effect of the evidence simply to reach a verdict.

22 Your verdict must be based solely on the evidence and on the
23 law as I have given it to you in these instructions. However,
24 nothing that I have said or done is intended to suggest what
25 your verdict should be. That is entirely for you to decide.

1 Some of you have taken notes during the trial. Whether or
2 not you took notes, you should rely on your own memory of what
3 was said. Notes are only to assist your memory. You should not
4 be overly influenced by the notes.

5 A verdict form has been prepared for you. After you have
6 reached unanimous agreement on a verdict, your presiding juror
7 will fill in the form that has been given to you, sign and date
8 it and advise the Court clerk that you are ready to return to
9 the courtroom.

10 If it becomes necessary during your deliberations to
11 communicate with me, you may send a note through the Court
12 clerk, signed by your presiding juror or by one or more members
13 of the jury. No member of the jury should ever attempt to
14 communicate with me except by a signed writing, and I will
15 respond to the jury concerning the case only in writing or here
16 in open court.

17 If you send out a question, I will consult with the lawyers
18 before answering it, which may take some time. You may continue
19 your deliberations while waiting for the answer to any question.

20 Remember that you are not to tell anyone -- including me --
21 how the jury stands, numerically or otherwise, on the question
22 of the guilt or innocence of the defendant until after you have
23 reached a unanimous verdict or have been discharged.

24 All right. The Government's final argument.

25 MR. ODULIO: Yes, Your Honor.

1 THE COURT: Wait just one moment.

2 MR. ODULIO: Your Honor, could I approach?

3 THE COURT: Yes.

4 (Brief Pause.)

5 THE COURT: Turn that just a little bit more so Ms.
6 Struckman can see it also.

7 MR. ODULIO: Selling audio tapes is not illegal.
8 Selling tickets to seminars is not illegal. Making money, a lot
9 of it, doing either of those two things is not illegal. What is
10 illegal is the drawing of currency in a manner to avoid the
11 currency transaction report.

12 And the evidence has shown, as summarized in Exhibit 16,
13 that the defendant and her husband agreed beyond a reasonable
14 doubt to structure the transactions to avoid that currency
15 transaction report. 122 transactions, totaling approximately
16 \$966,000, withdrawn in 14 months.

17 Let's start at the beginning, Government's Exhibit 1. If
18 you'll take a look at that. It's a signature card for Crescent
19 Moon Enterprises opened on March 27th, 1996. We heard testimony
20 from an employee of U.S. Bank, Kimberli Reichert, that this
21 account was a W-8 account. Meaning that when a customer opens
22 it, they file a W-8 form, which is a certificate of foreign
23 status, and that they don't need a Social Security number or a
24 tax identification number to open the account. Ms. Reichert
25 also stated that this was a non-interest bearing account.

1 Meaning no interest was earned. Meaning the bank did not have
2 to report interest to the IRS.

3 We also learned from her that Alternate Ventures -- I'm
4 sorry, Crescent Moon was opened in Lynden, Washington,
5 approximately 115 miles from Renton, where the defendant and her
6 husband lived at the time.

7 Did they go all the way up to Lynden because it was close to
8 Canada, where opening a W-8 account would be a little bit
9 easier? And remember what Ms. Reichert said, that at this point
10 the policy of U.S. Bank in opening W-8 accounts was to take the
11 customer's word for it, to take the customer's word. The
12 customer didn't have to provide any backup to show that they
13 were indeed a foreign corporation or foreign ownership of that
14 account. Also, the bank statements were sent not to the address
15 of David Struckman and the defendant, but to a mail drop.

16 Exhibit No. 2, signature card for Alternate Ventures. Many
17 of the same characteristics of the signature card of Crescent
18 Moon Enterprises. A W-8 account. Meaning no Social Security
19 number or TIN required to open it. A non-interest bearing
20 account. Meaning that the IRS would not receive information
21 about interest earned on it.

22 Statements sent to mail drops, rather than the residence of
23 the defendant and her husband. And, again, opened in Lynden,
24 Washington, approximately 115 miles from their residence in
25 Renton.

1 Spectack-Ular Holdings, Exhibit No. 3, opened October '97.
2 Again, a W-8 account. Again, non-interest bearing. Again,
3 statements sent to mail drops, rather than their own residence.
4 And having already opened and established two existing accounts
5 with U.S. Bank, the defendant and her husband opened
6 Spectack-Ular Holdings in Renton.

7 Now, having opened these accounts in a manner as to avoid
8 the Government's knowledge of them by using a W-8, by choosing
9 it to be non-interest bearing, by having statements sent to the
10 mail drops, the defendant and her husband used the accounts,
11 they used them in this 14-month period to deposit 3.7 million
12 dollars. And you'll find that summarized in Government's
13 Exhibit 17. You'll find underlying records in Government
14 Exhibits 4, 5 and 6.

15 But even though they had established these accounts using
16 the W-8, even though they established these accounts using
17 everything they could to conceal their ownership and their
18 control over the accounts from the government, they still bumped
19 up against government regulation. They couldn't help that. And
20 that was a currency transaction report.

21 If you look at Exhibit 10, a quick scan of it, the currency
22 transaction report, will tell you why the defendant and her
23 husband took every precaution that they could to avoid it. But
24 what did it ask for? A name, a Social Security number, an
25 address, the name of the business, the date of birth. All

1 things that the defendant and her husband did not want the
2 government to have. They did not want the government to be
3 aware of these transactions. And why?

4 Government's Exhibits 23 and 24. During this time period,
5 1997 to 1998, neither the defendant, nor her husband, filed an
6 income tax return. And that's why, in withdrawing the currency
7 from these three bank accounts, they structured their
8 transactions to avoid that report.

9 Now, how did they evade the currency transaction report? We
10 heard from a 20-year employee of U.S. Bank, Sharon Ashley,
11 someone who's worked at U.S. Bank, Spring Glen branch, in Renton
12 for many, many years. An experienced merchant teller. Someone
13 who deals with many customers and who has dealt with many
14 customers over her career. But the defendant sticks out in her
15 mind. She sticks out because the first time she saw the
16 defendant the defendant came in and tried to cash a check
17 exceeding \$10,000.

18 And what did Ms. Ashley do? She testified that she began to
19 fill out a currency transaction report. And the defendant asked
20 her, "What's that?" And the defendant asked her, "If I change
21 the amount of this check to a figure not exceeding \$10,000, do
22 you still have to fill out that currency transaction report?"
23 And Ms. Ashley said, "No, I don't." And why does that stick out
24 in Ms. Ashley's mind? The government submits it's because of
25 the 122 transactions summarized in this exhibit.

1 Ms. Ashley testified the defendant and her husband, through
2 their banking practice, actually had an effect on the cash
3 inventory of her bank. As a merchant teller, she was
4 responsible for having enough cash to service all of the
5 business customers in the Spring Glen branch, and that she
6 actually had to schedule in advance with the defendant when the
7 defendant would be coming in to conduct her transactions.

8 Hundred dollar denominations, \$9,000 transactions day after
9 day, as many as three or four times a week. And Ms. Ashley
10 testified she had never had to service a customer such as this,
11 someone who made such frequent withdrawals, someone who had such
12 an impact on the cash inventory of the bank itself.

13 And we heard from David Bowden, who corroborated Ms.
14 Ashley's testimony. He had a conversation with the defendant
15 and her husband, David Struckman, where they admitted to him
16 that they made these cash withdrawals for amounts less than
17 \$10,000 to avoid the currency transaction report. He also
18 testified that they took this currency and they put it in a safe
19 deposit box in Bellevue. And you can find that in Exhibit 13,
20 the records for the safe deposit box.

21 David Bowden also gave us a picture of where this cash went
22 and how they spent it. They dealt in cash, including a '32
23 Plymouth, which the defendant's husband purchased for cash in a
24 brown paper bag, hundred dollar denominations, for \$28,000.
25 You'll see the title of documents in Government's Exhibit 14.

1 David Bowden also testified that the defendant -- the
2 defendant's husband purchased a boat, again for cash, exceeding
3 over \$20,000. And where is all this money coming from? We
4 heard from Shoshanna Szuch, who has pled guilty to tax evasion
5 in connection with the Institute of Global Prosperity, her
6 activities, her employment.

7 And she testified, she told us, hey, this business was
8 successful. They sold tapes. They sold tickets to these
9 seminars. She attended the first one. There were 250, 300
10 people there. In subsequent seminars in 1997 and 1998 there
11 were as many as 3,000 attendants. Over approximately \$6,000
12 each to attend.

13 She testified that the defendant's husband was a founder of
14 this organization, and she testified that the defendant's
15 husband, David Struckman, spoke about sovereignty at these
16 seminars, and that the defendant was present when he did this.

17 And Ms. Szuch gave us an understanding of what -- her
18 understanding of what sovereignty was. And you'll remember she
19 gave us examples, revoking your Social Security number, using
20 mail drops rather than your -- receiving mail at your own home,
21 use of a W-8 bank account so you can open an account not using a
22 Social Security number or a TIN, registering your assets in
23 nominee names rather than in your own names, even though you're
24 enjoying full control of those assets. These things are
25 familiar, because these are the things done by the defendant and

1 her husband.

2 Look at Government's Exhibit 11 and 12, which are certified
3 records of documents, signed affidavits filed by the defendant
4 and her husband, hand delivered to the clerk's office on August
5 17th of 1999, where they placed on public notice the IRS, the
6 Social Security Administration, the State of Washington taxing
7 agencies, the DMV, all federal, state and local law enforcement,
8 the legislative, the executive and the judicial branches, and
9 all Judges and prosecutors, placed -- the defendant and her
10 husband placed them on notice that they had no jurisdiction over
11 their labor and property rights. If you look at that document,
12 you'll see that they also renounced their U.S. citizenship and
13 declared themselves citizen of a sovereign republican --
14 republican State of Washington.

15 They also used obviously the W-8 to open accounts, bank
16 accounts, and they placed their assets in nominee names.
17 Exhibits 14 and 15 from the state Department of Licensing will
18 show that the vehicle, the '32 Plymouth and the boat, was placed
19 and registered in the name of Alternate Ventures.

20 Ladies and gentlemen, the defendant and her husband agreed
21 to structure 122 transactions, each transaction for an amount
22 under \$10,000, for the purpose of avoiding the currency
23 transaction report. In 14 months they withdrew approximately
24 \$966,000. Return a verdict of guilty.

25 THE COURT: Ms. Struckman, do you wish to make a final

1 statement? Hearing no response. Ladies and gentlemen, you can
2 retire to the jury room. The exhibits and the Court's
3 instructions will be delivered to you shortly.

4 You can commence with selecting your presiding juror, and
5 then start your deliberations after you get all the exhibits and
6 the jury instructions. We'll be in recess.

7 (Recess.)

8 (Jury not present.)

9 THE COURT: Please be seated. Let's bring down the
10 jury.

11 (Jury present.)

12 THE COURT: Please be seated, folks. Will the
13 presiding juror please rise?

14 PRESIDING JUROR: Beg your pardon?

15 THE COURT: Has the jury reached a verdict?

16 PRESIDING JUROR: Yes, they have.

17 THE COURT: Will you hand it to the clerk, please.

18 (Presiding juror complies.)

19 THE COURT: The jury is -- or the verdict is in proper
20 form. The clerk will read the verdict.

21 THE CLERK: United States District Court, Western
22 District of Washington, at Seattle, United States of America
23 versus Laura Jean Marie Struckman, Case No. CR03-88C, verdict
24 form. With respect to Count 1 of the indictment, we, the jury,
25 find the defendant Laura Jean Marie Struckman guilty. Please

1 sign this form and inform the bailiff. Signed by Paul Grohe,
2 foreperson.

3 THE COURT: Do either of the parties wish to have the
4 jury polled?

5 MR. ODULIO: Yes.

6 THE COURT: All right. Ladies and gentlemen, I'm going
7 to ask each of you two questions. The first question will be is
8 this your individual verdict. The answer to that question will
9 be yes if you voted for the verdict as read by the clerk in all
10 respects; no if not.

11 The second question will be is this the verdict of the jury.
12 The answer to that question will be yes if all 12 of the jurors
13 voted for the verdict as read by the clerk in all respects; no
14 if not.

15 Juror No. 1, is this your individual verdict?

16 JUROR NO. 1: Yes.

17 THE COURT: Is it the verdict of the jury?

18 JUROR NO. 1: Yes.

19 THE COURT: Juror No. 2, is this your individual
20 verdict?

21 JUROR NO. 2: Yes.

22 THE COURT: Is it the verdict of the jury?

23 JUROR NO. 2: Yes.

24 THE COURT: Juror No. 3, is this your individual
25 verdict?

1 JUROR NO. 3: Yes.

2 THE COURT: Is it the verdict of the jury?

3 JUROR NO. 3: Yes.

4 THE COURT: Juror No. 4, is this your individual
5 verdict?

6 JUROR NO. 4: Yes.

7 THE COURT: Is it the verdict of the jury?

8 JUROR NO. 4: Yes.

9 THE COURT: Juror No. 5, is this your individual
10 verdict?

11 JUROR NO. 5: Yes.

12 THE COURT: Is it the verdict of the jury?

13 JUROR NO. 5: Yes, sir.

14 THE COURT: Juror No. 6, is this your individual
15 verdict?

16 JUROR NO. 6: Yes.

17 THE COURT: Is it the verdict of the jury?

18 JUROR NO. 6: Yes.

19 THE COURT: Juror No. 7, is this your individual
20 verdict?

21 JUROR NO. 7: Yes.

22 THE COURT: Is it the verdict of the jury?

23 JUROR NO. 7: Yes.

24 THE COURT: Juror No. 8, is this your individual
25 verdict?

1 JUROR NO. 8: Yes.

2 THE COURT: Is it the verdict of the jury?

3 JUROR NO. 8: Yes.

4 THE COURT: Juror No. 9, is this your individual
5 verdict?

6 JUROR NO. 9: Yes.

7 THE COURT: Is it the verdict of the jury?

8 JUROR NO. 9: Yes.

9 THE COURT: Juror No. 10, is this your individual
10 verdict?

11 JUROR NO. 10: Yes.

12 THE COURT: Is it the verdict of the jury?

13 JUROR NO. 10: Yes.

14 THE COURT: Juror No. 11, is this your individual
15 verdict?

16 JUROR NO. 11: Yes.

17 THE COURT: Is it the verdict of the jury?

18 JUROR NO. 11: Yes.

19 THE COURT: And Juror No. 12, is this your individual
20 verdict?

21 JUROR NO. 12: Yes.

22 THE COURT: Is it the verdict of the jury?

23 JUROR NO. 12: Yes.

24 THE COURT: Any reason why the jury should not be
25 discharged?

1 MR. ODULIO: No reason.

2 THE COURT: All right. Ladies and gentlemen, in just a
3 moment I'm going to discharge you, but before I do so I want to
4 thank you for your participation in this trial. You have the
5 deepest appreciation of all of us involved in the administration
6 of justice.

7 We know that participation in something like this that can
8 have such a significant impact on somebody's life is not an easy
9 task. Thank you again. In just a moment you will be released
10 to report to the clerk.

11 Can we have a sentencing date and time?

12 THE CLERK: August 8th, 9:00 a.m.

13 THE COURT: Ladies and gentlemen, I do something a
14 little unusual, and that is that I send a copy of the judgment
15 that I enter when I sentence somebody to the jurors who sat on
16 that trial.

17 If you don't want to receive a copy of that, just let Julie
18 know after you've been discharged here. But, otherwise, we'll
19 send you a copy of it, and you'll know what the sentence was as
20 a result of your verdict.

21 Anything further?

22 MR. ODULIO: Nothing further.

23 THE COURT: All right. We'll be in recess.

24 (Recess.)

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CERTIFICATE

I, Joseph F. Roth, Official Court Reporter, do hereby
certify that the foregoing transcript is correct.

Joseph F. Roth

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8
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10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

Pretrial matters.....Pg. 2
Jury voir dire.....Pg. 8
Opening by Mr. Maietta.....Pg. 55
Opening by Ms. Struckman.....Pg. 64

KIMBERLI REICHERT, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 64:14
DIRECT EXAMINATION
BY MR. ODULIO: 64:19

SHARON ASHLEY, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 84:16
DIRECT EXAMINATION
BY MR. ODULIO: 84:20

SHOSHANNA SZUCH, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 94:23
DIRECT EXAMINATION
BY MR. ODULIO: 95:4

DAVID BOWDEN, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 101:25
DIRECT EXAMINATION
BY MR. MAIETTA: 102:5

EILEEN BOMAN, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 113:10
DIRECT EXAMINATION
BY MR. MAIETTA: 113:14

DALE MITCHELL, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 116:16
DIRECT EXAMINATION
BY MR. MAIETTA: 116:18

FRANCES GAINES, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 128:4
DIRECT EXAMINATION
BY MR. MAIETTA: 128:9

MICHAEL HARDAWAY, BEING SWORN, TESTIFIED AS FOLLOWS:
..... 131:20
DIRECT EXAMINATION
BY MR. ODULIO: 132:1

(Plaintiff's Exs. Nos. 1 through 9..... 68:12
(Plaintiff's Ex. No. 10..... 80:7
(Plaintiff's Ex. No. 22..... 84:11

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

INDEX

(Plaintiff's Ex. No. 14..... 115:5
 (Plaintiff's Ex. No. 15..... 116:6
 (Plaintiff's Ex. No. 13..... 123:18
 (Plaintiff's Exs. Nos. 11 & 12..... 131:6
 (Plaintiff's Ex. No. 18..... 134:22
 (Plaintiff's Ex. No. 19..... 135:23
 (Plaintiff's Ex. No. 17..... 141:18
 (Plaintiff's Ex. No. 23..... 144:22
 (Plaintiff's Ex. No. 24..... 145:6
 (Plaintiff's Ex. No. 16..... 148:13

Jury exceptions.....Pg. 151
 Jury instructions.....Pg. 154
 Closing by Mr. Odulio.....Pg. 167
 Jury verdict.....Pg. 174