

1 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

2 -----x

3 UNITED STATES OF AMERICA,

23-CR-146 (DG)

4

United States Courthouse  
Brooklyn, New York

5

-versus-

May 06, 2025  
9:00 a.m.

6 RACHEL CHERWITZ AND NICOLE  
7 DAEDONE,

7

Defendants.

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9 TRANSCRIPT OF CRIMINAL CAUSE FOR JURY SELECTION  
10 BEFORE THE HONORABLE JOSEPH A. MARUTOLLO  
UNITED STATES MAGISTRATE JUDGE

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APPEARANCES

12

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BY: CELIA COHEN, ESQ.

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MICHAEL P. ROBOTTI, ESQ.

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For Defendant Daedone:

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BY: JENNIFER A. BONJEAN, ESQ.

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JURY SELECTION

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise. Criminal cause for  
3 continued jury selection, docket 23-CR-146, United States vs.  
4 Cherwitz.

5 Will the parties please state their appearances  
6 starting with the Government.

7 MS. BENSING: Kayla Bensing, and Kaitlin Farrell,  
8 Nina Gupta, Sean Fern, Liam McNett and Marlane Boler, and  
9 Special Agent Tricia Quintero and Christine Meyer for the  
10 Government.

11 MS. COHEN: Good morning, your Honor. Celia Cohen  
12 and Michael Robotti, joined by Kelly Lin, who will be in here  
13 in a minute, on behalf of our client Rachel Cherwitz.

14 THE COURT: Good morning.

15 MS. BONJEAN: Good morning, your Honor. Jennifer  
16 Bonjean, Ms. Kelsey Killion -- and my most dreaded part of the  
17 day getting their names correct -- Sophia Moazed and Galila  
18 Assefa, our paralegals.

19 THE COURT: Good morning everyone. I'm going to ask  
20 my deputy to get the jurors and bring them up.

21 I had one housekeeping question. How long do you  
22 anticipate your opening statements will be?

23 MS. BENSING: Your Honor, I anticipate the  
24 Government's will be less than 15 minutes.

25 MR. ROBOTTI: For Ms. Cherwitz about 15-20 minutes.

JURY SELECTION

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1 MS. BONJEAN: Same.

2 THE COURT: Thank you. We'll have the perspective  
3 jurors come in, return to their same seats. I have a few  
4 follow-up questions with a few of the jurors from yesterday,  
5 we'll go to sidebar for that as well.

6 (Prospective jurors enter.)

7 THE COURT: Welcome back are. Please take the same  
8 seats that you were in yesterday.

9 (Prospective jurors enter.)

10 THE COURT: Please return to the same seats you were  
11 in yesterday.

12 Please be seated. The Court is very grateful for  
13 all of your time and for all of you that are here for your  
14 punctuality. As you can see, we move as efficiently as  
15 possible in federal court. And if you are selected I would  
16 ask that you comply with Judge Gujarati's scheduling rules in  
17 terms of when to come to court. It will make it easier for  
18 everyone and make this as efficient as possible.

19 We're going to be continuing the jury selection  
20 today. Again, you are still under the same oath that you took  
21 yesterday from my deputy Ms. Glasgow. If I ask questions,  
22 again, your answers are still under oath. I did have a few  
23 questions that I wanted to speak to some the prospective  
24 jurors at sidebar.

25 Is juror number 25 here? Is juror number 69 here?

1 Please come to sidebar.

2 (Prospective juror enters.)

3 THE COURT: Juror 26. Thank you again for coming  
4 in. Could you speak a little further about the scheduling  
5 issue you discussed yesterday? You talked about that you may  
6 have a job?

7 PROSPECTIVE JUROR: I do, unless I have to be here.  
8 I have a job that's -- I'm working on a feeder festival which  
9 starts May 26. Starting then I would be required to be there  
10 during the day most days of the week. I'm also stage managing  
11 one of the stages in the festival that is rehearsing in the  
12 evenings. I would be work around that until the 26th, after  
13 that point it would be a problem for me to get there for the  
14 performances from here on weekends.

15 THE COURT: If you get selected for the jury, how  
16 does it work with that show?

17 PROSPECTIVE JUROR: I talked to my boss. He wants  
18 to see if we can basically find someone who could help out --  
19 it would be difficult, but potentially I would not have to  
20 lose the job. It would be very difficult.

21 THE COURT: So I understand it would be difficult,  
22 but there is a path for the show to still go on, in other  
23 words?

24 PROSPECTIVE JUROR: In theory, yes, if they can hire  
25 a lighting designer because I was filling in that role as

1 well.

2 THE COURT: If you can return back to your seat.

3 (Prospective juror exits.)

4 THE COURT: I apologize that I asked you all to  
5 stand for a period of time. I wanted to speak to some of the  
6 jurors.

7 I'd like to talk to juror 25 who is not here yet who  
8 I think had communicated with the paralegal yesterday. Juror  
9 number 26, who we just spoke with, and then juror number 20,  
10 I'm going to call her next.

11 Then I'm going to speak to jurors 92 through 95  
12 because I'd like to go through the questions that I didn't get  
13 to but I prefer not to do it in open court because they've  
14 already answered those questions; and frankly, the answers are  
15 things that need to be at sidebar any way, for most the  
16 questions if there are any affirmative answers. Just a heads  
17 up what I'm planning to do. I apologize for having assembled  
18 you like this but I think it's best way to get this done.

19 MS. BONJEAN: Some of the people you questioned, I  
20 think like 91, 92 at the end of the day, had like what seemed  
21 to me like legitimate disability issues. I don't think the  
22 Court ruled on those yet.

23 THE COURT: There was one person, number 92, that I  
24 wanted to talk to further. She raised an issue about  
25 arthritis, I wanted to talk to her further. You're right that

1 hasn't been addressed. Afterwards I don't think 93, 94, 95  
2 have given any affirmative answers, I don't believe yet. I'll  
3 bring them over here.

4 MS. FARRELL: Judge, you said would you call 20  
5 next, our understanding is that person is not here.

6 THE COURT: Nor is 25. I'm going to call over  
7 number 92 then.

8 (Prospective juror enters.)

9 THE COURT: Juror 92. Thank you for coming back. I  
10 wanted to ask you more questions about your arthritis and your  
11 ability to come to court. Can you talk a little bit further  
12 about whether physically you would be able to come to court?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Why is that?

15 PROSPECTIVE JUROR: Because I'm in pain. Right now  
16 I have a sprained toe in this shoe here.

17 THE COURT: Is there any way you can use transit or  
18 any assistance to get to the courthouse?

19 PROSPECTIVE JUROR: I take the bus.

20 THE COURT: Physically would you be able to sit  
21 through the trial?

22 PROSPECTIVE JUROR: How much times a week I would  
23 have to come?

24 THE COURT: Sorry?

25 PROSPECTIVE JUROR: How much times a week I have to

1 come?

2 THE COURT: Every day.

3 PROSPECTIVE JUROR: Every day? No. You know, I'm  
4 70 years old. I'm a senior.

5 THE COURT: I understand.

6 PROSPECTIVE JUROR: I like to sleep in late. Five  
7 days a week would be too much to be back and forth.

8 THE COURT: Well, I understand you like to sleep in  
9 late, but just for a moment, physically would you be able to  
10 be able to listen to the trial?

11 PROSPECTIVE JUROR: I think so.

12 THE COURT: If you were called and selected for the  
13 jury in this case, would you be able to show up every day as  
14 you did today at 9:00 o'clock.

15 PROSPECTIVE JUROR: I think so.

16 THE COURT: In terms of your leg issues, we would be  
17 able to take breaks during the trial. The judge would take a  
18 break in the morning and in the afternoon, and there would be  
19 a lunch break so you can move around at that point. So I know  
20 again it would not your first preference, but would you be  
21 able to come then to the trial?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Let me ask you a few more questions  
24 while you're here.

25 Have you, a family member, or close friend ever

1 worked for, had business dealings with any law enforcement  
2 agency or authorities that would include the Department of  
3 Justice, the United States Attorney's Office for the Eastern  
4 District of New York, and the FBI?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Do you have any opinions or beliefs  
7 concerning law enforcement officers that would make it  
8 difficult for you to be fair and impartial in this case?

9 PROSPECTIVE JUROR: Yes, because I have a nephew get  
10 killed by the police.

11 THE COURT: You had a nephew killed by the police?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: I'm sorry to hear that. As a result of  
14 that experience, you do not think --

15 PROSPECTIVE JUROR: I don't trust them.

16 THE COURT: Do you think you'd be fair and impartial  
17 in this case?

18 PROSPECTIVE JUROR: I think so.

19 THE COURT: You do think you could be fair and  
20 impartial?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: But you don't trust the police.

23 PROSPECTIVE JUROR: No.

24 THE COURT: If you don't trust the police, if the  
25 Court were to instruct you on the law, would you be able to

1 apply the law?

2 PROSPECTIVE JUROR: Yes, I would, yes.

3 THE COURT: Again, while I appreciate that you do  
4 not trust the police, would you, if you hear testimony from a  
5 law enforcement official, would you be able to judge that  
6 testimony on its own merits?

7 PROSPECTIVE JUROR: Somewhat.

8 THE COURT: What do you mean by that?

9 PROSPECTIVE JUROR: When they say everything, you  
10 got to use your discretion what you think is true or false.

11 THE COURT: Understood. And would you be able to  
12 instruct the jury as necessary -- follow the instructions that  
13 the judge gives you as necessary?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: You may hear testimony about law  
16 enforcement witnesses in this case, and you'll be instructed  
17 that their testimony is not entitled to any greater or lesser  
18 weight than that of any other witness simply because they are  
19 law enforcement officers. In other words, you must consider  
20 the testimony of a law enforcement witness just as you would  
21 any other evidence and evaluate that witness's credibility  
22 just as you would for any other witness. Is there anyone --  
23 would you be able -- would you be able to follow an  
24 instruction like that from the judge.

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: Have you or any of your family members  
2 or close friends ever been accused of a crime, charged with a  
3 crime, or the subject of criminal investigation?

4 PROSPECTIVE JUROR: No.

5 THE COURT: Have you, any of your family members, or  
6 close friends ever been a party to a legal action or  
7 participated in a lawsuit in any capacity?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Have you or any of your family members  
10 or close friends ever been the victim of or a witness to a  
11 crime?

12 PROSPECTIVE JUROR: No.

13 THE COURT: You noted that I think you said your  
14 nephew --

15 PROSPECTIVE JUROR: Yes, that happened in Florida.

16 THE COURT: Okay. And just --

17 PROSPECTIVE JUROR: We weren't there.

18 THE COURT: I'm sorry to ask, could you briefly  
19 describe it, it was a police involved shooting?

20 PROSPECTIVE JUROR: Yes. I think he had some  
21 tickets outstanding and they stop him and he was trying to run  
22 and they shot him.

23 THE COURT: Do you know, was there ever a  
24 prosecution from that case or anything else?

25 PROSPECTIVE JUROR: No, nothing came out of the case

1 because they were there was no eye witness and the case just  
2 went cold.

3 THE COURT: Have you, any of your family members, or  
4 close friends ever been subject to sexual harassment, sexual  
5 abuse or any other sexual misconduct?

6 PROSPECTIVE JUROR: No.

7 THE COURT: This case deals with a health and  
8 wellness organization called One Taste. Have you ever heard  
9 about, watched anything about, or read anything related to the  
10 defendants One Taste or orgasmic meditation, which is a form  
11 of meditation typically involving the methodical stroking of a  
12 woman's genitals of a period of 15 minutes.

13 PROSPECTIVE JUROR: No.

14 THE COURT: Have you, or any of your family members,  
15 or close friends ever participated in One Taste, a One Taste  
16 event, or orgasmic meditation?

17 PROSPECTIVE JUROR: No.

18 THE COURT: Have you any of your family members or  
19 your close friends ever had any training in or worked in or  
20 participated in any of the following areas or subject matters:  
21 Self-help, wellness, substance abuse or addiction counseling,  
22 trauma or sexual abuse counseling, meditation, adult  
23 entertainment or sex work?

24 PROSPECTIVE JUROR: No.

25 THE COURT: You may hear or see evidence in this

1 case regarding sexually sensitive material, sexual acts  
2 involving bondage discipline, dominance submission, BDSM, and  
3 sex acts in which people are engaged in relationships with  
4 multiple sexual partners. Is there anything about receiving  
5 or hearing such evidence that would prevent you from being a  
6 fair and impartial juror in this case.

7 PROSPECTIVE JUROR: No. I don't think I want to  
8 hear that, I'm a Christian.

9 THE COURT: Would anything about hearing that  
10 prevent you from being fair and impartial?

11 PROSPECTIVE JUROR: No.

12 THE COURT: There may be witnesses or exhibits that  
13 would refer to the word cult. Is there anything about  
14 receiving or hearing such evidence that would prevent you from  
15 being a fair and impartial in this case?

16 PROSPECTIVE JUROR: No.

17 THE COURT: This case involves allegations of forced  
18 labor. Have you, any of your family members, or close friends  
19 ever been a victim or otherwise involved in an incident  
20 involving forced labor, unpaid work, unpaid overtime, or  
21 litigation involving improper conduct at a place of  
22 employment?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Do you hold religious beliefs that would  
25 prevent you from passing judgment on any person?

1 PROSPECTIVE JUROR: Not really.

2 THE COURT: Is there any other reason why you could  
3 not sit on this jury?

4 PROSPECTIVE JUROR: No.

5 THE COURT: You promise to be fair and impartial?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: I'll ask you, ma'am, to go sit back down  
8 in the gallery. We'll proceed.

9 (Prospective juror exits.)

10 THE COURT: For the record I asked my deputy to hand  
11 out to juror number 92 the list of names and places so that  
12 she'll be reviewing that.

13 (Prospective juror enters.)

14 THE COURT: Juror number 25.

15 PROSPECTIVE JUROR: It took me two and-a-half hours  
16 to get here. I live on Long Island. I have kids to get  
17 ready.

18 THE COURT: That's okay. I had a separate question.  
19 I understand it takes time, we started a little bit early. I  
20 had a question for you unrelated.

21 Yesterday, my understanding is, that I think you may  
22 have interacted with one of the paralegals.

23 PROSPECTIVE JUROR: Because I didn't know -- I  
24 wasn't sure if I should have said that yes, six weeks would be  
25 too tough. And I didn't know who to talk to, I just asked

1 them. They said, no, we're not supposed to talk to us. They  
2 pointed to the lady there.

3 THE COURT: Okay. So just to go back for a moment,  
4 was there any other communication made?

5 PROSPECTIVE JUROR: No, after that it was -- I  
6 didn't realize.

7 THE COURT: Could you go through again, I appreciate  
8 you talked about this a bit yesterday, but why the six weeks  
9 would be an issue for you?

10 PROSPECTIVE JUROR: My mother just had surgery and  
11 my father is 85 years old. He's not in a position to really  
12 help. I work part-time because I'm the one that takes care  
13 pretty much of everything domestic. My husband is in Brooklyn  
14 doing working, so I work part-time, a little bit outside the  
15 home. Otherwise I get the kids ready for school, I bring them  
16 to school, I pick them up from school, then I take care of my  
17 parents. So it's -- I'm sorry, it's been a long morning. I'm  
18 already exhausted.

19 THE COURT: You can return back to your seat.

20 (Prospective juror exits.)

21 (Prospective juror enters.)

22 THE COURT: Juror number 44.

23 PROSPECTIVE JUROR: Yesterday --

24 THE COURT: Hang on. My deputy said you had another  
25 answer.

1 PROSPECTIVE JUROR: Yesterday maybe I should have  
2 yes when you said do you know anyone who was arrested. I had  
3 a friend who was incarcerated twice. He's not a close friend,  
4 I see him once in a while. But so I figured I should say yes.  
5 He was incarcerated for two different things.

6 THE COURT: Is there anything about that experience  
7 that would prevent you from being fair and reasonable here?

8 PROSPECTIVE JUROR: No. I play music with a lawyer,  
9 a law professor. I've never discussed law with him. I'm not  
10 a close friend with him, but I do associate with him. That's  
11 the other thing.

12 THE COURT: Anything that's communicated from the  
13 lawyer musician friend would that impact your ability to be  
14 fair and impartial here?

15 PROSPECTIVE JUROR: No.

16 THE COURT: You can return to your seat.

17 (Prospective juror exits.)

18 (Prospective juror enters.)

19 THE COURT: Juror number 20. I wanted to follow-up  
20 from our discussion yesterday. I know at the end of the day  
21 you talked about you had family members --

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: -- who were incarcerated. I appreciate  
24 that, that's a very personal experience for you. But the fact  
25 that your brothers are, or have been, incarcerated would that

1 prevent you from being fair and impartial in this case?

2 PROSPECTIVE JUROR: It might. Just because I know  
3 that -- I explained to you yesterday my opinion and how I feel  
4 in regards to officers of the law, that's based on the stories  
5 and the conversations -- well, not stories -- but  
6 conversations that I had with both of my brothers. It's  
7 definitely made any judgment a lot more in a negative light  
8 versus a positive light.

9 THE COURT: Do you think you would not be able to be  
10 fair and impartial here?

11 PROSPECTIVE JUROR: I don't think so.

12 THE COURT: You can return back to your seat.

13 (Prospective juror exits.)

14 (Prospective juror enters.)

15 THE COURT: Juror number 93. I wanted to ask you  
16 additional questions.

17 Have you, a family member, or a close friend ever  
18 worked for or had business dealings with any law enforcement  
19 agency or authorities, these agencies or authorities include  
20 the U.S. Department of Justice, the United States Attorney's  
21 Office for the Eastern District of New York, and the FBI,  
22 among other agencies.

23 PROSPECTIVE JUROR: No.

24 THE COURT: Do you have any opinions or beliefs in  
25 terms of law enforcement officers that would make it difficult

1 for you to be fair and impartial in this case?

2 PROSPECTIVE JUROR: No.

3 THE COURT: You may hear testimony from or about law  
4 enforcement witnesses in this case. You'll be instructed that  
5 their testimony is not entitled to any greater or lesser  
6 weight than that of any other witness simply because they are  
7 law enforcement officers. In other words, you must consider  
8 the testimony of a law enforcement witness just as you would  
9 any other evidence and evaluate that witness's credibility  
10 just as you would for any other witness. Would you be able to  
11 follow that instruction?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Have you, any of your family members, or  
14 close friends been accused of a crime, charged with a crime,  
15 or subject to a criminal investigation.

16 PROSPECTIVE JUROR: No.

17 THE COURT: Have you, any of your family members, or  
18 close friends ever been a party to a legal action,  
19 participated in a lawsuit in any capacity?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Have you, any of your family members, or  
22 close friends ever been the victim of or a witness to a crime?

23 PROSPECTIVE JUROR: No.

24 THE COURT: Have you any of your family members or  
25 close friends ever been subject to sexual harassment, sexual

1 abuse or any other kind of sexual misconduct?

2 PROSPECTIVE JUROR: No.

3 THE COURT: This case deals with a health and  
4 wellness organization called One Taste. Have you ever heard  
5 about, watched anything about, or read anything related to  
6 this case, the defendants One Taste, or orgasmic meditation  
7 which is a form of meditation typically involving the  
8 methodical stroking of a woman's genitals for a period of 15  
9 minutes.

10 PROSPECTIVE JUROR: No, I never heard of that.

11 THE COURT: Have you, any of your family members, or  
12 close friends ever participated in One Taste, a One Taste  
13 event, or orgasmic meditation?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Have you, any of your family members, or  
16 close friends ever had training in or worked in or  
17 participated in any of the following areas or subject matters:  
18 Self-help, wellness, substance abuse or addiction counseling,  
19 trauma or sexual abuse counseling, meditation, adult  
20 entertainment or sex work?

21 PROSPECTIVE JUROR: No.

22 THE COURT: You may hear or see evidence in this  
23 case regarding sexually sensitive material, sexual acts  
24 involving bondage discipline, dominance submission, BDSM, and  
25 sex acts in which people are engaged in relationships with

1 multiple sexual partners. Is there anything about receiving  
2 or hearing such evidence that would prevent you from being a  
3 fair and impartial juror in this case?

4 PROSPECTIVE JUROR: No.

5 THE COURT: There may be witnesses or exhibits that  
6 refer to the word cult. Is there anything about receiving or  
7 hearing such evidence that would prevent you from being a fair  
8 and impartial juror in this case?

9 PROSPECTIVE JUROR: No.

10 THE COURT: This case involves allegations of forced  
11 labor. Have you any of your family members or close friends  
12 ever been a victim or otherwise involved in an incident  
13 involving forced labor, unpaid work, unpaid overtime, or  
14 litigation involving improper conduct at a place of  
15 employment?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Do you hold any religious beliefs that  
18 would prevent you from passing judgment on another?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Any reason you cannot to sit on this  
21 jury and render a fair and impartial verdict?

22 PROSPECTIVE JUROR: No.

23 THE COURT: I'm going to ask if you can return back  
24 to your seat. My law clerk will give you a document with a  
25 list of names and places and entities. Take a look at it and

1 if you know anything in particularity about any of those  
2 people, let me know.

3 PROSPECTIVE JUROR: Thank you.

4 (Prospective juror exits.).

5 (Prospective juror enters.)

6 THE COURT: Juror number 94. I wanted to ask you a  
7 few more questions.

8 PROSPECTIVE JUROR: Sure.

9 THE COURT: Have you, a family member, or close  
10 friend ever worked for or had business dealings with any law  
11 enforcement agency or authorities, these agencies or  
12 authorities include the U.S. Department of Justice, the United  
13 States Attorney's Office, for the Eastern District of New  
14 York, and the FBI among other agencies?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Do you have any opinions or beliefs  
17 concerning law enforcement officers that would make it  
18 difficult for you to be fair and impartial in this case?

19 PROSPECTIVE JUROR: No.

20 THE COURT: You may hear testimony from or about law  
21 enforcement witnesses in this case. You'll be instructed that  
22 their testimony is not entitled to any greater or lesser  
23 weight than that of any other witness simply because they are  
24 law enforcement officers. In other words, you must consider  
25 the testimony of a law enforcement witness just as you would

1 any other evidence and evaluate that witness's credibility  
2 just as you would for any other witness. Would you be able to  
3 follow that instruction?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Have you, any of your family members, or  
6 close friends ever been accused of a crime, charged with a  
7 crime, or subject of a criminal investigation?

8 PROSPECTIVE JUROR: No, I don't think so.

9 THE COURT: Have you, any of your family members, or  
10 close friends ever been a party to a legal action,  
11 participated in a lawsuit in any capacity?

12 PROSPECTIVE JUROR: No, I don't think so, no.

13 THE COURT: Have you, any of your family members, or  
14 close friends been the victim of or a witness to a crime?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Have you, any of your family members, or  
17 close friends ever been subject to sexual harassment, sexual  
18 abuse or any other kind of sexual misconduct?

19 PROSPECTIVE JUROR: No.

20 THE COURT: This case deals with a health and  
21 wellness organization called One Taste. Have you ever heard  
22 about, watched anything about, read anything related to this  
23 case defendants One Taste or orgasmic meditation, which is a  
24 form of meditation typically involving the methodical stroking  
25 of a woman's genitals for a period of 15 minutes.

1 PROSPECTIVE JUROR: No.

2 THE COURT: Have you, any of your family members, or  
3 close friends ever participated in One Taste or One Taste  
4 event or orgasmic meditation?

5 PROSPECTIVE JUROR: No.

6 THE COURT: Have you, any of your family members, or  
7 close friends ever had any training in or worked in or  
8 participated in any of the following areas or subject matters:  
9 Self-help, wellness, substance abuse or addiction counseling,  
10 trauma or sexual abuse counseling, meditation, adult  
11 entertainment or sex work?

12 PROSPECTIVE JUROR: No.

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14 case regarding sexually sensitive material, sexual acts  
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16 sex acts in which people are engaging in relationships with  
17 multiple sexual partners. Is there anything about receiving  
18 or hearing such evidence that would prevent you from being a  
19 fair and impartial juror in this case?

20 PROSPECTIVE JUROR: No.

21 THE COURT: There may be witnesses or exhibits that  
22 refer to the word cult. Is there anything about receiving or  
23 hearing such evidence that would prevent you from being a fair  
24 and impartial juror in this case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: This case involves allegations of forced  
2 labor. Have you, any of your family members, or close friends  
3 ever been a victim or otherwise involved in an incident  
4 involving forced labor, unpaid work, unpaid overtime, or  
5 litigation involving improper conduct at a place of  
6 employment?

7 PROSPECTIVE JUROR: No.

8 THE COURT: Do you hold religious beliefs that would  
9 prevent you from passing judgment on anyone?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Is there any reason why you could not  
12 sit on this jury and render a fair and impartial verdict based  
13 on the evidence presented and the judge's instructions on the  
14 law?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Can I ask to go back to your seat --  
17 before you go, one of my law clerks going to hand you a  
18 document. Review it and if you know with any particularity  
19 any people or entities in the document, let me know.

20 (Prospective juror exits.)

21 (Continued on next page.)

22

23

24

25

1 (The following occurred at sidebar.)

2 THE COURT: So I would like to excuse  
3 Juror Number 20 for cause. And I think she should be replaced  
4 with Juror Number 92, who although indicated that she had some  
5 physical issues, came here on time today, promised to be fair  
6 and impartial. So I am going to -- I am inclined to do that.  
7 Number 92.

8 I am also planning to excuse Juror Number 69, who is  
9 the juror who had the scheduling issue with the theater, and  
10 replace her with Juror Number 93.

11 MS. BONJEAN: Do you know who Seat 69 is in?

12 MS. FARRELL: Number 8.

13 MS BONJEAN: 8? Okay. Thanks.

14 THE COURT: Were there any other -- I would like to  
15 then move on to part two.

16 Were there any other of the first 40 jurors -- and  
17 again, the person we just spoke, I would not -- having at this  
18 stage would not be including in those first 40 jurors, but any  
19 other prospective jurors that any additional questions are  
20 needed? Otherwise, I'm planning to move into part two.

21 MS. FARRELL: Did 25, the woman who was late this  
22 morning, have some scheduling conflict? I'm just concerned  
23 that she ran in late. You know what I mean?

24 MS. COHEN: We were saying the same thing. She was  
25 very distraught.

1 MS. FARRELL: I know from experience. If someone  
2 can't show up on time on the second day, it's not good.

3 MS. BONJEAN: She's also taking care of her parents  
4 without, it sounds like, much help. She was --

5 MS. FARRELL: I just don't remember what her  
6 circumstances were.

7 MS. BONJEAN: She said she had a mother who just had  
8 surgery, as I recall, and is taking care of both parents.

9 THE COURT: Given the fact that she also appeared to  
10 have some communication with the Government, although it does  
11 not seem -- it was certainly nothing inappropriate from the  
12 Government's perspective, but the fact that she didn't follow  
13 my directions not to communicate with anyone among the  
14 parties, that gives me cause for concern. So I would then put  
15 Juror Number 94, the first one we met with, in place of  
16 Juror Number 25.

17 Just to be clear. Again, I'm going to have  
18 Juror Number 22 go in for Juror Number 20; Juror Number 93  
19 will go in for Juror 69, who is in Seat 8; and then  
20 Juror Number 94 for Juror Number 25. Okay?

21 And then we'll start part two.

22 (Sidebar ends. )

23 (In open court.)

24 THE COURT: Okay. First, Juror Number 20, you're  
25 excused. You can return to the Jury Department. Just leave

1 your placard there.

2 Juror Number 92, if you could take the seat of Juror  
3 Number 20.

4 Juror Number 69, who I believe is in Seat 8, you're  
5 excused. You can go to the Jury Department.

6 Juror Number 93, you could take Seat 8.

7 And Juror Number 25, you're excused. You can go to  
8 the Jury Department.

9 And Juror Number 94, if you can go to Seat 25. And  
10 just leave the placards there. Thank you.

11 So now I'm going to ask the 40 of you, in the jury  
12 box and to my right here by the bench -- and just to be  
13 clear, for Juror Number 93, I think you indicated that you  
14 know, you've heard of the name -- which names on the list?

15 THE PROSPECTIVE JUROR: Tony Robbins.

16 THE COURT: Okay.

17 THE PROSPECTIVE JUROR: And Jim Kwik.

18 I'm not sure if it's the same person, but the name  
19 looks familiar.

20 THE COURT: Who do you know Jim Kwik to be?

21 THE PROSPECTIVE JUROR: A personality online that  
22 I've seen, like, on YouTube. Like, those videos, I know that.

23 THE COURT: And do you know Tony Robbins in any  
24 particularity?

25 THE PROSPECTIVE JUROR: Not in particularity, but I

1 just know that he's, like, an online presence, sort of.

2 THE COURT: And anything about those individuals  
3 that might affect your ability to be fair and impartial in  
4 this case?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: So I'm now going to ask the 40 of you  
7 questions about who you are, where you live, what you do.

8 Again, we have a wonderful district in the  
9 Eastern District of New York, a district of 8 and a half  
10 million people. It is a district that was founded by  
11 Abraham Lincoln. We have a long and storied history of this  
12 district and we have an amazingly diverse district. And,  
13 frankly, I think this would be very interesting for everyone  
14 here because I'm going to be asking each of you questions.  
15 And I'm going to be asking you, generally, the same seven or  
16 eight questions.

17 I'm going to ask if my law clerk can just hand the  
18 microphone.

19 And I'm going to start with the person sitting in  
20 Seat Number 1.

21 So, I'm going to be asking all of you the same  
22 questions. So as I'm asking questions, also think to yourself  
23 how you would answer.

24 Do you have the microphone?

25 THE LAW CLERK: Yes.

1 THE COURT: So if you can go to Juror Number 1.

2 Sorry, sir, what number are you again?

3 THE PROSPECTIVE JUROR: 41.

4 THE COURT: So you're in Seat 1, Juror 41.

5 Okay. So, sir, where do you live? What  
6 neighborhood, borough?

7 THE PROSPECTIVE JUROR: Queens. Bayside, Queens.

8 THE COURT: Do you own or rent?

9 THE PROSPECTIVE JUROR: Own.

10 THE COURT: And if I could ask just my intern maybe  
11 to just step back a little bit.

12 I'm sorry, you said you own?

13 THE PROSPECTIVE JUROR: Yes. I own a co-op.

14 THE COURT: Okay. And how long have you lived  
15 there?

16 THE PROSPECTIVE JUROR: Three years.

17 THE COURT: What schooling have you had?  
18 College?

19 THE PROSPECTIVE JUROR: College, yeah. Finished  
20 college.

21 THE COURT: Where did you go to college?

22 THE PROSPECTIVE JUROR: University of New Haven.

23 THE COURT: And did you ever go to Wooster Street  
24 and have the pizza there in New Haven?

25 THE PROSPECTIVE JUROR: Of course.

1 THE COURT: Yes, it's delicious.

2 What degree did you get in college?

3 THE PROSPECTIVE JUROR: Business management degree.

4 THE COURT: Are you employed outside the home?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: And where are you employed?

7 THE PROSPECTIVE JUROR: Digilock.

8 THE COURT: I'm sorry?

9 THE PROSPECTIVE JURY: Like, the location or the  
10 company?

11 THE COURT: No, the company.

12 THE PROSPECTIVE JUROR: Oh. Digilock.

13 THE COURT: And what kind of work do you do there?

14 THE PROSPECTIVE JUROR: Sales manager.

15 THE COURT: Do you live with anyone?

16 THE PROSPECTIVE JUROR: My wife.

17 THE COURT: Anyone else?

18 THE PROSPECTIVE JUROR: And my dog.

19 THE COURT: Is your wife employed?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: In what role?

22 THE PROSPECTIVE JUROR: Occupational therapist at  
23 DOE.

24 THE COURT: Okay. What do you do in your free time?

25 Any hobbies, special interests, any organizations that you

1 belong to?

2 THE PROSPECTIVE JUROR: Like, hang out. Normal  
3 stuff.

4 THE COURT: Okay. What is your source for news?  
5 Are there any newspapers, magazines, or TV programs that you  
6 regularly read or watch?

7 THE PROSPECTIVE JUROR: Yahoo News, I would say.

8 THE COURT: Have you ever served on a jury?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: If selected as a juror in this case,  
11 will you keep an open mind until all of the evidence and  
12 arguments have been presented and then decide the case fairly  
13 and impartially based only on the evidence presented at trial  
14 and the law as the Court explains it to you?

15 THE PROSPECTIVE JUROR: Yeah.

16 THE COURT: Okay. So if you could just pass it  
17 along, the microphone along.

18 And I can ask my intern; you can have a seat if you  
19 pass the microphone along to each person.

20 So, Juror Number 2, you're Number 2 in Seat 2.

21 Where do you live, ma'am?

22 THE PROSPECTIVE JUROR: In Marine Park.

23 THE COURT: And do you own or rent?

24 THE PROSPECTIVE JUROR: I rent.

25 THE COURT: And how long have you lived there?

1 THE PROSPECTIVE JUROR: Nine and a half years.

2 THE COURT: And what schooling have you had?

3 THE PROSPECTIVE JUROR: I went to college.

4 THE COURT: What college?

5 THE PROSPECTIVE JUROR: To Queens College.

6 THE COURT: And did you receive a degree?

7 THE PROSPECTIVE JUROR: In business.

8 THE COURT: Are you employed outside the home?

9 THE PROSPECTIVE JUROR: I'm a remote worker for  
10 U-Haul.

11 THE COURT: Do you live with anyone?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: What do you like to do in your free  
14 time? Any hobbies, special interests, or any organizations to  
15 which you belong?

16 THE PROSPECTIVE JUROR: I like to read and spend  
17 time with my grandkids.

18 THE COURT: Congratulations.

19 What is your source for news? Are there any  
20 newspapers or magazines or TV programs that you regularly read  
21 or watch?

22 THE PROSPECTIVE JUROR: Not really, no.

23 THE COURT: Have you ever served on a jury?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: If selected as a juror in this case,

1 will you keep an open mind until all of the evidence and  
2 arguments have been presented and then decide the case fairly  
3 and impartially based only on the evidence presented at trial  
4 and the law as the Court explains it to you?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Thank you.

7 If you can pass it along to the person sitting next  
8 to you.

9 And that's Juror Number 3 in Seat 3.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. So, sir, where do you live?

12 THE PROSPECTIVE JUROR: I live in Bensonhurst,  
13 Brooklyn.

14 THE COURT: And do you own or rent?

15 THE PROSPECTIVE JUROR: I rent currently.

16 THE COURT: And how long have you lived there?

17 THE PROSPECTIVE JUROR: Now it would be five years.

18 THE COURT: And what schooling have you had?

19 THE PROSPECTIVE JUROR: Up to a high school diploma.  
20 And then I did, like, a semester or two of college here in  
21 City Tech.

22 THE COURT: Are you employed outside the home?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: And where are you employed?

25 THE PROSPECTIVE JUROR: Currently, I'm training for

1 a bus operator for the MTA.

2 THE COURT: Do you live with anyone?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Who do you live with?

5 THE PROSPECTIVE JUROR: That would be my mother and  
6 father.

7 THE COURT: How are they employed?

8 THE PROSPECTIVE JUROR: Well, right now my dad is  
9 retired. My mom is not working.

10 THE COURT: Okay. Where did your dad retire from?

11 THE PROSPECTIVE JUROR: Oh, he was just working as  
12 a barber for, like, a big chunk of his life. He's 85 now.

13 THE COURT: What do you like to do in your free  
14 time? Any hobbies, special interests, or organizations to  
15 which you belong?

16 THE PROSPECTIVE JUROR: Well, you know, the usual.  
17 Hanging out with friends and mostly taking care of my mother  
18 and father.

19 THE COURT: What is your source for news? Any  
20 newspapers, magazines, TV programs that you regularly read or  
21 watch?

22 THE PROSPECTIVE JUROR: Not really anything  
23 specific, just whatever pops up on the recommendations or, you  
24 know, like breaking news. Stuff like that.

25 THE COURT: Have you ever served on a jury?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: How many times?

3 THE PROSPECTIVE JUROR: This would be my second  
4 time.

5 THE COURT: So you served once before?

6 THE PROSPECTIVE JUROR: Once before, yes.

7 THE COURT: Was that a federal or a state case?

8 THE PROSPECTIVE JUROR: I think it was a state case.

9 THE COURT: And was it a criminal case or a civil  
10 case?

11 THE PROSPECTIVE JUROR: Criminal.

12 THE COURT: Okay. And how long ago was that?

13 THE PROSPECTIVE JUROR: This was about ten years  
14 ago.

15 THE COURT: Okay. And without telling us what the  
16 verdict was, were you able to reach a verdict in that case?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: If you're selected as a juror in this  
19 case, will you keep an open mind until all of the evidence and  
20 arguments have been presented and then decide the case fairly  
21 and impartially based only on the evidence presented at trial  
22 and the law as the Court explains it to you?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. You can pass the microphone on to  
25 -- I believe it's Juror Number 67.

1 THE PROSPECTIVE JUROR: Correct. Yes.

2 THE COURT: And you're in Seat 4.

3 THE PROSPECTIVE JUROR: 4.

4 THE COURT: Okay. Where do you live, ma'am?

5 THE PROSPECTIVE JUROR: I live in Crown Heights,  
6 Brooklyn.

7 THE COURT: And do you own or rent?

8 THE PROSPECTIVE JUROR: Rent.

9 THE COURT: And how long have you lived there?

10 THE PROSPECTIVE JUROR: About two and a half years.

11 THE COURT: And what schooling have you had?

12 THE PROSPECTIVE JUROR: I went to Worcester  
13 Polytechnic Institute for a bachelor's degree in computer  
14 science.

15 THE COURT: And are you employed outside of the  
16 home?

17 THE PROSPECTIVE JUROR: No. I'm a writer.

18 THE COURT: Do you live with anyone?

19 THE PROSPECTIVE JUROR: Yes. My husband.

20 THE COURT: And how, if at all, is he employed?

21 THE PROSPECTIVE JUROR: He is a Ph.D. candidate at  
22 NYU in astrophysics.

23 THE COURT: What do you do in your free time? Any  
24 hobbies, special interests, or organizations to which you  
25 belong?

1 THE PROSPECTIVE JUROR: Yeah. I'm a part of DSA,  
2 the Democratic Socialists of America.

3 I otherwise watch shows on TV, hang out with  
4 friends.

5 THE COURT: And what is your source for news? Any  
6 newspapers, magazines, or TV programs that you regularly read  
7 or watch?

8 THE PROSPECTIVE JUROR: Mostly New York Times and  
9 YouTube.

10 THE COURT: Have you ever served on a jury?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: How many times have you served on a  
13 jury?

14 THE PROSPECTIVE JUROR: Once. It was just waiting,  
15 mostly.

16 THE COURT: Did you actually get picked or you just  
17 had jury duty?

18 THE PROSPECTIVE JUROR: I didn't get picked.

19 THE COURT: And was that in federal or state?

20 THE PROSPECTIVE JUROR: State.

21 THE COURT: And how long ago was that?

22 THE PROSPECTIVE JUROR: This was in February 25th  
23 of this year.

24 THE COURT: Oh, okay. All right.

25 If selected as a juror in this case, will you keep

1 an open mind until all of the evidence and arguments have been  
2 presented and then decide the case fairly and impartially  
3 based only on the evidence presented at trial and the law as  
4 the Court explains it to you?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Thank you. You could just pass  
7 the microphone on.

8 And I'm sorry, ma'am, what number are you?

9 THE PROSPECTIVE JUROR: 5.

10 THE COURT: Okay. And you're in Seat 5?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Where do you live, ma'am?

13 THE PROSPECTIVE JUROR: Port Washington, New York.

14 THE COURT: And do you own or rent?

15 THE PROSPECTIVE JUROR: Neither.

16 THE COURT: Okay. What do you do?

17 THE PROSPECTIVE JUROR: What?

18 THE COURT: I'm sorry?

19 THE PROSPECTIVE JUROR: What do you mean "what do I  
20 do"?

21 THE COURT: Well, I should say -- my apologies.

22 You said you neither own nor rent?

23 THE PROSPECTIVE JUROR: Yes. I live in my parents'  
24 house.

25 THE COURT: Okay. No problem.

1 How long have you lived there?

2 THE PROSPECTIVE JUROR: About 20 years.

3 THE COURT: And what schooling have you had, ma'am?

4 THE PROSPECTIVE JUROR: A master's degree.

5 THE COURT: From where?

6 THE PROSPECTIVE JUROR: New York Institute of

7 Technology.

8 THE COURT: And what subject was that degree in?

9 THE PROSPECTIVE JUROR: Bachelor's of fine arts and  
10 communication arts.

11 THE COURT: Are you employed outside the home?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Where are you employed?

14 THE PROSPECTIVE JUROR: The United Nations.

15 THE COURT: What kind of work do you do there?

16 THE PROSPECTIVE JUROR: I'm a senior program  
17 assistant.

18 THE COURT: I think you mentioned that I think you  
19 live at -- is it your parents?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Anyone else you live with in the house?

22 Okay. Are your parents employed or retired?

23 THE PROSPECTIVE JUROR: Retired.

24 THE COURT: Where did they previously work?

25 THE PROSPECTIVE JUROR: My father worked for a fire

1 installation company.

2 THE COURT: Okay. What do you like to do in your  
3 free time? Any hobbies or special interests, organizations to  
4 which you belong?

5 THE PROSPECTIVE JUROR: Nothing specific.

6 THE COURT: What is your source for news? Are there  
7 any newspapers, magazines or TV programs that you regularly  
8 read or watch?

9 THE PROSPECTIVE JUROR: Random news apps.

10 THE COURT: Have you ever served on a jury?

11 THE PROSPECTIVE JUROR: Not particularly, no. I've  
12 never been selected.

13 THE COURT: Okay. If selected as a juror in this  
14 case, will you keep an open mind until all of the evidence and  
15 arguments have been presented and then decide the case fairly  
16 and impartially based only on the evidence presented at trial  
17 and the law as the Court explains it?

18 THE PROSPECTIVE JUROR: I'm going to be honest. I  
19 am a very opinionated person when it comes to the beginning of  
20 things, so I do form my opinions quite early on.

21 THE COURT: Well, I understand you may be thinking  
22 about things, but would you keep an open mind until all of the  
23 evidence and arguments have been presented and then decide the  
24 case fairly and impartially based only on the evidence  
25 presented at trial and the law as the Court explains it to

1 you?

2 THE PROSPECTIVE JUROR: I can try, but I -- it's not  
3 something that I can promise.

4 THE COURT: Okay. So you can hand the mic over to  
5 the next person.

6 THE PROSPECTIVE JUROR: Good morning. Number 6.

7 THE COURT: Good morning.

8 Where do you live, sir?

9 THE PROSPECTIVE JUROR: Staten Island, New York.

10 THE COURT: Okay. Do you own or rent?

11 THE PROSPECTIVE JUROR: I rent for 25 years.

12 THE COURT: And what schooling have you had?

13 THE PROSPECTIVE JUROR: I finished high school,  
14 followed by eight years of military.

15 THE COURT: Thank you for your service, sir.

16 Are you employed outside the home?

17 THE PROSPECTIVE JUROR: I'm retired.

18 THE COURT: Where did you last work?

19 THE PROSPECTIVE JUROR: I worked at Department of  
20 Transportation.

21 THE COURT: How long did you work there?

22 THE PROSPECTIVE JUROR: 36 years .

23 THE COURT: Do you live with anyone, sir?

24 THE PROSPECTIVE JUROR: I'm single, live alone.

25 THE COURT: And I'm sorry, I didn't ask initially.

1 What number are you, sir, again?

2 THE PROSPECTIVE JUROR: Number 6.

3 THE COURT: Okay. And you're in Seat 6.

4 What do you like to do in your free time? Any  
5 hobbies or special interests?

6 THE PROSPECTIVE JUROR: Sporting events.

7 THE COURT: Okay. Any organizations to which you  
8 belong?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: What is your source for news?  
11 Newspapers, magazines, TV programs?

12 THE PROSPECTIVE JUROR: The Weather Channel.

13 THE COURT: Have you ever served on a jury, sir?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: How many times have you served on a  
16 jury?

17 THE PROSPECTIVE JUROR: One time.

18 THE COURT: Did you get selected for the jury?

19 THE PROSPECTIVE JUROR: I got selected.

20 THE COURT: And was that in federal court or state  
21 court?

22 THE PROSPECTIVE JUROR: State, I believe.

23 THE COURT: And how long ago was that, about?

24 THE PROSPECTIVE JUROR: Oh, 15 years, maybe.

25 THE COURT: And do you remember, was that a civil or

1 a criminal case?

2 THE PROSPECTIVE JUROR: A criminal.

3 THE COURT: And again, without telling us what the  
4 verdict was, were you able to reach a verdict?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: If selected as a juror in this case,  
7 will you keep an open mind until all of the evidence and  
8 arguments have been presented and then decide the case fairly  
9 and impartially based only on the evidence presented at trial  
10 and the law as the Court explains it to you?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Thank you.

13 I just ask if my deputy maybe can hand it to  
14 Juror Number 7.

15 And this is Juror Number 7 in Seat 7, right?

16 THE PROSPECTIVE JUROR: Yes.

17 Good morning.

18 THE COURT: Good morning.

19 Where do you live, ma'am?

20 THE PROSPECTIVE JUROR: I reside in Kew Gardens  
21 Hills in Queens, New York.

22 THE COURT: And do you own or rent?

23 THE PROSPECTIVE JUROR: I've been renting for  
24 approximately eight years.

25 THE COURT: And what schooling have you had?

1 THE PROSPECTIVE JUROR: I obtained my bachelor's of  
2 science in psychology at SUNY Stony Brook University.

3 THE COURT: Okay, great.

4 Are you employed outside the home?

5 THE PROSPECTIVE JUROR: Yes, I am.

6 THE COURT: How are you employed?

7 THE PROSPECTIVE JUROR: I'm a child protective  
8 specialist, Level II, with the New York City Administration  
9 for Children's Services.

10 THE COURT: Do you live with anyone?

11 THE PROSPECTIVE JUROR: My Gold endoodle.

12 THE COURT: What do you like to do in your free  
13 time? Any hobbies or special interests, organizations to  
14 which you belong?

15 THE PROSPECTIVE JUROR: I would say shopping, trying  
16 new foods and going out. Self-care.

17 THE COURT: What is your source for news?  
18 Newspapers, magazines, TV programs that you regularly read or  
19 watch?

20 THE PROSPECTIVE JUROR: Nothing in particular.  
21 Internet, TV, whatever.

22 THE COURT: Have you ever served on a jury?

23 THE PROSPECTIVE JUROR: Yes, I have.

24 THE COURT: How many times have you served on a  
25 jury?

1 THE PROSPECTIVE JUROR: Once before.

2 THE COURT: And was that federal or a state case?

3 THE PROSPECTIVE JUROR: It was a state case.

4 Criminal.

5 THE COURT: And you were picked for the jury?

6 THE PROSPECTIVE JUROR: Yes, I was.

7 THE COURT: And again, without telling us what the  
8 verdict was, were you able to reach a verdict?

9 THE PROSPECTIVE JUROR: Yeah. Mm-hm.

10 THE COURT: If selected as a juror in this case,  
11 will you keep an open mind until all of the evidence and  
12 arguments have been presented and then decide the case fairly  
13 and impartially based only on the evidence presented at trial  
14 and the law as the Court explains it to you?

15 THE PROSPECTIVE JUROR: Definitely.

16 THE COURT: Okay. Thank you.

17 You can hand it over to -- I'm sorry, sir. Again,  
18 what number are you?

19 THE PROSPECTIVE JUROR: 93.

20 THE COURT: So, Juror 93 in Seat 8.

21 So, where do you live, sir?

22 THE PROSPECTIVE JUROR: I live in Suffolk County,  
23 Hauppauge.

24 THE COURT: Do you own or rent?

25 THE PROSPECTIVE JUROR: I live with my parents.

1 THE COURT: And how long have you lived there?

2 THE PROSPECTIVE JUROR: My whole life. 25 years.

3 THE COURT: What schooling have you had?

4 THE PROSPECTIVE JUROR: A college education.

5 THE COURT: From what college?

6 THE PROSPECTIVE JUROR: SUNY Old Westbury.

7 THE COURT: Are you employed outside the home?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: Where are you employed?

10 THE PROSPECTIVE JUROR: A company called Next

11 Appraisal Services. Next Appraisals. Yeah.

12 THE COURT: And you said you live with your parents?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Are they still employed or retired?

15 THE PROSPECTIVE JUROR: No, they're both retired.

16 THE COURT: Where did they previously work?

17 THE PROSPECTIVE JUROR: So my dad worked at a couple

18 places, but most recently he was an ambulette driver at a

19 company called Choice.

20 THE COURT: Okay.

21 And your mom?

22 THE PROSPECTIVE JUROR: My mom most recently was

23 employed at BJ's Wholesale Club.

24 THE COURT: Anyone else you live with at home?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: What do you like to do in your free  
2 time? Any hobbies or special interests or any organizations  
3 to which you belong?

4 THE PROSPECTIVE JUROR: Yeah.

5 So, I'm a big sports guy. I like to play  
6 basketball, hang out with the boys.

7 I got a girlfriend. I hang out with her. Yeah.

8 Oh, I'm also part of the LIREIA, the Long Island  
9 Real Estate Association in Suffolk County. I am a member  
10 there. We meet, like, once a month sometimes.

11 THE COURT: What is your source for news?

12 THE PROSPECTIVE JUROR: The only thing I  
13 consistently look at is the Morning Brew, like an e-mail  
14 newsletter for finance.

15 THE COURT: Have you ever served on a jury?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: If selected as a juror in this case,  
18 will you keep an open mind until all of the evidence and  
19 arguments have been presented and then decide the case fairly  
20 and impartially based only on the evidence presented at trial  
21 and the law as the Court explains it to you?

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: Okay. Thank you. You could pass it to  
24 the person sitting next to you.

25 I'm sorry, what number are you, ma'am?

1 THE PROSPECTIVE JUROR: 80.

2 THE COURT: Okay. So, Juror 80 in Seat Number 9.

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: Where do you live?

5 THE PROSPECTIVE JUROR: Staten Island.

6 THE COURT: And do you own or rent?

7 THE PROSPECTIVE JUROR: I rent.

8 THE COURT: How long have you lived there?

9 THE PROSPECTIVE JUROR: 40 years.

10 THE COURT: And what schooling have you had?

11 THE PROSPECTIVE JUROR: I have a bachelor's degree  
12 from Seton Hall.

13 THE COURT: In what subject area?

14 THE PROSPECTIVE JUROR: Business management.

15 THE COURT: And are you employed outside the home?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: And how are you employed?

18 THE PROSPECTIVE JUROR: I'm a business analyst at  
19 Popular Bank.

20 THE COURT: Do you live with anyone?

21 THE PROSPECTIVE JUROR: Yes. I have a roommate.

22 THE COURT: And how are they employed?

23 THE PROSPECTIVE JUROR: Firefighter.

24 THE COURT: What do you like to do in your free  
25 time? Any hobbies, special interests, organizations?

1 THE PROSPECTIVE JUROR: Reading, running, hanging  
2 out with friends.

3 THE COURT: What is your source for news?

4 THE PROSPECTIVE JUROR: Nothing in particular.

5 THE COURT: Have you ever served on a jury?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: If selected as a juror in this case,  
8 will you keep an open mind until all of the evidence and  
9 arguments have been presented and then decide the case fairly  
10 and impartially based only on the evidence presented at trial  
11 and the law as the Court explains it to you?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. Thank you.

14 Please pass it along to Juror Number 10, who is in  
15 Seat 10.

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: So, where do you live, sir?

18 THE PROSPECTIVE JUROR: Bensonhurst, Brooklyn.

19 THE COURT: Do you own or rent?

20 THE PROSPECTIVE JUROR: I own.

21 THE COURT: How long have you lived there?

22 THE PROSPECTIVE JUROR: Eight years.

23 THE COURT: And what schooling have you had, sir?

24 THE PROSPECTIVE JUROR: Kings County Community  
25 College here.

1 THE COURT: Queens Community College?

2 THE PROSPECTIVE JUROR: Kings County College.

3 THE COURT: Okay.

4 Are you employed outside of the home?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: Where did you last work?

7 THE PROSPECTIVE JUROR: Oh, no, the last question is  
8 yes.

9 THE COURT: Oh. So, I'm sorry, you are employed  
10 outside of the home?

11 THE PROSPECTIVE JUROR: No, no.

12 THE COURT: Well, let me rephrase.

13 Are you employed?

14 THE PROSPECTIVE JUROR: Yeah.

15 THE COURT: Okay. And do you work -- is it a  
16 remote position, or?

17 THE PROSPECTIVE JUROR: It's in the restaurant.

18 THE COURT: Oh, okay.

19 So, where do you work?

20 THE PROSPECTIVE JUROR: In Manhattan.

21 THE COURT: And what do you do at the restaurant?

22 THE PROSPECTIVE JUROR: A waiter.

23 THE COURT: Do you live with anyone?

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: What do you like to do in your free

1 time? Any hobbies or special interests?

2 THE PROSPECTIVE JUROR: TV show.

3 THE COURT: Television?

4 THE PROSPECTIVE JUROR: TV show. TV show and play  
5 the video game.

6 THE COURT: Okay. Do you belong to any  
7 organizations?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: What is your source for news?

10 THE PROSPECTIVE JUROR: Maybe just Yahoo News or the  
11 TikTok.

12 THE COURT: Have you ever served on a jury?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: If selected as a juror in this case,  
15 will you keep an open mind until all of the evidence and  
16 arguments have been presented and then decide the case fairly  
17 and impartially based only on the evidence presented at trial  
18 and the law as the Court explains it to you?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. Thank you. You could pass it  
21 along to the person next to you.

22 And I'm sorry, sir -- also, I just want to be clear  
23 is Juror Number 100 here?

24 Okay. Thank you.

25 And I'm sorry, sir, what number are you?

1 THE PROSPECTIVE JUROR: Number 11.

2 THE COURT: Okay. So Juror Number 11 in Seat 11.

3 Where do you live, sir?

4 THE PROSPECTIVE JUROR: I live in Cambria Heights,  
5 Queens.

6 THE COURT: And how long -- do you own or rent?

7 THE PROSPECTIVE JUROR: I own.

8 THE COURT: How long have you lived there?

9 THE PROSPECTIVE JUROR: About 50 years.

10 THE COURT: And what schooling have you had?

11 THE PROSPECTIVE JUROR: I've gone to  
12 Polytechnic University, became NYU, and I got a civil  
13 engineering degree. Well, I'm sorry, I have a chemical  
14 engineering degree. I have a bachelor's and master's degree  
15 in transportation, planning and engineering.

16 THE COURT: Okay, great.

17 Are you currently employed?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: Where are you employed?

20 THE PROSPECTIVE JUROR: STV Inc. It's an  
21 architectural engineering firm in Manhattan.

22 THE COURT: Do you live with anyone?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: What do you like to do in your free  
25 time? Any hobbies, special interests, organizations?

1 THE PROSPECTIVE JUROR: Sports, go to the gym, hang  
2 out with friends.

3 THE COURT: What is your source for news? Any  
4 newspapers, magazines, TV programs?

5 THE PROSPECTIVE JUROR: Yeah. CNN. And I usually  
6 watch the morning news, no particular channel.

7 THE COURT: Have you ever served on a jury?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: If selected as a juror in this case,  
10 will you keep an open mind until all of the evidence and  
11 arguments have been presented and then decide the case fairly  
12 and impartially based only on the evidence presented at trial  
13 and the law as the Court explains it to you?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. You could pass it along to the  
16 next person.

17 And your juror number? I'm sorry.

18 THE PROSPECTIVE JUROR: 44.

19 THE COURT: Okay. Juror 44 in Seat 12.

20 Okay. Where do you live, ma'am?

21 THE PROSPECTIVE JUROR: I live in Park Slope,  
22 Brooklyn.

23 THE COURT: And do you own or rent?

24 THE PROSPECTIVE JUROR: Own.

25 THE COURT: And how long have you lived there?

1 THE PROSPECTIVE JUROR: 23 years.

2 THE COURT: And what schooling have you had?

3 THE PROSPECTIVE JUROR: I have a master's in music  
4 performance from Mannes College of Music.

5 THE COURT: And are you employed outside of the  
6 home?

7 THE PROSPECTIVE JUROR: I work for Steinway & Sons,  
8 the piano company.

9 THE COURT: Do you live with anyone?

10 THE PROSPECTIVE JUROR: My husband and adult son.

11 THE COURT: Okay. Are they employed?

12 THE PROSPECTIVE JUROR: My son is a recent college  
13 graduate looking for work and my husband is a software  
14 developer.

15 THE COURT: What do you like to do in your free  
16 time?

17 THE PROSPECTIVE JUROR: A lot of reading.

18 And I play in some musical groups. I belong to an  
19 orchestra and I'm on the board of the community orchestra.

20 THE COURT: Okay, great.

21 And what is your source for news?

22 THE PROSPECTIVE JUROR: I read the New York Times,  
23 listen to NPR mostly.

24 THE COURT: Have you ever served on a jury?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: If selected as a juror in this case,  
2 will you keep an open mind until all of the evidence and  
3 arguments have been presented and then decide the case fairly  
4 and impartially based only on the evidence presented at trial  
5 and the law as the Court explains it to you?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: Thank you.

8 Okay. So we'll go to Juror Number 45. Right? In  
9 Seat 13.

10 THE PROSPECTIVE JUROR: Good morning.

11 THE COURT: Good morning.

12 Where do you live, ma'am?

13 THE PROSPECTIVE JUROR: Sheepshead Bay, Brooklyn.

14 THE COURT: Do you own or rent?

15 THE PROSPECTIVE JUROR: I live with my parents.

16 THE COURT: And how long have you lived there?

17 THE PROSPECTIVE JUROR: 25 years .

18 THE COURT: And what schooling have you had?

19 THE PROSPECTIVE JUROR: I have a bachelor's from  
20 College of Staten Island.

21 THE COURT: And what degree was that in?

22 THE PROSPECTIVE JUROR: Psychology.

23 THE COURT: Are you employed outside of the home?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And how are you employed?

1 THE PROSPECTIVE JUROR: Nursing home.

2 THE COURT: And do you live with -- sorry, you said  
3 you live with your parents?

4 THE PROSPECTIVE JUROR: Mm-hm.

5 THE COURT: And how are they employed?

6 THE PROSPECTIVE JUROR: My mom is a housewife. My  
7 dad is retired.

8 THE COURT: Where did he used to work?

9 THE PROSPECTIVE JUROR: He worked in different  
10 places, but the most recent job was taxicab.

11 THE COURT: Okay. What do you like to do in your  
12 free time?

13 THE PROSPECTIVE JUROR: Hanging out with friends,  
14 just relaxing.

15 THE COURT: Have you ever served on a jury?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: And, I'm sorry, what is your source for  
18 news?

19 THE PROSPECTIVE JUROR: Social media. And sometimes  
20 I watch the news.

21 THE COURT: When you say social media, do you mean  
22 Facebook, or?

23 THE PROSPECTIVE JUROR: TikTok, Instagram. Mostly  
24 it's on TikTok.

25 THE COURT: If selected as a juror in this case,

1 will you keep an open mind to all of the evidence and  
2 arguments that will be presented and then decide the case  
3 fairly and impartially based only on the evidence presented at  
4 trial and the law as the Court explains it to you?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. You could pass the microphone on  
7 to Juror Number 14.

8 THE PROSPECTIVE JUROR: 14.

9 THE COURT: Seated in Seat 14.

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Where do you live, ma'am?

12 THE PROSPECTIVE JUROR: I live in Wantaugh.

13 THE COURT: And do you own or rent?

14 THE PROSPECTIVE JUROR: I own.

15 THE COURT: How long have you lived there?

16 THE PROSPECTIVE JUROR: 25 years .

17 THE COURT: What schooling have you had?

18 THE PROSPECTIVE JUROR: I have a business degree in  
19 finance.

20 THE COURT: And where was that from?

21 THE PROSPECTIVE JUROR: That's from Pace University.

22 THE COURT: Are you employed outside of the home?

23 THE PROSPECTIVE JUROR: Yes, I am.

24 THE COURT: Where are you employed?

25 THE PROSPECTIVE JUROR: I am employed by a company

1 called North American Partners in Anesthesia.

2 THE COURT: Do you live with anyone?

3 THE PROSPECTIVE JUROR: I do. I have a grown son  
4 that lives with me.

5 THE COURT: And is he employed?

6 THE PROSPECTIVE JUROR: He is employed. He works in  
7 HVAC.

8 THE COURT: And what do you like to do in your free  
9 time?

10 THE PROSPECTIVE JUROR: Free time, I do gardening,  
11 sports.

12 THE COURT: Any organizations to which you belong?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: What is your source for news?

15 THE PROSPECTIVE JUROR: The evening news.

16 THE COURT: Any particular channel or just whatever  
17 is on.

18 THE PROSPECTIVE JUROR: Either/or.

19 THE COURT: Have you ever served on a jury?

20 THE PROSPECTIVE JUROR: Yes, I have.

21 THE COURT: How many times?

22 THE PROSPECTIVE JUROR: I've been called to jury  
23 duty twice, but served as a juror once.

24 THE COURT: And was that in federal or state court?

25 THE PROSPECTIVE JUROR: That was in state.

1 THE COURT: And was that a civil or a criminal case?

2 THE PROSPECTIVE JUROR: It was criminal.

3 THE COURT: And how long ago was that?

4 THE PROSPECTIVE JUROR: About 25 years ago.

5 THE COURT: And without telling us what the verdict  
6 was, were you able to reach a verdict?

7 THE PROSPECTIVE JUROR: Yes, we did.

8 THE COURT: If selected as a juror in this case,  
9 will you keep an open mind until all of the evidence and  
10 arguments have been presented and then decide the case fairly  
11 and impartially based only on the evidence presented at trial  
12 and the law as the Court explains it to you?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay, great. You could pass along the  
15 microphone.

16 So this is Juror 46 in Seat 15.

17 Where do you live, ma'am?

18 THE PROSPECTIVE JUROR: I live in Bethpage,  
19 Nassau County .

20 THE COURT: Okay. And do you own or rent?

21 THE PROSPECTIVE JUROR: I own.

22 THE COURT: How long have you lived there?

23 THE PROSPECTIVE JUROR: 41 years.

24 THE COURT: And what schooling have you had?

25 THE PROSPECTIVE JUROR: I have Ph.D. in mathematics

1 from the Stevens Institute of Technology.

2 THE COURT: And are you employed outside of the  
3 home?

4 THE PROSPECTIVE JUROR: Yes. St. Joseph's  
5 University, bachelor campus, department of mathematics. I'm a  
6 professor of mathematics.

7 THE COURT: Do you live with anyone?

8 THE PROSPECTIVE JUROR: No. My husband passed away  
9 last year, so I live by myself.

10 THE COURT: I'm sorry to hear that.

11 What do you like to do in your free time? Any  
12 hobbies, special interests, or any organizations that you  
13 belong?

14 THE PROSPECTIVE JUROR: Organizations, no.

15 But I like to listen to classical music and work in  
16 mathematics of finance, mathematical journalism papers, and my  
17 research in mathematics.

18 THE COURT: Okay. Have you ever -- excuse me.

19 What is your source for news?

20 THE PROSPECTIVE JUROR: Financial applications,  
21 finance.

22 THE COURT: Are there any newspapers, magazines, or  
23 TV programs that you regularly read or watch?

24 THE PROSPECTIVE JUROR: New York Times and  
25 Financial Times.

1 THE COURT: Have you ever served on a jury?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: How many times?

4 THE PROSPECTIVE JUROR: Once.

5 THE COURT: And how long ago was that?

6 THE PROSPECTIVE JUROR: 13 years ago.

7 THE COURT: And was that in federal or state?

8 THE PROSPECTIVE JUROR: State.

9 THE COURT: And were you able to reach a verdict?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: And, I'm sorry, was that a civil or a  
12 criminal case?

13 THE PROSPECTIVE JUROR: Civil.

14 THE COURT: And without telling us what the verdict  
15 was, you said you were able to reach a verdict?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. If selected as a juror in this  
18 case, will you keep an open mind until all of the evidence and  
19 arguments have been presented and then decide the case fairly  
20 and impartially based only on the evidence presented at trial  
21 and the law as the Court explains it to you?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Thank you. You could pass it along to  
24 Juror Number 16.

25 THE PROSPECTIVE JUROR: Yes, Your Honor.

1 THE COURT: Where do you live, sir?

2 THE PROSPECTIVE JUROR: Staten Island, New York.

3 THE COURT: Do you own or rent?

4 THE PROSPECTIVE JUROR: Own.

5 THE COURT: And how long have you lived there?

6 THE PROSPECTIVE JUROR: At that particular address,  
7 seven years.

8 THE COURT: And what schooling have you had?

9 THE PROSPECTIVE JUROR: I have a master's degree  
10 from Fordham University in Catholic educational leadership.

11 THE COURT: And are you employed outside the home?

12 THE PROSPECTIVE JUROR: Yes.

13 THE COURT: And where are you employed?

14 THE PROSPECTIVE JUROR: I work in two places.

15 My main job is Saint Peter's Preparatory School in  
16 Jersey City.

17 I'm also a hockey coach for the New Jersey Devils'  
18 Learn to Play program.

19 THE COURT: Sorry about the Devils losing.

20 THE PROSPECTIVE JUROR: Thank you, Your Honor.

21 THE COURT: Do you live with anyone?

22 THE PROSPECTIVE JUROR: Yes, Your Honor. My wife  
23 and my two sons.

24 THE COURT: And is your wife employed?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: And where is she employed?

2 THE PROSPECTIVE JUROR: She's an insurance defense  
3 attorney at Molod, Spitz & DeSantis in the City.

4 THE COURT: What do you like to do in your free  
5 time? Any hobbies, special interests, organizations?

6 THE PROSPECTIVE JUROR: I have two sons under 5, so  
7 I don't really know what free time is. But I do like to read  
8 and, obviously, watch the Devils.

9 THE COURT: And what is your main source for news?

10 THE PROSPECTIVE JUROR: New York Times, Politico,  
11 the Reddit world news thread.

12 THE COURT: Have you ever served on a jury?

13 THE PROSPECTIVE JUROR: I was selected, but the case  
14 settled after the jury was selected.

15 THE COURT: It was a civil case?

16 THE PROSPECTIVE JUROR: Civil case, yes. In state.

17 THE COURT: How long ago was that?

18 THE PROSPECTIVE JUROR: About 12 years ago.

19 THE COURT: Okay. If selected as a juror in this  
20 case, will you keep an open mind until all of the evidence and  
21 arguments have been presented and then decide the case fairly  
22 and impartially based only on the evidence presented at trial  
23 and the law as the Court explains it to you?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. You could just pass that on to

1 Number 17.

2 And I'm sorry, ma'am, what number are you again?

3 THE PROSPECTIVE JUROR: 17.

4 THE COURT: Okay. Juror 17 in Seat 17.

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Where do you live, ma'am?

7 THE PROSPECTIVE JUROR: Jamaica, Queens.

8 THE COURT: And do you own or rent?

9 THE PROSPECTIVE JUROR: Rent.

10 THE COURT: And how long have you lived there?

11 THE PROSPECTIVE JUROR: 11 years.

12 THE COURT: And what schooling have you had?

13 THE PROSPECTIVE JUROR: Well, I'm from Jamaica, so I  
14 went to school in Jamaica. All the way up to grade nine.

15 THE COURT: Okay. Are you employed outside of the  
16 home?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: And how are you employed?

19 THE PROSPECTIVE JUROR: As a PCA in Lenox Hill  
20 Hospital.

21 THE COURT: Do you live with anyone?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Who do you live with?

24 THE PROSPECTIVE JUROR: My daughter and my  
25 granddaughter.

1 THE COURT: And are either of those individuals  
2 employed?

3 THE PROSPECTIVE JUROR: Yes. My daughter.

4 THE COURT: Where is she employed?

5 THE PROSPECTIVE JUROR: In Brooklyn,  
6 Victoria's Secret. She's a manager.

7 THE COURT: What do you like to do in your free  
8 time?

9 THE PROSPECTIVE JUROR: Well, in my free time I  
10 baby-sit my great granddaughter.

11 THE COURT: You don't have any free time then.  
12 What is your source for news?

13 THE PROSPECTIVE JUROR: YouTube.

14 THE COURT: Have you ever served on a jury?

15 THE PROSPECTIVE JUROR: No. I've been called, but  
16 never picked.

17 THE COURT: If selected as a juror in this case,  
18 will you keep an open mind until all of the evidence and  
19 arguments have been presented and then decide the case fairly  
20 and impartially based only on the evidence presented at trial  
21 and the law as the Court explains it to you?

22 THE PROSPECTIVE JUROR: Yeah.

23 THE COURT: Okay. Thank you.

24 If you can pass it on to the person sitting next to  
25 you.

1 And I'm sorry, what number are you, ma'am?

2 THE PROSPECTIVE JUROR: I'm 61 in Seat 18.

3 THE COURT: Juror Number 61 in Seat 18.

4 Okay. Where do you live?

5 THE PROSPECTIVE JUROR: I live in Selden, New York.

6 THE COURT: Do you own or rent?

7 THE PROSPECTIVE JUROR: I own for 25 years.

8 THE COURT: And how long have you lived there?

9 THE PROSPECTIVE JUROR: 25 years .

10 THE COURT: What schooling have you had?

11 THE PROSPECTIVE JUROR: I have a bachelor's from

12 SUNY Oneonta in education and a master's in science from

13 Adelphi University.

14 THE COURT: Are you employed outside of the home?

15 THE PROSPECTIVE JUROR: Yes, I am.

16 THE COURT: And how are you employed?

17 THE PROSPECTIVE JUROR: I'm employed as a teacher at

18 the South Huntington Union Free School District and I teach

19 9 through 12 at Walt Whitman High School.

20 THE COURT: Do you live with anyone?

21 THE PROSPECTIVE JUROR: Yes. I live with my husband

22 and two, soon to be three, daughters. One is coming home from

23 college.

24 THE COURT: And is your husband employed?

25 THE PROSPECTIVE JUROR: Yes. My husband's been

1 employed for 35 years as a paramedic police coordinator for  
2 Nassau County Police Department.

3 My oldest daughter is in between jobs right now.  
4 She's 24.

5 My middle daughter is coming home from college in a  
6 couple of weeks. She graduates in two weeks.

7 And my youngest is currently working at the YMCA as  
8 a swim instructor and supervisor and she's 19.

9 THE COURT: What do you like to do in your free  
10 time?

11 THE PROSPECTIVE JUROR: I like fishing and  
12 gardening.

13 THE COURT: What is your source for news.

14 THE PROSPECTIVE JUROR: Rarely I turn the news on.  
15 News 12 on weekends, Sunday mornings, that's about it.

16 THE COURT: Have you ever served on a jury?

17 THE PROSPECTIVE JUROR: I have not.

18 THE COURT: If selected as a juror in this case,  
19 will you keep an open mind until all of the evidence and  
20 arguments have been presented and then decide the case fairly  
21 and impartially based only on the evidence presented at trial  
22 and the law as the Court explains it to you?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Thank you.

25 I just ask my deputy to pass the microphone.

1 THE COURTROOM DEPUTY: Can you pass it all the way  
2 down to Juror Number 19, please?

3 Thank you.

4 THE COURT: So, you're in Seat 19. What number are  
5 you?

6 THE PROSPECTIVE JUROR: 47.

7 THE COURT: Okay. So, Number 47 in Seat 19.

8 Where do you live, sir?

9 THE PROSPECTIVE JUROR: Staten Island.

10 THE COURT: I'm sorry?

11 THE PROSPECTIVE JUROR: Staten Island, New York.

12 THE COURT: Do you own or rent?

13 THE PROSPECTIVE JUROR: I live with my parents.

14 THE COURT: And how long have you lived at that  
15 location?

16 THE PROSPECTIVE JUROR: 23 years.

17 THE COURT: What schooling have you had?

18 THE PROSPECTIVE JUROR: High school.

19 THE COURT: Are you employed outside of the home?

20 THE PROSPECTIVE JUROR: Yeah. I work for MTA.

21 THE COURT: What do you do there?

22 THE PROSPECTIVE JUROR: I'm a tower operator.

23 THE COURT: You said you live with your parents?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: How are they employed?

1 THE PROSPECTIVE JUROR: My father is retired MTA.  
2 And my mother works for United Teamsters.

3 THE COURT: What do you like to do in your free  
4 time?

5 THE PROSPECTIVE JUROR: Usually on social media, on  
6 my computer. Any type of entertainment.

7 THE COURT: Any hobbies or special interests,  
8 organizations to which you belong?

9 THE PROSPECTIVE JUROR: No. Just entertainment.

10 THE COURT: What is your source for news?

11 THE PROSPECTIVE JUROR: Social media; Instagram,  
12 YouTube, Facebook.

13 In the break room they usually have New York 1 on.

14 THE COURT: Have you ever served on a jury?

15 THE PROSPECTIVE JUROR: No.

16 THE COURT: If selected as a juror in this case,  
17 will you keep an open mind until all of the evidence and  
18 arguments have been presented and then decide the case fairly  
19 and impartially based only on the evidence presented at trial  
20 and the law as the Court explains it to you?

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Okay. If you could pass it along to the  
23 person next to you.

24 And this is, in Seat 20 -- I'm sorry, ma'am, what  
25 number are you?

1 THE PROSPECTIVE JUROR: 92.

2 THE COURT: Okay. So, Juror 92 in Seat 20.

3 Where do you live, ma'am?

4 THE PROSPECTIVE JUROR: Bedford-Stuyvesant.

5 THE COURT: Do you own or rent?

6 THE PROSPECTIVE JUROR: Rent.

7 THE COURT: And how long have you lived there?

8 THE PROSPECTIVE JUROR: 26 years.

9 THE COURT: And what schooling have you had?

10 THE PROSPECTIVE JUROR: Medgar Evers.

11 THE COURT: Are you employed outside of the home?

12 THE PROSPECTIVE JUROR: I'm retired.

13 THE COURT: Where did you previously work?

14 THE PROSPECTIVE JUROR: Say that?

15 THE COURT: Where do you work prior to retirement?

16 THE PROSPECTIVE JUROR: VNS.

17 THE COURT: What did you do there?

18 THE PROSPECTIVE JUROR: Home care.

19 THE COURT: Do you live with anyone?

20 THE PROSPECTIVE JUROR: I was living with my  
21 husband, but he passed away a couple of years ago.

22 THE COURT: Sorry to hear that.

23 What do you like to do in your free time? Any  
24 hobbies, special interests?

25 THE PROSPECTIVE JUROR: Oh, listening to R&B.

1 THE COURT: What is your source for news?

2 THE PROSPECTIVE JUROR: I look at soaps. I don't  
3 look at nothing else.

4 THE COURT: Have you ever served on a jury?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: How many times?

7 THE PROSPECTIVE JUROR: Twice in state and one  
8 federal.

9 THE COURT: So for the federal case, how long ago  
10 was that?

11 THE PROSPECTIVE JUROR: '23. 2023.

12 THE COURT: And was that a criminal case or a civil  
13 case?

14 THE PROSPECTIVE JUROR: Criminal.

15 THE COURT: And was the jury --

16 THE PROSPECTIVE JUROR: No, I knew one of the person  
17 that was -- they were --

18 THE COURT: So you weren't picked for that case?

19 THE PROSPECTIVE JUROR: Yeah. I knew one of them,  
20 so they took me off.

21 THE COURT: Okay. So were you ever actually  
22 selected for a jury in any case?

23 THE PROSPECTIVE JUROR: Yeah.

24 THE COURT: Okay. Was that in the state case?

25 THE PROSPECTIVE JUROR: Yeah.

1 THE COURT: And I think you said you were in two  
2 state cases?

3 THE PROSPECTIVE JUROR: The two at federal -- state,  
4 I was selected, but they came to a settlement.

5 THE COURT: Okay.

6 THE PROSPECTIVE JUROR: It was accident.

7 THE COURT: And did you ever serve on a jury that  
8 actually rendered a verdict, without telling me what the  
9 verdict was?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: Okay.

12 If selected as a juror in this case, will you keep  
13 an open mind until all of the evidence and arguments have been  
14 presented and then decide the case fairly and impartially  
15 based only on the evidence presented at trial and the law as  
16 the Court explains it to you?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. If you could pass it on to the  
19 person sitting next to you, ma'am.

20 (Continued on the next page.)

21

22 (Continued on next page.)

23

24

25

1 (Continuing.)

2 THE COURT: What number are you, sir?

3 THE PROSPECTIVE JUROR: 21.

4 THE COURT: Okay. So juror 21 in seat 21.

5 Where do you live, sir?

6 THE PROSPECTIVE JUROR: Here in Brooklyn Heights.

7 THE COURT: Do you own or rent?

8 THE PROSPECTIVE JUROR: Rent.

9 THE COURT: And how long have you lived in Brooklyn  
10 Heights?

11 THE PROSPECTIVE JUROR: About 20 years.

12 THE COURT: And what schooling have you had?

13 THE PROSPECTIVE JUROR: Bachelors of science from  
14 Northeastern University.

15 THE COURT: And are you employed outside of the  
16 home?

17 THE PROSPECTIVE JUROR: Yes, I am.

18 THE COURT: And do you live with anyone?

19 THE PROSPECTIVE JUROR: My wife.

20 THE COURT: And how is she employed?

21 THE PROSPECTIVE JUROR: She's also employed at  
22 McKenzie and Company.

23 THE COURT: All right. What do you like to do in  
24 your free time?

25 THE PROSPECTIVE JUROR: Listen to music, travel.

1 Rabid New York Rangers fan. Season ticket holder.

2 THE COURT: Tough season.

3 What's the source of your news?

4 THE PROSPECTIVE JUROR: Variety of things. New York  
5 Times, Guardian, Bloomberg, Financial Times.

6 THE COURT: Any organizations that you belong to?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: Have you ever served on a jury?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: How many times?

11 THE PROSPECTIVE JUROR: One time.

12 THE COURT: Is that federal or state?

13 THE PROSPECTIVE JUROR: It was here in state court.

14 THE COURT: Okay. And how long ago was that?

15 THE PROSPECTIVE JUROR: It was about 15 years ago.

16 THE COURT: Was that a civil or a criminal case?

17 THE PROSPECTIVE JUROR: It was a criminal case.

18 THE COURT: Without telling us what the verdict was,  
19 was the jury able to reach a verdict?

20 THE PROSPECTIVE JUROR: Yes, we were.

21 THE COURT: If selected as a juror in this case,  
22 will you keep an open mind until all of the evidence and  
23 arguments have been presented, and then decide the case fairly  
24 and impartially based only on the evidence presented at trial  
25 and the laws as the Court explains it to you?

1 THE PROSPECTIVE JUROR: Yes, Your Honor.

2 THE COURT: Okay. If you can pass the mic along to  
3 the person sitting next to you.

4 And, I'm sorry, what number are you, ma'am?

5 THE PROSPECTIVE JUROR: 59.

6 THE COURT: Juror 59 in seat 22.

7 THE PROSPECTIVE JUROR: Yes. 22.

8 THE COURT: Where do you live?

9 THE PROSPECTIVE JUROR: I live in Astoria, Queens.

10 THE COURT: And do you own or rent?

11 THE PROSPECTIVE JUROR: Rent for 29 years.

12 THE COURT: How long have you lived -- sorry. You  
13 lived there for 29 years.

14 What schooling have you had?

15 THE PROSPECTIVE JUROR: High school in my country.

16 THE COURT: Okay. Are you employed outside of the  
17 home?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: How are you employed?

20 THE PROSPECTIVE JUROR: I'm a housekeeper for a  
21 company called Bergdorf Goodman for 23 years.

22 THE COURT: Do you live with anyone?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: What do you like to do in your free  
25 time? Any hobbies, special interests, organizations do you

1 belong?

2 THE PROSPECTIVE JUROR: Gardening.

3 THE COURT: Gardening.

4 THE PROSPECTIVE JUROR: Gardening, walking.

5 THE COURT: What's your source for news?

6 THE PROSPECTIVE JUROR: Evening news.

7 THE COURT: Any particular channel?

8 THE PROSPECTIVE JUROR: No. Any channel.

9 THE COURT: Have you ever served on a jury?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: If selected as a juror in this case,  
12 will you keep an open mind until all of the evidence and  
13 arguments have been presented, and then decide the case fairly  
14 and impartially based only on the evidence presented at trial  
15 and the law as the Court explains it to you?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. If you can pass it on to the  
18 person sitting next to you.

19 THE PROSPECTIVE JUROR: 48 in 23.

20 THE COURT: Thank you.

21 Okay. Where do you live, ma'am?

22 THE PROSPECTIVE JUROR: Staten Island, New York.

23 THE COURT: Do you own or rent?

24 THE PROSPECTIVE JUROR: I own.

25 THE COURT: How long have you lived there?

1 THE PROSPECTIVE JUROR: I have owned that for ten  
2 and a half years.

3 THE COURT: And what schooling have you had?

4 THE PROSPECTIVE JUROR: I have a bachelors in  
5 English from Binghamton University and a masters in education  
6 from Wagner College.

7 THE COURT: Are you employed outside of the home?

8 THE PROSPECTIVE JUROR: Yes.

9 THE COURT: And how are you employed?

10 THE PROSPECTIVE JUROR: I work for National Futures  
11 Association. I'm a manager of human resources.

12 THE COURT: Do you live with anyone?

13 THE PROSPECTIVE JUROR: My husband.

14 THE COURT: And how is he employed?

15 THE PROSPECTIVE JUROR: He is a federal attorney for  
16 the US Department of Housing and Urban Development.

17 THE COURT: And what do you like to do in your free  
18 time?

19 THE PROSPECTIVE JUROR: Food, family, travel.

20 THE COURT: Any organizations that you belong to?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: What's your source for news?

23 THE PROSPECTIVE JUROR: Facebook, Instagram, New  
24 York 1 in the mornings, and my husband.

25 THE COURT: Have you ever served on a jury?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: If selected as a juror in this case,  
3 will you keep an open mind until all the evidence and  
4 arguments have been presented, and then decide the case fairly  
5 and impartially based only on the evidence presented at trial  
6 and the law as the Court explains it to you?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. If you can pass it on to the  
9 next person.

10 And this is?

11 THE PROSPECTIVE JUROR: 24 sitting in 24.

12 THE COURT: Thank you.

13 Where do you live, sir?

14 THE PROSPECTIVE JUROR: So I split my time between  
15 Bensonhurst in Brooklyn and Flushing in Queens.

16 THE COURT: And do you own or rent any of those  
17 places?

18 THE PROSPECTIVE JUROR: I rent the place in Flushing  
19 , and my parents own the place in Brooklyn.

20 THE COURT: Okay. And how long have you lived at  
21 those locations?

22 THE PROSPECTIVE JUROR: In Flushing, about two and a  
23 half years at that location, and in Brooklyn, a little over 20  
24 years.

25 THE COURT: What schooling have you had?

1 THE PROSPECTIVE JUROR: I have a masters of social  
2 work from the Silverman School of Social Work at Hunter  
3 College.

4 THE COURT: Okay. Are you employed outside of the  
5 home?

6 THE PROSPECTIVE JUROR: Yes.

7 THE COURT: And how are you employed?

8 THE PROSPECTIVE JUROR: I am the deputy director at  
9 the Human Services Council of New York.

10 THE COURT: And do you live with anyone?

11 THE PROSPECTIVE JUROR: In Brooklyn I live with my  
12 parents and my brother. In Flushing I live with my -- I live  
13 with a friend and roommate.

14 THE COURT: And can you tell me how they are  
15 employed, the people you mentioned?

16 THE PROSPECTIVE JUROR: My roommate's a hospitalist  
17 at, I think, New York Presbyterian, and both of my parents are  
18 retired. My dad was formerly a waiter, but that was a long  
19 time ago. And my mother was a home health aide. And my  
20 brother works in IT at a hedge fund.

21 THE COURT: Thank you.

22 What do you like to do in your free time?

23 THE PROSPECTIVE JUROR: I go to a lot of theater,  
24 movies, spend time with friends.

25 THE COURT: What's your source for news?

1 THE PROSPECTIVE JUROR: I read the city and state,  
2 the city political, and I skim the headlines from the New York  
3 Times.

4 THE COURT: Have you ever served on a jury?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: If selected as a juror in this case,  
7 will you keep an open mind until all of the evidence and  
8 arguments have been presented, and then decide the case fairly  
9 and impartially based only on the evidence presented at trial  
10 and the laws as the Court explains it to you?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Thank you.

13 If you can pass it along to the person sitting next  
14 to you.

15 And you are number 94?

16 THE PROSPECTIVE JUROR: 94 in 25.

17 THE COURT: So juror number 94 in seat 25.

18 Okay. Where do you live, ma'am?

19 THE PROSPECTIVE JUROR: I live in Ronkonkoma.

20 THE COURT: Do you own or rent?

21 THE PROSPECTIVE JUROR: I live with my parents.

22 THE COURT: How long have you lived there?

23 THE PROSPECTIVE JUROR: 15 or 10 years.

24 THE COURT: And what schooling have you had?

25 THE PROSPECTIVE JUROR: I did engineering in at

1 University.

2 THE COURT: What university?

3 THE PROSPECTIVE JUROR: NYT.

4 THE COURT: Are you employed outside of the home?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: How are you employed?

7 THE PROSPECTIVE JUROR: I am a production engineer.

8 THE COURT: And, sorry, you said you live with your  
9 parents?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: How are they employed?

12 THE PROSPECTIVE JUROR: My dad's also an engineer,  
13 and my mom is a stay at home mom.

14 THE COURT: What do you like to do in your free  
15 time?

16 THE PROSPECTIVE JUROR: I paint.

17 THE COURT: Sorry?

18 THE PROSPECTIVE JUROR: I paint, mostly.

19 THE COURT: Okay. Any organizations to which you  
20 belong?

21 THE PROSPECTIVE JUROR: Just Art Studio, but that's  
22 it.

23 THE COURT: What's your source for news?

24 THE PROSPECTIVE JUROR: The local news, if that.

25 THE COURT: Okay. Have you ever served on a jury?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: If selected as a juror in this case,  
3 will you keep an open mind until all the evidence and  
4 arguments have been presented, and then decide the case  
5 fairly and impartially based only on the evidence presented at  
6 trial and the law as the Court explains it to you?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. Thank you.

9 If you can just hand it to the next person.

10 And that's juror number 73.

11 THE PROSPECTIVE JUROR: Seat 26.

12 THE COURT: Okay. So juror number 73 in seat 26.

13 So where do you live, sir?

14 THE PROSPECTIVE JUROR: Bay Ridge, Brooklyn.

15 THE COURT: And do you own or rent?

16 THE PROSPECTIVE JUROR: I own.

17 THE COURT: And how long have you lived there?

18 THE PROSPECTIVE JUROR: Eight years.

19 THE COURT: And what schooling have you had?

20 THE PROSPECTIVE JUROR: Master degree in finance  
21 from Indiana State.

22 THE COURT: And are you employed outside of the  
23 home?

24 THE PROSPECTIVE JUROR: Yes.

25 THE COURT: And how are you employed?

1 THE PROSPECTIVE JUROR: Product manager at UPS.

2 THE COURT: Do you live with anyone?

3 THE PROSPECTIVE JUROR: My wife and two kids.

4 THE COURT: Okay. And how was your wife employed?

5 THE PROSPECTIVE JUROR: She's a teacher.

6 THE COURT: What do you like to do in your free

7 time? Any hobbies, special interests, organizations?

8 THE PROSPECTIVE JUROR: Yeah. I play tennis with my  
9 son.

10 THE COURT: What's your source for news?

11 THE PROSPECTIVE JUROR: I read Wall Street Journal.

12 THE COURT: Have you ever served on a jury?

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: If selected as a juror in this case,  
15 will you keep an open mind until all of the evidence and  
16 arguments have been presented, and then decide the case fairly  
17 and impartially based only on the evidence presented at trial  
18 and the law as the Court explains it to you?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: So if you'll pass it along to juror  
21 number 57.

22 THE PROSPECTIVE JUROR: Hi.

23 THE COURT: Hi.

24 I'm sorry, your juror number?

25 THE PROSPECTIVE JUROR: Juror number 57 in seat 27.

1 THE COURT: Thank you.

2 Where do you live, ma'am?

3 THE PROSPECTIVE JUROR: Sheepshead Bay, Brooklyn.

4 THE COURT: Do you own or rent?

5 THE PROSPECTIVE JUROR: Rent, for past 24 years.

6 THE COURT: And what schooling have you had?

7 THE PROSPECTIVE JUROR: Pace University, bachelor of  
8 arts.

9 THE COURT: Are you employed outside of the home?

10 THE PROSPECTIVE JUROR: Yes.

11 THE COURT: And how are you employed?

12 THE PROSPECTIVE JUROR: I'm a talent acquisition  
13 manager for a 5 billion dollar fintech called Porridge  
14 (phonetic).

15 THE COURT: Do you live with anyone?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: What do you like to do in your free  
18 time? Any hobbies, special interests, organizations to which  
19 you belong?

20 THE PROSPECTIVE JUROR: Yeah. I'm a writer. Five  
21 books of short fiction, and an editor of an art and literary  
22 magazine in Tribeca.

23 THE COURT: What kind of books do you write?

24 THE PROSPECTIVE JUROR: Short fiction. Like Sex and  
25 The City stuff.

1 THE COURT: What's your source for news?

2 THE PROSPECTIVE JUROR: YouTube only.

3 THE COURT: Okay. Have you ever served on a jury?

4 THE PROSPECTIVE JUROR: I was in jury selection for  
5 two days, but I wasn't selected.

6 THE COURT: If selected as a juror in this case,  
7 will you keep an open mind until all the evidence and  
8 arguments have been presented, and then decide the case fairly  
9 and impartially based only on the evidence presented at trial  
10 and the law as the Court explains it to you?

11 THE PROSPECTIVE JUROR: Sure.

12 THE COURT: Okay. Thank you.

13 You can pass it on to juror number 50, who's in seat  
14 28.

15 THE PROSPECTIVE JUROR: Yes. 28.

16 THE COURT: Okay. Where do you live?

17 THE PROSPECTIVE JUROR: Brooklyn. Brownsville.

18 THE COURT: Do you own or rent?

19 THE PROSPECTIVE JUROR: I live with my parents.

20 THE COURT: Okay. What schooling have you had?

21 THE PROSPECTIVE JUROR: Freshman at college.

22 THE COURT: What college?

23 THE PROSPECTIVE JUROR: CUNY Community College in  
24 lower Manhattan.

25 THE COURT: Are you employed outside of the home?

1 THE PROSPECTIVE JUROR: Self-employed, food  
2 delivery.

3 THE COURT: Do you live with anyone?

4 THE PROSPECTIVE JUROR: Yes. With my parents.

5 THE COURT: You said that.

6 And how are your parents employed, if at all?

7 THE PROSPECTIVE JUROR: They work at LaGuardia,  
8 maintenance , cleaning and stuff.

9 THE COURT: What do you like to do in your free  
10 time?

11 THE PROSPECTIVE JUROR: Right now I got into an  
12 accident not long ago, so I'm not doing nothing. I got  
13 injured on my shoulders. I'm feeling the pain right now, so  
14 I'm doing nothing.

15 THE COURT: Do you belong to any organizations?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: What's your source for news?

18 THE PROSPECTIVE JUROR: I don't watch the news.  
19 It's negative.

20 THE COURT: Have you ever served on a jury?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: If selected as a juror in this case,  
23 will you keep an open mind until all the evidence and  
24 arguments have been presented, and then decide the case fairly  
25 and impartially, based only on the evidence presented at trial

1 and the law as the Court explains it to you?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. Thank you.

4 So if I can ask you to pass it to juror number 29,  
5 who is in seat 29.

6 THE PROSPECTIVE JUROR: Good morning, Your Honor.

7 THE COURT: Good morning.

8 Where do you live, sir?

9 THE PROSPECTIVE JUROR: I live in Sheepshead Bay.

10 THE COURT: And how long have you lived there?

11 THE PROSPECTIVE JUROR: 18 years.

12 THE COURT: Do you own or rent?

13 THE PROSPECTIVE JUROR: I own it.

14 THE COURT: What schooling have you had?

15 THE PROSPECTIVE JUROR: I went to culinary school in  
16 Manila, from the Philippines.

17 THE COURT: Culinary school?

18 THE PROSPECTIVE JUROR: Yes.

19 THE COURT: And are you employed outside of the  
20 home?

21 THE PROSPECTIVE JUROR: Yes. The Peninsula Hotel in  
22 Manhattan .

23 THE COURT: Do you live with anyone?

24 THE PROSPECTIVE JUROR: With my very sick cousin, as  
25 I told you yesterday, with diabetes and kidney disease.

1 THE COURT: Is that person employed at this point,  
2 or no? Your cousin?

3 THE PROSPECTIVE JUROR: He's not working anymore  
4 because he's always in bed, you know.

5 THE COURT: What do you like to do in your free  
6 time?

7 THE PROSPECTIVE JUROR: I cook, I try the recipes,  
8 and experimenting .

9 THE COURT: Do you belong to any organizations?

10 THE PROSPECTIVE JUROR: No.

11 THE COURT: What's your source for news?

12 THE PROSPECTIVE JUROR: Facebook, TV. If you work  
13 in the hotel, a lot of news there, because in the kitchen  
14 there's a TV showing everything, you know.

15 THE COURT: Any particular channel that you watch?

16 THE PROSPECTIVE JUROR: Channel 1, regular channel,  
17 they can choose.

18 THE COURT: Have you ever served on a jury, sir?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: If selected as a juror in this case,  
21 will you keep an open mind until all the evidence and  
22 arguments have been presented, and then decide this case  
23 fairly and impartially based only on the evidence presented at  
24 trial and the law as the Court explains it to you?

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. If you can pass it along to the  
2 person sitting next to you.

3 Ma'am, what number are you?

4 THE PROSPECTIVE JUROR: I'm 81 in 30.

5 THE COURT: So juror 81 in seat 30.

6 Where do you live, ma'am?

7 THE PROSPECTIVE JUROR: I live in Bensonhurst.

8 THE COURT: And do you own or rent?

9 THE PROSPECTIVE JUROR: I own for five years.

10 THE COURT: And what schooling have you had?

11 THE PROSPECTIVE JUROR: I have a bachelors in  
12 anthropology at Binghamton University.

13 THE COURT: Are you employed outside of the home?

14 THE PROSPECTIVE JUROR: Yes. I'm an inventory  
15 planner at a company called Plug.

16 THE COURT: Okay. Do you live with anyone?

17 THE PROSPECTIVE JUROR: My sister. She's a teacher.

18 THE COURT: What do you like to do in your free  
19 time?

20 THE PROSPECTIVE JUROR: Cook or going to the gym.

21 THE COURT: Any organizations to which you belong?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: What's your source for news?

24 THE PROSPECTIVE JUROR: Instagram or Reddit.

25 THE COURT: Have you ever served on a jury?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: If selected as a juror in this case,  
3 will you keep an open mind until all of the evidence and  
4 arguments have been presented, and then decide the case fairly  
5 and impartially based only on the evidence presented at trial  
6 and the law as the Court explains it to you?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you.

9 The deputy will take the microphone and give it to  
10 the juror who is seated in seat 31.

11 Sorry, sir. What number are you?

12 THE PROSPECTIVE JUROR: 31.

13 THE COURT: Juror 31 in seat 31.

14 Where do you live, sir?

15 THE PROSPECTIVE JUROR: Prospect Heights, Brooklyn.

16 THE COURT: And do you own or rent?

17 THE PROSPECTIVE JUROR: Own.

18 And what schooling have you had?

19 THE PROSPECTIVE JUROR: I received a bachelor of  
20 architecture from Cornell University.

21 THE COURT: Okay. Are you employed outside of the  
22 home?

23 THE PROSPECTIVE JUROR: Yes.

24 THE COURT: How are you employed?

25 THE PROSPECTIVE JUROR: I am an architect at the

1 MTA.

2 THE COURT: Okay. Do you live with anyone?

3 THE PROSPECTIVE JUROR: Yes. With my wife and two  
4 sons.

5 THE COURT: Okay. How are they employed?

6 THE PROSPECTIVE JUROR: My wife is an assistant  
7 general counsel at a financial services company.

8 THE COURT: Okay. What do you like to do in your  
9 free time?

10 THE PROSPECTIVE JUROR: Play tennis, spend time with  
11 family.

12 THE COURT: Okay. Any organizations to which you  
13 belong?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: What is your source for news?

16 THE PROSPECTIVE JUROR: Mostly the New York Times,  
17 occasionally the Post.

18 THE COURT: Have you ever served on a jury?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. How many times?

21 THE PROSPECTIVE JUROR: Once.

22 THE COURT: Was it federal or state?

23 THE PROSPECTIVE JUROR: State.

24 THE COURT: And was it criminal or civil?

25 THE PROSPECTIVE JUROR: Criminal.

1 THE COURT: And how long ago was that?

2 THE PROSPECTIVE JUROR: About 22 years ago.

3 THE COURT: And without telling us what the verdict  
4 was, were you able to reach a verdict?

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. If selected as a juror in this  
7 case, will you keep an open mind until all the evidence and  
8 arguments have been presented, and then decide the case fairly  
9 and impartially based only on the evidence presented at trial  
10 and the law as the Court explains it to you.

11 THE PROSPECTIVE JUROR: Yes, Your Honor.

12 THE COURT: Okay. Thank you.

13 You can pass it on to the next person.

14 THE PROSPECTIVE JUROR: Hi. Juror number 84,  
15 sitting in seat 32.

16 THE COURT: Thank you.

17 Where do you live?

18 THE PROSPECTIVE JUROR: Complicated. I live about  
19 90 percent of the time up in Carmel, New York, with my  
20 boyfriend, and I have an apartment that I'm renting, my  
21 mother's old apartment, in Floral Park, Queens, about ten  
22 percent of the time. And I own an apartment in Long Island  
23 City for 25 years that I have been subletting for a couple  
24 years.

25 THE COURT: And what schooling have you had?

1 THE PROSPECTIVE JUROR: I have a BA in English in  
2 comparative literature from Columbia, and a masters in  
3 American studies, also from Columbia.

4 THE COURT: Are you employed outside of the home?

5 THE PROSPECTIVE JUROR: Yes. I work at New York  
6 Magazine, and I run the group that does page production and  
7 printing and distribution for the biweekly.

8 THE COURT: And you mentioned a living situation.  
9 Do you live with anyone?

10 THE PROSPECTIVE JUROR: I am living mostly with my  
11 boyfriend, who is retired from film and TV business, but is  
12 working now part-time as a science teacher at a high school in  
13 Westchester.

14 THE COURT: Okay. And what do you like to do in  
15 your free time?

16 THE PROSPECTIVE JUROR: I am running a nonprofit  
17 organization in Long Island City. It is working for  
18 resiliency and managing development better. And I help manage  
19 my son.

20 THE COURT: What's your source for news?

21 THE PROSPECTIVE JUROR: The New York Times, mostly,  
22 but range of magazines and newsletters and podcasts and local  
23 news outlets.

24 THE COURT: Any specific news outlets or podcasts?

25 THE PROSPECTIVE JUROR: Well, I mean, the magazines

1 , probably New York New Yorker or Wired, Atlantic, news  
2 letters from all those sources, and the -- just a number of  
3 sources.

4 THE COURT: Have you ever served on a jury?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: If selected as a juror in this case,  
7 will you keep an open mind until all of the evidence and  
8 arguments have been presented, and then decide the case fairly  
9 and impartially based only on the evidence presented at trial  
10 and the law as the Court explains it to you?

11 THE PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Thank you.

13 If you could pass it along to seat 33.

14 THE PROSPECTIVE JUROR: Juror 52.

15 THE COURT: In seat 33.

16 Where do you live, ma'am?

17 THE PROSPECTIVE JUROR: I live in Brooklyn.

18 THE COURT: What -- generally, what neighborhood?

19 THE PROSPECTIVE JUROR: Downtown Brooklyn.

20 THE COURT: Do you own or rent?

21 THE PROSPECTIVE JUROR: Rent.

22 THE COURT: How long have you lived there?

23 THE PROSPECTIVE JUROR: About three years.

24 THE COURT: What schooling have you had?

25 THE PROSPECTIVE JUROR: A bachelors of psychology

1 and identity studies from Beloit College.

2 THE COURT: Are you employed outside of the home?

3 THE PROSPECTIVE JUROR: Yes.

4 THE COURT: How are you employed?

5 THE PROSPECTIVE JUROR: I work at a nonprofit  
6 called CareerWise.

7 THE COURT: Do you live with anyone?

8 THE PROSPECTIVE JUROR: Yes. My husband.

9 THE COURT: And how is he employed?

10 THE PROSPECTIVE JUROR: He's self-employed like  
11 contract work in film.

12 THE COURT: What do you like to do in your free  
13 time?

14 THE PROSPECTIVE JUROR: Movies, read, gardening.

15 THE COURT: What's your source for news?

16 THE PROSPECTIVE JUROR: CNN, NPR, different  
17 podcasts.

18 THE COURT: Have you ever served on a jury before?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: If selected as a juror in this case,  
21 will you keep an open mind until all the evidence and  
22 arguments have been presented, and then decide the case fairly  
23 and impartially, based only on the evidence presented at  
24 trial, and the law as the Court explains it to you.

25 THE PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Thank you.

2 If you can pass it along to juror number 62.

3 THE PROSPECTIVE JUROR: Good morning. 62.

4 THE COURT: Juror 62 in seat 34.

5 THE PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay. Sir, where do you live?

7 THE PROSPECTIVE JUROR: Howard Beach, Queens.

8 THE COURT: I'm sorry?

9 THE PROSPECTIVE JUROR: Howard Beach.

10 THE COURT: Howard Beach.

11 Do you own or rent?

12 THE PROSPECTIVE JUROR: Rent.

13 THE COURT: How long have you been in Howard Beach?

14 THE PROSPECTIVE JUROR: One and a half year.

15 THE COURT: What schooling have you had?

16 THE PROSPECTIVE JUROR: I'm degreed, assistant  
17 engineer at Polytechnical in Madrid, in Spain.

18 THE COURT: Are you employed outside of the home?

19 THE PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. How are you employed?

21 THE PROSPECTIVE JUROR: At the New York Times.

22 THE COURT: And what role do you have there?

23 THE PROSPECTIVE JUROR: I'm a web developer in the  
24 marketing area.

25 THE COURT: Okay. Do you live with anyone?

1 THE PROSPECTIVE JUROR: Yes. With my wife and my  
2 daughter.

3 THE COURT: And how is your wife employed, if at  
4 all?

5 THE PROSPECTIVE JUROR: She's unemployed.

6 THE COURT: All right. And what is your source for  
7 news?

8 THE PROSPECTIVE JUROR: The New York Times,  
9 Bloomberg, the Athletics.

10 THE COURT: And what do you like to do in your free  
11 time?

12 THE PROSPECTIVE JUROR: My daughter, spend a lot of  
13 time with her.

14 THE COURT: Any hobbies or special interests?

15 THE PROSPECTIVE JUROR: Sorry?

16 THE COURT: Any hobbies or special interests?

17 THE PROSPECTIVE JUROR: Sports. I love the sports  
18 with my daughter.

19 THE COURT: Okay. Have you ever served on a jury?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: Is selected as a juror in this case,  
22 will you keep an open mind until all of the evidence and  
23 arguments have been presented, and then decide the case fairly  
24 and impartially based only on the evidence presented at trial  
25 and the law as the Court explains it to you?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: You can pass it along to the person next  
3 to you.

4 And we'll take a break for everyone else in a few  
5 minutes, but I want to finish up this row, and then we'll -- I  
6 will finish up the group on this side.

7 I'm sorry, ma'am, what number are you?

8 THE PROSPECTIVE JUROR: 63 in 35.

9 THE COURT: Juror number 63 in seat 35.

10 Where do you live?

11 THE PROSPECTIVE JUROR: Queens Village.

12 THE COURT: How long have you lived there?

13 THE PROSPECTIVE JUROR: Ten years.

14 THE COURT: And what schooling have you had?

15 THE PROSPECTIVE JUROR: High school.

16 THE COURT: Are you employed outside of the home?

17 THE PROSPECTIVE JUROR: I just retired after 40  
18 years of service.

19 THE COURT: Okay. Congratulations.

20 THE PROSPECTIVE JUROR: Thank you.

21 THE COURT: What type of work did you do?

22 THE PROSPECTIVE JUROR: I was a supervisor at a  
23 financial institution.

24 THE COURT: Okay. Do you live with anyone?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: And, I'm sorry, you said a financial  
2 institution. Can you name the company or the entity?

3 THE PROSPECTIVE JUROR: MetLife.

4 THE COURT: Okay. What do you like to do in your  
5 free time?

6 THE PROSPECTIVE JUROR: I like to bake and cook.

7 THE COURT: Any hobbies or -- excuse me, any  
8 organizations to which you belong?

9 THE PROSPECTIVE JUROR: No. But I do volunteer work  
10 at a rehab.

11 THE COURT: Okay. What's your source for news?

12 THE PROSPECTIVE JUROR: Local news.

13 THE COURT: Have you ever served on a jury?

14 THE PROSPECTIVE JUROR: No.

15 THE COURT: If selected as a juror in this case,  
16 will you keep an open mind until all of the evidence and  
17 arguments have been presented, and then decide this case  
18 fairly and impartially based only on the evidence presented at  
19 trial and the law as the court explains it to you.

20 THE PROSPECTIVE JUROR: Yes, I will.

21 THE COURT: Okay. Thank you.

22 If you could pass it along to juror number 78 over  
23 there, who is in seat 36.

24 THE PROSPECTIVE JUROR: Hi.

25 THE COURT: So, again, just to be clear on the

1 record, juror number 78 in seat 36?

2 THE PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay. Where do you live, sir?

4 THE PROSPECTIVE JUROR: Fort Greene, Brooklyn.

5 THE COURT: And do you own or rent?

6 THE PROSPECTIVE JUROR: Own.

7 THE COURT: And how long have you lived there?

8 THE PROSPECTIVE JUROR: 21 years.

9 THE COURT: And what schooling have you had?

10 THE PROSPECTIVE JUROR: I have a BA SUNY Geneseo and  
11 MFA from The New School.

12 THE COURT: And are you employed outside of the  
13 home?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: How are you employed?

16 THE PROSPECTIVE JUROR: Database editor for Barnes &  
17 Noble.

18 THE COURT: Okay. And do you live with anyone?

19 THE PROSPECTIVE JUROR: My wife.

20 THE COURT: And how is she employed?

21 THE PROSPECTIVE JUROR: She's a high school English  
22 teacher.

23 THE COURT: And what do you like to do in your free  
24 time?

25 THE PROSPECTIVE JUROR: Reading, watching sports.

1 THE COURT: Okay. Any other -- any organizations to  
2 which you belong?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: What's your source for news?

5 THE PROSPECTIVE JUROR: The New York Times, NPR, the  
6 New Yorker.

7 THE COURT: Have you ever served on a jury?

8 THE PROSPECTIVE JUROR: No.

9 THE COURT: If selected as a juror in this case,  
10 will you keep an open mind until all of the evidence and  
11 arguments have been presented, and then decide the case fairly  
12 and impartially based only on the evidence presented at trial  
13 and the law as the Court explains it to you?

14 THE PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. Thank you.

16 If you can pass it along to the person next to you.

17 THE PROSPECTIVE JUROR: Good morning, Your Honor.

18 THE COURT: Good morning.

19 THE PROSPECTIVE JUROR: 82 in seat 37.

20 THE COURT: Where do you live?

21 THE PROSPECTIVE JUROR: Staten Island, New York.

22 THE COURT: Do you own or rent?

23 THE PROSPECTIVE JUROR: I rent.

24 THE COURT: How long have you lived there?

25 THE PROSPECTIVE JUROR: Five years.

1 THE COURT: And what schooling have you had?

2 THE PROSPECTIVE JUROR: I have a digital design in  
3 communication bachelors from Staten Island -- College of  
4 Staten Island.

5 THE COURT: And are you employed outside the home?

6 THE DEFENDANT: Yes. I'm an information assistant  
7 at New York Public Library.

8 THE COURT: And do you live with anyone?

9 THE PROSPECTIVE JUROR: No. Just my cat.

10 THE COURT: What do you like to do in your free  
11 time?

12 THE PROSPECTIVE JUROR: Read science fiction, listen  
13 to folk music, or like art restoration videos.

14 THE COURT: What's your source for news?

15 THE PROSPECTIVE JUROR: Nothing in particular.

16 THE COURT: Have you ever served on a jury?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: If selected as a juror in this case,  
19 will you keep an open mind until all of the evidence and  
20 arguments have been presented, and then decide the case fairly  
21 and impartially based only on the evidence presented at trial  
22 and the law as the Court explains it to you?

23 THE PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Okay. Thank you.

25 If you can pass it along to the person sitting next

1 to you.

2 THE PROSPECTIVE JUROR: Juror number 38 in seat 38.

3 THE COURT: Okay. Thank you.

4 Where do you live, ma'am?

5 THE PROSPECTIVE JUROR: Astoria, Queens.

6 THE COURT: Do you own or rent?

7 THE PROSPECTIVE JUROR: Rent.

8 THE COURT: And how long have you lived there?

9 THE PROSPECTIVE JUROR: Nine years.

10 THE COURT: What schooling have you had?

11 THE PROSPECTIVE JUROR: I have a master of science  
12 in physician assistant studies from Hofstra University and  
13 bachelor of science in biology from Hofstra University.

14 THE COURT: Are you employed outside of the home?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: How are you employed?

17 THE PROSPECTIVE JUROR: Physician assistant at New  
18 York Presbyterian Lower Manhattan.

19 THE COURT: Okay. Do you live with anyone?

20 THE PROSPECTIVE JUROR: No.

21 THE COURT: What do you like to do in your free  
22 time?

23 Hang on a second.

24 Actually, we're going to take a break in a moment.

25 And just, normally, you basically can't leave unless the Court

1 tells you to leave , but I've allowed two to leave, but no  
2 more. So we will take a break in a few moments.

3 I'm sorry. Can you go back to that last answer?

4 THE PROSPECTIVE JUROR: I think it was hobbies.

5 THE COURT: Yes.

6 THE PROSPECTIVE JUROR: I read, I bake, I travel,  
7 and practice yoga.

8 THE COURT: Okay. What's your source for news?

9 THE PROSPECTIVE JUROR: New York Times.

10 THE COURT: Have you ever served on a jury?

11 THE PROSPECTIVE JUROR: No.

12 THE COURT: If selected as a juror in this case,  
13 will you keep an open mind until all of the evidence and  
14 arguments have been presented and then decide the case fairly  
15 and impartially based only on the evidence presented at trial  
16 and the law as the Court explains it to you?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Thank you.

19 If you can pass it along to person sitting next to  
20 you, juror number 39.

21 THE PROSPECTIVE JUROR: Yes.

22 THE COURT: Seat 39.

23 THE PROSPECTIVE JUROR: Juror 39, seat 39.

24 THE COURT: Where do you live?

25 THE PROSPECTIVE JUROR: Astoria , Queens.

1 THE COURT: Do you own or rent?

2 THE PROSPECTIVE JUROR: Own.

3 THE COURT: How long have you lived there?

4 THE PROSPECTIVE JUROR: Three and a half years.

5 THE COURT: What schooling have you had?

6 THE PROSPECTIVE JUROR: High school, Flushing,

7 Queens.

8 THE COURT: Are you employed outside of the home?

9 THE PROSPECTIVE JUROR: Yes.

10 THE COURT: How are you employed?

11 THE PROSPECTIVE JUROR: New York City Public High

12 School.

13 THE COURT: In what role?

14 THE PROSPECTIVE JUROR: Cook.

15 THE COURT: Cook?

16 THE PROSPECTIVE JUROR: Yes.

17 THE COURT: Do you live with anyone?

18 THE PROSPECTIVE JUROR: Yes. My husband and my son.

19 THE COURT: And how are they employed?

20 THE PROSPECTIVE JUROR: My husband is retired from

21 New York City Department of Environment, and my son work for

22 ConEdison.

23 THE COURT: What do you like to do in your free

24 time?

25 THE PROSPECTIVE JUROR: Spend time with my

1 relatives.

2 THE COURT: Any organizations to which you belong?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: What's your source for news?

5 THE PROSPECTIVE JUROR: YouTube, Facebook.

6 THE COURT: Have you ever served on a jury?

7 THE PROSPECTIVE JUROR: Yes.

8 THE COURT: How many times?

9 THE PROSPECTIVE JUROR: Including this time, seven.

10 THE COURT: I guess I should say how many times have  
11 you been picked for a jury.

12 THE PROSPECTIVE JUROR: One.

13 THE COURT: And what court was that in?

14 THE PROSPECTIVE JUROR: State.

15 THE COURT: Okay. Was that a criminal case or a  
16 civil case?

17 THE PROSPECTIVE JUROR: Criminal.

18 THE COURT: Without telling us what the verdict was,  
19 were you able to reach a verdict?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Okay. If selected as a juror in this  
22 case, will you keep an open mind until all of the evidence and  
23 arguments have been presented, and then decide the case fairly  
24 and impartially based only on the evidence presented at trial  
25 and the law as the Court explains it to you?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. Thank you.

3 So if you can pass it along to -- I'm sorry, what  
4 number are you, ma'am?

5 THE PROSPECTIVE JUROR: 40.

6 THE COURT: Juror 40 in seat 40.

7 Where do you live, ma'am?

8 THE PROSPECTIVE JUROR: Queens, Jamaica. Jamaica,  
9 Queens.

10 THE COURT: Do you own or rent?

11 THE PROSPECTIVE JUROR: I own.

12 THE COURT: Okay. How long have you lived there?

13 THE PROSPECTIVE JUROR: 23 years.

14 THE COURT: And what schooling have you had?

15 THE PROSPECTIVE JUROR: A masters degree in  
16 business from the West Indies College in Jamaica.

17 THE COURT: Are you employed outside of the home?

18 THE PROSPECTIVE JUROR: Yes, I am.

19 THE COURT: How are you employed?

20 THE PROSPECTIVE JUROR: I am the corporate payroll  
21 administrator for the Research Foundation of CUNY.

22 THE COURT: For the Research Foundation of what?

23 THE PROSPECTIVE JUROR: Of CUNY, City College .

24 THE COURT: Do you live with anyone?

25 THE DEFENDANT: My son.

1 THE COURT: Is he employed?

2 THE DEFENDANT: He works with -- I think it's Virgin  
3 America.

4 THE COURT: Okay. What do you like to do in your  
5 free time?

6 THE PROSPECTIVE JUROR: Gardening and baking.

7 THE COURT: What's your source for news?

8 THE PROSPECTIVE JUROR: MSNBC.

9 THE COURT: Have you ever served on a jury?

10 THE PROSPECTIVE JUROR: Yes. I was grand juror.

11 THE COURT: Okay. Was that at this courthouse or  
12 state courthouse?

13 THE PROSPECTIVE JUROR: Queens. State.

14 THE COURT: Apart from grand jury service, have you  
15 served on a jury in any other case?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: If selected as a juror in this case,  
18 will you keep an open mind until all of the evidence and  
19 arguments have been presented, and then decide the case fairly  
20 and impartially based only the evidence presented at trial and  
21 the law as the Court explains it to you?

22 THE PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. So we are going to take a very  
24 short break. I am going to ask everyone to come back at  
25 11:15. You are not to discuss this case with anyone,

1 including your fellow jurors.

2 Say 11:20. I am hearing murmurs.

3 But don't leave this floor. Use the rest room here.

4 But, again, if anyone -- remain seated for one  
5 moment.

6 If anyone approaches you and tries to discuss this  
7 case with you, please let me know about it immediately.

8 You must not read, listen, or watch any reports of  
9 the case. You must not talk to the parties, attorneys, or  
10 witnesses in the case about anything .

11 We'll come back and start sharply at 11:20.

12 Everyone rise for the jury.

13 (Prospective jurors exit the courtroom.)

14 THE COURT: For the lawyers, we will take a break as  
15 well. We will come back at 11:20. If the lawyers want to use  
16 the bathroom back here, that's fine.

17 MS. FARRELL: Your Honor, will the lawyers have more  
18 time to deliberate on their strikes, or is this our chance?

19 THE COURT: No. You'll have more time.

20 MS. FARRELL: Okay. Thank you.

21 THE COURT: Yes. I will explain more when you come  
22 back.

23 MS. FARRELL: Thank you.

24 THE COURT: I realize the lawyers need a break, too.

25 MS. FARRELL: Understood. Thank you, Judge.

1 (Recess taken.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Please be seated.

4 I ask the parties to come to sidebar.

5 (Sidebar conference had, as follows:)

6 THE COURT: So I'm inclined to dismiss juror number  
7 5, who had made that comment about not able to be fair and  
8 impartial.

9 I am also inclined to dismiss juror number 84  
10 because based on her answer, she seems to indicate she lives  
11 in the Southern District of New York, and it seems like that  
12 might -- it's not exactly clear why she got a juror number  
13 here, although I imagine she has a business address here.  
14 But, frankly, that seems procedurally incorrect.

15 So I am going to excuse both 5 and 84, and I would  
16 like to call over now 95 and 96.

17 MS. BONJEAN: Did you say 84?

18 THE COURT: Yes. Sorry. Let me double-check.

19 MS. BENSING: She lived in Carmel, New York.

20 MS. BONJEAN: She said it was complicated, and then  
21 so it was.

22 THE COURT: Sorry. Seat 32. Juror number 84 in  
23 seat 32.

24 MS. BONJEAN: She said she lived in Carmel and had  
25 an apartment in Floral Park and also owned a property in Long

1 Island City.

2 THE COURT: She did say she lives there 90 percent  
3 of the time.

4 MS. BONJEAN: She did say that.

5 THE COURT: So I feel that's --

6 MS. BONJEAN: That crossed my mind. I wasn't sure  
7 how the rule was --

8 THE COURT: I am going to excuse them.

9 But I would like to meet with 95 and 96 here, first,  
10 a little bit earlier, and then I would then, after that, I  
11 would ask them additional questions, and then we come back and  
12 any last questions, and then we go into the strikes.

13 MS. COHEN: Juror number 10, is that it? 10, I  
14 think, had some trouble speaking, like understanding the  
15 question, maybe. We just thought maybe some further inquiry,  
16 to make sure he understood.

17 MS. BENSING: We actually agreed. He misunderstood  
18 the Court's question a couple times, and we had the same --

19 MS. COHEN: Yeah.

20 THE COURT: And I also want to bring over juror  
21 number 16 because he had come to my law clerk to indicate a  
22 scheduling issue he wanted to flag.

23 MS. COHEN: Okay.

24 THE COURT: Let me bring juror number 10 over first.

25 MS. BONJEAN: Okay.

1 THE COURT: Number 10.

2 THE COURTROOM DEPUTY: Juror number 10, can you come  
3 up to sidebar, please.

4 (Prospective juror enters the sidebar.)

5 THE COURT: Hi, sir.

6 So I just wanted to inquire a little bit further.

7 Are you able to fully understand the English  
8 language, sir?

9 THE PROSPECTIVE JUROR: Most, but not well.

10 THE COURT: All right. I am going to ask you to  
11 just return to your seat for now.

12 THE PROSPECTIVE JUROR: Okay.

13 THE COURT: But then we are going to ask you, you  
14 may have to go back to the jury department.

15 THE PROSPECTIVE JUROR: Okay.

16 (Prospective juror exits the sidebar.)

17 THE COURT: Juror number 16.

18 THE COURTROOM DEPUTY: Juror number 16. Please  
19 approach sidebar.

20 (Prospective juror enters the sidebar.)

21 THE COURT: Hi, sir. I think you had come to one of  
22 my law clerks.

23 THE PROSPECTIVE JUROR: Yes. I realized yesterday  
24 after I got home and plotted out the six weeks, my son's  
25 graduation from pre K is on June 4 in the middle of the day.

1           So I don't know, like, I would be fine, like my job  
2 and everything, like, you know, it is an inconvenience, but  
3 one I believe in as a history teacher.

4           But missing my son's milestone is something that is  
5 really potentially upsetting to me, so.

6           THE COURT: Understood.

7           And anything else to raise at this point?

8           THE PROSPECTIVE JUROR: What?

9           THE COURT: Anything else to raise, or that was the  
10 issue?

11          THE PROSPECTIVE JUROR: That was the issue.

12          THE COURT: Okay. You can return to your seat.

13 Thank you.

14          (Prospective juror exits the sidebar.)

15          THE COURT: So I'm going to -- I am not going to  
16 excuse him for that. I appreciate that's a milestone, but  
17 there are many issues that have come up that ultimately I  
18 don't think that particular family moment is a significant  
19 enough burden to excuse him.

20          I am going to bring over -- go back to the juror  
21 pool and continuing question as I did earlier.

22          Going to ask for juror number 95.

23          MS. BONJEAN: Sorry, what number?

24          THE COURT: Juror number 95, you can come forward to  
25 sidebar, please.

1 (Prospective juror enters the sidebar.)

2 THE COURT: Hi, sir.

3 So I want to ask you a few questions.

4 THE PROSPECTIVE JUROR: Yes.

5 THE COURT: Follow up from yesterday, okay?

6 THE PROSPECTIVE JUROR: Okay.

7 THE COURT: Have you, a family member, or close  
8 friend ever worked for or had business dealings with any law  
9 enforcement agency or authorities? These agencies or  
10 authorities include the US Department of Justice, US  
11 Attorney's Office for the Eastern District of New York, and  
12 the FBI, among other agencies.

13 THE PROSPECTIVE JUROR: No.

14 THE COURT: Do you have any opinions or beliefs  
15 concerning law enforcement officers that would make it  
16 difficult for you to be fair and impartial in this case?

17 THE PROSPECTIVE JUROR: No.

18 THE COURT: You may hear testimony from or about law  
19 enforcement witnesses in this case. You will be instructed  
20 that their testimony is not entitled to any greater or lesser  
21 weight than that of any other witness simply because they're  
22 law enforcement officers. In other words, you must consider  
23 the testimony of a law enforcement witness just as you would  
24 any other evidence and evaluate that witness' credibility,  
25 just as you would for any other witness.

1           Would you be able to follow that instruction?

2           THE PROSPECTIVE JUROR: Yes.

3           THE COURT: Have you, any of your family members, or  
4 close friends ever been accused of a crime, charged with a  
5 crime, or been the subject of a criminal investigation?

6           THE PROSPECTIVE JUROR: No.

7           THE COURT: Have you, any of your family members or  
8 your close friends ever been a party to a legal action or  
9 participated in the lawsuit in any capacity, a party or a  
10 witness?

11          THE PROSPECTIVE JUROR: No.

12          THE COURT: Have you or any of your family members  
13 or close friends ever been the victim of or a witness to a  
14 crime?

15          THE PROSPECTIVE JUROR: Yes.

16          THE COURT: Okay.

17          THE PROSPECTIVE JUROR: I was -- I was assaulted in  
18 the street. But nothing came out of it. Couldn't find the  
19 guy.

20          THE COURT: Would you be able to -- sorry to hear  
21 that.

22                Would anything about that experience prevent you  
23 from being fair and impartial in this case?

24          THE PROSPECTIVE JUROR: No.

25          THE COURT: Have you or any of your family members

1 or close friends ever been subject to sexual harassment,  
2 sexual abuse, or any other kind of sexual misconduct?

3 THE PROSPECTIVE JUROR: No.

4 THE COURT: No.

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: This case deals with a health and  
7 wellness organization called OneTaste. Have you ever heard  
8 about, watched anything about, or read anything related to the  
9 defendants, OneTaste, an orgasmic meditation business, a form  
10 of meditation typically involving the methodical stroking of a  
11 woman's genitals for a period of 15 minutes?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Have you, any of your family members or  
14 close friends ever participated in OneTaste, a OneTaste event,  
15 or orgasmic meditation?

16 THE PROSPECTIVE JUROR: Not that I know of.

17 THE COURT: Have you, any of your family members or  
18 your close friends ever had any training in, or worked in, or  
19 participated in any of the following areas or subject  
20 matters: Self-help, wellness, substance abuse or addiction  
21 counseling, trauma or sexual abuse counseling, meditation,  
22 adult entertainment or sex work?

23 THE PROSPECTIVE JUROR: Not that I am aware of.

24 THE COURT: You may hear or see evidence in this  
25 case regarding sexually sensitive material, sexual acts

1 involving bondage, discipline, dominance, submission, BDSM,  
2 and sex acts in which people are engaging in relationships  
3 with multiple sexual partners.

4 Is there anything about receiving or hearing such  
5 evidence that would prevent you from being a fair and  
6 impartial juror in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: There may be witnesses or exhibits that  
9 refer to the word "cult." Is there anything about receiving  
10 or hearing such evidence that would prevent you from being a  
11 fair and impartial juror in this case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: This case involves allegations of forced  
14 labor.

15 Have you, any of your family members or close  
16 friends ever been a victim or otherwise involved in incidents  
17 involving forced labor, unpaid work, unpaid overtime, or  
18 litigation involving improper conduct at a place of  
19 employment?

20 THE PROSPECTIVE JUROR: Not that I am aware of.

21 THE COURT: Do you hold any religious beliefs that  
22 prevent you from passing judgment on anyone?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Is there any reason why you could not  
25 sit on this jury and render a fair and impartial verdict?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Okay. So I am going to ask you to go to  
3 seat 5, and I am going to ask that person to leave.

4 One of my colleagues here will hand you a piece of  
5 paper with names and entities on it. If you know any of those  
6 people with any particularity, I will ask you again, but just  
7 let me know, okay?

8 THE PROSPECTIVE JUROR: Okay.

9 (Prospective juror exits the sidebar.)

10 (Open court....)

11 THE COURT: Juror number 5, I am going to ask you to  
12 go to the jury department on the second floor.

13 And juror number 95, I am going to ask you to go to  
14 seat 5.

15 Can I ask juror number 96 to come to sidebar.

16 (Prospective juror enters the sidebar; sidebar  
17 continues.)

18 THE PROSPECTIVE JUROR: Hello.

19 THE COURT: Hi.

20 So I have a few more questions for you. If you  
21 could maybe stand back slightly so everyone can hear you.

22 Have you or a family member or close friend ever  
23 worked for or had business dealings with any law enforcement  
24 agency or authorities? These agencies or authorities include  
25 the US Department of Justice, the US Attorney's Office for the

1 Eastern District of New York, and the FBI.

2 THE PROSPECTIVE JUROR: Uh-uh.

3 THE COURT: Do you have any opinions or beliefs  
4 concerning law enforcement officers that would make it  
5 difficult for you to be fair and impartial in this case?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: You may hear testimony from or about law  
8 enforcement witnesses in this case. You will be instructed  
9 that their testimony is not entitled to any greater or lesser  
10 weight than that of any other witness simply because they are  
11 law enforcement officers.

12 In other words, you must consider the testimony of a  
13 law enforcement witness just as you would any other evidence  
14 and evaluate that witness' credibility, just as you would for  
15 any other witness.

16 Would you be able to follow that instruction?

17 THE PROSPECTIVE JUROR: Yes.

18 THE COURT: Okay. Have you, any of your family  
19 members, or your close friends ever been accused of a crime,  
20 charged with a crime, or the subject of a criminal  
21 investigation?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Have you, any of your family members or  
24 your close friends ever been a party to any legal action or  
25 participated in a lawsuit in any capacity?

1 THE PROSPECTIVE JUROR: My boyfriend owns a bar.  
2 Disputing health inspections, but that's it.

3 THE COURT: Is there anything about that experience  
4 with your boyfriend's lawsuit that would prevent you from  
5 being fair and impartial?

6 THE PROSPECTIVE JUROR: No.

7 THE COURT: Have you, any of your family members or  
8 close friends ever been the victim of or a witness to a crime?

9 THE PROSPECTIVE JUROR: No.

10 THE COURT: Have you, any of your family members or  
11 close friends ever been subject to sexual harassment, sexual  
12 abuse, or any other kind of sexual misconduct?

13 THE PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. Can you tell us a little bit  
15 further.

16 THE PROSPECTIVE JUROR: I mean, I am a girl so I  
17 know people have been sexually harassed.

18 THE COURT: Anything, apart from generally being  
19 aware of that, that woman have been sexually harassed, do know  
20 of any family members or close friends that have been sexually  
21 harassed?

22 THE PROSPECTIVE JUROR: Yes. My sister.

23 THE COURT: Okay. And just tell us a little,  
24 briefly, about that experience or --

25 THE PROSPECTIVE JUROR: Just college, drunk.

1 THE COURT: Is there anything about your sister  
2 being sexually harassed in college that would prevent you from  
3 being fair and impartial in this case?

4 THE PROSPECTIVE JUROR: No.

5 THE COURT: This case deals with a health and  
6 wellness organization called OneTaste. Has anyone ever --  
7 excuse me. Have you ever heard about, watched anything about,  
8 or read anything related to the defendants in this case,  
9 OneTaste, or orgasmic meditation, which is a form of  
10 meditation that typically involves methodical stroking of a  
11 woman's genitals for a period of 15 minutes?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Have you, any family members, or close  
14 friends ever participated in OneTaste, or a OneTaste event, or  
15 orgasmic meditation?

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Have you, any of your family members or  
18 close friends ever had any training in or worked in or  
19 participated in any of the following areas or subject matters:  
20 Self-help, wellness, substance abuse or addiction counseling,  
21 trauma or sexual abuse counseling, meditation, adult  
22 entertainment or sex work?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: You may hear or see evidence in this  
25 case regarding sexually sensitive material, sexual acts

1 involving bondage, discipline, dominance, submission, BDSM,  
2 and sex acts where people are engaging in relationships with  
3 multiple sexual partners.

4 Is there anything about receiving or hearing such  
5 evidence that would prevent you from being a fair and  
6 impartial juror in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: There may be witnesses or exhibits that  
9 would refer to the word "cult." Is there anything about  
10 receiving or hearing such evidence that would prevent you from  
11 being a fair and impartial juror in this case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: This case involves allegations of forced  
14 labor. Have you, any of your family members or close friends  
15 ever been a victim of or otherwise involved in any incident  
16 involving forced labor, unpaid work, unpaid overtime, or  
17 litigation involving improper conduct at a place of  
18 employment?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Do you hold any religious belief that  
21 would prevent you from passing judgment on anyone?

22 THE PROSPECTIVE JUROR: No.

23 THE COURT: Is there any reason why you could not  
24 sit on this jury and render a fair and impartial verdict based  
25 on the evidence presented to you?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: So I am going to ask you just to go to  
3 seat 10 over there, and my law clerk is going to give you a  
4 document just to look at names and places, and if you know any  
5 of those names or places in any particularity, raise your hand  
6 and we will talk about it further.

7 THE PROSPECTIVE JUROR: Okay.

8 (Open court...)

9 THE COURT: So juror number 10, I am going to ask  
10 you to go to the second floor, jury department.

11 And juror number 95, I am going to ask you to sit in  
12 juror number 10's spot -- 96. Sorry.

13 I am going to ask for juror number 97 to come to  
14 sidebar.

15 (Prospective juror enters the sidebar; sidebar  
16 continues.)

17 THE COURT: Hi, sir.

18 THE PROSPECTIVE JUROR: Hi.

19 THE COURT: I have a few questions for you.

20 Have you, a family member or close friend ever  
21 worked for or had business dealings with any law enforcement  
22 agencies or authority? That would include the Department of  
23 Justice, the US Attorney's Office, or the FBI --

24 THE PROSPECTIVE JUROR: No.

25 THE COURT: -- among other agencies.

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Do you have any opinions or beliefs  
3 concerning law enforcement officers that would make it  
4 difficult for you to be fair and impartial in this case?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: You may hear testimony from or about law  
7 enforcement witnesses in this case. You will be instructed  
8 that their testimony is not entitled to any greater or lesser  
9 weight than that of any other witness simply because they're  
10 law enforcement officers. In other words, you must consider  
11 the testimony of a law enforcement witness just as you would  
12 any other evidence and evaluate that witness' credibility just  
13 as you would for any other witness.

14 Would you be able to follow that instruction?

15 THE PROSPECTIVE JUROR: Yes.

16 THE COURT: Have you or any of your family members  
17 or close friends ever been accused of a crime, charged with a  
18 crime, or been subject of a criminal investigation?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: Have you, any family members or close  
21 friends ever been a party to any legal action, participated in  
22 a lawsuit, in any capacity?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: Have you, any of your family members or  
25 close friends ever been the victim of or witness to a crime?

1 THE PROSPECTIVE JUROR: No.

2 THE COURT: Have you, any of your family members or  
3 close friends ever been subject to sexual harassment, sexual  
4 abuse, or any other kind of sexual misconduct?

5 THE PROSPECTIVE JUROR: No.

6 THE COURT: This case deals with a health and  
7 wellness organization called OneTaste. Have you ever heard  
8 about, watched anything about, read anything related to this  
9 case, defendants, OneTaste, orgasmic meditation, which is a  
10 form of meditation typically involving the methodical stroking  
11 of a woman's genitals for a period of 15 minutes?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: Have you, any of your family members or  
14 your close friends ever participated in OneTaste, a OneTaste  
15 event, orgasmic meditation --

16 THE PROSPECTIVE JUROR: No.

17 THE COURT: Have you, any of your family members or  
18 your close friends ever had any training in, or worked in, or  
19 participated in any of the following areas or subject matters:  
20 Self-help, wellness, substance abuse or addiction counseling,  
21 trauma or sexual abuse counseling, meditation, adult  
22 entertainment or sex work?

23 THE PROSPECTIVE JUROR: No.

24 THE COURT: You may hear or see evidence in this  
25 case regarding sexually sensitive material, sexual acts

1 involving bondage, discipline, dominance, submission, BDSM,  
2 and sex acts in which people are engaging in relationships  
3 with multiple sexual partners.

4 Is there anything about receiving or hearing such  
5 evidence that would prevent you from being a fair and  
6 impartial juror in this case?

7 THE PROSPECTIVE JUROR: No.

8 THE COURT: There may be witnesses or exhibits that  
9 refer to the word "cult." Is there anything about receiving  
10 or hearing such evidence that would prevent you from being a  
11 fair and impartial juror in this case?

12 THE PROSPECTIVE JUROR: No.

13 THE COURT: This case involves allegations of forced  
14 labor. Have you, any of your family members or your close  
15 friends ever been a victim or otherwise involved in an  
16 incident involving forced labor unpaid work, unpaid overtime,  
17 or litigation involving improper conduct at a place of  
18 employment?

19 THE PROSPECTIVE JUROR: No.

20 THE COURT: What?

21 THE PROSPECTIVE JUROR: No.

22 THE COURT: No.

23 Do you hold any religious belief preventing you from  
24 passing judgment on anyone?

25 THE PROSPECTIVE JUROR: No.

1 THE COURT: Okay. Is there any reason why you could  
2 not sit on this jury and render a fair and impartial verdict?

3 THE PROSPECTIVE JUROR: I don't know -- last month I  
4 had kidney stones, which I suffer from time to time. So right  
5 now I am okay, but sometimes it comes out like that, you know.

6 THE COURT: I am very sorry to hear that as well.

7 Okay. So I am going to ask you to go sit in seat 32  
8 over here.

9 THE PROSPECTIVE JUROR: Okay.

10 THE COURT: We will talk in a moment.

11 (Prospective juror exits the sidebar.)

12 THE COURT: We can all go back to our seats now.

13 (Sidebar conference ends.)

14 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: I'm going to excuse juror number 84, who  
3 is in seat 32. I'm going to ask juror number 97 to go sit in  
4 seat 32.

5 I'm going to ask juror number 97 to review a  
6 document that contains the list of individuals, entities and  
7 places that may be mentioned at trial, and if he knows any of  
8 those individuals. So juror number 97, seat 32 where juror 84  
9 had been sitting.

10 We have three new jurors in this pool. I want to go  
11 through some of those same questions that I asked earlier.

12 In seat five, that's juror number 95. First, I  
13 think you said that you knew the name Tony Robbins in the  
14 document?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Besides knowing that name -- we're  
17 speaking to juror number 95, sitting in seat five, he had  
18 indicated that he may know the name Tony Robins.

19 PROSPECTIVE JUROR: Just as a personality.

20 THE COURT: Would anything about that impact your  
21 ability to be a juror?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Let me ask you a few questions similar  
24 to the questions I asked everyone else earlier.

25 Where do you live, sir?

1 PROSPECTIVE JUROR: Queens.

2 THE COURT: Do you own or rent?

3 PROSPECTIVE JUROR: Rent.

4 THE COURT: How long have you lived there?

5 PROSPECTIVE JUROR: Four years.

6 THE COURT: What schooling have you had?

7 PROSPECTIVE JUROR: Bachelor's degree in forensic  
8 science criminalistics.

9 THE COURT: Are you employed outside of the home?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: How are you employed?

12 PROSPECTIVE JUROR: I work with Hub International as  
13 an assistant account executive.

14 THE COURT: Do you live with anyone?

15 PROSPECTIVE JUROR: A roommate.

16 THE COURT: How is that person employed?

17 PROSPECTIVE JUROR: He's a teacher.

18 THE COURT: What do you like to do in your free  
19 time?

20 PROSPECTIVE JUROR: I'm a base in a band, and I also  
21 stream gaming online.

22 THE COURT: What is your source for news?

23 PROSPECTIVE JUROR: Nothing in particular, YouTube,  
24 social media, where ever I get it.

25 THE COURT: Have you ever served on a jury before?

1 PROSPECTIVE JUROR: No.

2 THE COURT: If selected as a juror in this case,  
3 will you keep an open mind until all the evidence and  
4 arguments have been presented and then decide the case fairly  
5 and impartially based only on the evidence presented at trial  
6 and as the Court explains it?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: I'll ask my deputy to hand the  
9 microphone to juror 96 in seat ten.

10 Juror 96, where do you live?

11 PROSPECTIVE JUROR: Boerum Hill.

12 THE COURT: Do you own or rent?

13 PROSPECTIVE JUROR: Rent.

14 THE COURT: How long have you lived there?

15 PROSPECTIVE JUROR: A month.

16 THE COURT: Prior to that?

17 PROSPECTIVE JUROR: Williamsburg.

18 THE COURT: What schooling have you had?

19 PROSPECTIVE JUROR: College.

20 THE COURT: What college?

21 PROSPECTIVE JUROR: Fairfield U.

22 THE COURT: Are you employed outside of the home?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: How are employed?

25 PROSPECTIVE JUROR: A company, sorry, a firm. It's

1 a woman's beauty company.

2 THE COURT: Do you live with anyone?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Who?

5 PROSPECTIVE JUROR: My boyfriend and his sister.

6 THE COURT: How are they employed?

7 PROSPECTIVE JUROR: Bartender.

8 THE COURT: What do you like to do in your free  
9 time?

10 PROSPECTIVE JUROR: Run, cook.

11 THE COURT: Any organizations to which you belong?

12 PROSPECTIVE JUROR: No.

13 THE COURT: What is your source for news?

14 PROSPECTIVE JUROR: New York Times.

15 THE COURT: Have you ever served on a jury?

16 PROSPECTIVE JUROR: No.

17 THE COURT: If selected as a juror in this case,  
18 will you keep an open mind until all the evidence and  
19 arguments have been presented and then decide the case fairly  
20 and impartially based only on the evidence presented at trial  
21 and as the Court explains it?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Thank you. Now to juror 97 in seat 32.  
24 Where do you live, sir.

25 PROSPECTIVE JUROR: In Flushing, Queens.

1 THE COURT: Do you own or rent?

2 PROSPECTIVE JUROR: I own.

3 THE COURT: How long have you lived there?

4 PROSPECTIVE JUROR: Thirty-four years.

5 THE COURT: What schooling have you had?

6 PROSPECTIVE JUROR: I have degree, electronics  
7 degree.

8 THE COURT: Are you employed outside the home?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: How are you employed?

11 PROSPECTIVE JUROR: I work for a company called La  
12 Costa.

13 THE COURT: What kind of work do you do there?

14 PROSPECTIVE JUROR: Sales specialist.

15 THE COURT: You live with anyone?

16 PROSPECTIVE JUROR: My wife and kids.

17 THE COURT: Are they employed?

18 PROSPECTIVE JUROR: My wife retired, but still work.

19 THE COURT: Where?

20 PROSPECTIVE JUROR: BJ Wholesaler.

21 THE COURT: Are the kids working or no?

22 PROSPECTIVE JUROR: Yes, one is still in school and  
23 one is working, also at BJs.

24 THE COURT: What do you like to do in your free  
25 time?

1 PROSPECTIVE JUROR: Watch sports.

2 THE COURT: Any organizations to which you belong?

3 PROSPECTIVE JUROR: No.

4 THE COURT: What is your source for news?

5 PROSPECTIVE JUROR: Local TV, ABC, CBS.

6 THE COURT: Have you ever served on a jury?

7 PROSPECTIVE JUROR: No.

8 THE COURT: If selected as a juror in this case,  
9 will you keep an open mind until all the evidence and  
10 arguments have been presented and then decide the case fairly  
11 and impartially based only on the evidence presented at trial  
12 and as the Court explains it?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Thank you. Let me speak to the  
15 attorneys at sidebar.

16 (Sidebar.)

17 THE COURT: Are there any additional challenges for  
18 cause?

19 MS. BENSING: Not from the Government.

20 MS. BONJEAN: I don't think so, no.

21 THE COURT: So then what I'd like to do is take a  
22 short break. I can have the Government go to the jury room  
23 back there, and if the defense wants to stay here, and then  
24 talk for ten minutes. Then we'll go to the jury room to do  
25 the peremptory challenges in there.

1 MS. COHEN: Okay.

2 MS. BONJEAN: How are you doing it, your Honor? You  
3 may have told us.

4 THE COURT: I have peremptory challenge sheets.  
5 I'll be consistent with the rules and we'll go from there.  
6 I'll give each side obviously ten minutes now and then we'll  
7 go to the jury room, pick the jury, then come back in. And  
8 then I think the expectation from my discussion thus far with  
9 Judge Gujarati is there will a lunch break and then openings  
10 thereafter. I'll confirm with her.

11 MS. FARRELL: May I ask, it's is the regular  
12 peremptory then the alternates in the back? Are we pulling  
13 from a different denominator?

14 THE COURT: The order that they are in.

15 MS. FARRELL: The entire 40.

16 (In open court.)

17 THE COURT: We're going to take a short break. Let  
18 me remind the jury not to discuss this case with anyone,  
19 including your fellow jurors. If anyone approaches you to  
20 discuss this case, let me know immediately. You must not  
21 listen to, read or watch any news reports about this case.  
22 You must not conduct any independent research about this case,  
23 the matters in this case, or the individuals involved in this  
24 case. You must not talk to the parties, attorneys, or  
25 witnesses in this case about anything.

1           We'll take a break. Again, don't go too far. Use  
2 this floor, you can use the restrooms. We'll come back  
3 shortly. We'll move on to the next step here. Come back at  
4 12:30 for the jurors. This is just a little bit of an  
5 extended break. There will a time for the lunch break.  
6 You'll have time to get food. But frankly, you can come back  
7 and sit in the courtroom, but be back here no later than  
8 12:30. Everyone rise.

9           (Prospective jurors exit.)

10          (Brief recess.)

11          (In the jury room, with all counsel, defendants,  
12 outside the presence of the jury.)

13          THE COURT: We just took a short break. We're doing  
14 the peremptory challenges right now. We're assembled in a  
15 jury room.

16          Again, peremptory challenge is the exercise against  
17 the first 40 qualified potential jurors remaining after  
18 strikes for cause. The 12 jurors chosen from the first 28,  
19 the 40 potential jurors remaining after cause, and the six  
20 alternates jurors are chosen from the next 12 qualified  
21 remaining after strikes for cause and the exercise of  
22 peremptory challenges.

23          The Government goes first.

24          MS. BENSING: Eight, your Honor, which used to be  
25 93.

1 THE COURT: Thank you for doing that.

2 Juror 93 was in seat eight is the Government's first  
3 strike.

4 The defendants effectively have the next four  
5 strikes.

6 MS. COHEN: The defense will strike 16.

7 THE COURT: That's juror 16 in seat 16.

8 MS. BONJEAN: Defense will strike seat ten, juror  
9 number 96.

10 THE COURT: So juror 96 in seat ten.

11 Then now it's the second round and the defendant  
12 gets the first two strikes in this round.

13 MS. COHEN: Defense strikes 18.

14 THE COURT: That's juror 61 in seat 18.

15 MS. COHEN: Yes.

16 MS. BONJEAN: Seat seven, juror seven.

17 THE COURT: So juror seven in seat seven is the  
18 defendant's fourth strike.

19 Now still on the second round, the Government's  
20 second strike.

21 MS. BENSING: Seat 19, juror 47.

22 THE COURT: The Government's second strike is juror  
23 47 in seat 19.

24 Now we're on the third round, the Government goes  
25 first.

1 MS. BENSING: We will do juror 57 in seat 27.

2 THE COURT: So juror 57 in seat 27 struck by  
3 Government in round three.

4 The next two strikes are from the defendants.

5 MS. COHEN: Juror 44 in seat 12.

6 THE COURT: So the defendants' fifth strike is juror  
7 44 in seat 12.

8 Then you have the sixth strike as well. You'll go  
9 first the next round too, so you'll have two strikes.

10 MS. BONJEAN: Seat 23, juror 48.

11 THE COURT: So the defendants' sixth strike is juror  
12 48, seat 23.

13 Now we're in the fourth round. The defendants have  
14 the first two strikes in this round.

15 MS. BONJEAN: We'll exercise against seat four,  
16 juror 67.

17 THE COURT: So the seventh strike is juror 67 in  
18 seat four.

19 MS. BENSING: At this point the Government is going  
20 to raise a Batson challenge; of seven jurors, the defense has  
21 struck six women.

22 MS. BONJEAN: I have to collect my thoughts if  
23 you're going to ask us --

24 THE COURT: Do you want to make that motion now or  
25 wait for the rest of jury selection or are you making the

1 motion now?

2 MS. BENSING: Your Honor, I do think it's  
3 appropriate to make it now. I think there is a clear pattern  
4 and a record that's been established.

5 THE COURT: Let me hear from the non-moving party.

6 MS. BONJEAN: Well, I'm going to -- you are you  
7 looking for non-pretextual reasons? You're looking for --

8 THE COURT: Let me back up.

9 The Government just argued there is a Batson  
10 challenge here. Let me ask the Government first.

11 What is the basis for the particular Batson  
12 challenge?

13 MS. BENSING: The basis is on gender. This is a  
14 case that is involving sexual practices. I think throughout  
15 the entirety of the jury selection there has been what the  
16 Government perceives, at least, to be an effort to strike  
17 women. I understand the Court has struck individuals thus far  
18 for cause and the Government is not challenging that, but  
19 we're now here sitting doing peremptories and of seven defense  
20 strikes, six have been women.

21 THE COURT: Let me hear from the defendants.

22 MS. BONJEAN: Sure, your Honor. 50 percent of the  
23 population are women. I do think that -- I'm not saying there  
24 can't be a Batson challenge as it relates to gender, of  
25 course. But it's a little harder to show a pattern when

1 50 percent of the population is women. I would point out that  
2 if the Court is looking for reasons other than gender, we can  
3 provide them. But I don't think that the Government has  
4 shifted the burden to us to do so. In fact, I don't think it  
5 even lodged with us that that we were predominately striking  
6 women, it certainly wasn't intentional in that way. There  
7 were a number of reasons, all which have nothing to do with  
8 gender.

9 I would want to take a look at the case law on this  
10 before -- I do believe gender is different than race.

11 I would point out that there are also alleged male  
12 victims, intended victims, and female intended victims. It's  
13 not as if -- if the Government's argument is to be accepted at  
14 face value, there is some suggestion that we are striking  
15 women because there are female victims, but there is also  
16 alleged male victims here. I don't really see the logic  
17 there.

18 And I really, just honestly, if I'm going to make a  
19 record that is appropriate, that protects my client's rights  
20 on such a serious allegation, I would like ten minutes to  
21 explore that.

22 THE COURT: Let's take a ten-minute recess. And if  
23 you want to, maybe go to the jury room next door. I'll step  
24 out, and I'll leave the Government here.

25 (Brief recess.)

1 (In open court.)

2 (Prospective jurors present.)

3 THE COURT: What I'm going to do now is I'm going to  
4 excuse the jury for lunch now and speak to the attorneys on a  
5 few issues. I'm going to ask you all to come back here at  
6 1:50, to the courtroom. You're welcome to use our cafeteria.  
7 If you want to go outside, come back in.

8 You're not to discuss the case with anyone,  
9 including your fellow jurors. If anyone approaches you to try  
10 to discuss the case with you, please let me know immediately.  
11 You must not listen or watch any news or media about the case  
12 or contact anyone or do any research. You must not talk to  
13 the parties or the witnesses in the case or the attorneys. Be  
14 back here at 1:50. All rise.

15 (Prospective jurors exit.)

16 THE COURT: I think all the jurors have now left.  
17 Everyone can be seated. I want to talk through a few  
18 different issues.

19 My understanding from my law clerk is that I think  
20 one of the attorneys may have had a family member during the  
21 break who was asked not to come into the courtroom. Is that  
22 accurate?

23 MS. COHEN: No. My husband was downstairs, he said  
24 there was no openings and no one could come in.

25 THE COURT: To be clear for the record, whoever told

1 you that, that is incorrect. The courtroom is open, of  
2 course. The Court has taken every effort and has carefully  
3 and thoroughly ensured there is sufficient space for the  
4 public and no one has been turned away at any point of this  
5 proceedings in terms of the jury selection. In terms of that  
6 particular request, at that point the attorneys were in the  
7 jury room doing the peremptory challenges, so there was no  
8 public proceeding at that moment in the sense that the strikes  
9 were being made between the parties outside of ear shot of the  
10 jury.

11 To be clear, your family member is welcome to come  
12 back to court now or at any point during the trial.

13 MS. COHEN: I'm sorry, your Honor. I was wondering  
14 if a decision was made that there were no openings.

15 THE COURT: To be crystal clear on the record, there  
16 are openings, there have been openings throughout. From the  
17 Court's awareness, apart from the issue that was addressed,  
18 which again did not deal with any real preclusion of anyone  
19 from entering the courtroom, I think it was a  
20 misinterpretation by a court staff. There has been no  
21 preclusion and will not be any preclusion at any point. There  
22 is no evidence, in my view, that anyone has been precluded  
23 from any point for any part of this jury selection.

24 I want to then, again, welcome your husband to come  
25 to court now for the rest of the trial.

1 I did want to hear further from the parties related  
2 to the Batson challenge that was raised. Is the Government  
3 prepared to add any additional language? I'll hear from the  
4 defense as well. Then I'll issue a ruling at this point given  
5 that the trial is still slated to begin this afternoon and to  
6 have opening statements shortly after lunch.

7 MS. BENSING: Thank you, your Honor. As the  
8 Government has indicated, the Government is raising a Batson  
9 challenge based on the defense striking female jurors, and the  
10 pattern here, six out of seven female jurors. I think it was  
11 stated by counsel for Daedone that 50 percent of the  
12 population is women. Six out of seven is 85 percent, your  
13 Honor.

14 Ms. Bonjean is incorrect that gender is different  
15 than race. The second Circuit extended the Batson prohibition  
16 to peremptory strikes based on gender, *United States vs.*  
17 *Martinez* 621 F.3d 101 Second Circuit 2010, a defendant may not  
18 make gender-based strikes.

19 Here, I think that the Government has made a record  
20 given the sheer number of female jurors who the defendants are  
21 attempting to strike from this jury.

22 I would also refer the Court to yesterday's  
23 transcript at page 141 where the parties were discussing the  
24 defense's attempt to remove a female teacher juror for cause.  
25 And the Government raised that the defense had not made a

1 similar attempt with respect to a male teacher. The reason I  
2 believe that was given by the defense to remove the female  
3 teacher is she's a teacher, it's hard to miss the end of the  
4 year. That same reason was not given for the male juror. So  
5 I think --

6 THE COURT: On that particular juror, wasn't that  
7 the juror who was celebrating a retirement at the end of the  
8 year? Wasn't that a unique circumstance with that particular  
9 juror?

10 MS. BENSING: She wasn't even a teacher, she was an  
11 administrator. So the reason that was given there was not  
12 even accurate, from the Government's perspective. But I can't  
13 recall if she had a retirement party.

14 THE COURT: Continue.

15 MS. BENSING: In terms of meeting the Government's  
16 burden, I think that we don't even need to show that  
17 impermissible discrimination was the sole motivating factor.  
18 It's sufficient to show that discrimination was a substantial  
19 part of the motivation. That's from *Howard vs. Senkowski*  
20 Second Circuit 1993. So I think we met our initial burden  
21 here, your Honor.

22 THE COURT: There is a three-step burden shifting  
23 framework as the parties are aware. The Court agrees that a  
24 peremptory challenge based on gender is permitted under *J.E.B.*  
25 *vs. Alabama*, 511 U.S. 1271 1994 Supreme Court case. It's now

1 up to the non-moving party to assert a gender neutral reason  
2 for the peremptory challenges, if any. The defendant started  
3 to say that a bit in the jury room as we were going through  
4 the peremptory challenges, but let me hear further from  
5 defense counsel.

6 MS. BONJEAN: First of all, I want to be clear. At  
7 no point did I say that Batson did not apply to gender; I  
8 think I said the exact opposite. Also, what should be clear  
9 is that they are accusing us of is discriminating based on a  
10 pattern. What I said was patterns are harder to detect when  
11 50 percent of the population are women. That's just math.  
12 I'm not saying it's not possible, but you have to actually  
13 look at the brute numbers; for instance, of the first 28 how  
14 many were actually women. To say six of the seven  
15 peremptories used are against women doesn't have a ton of  
16 meaning. So I disagree, we object to the characterization  
17 that there is even been a pattern shown. I want to start  
18 there.

19 Then the next question is, if even if the Court  
20 accepts that there has been a pattern, then what are they  
21 moving for? What they have to move for is on this last juror.  
22 They are moving for a peremptory -- they are moving for a  
23 Batson challenge on this jury. It is not our obligation to go  
24 back and say every person for a non-discriminatory basis. If  
25 they are moving as to this juror, they have to state that

1 we're moving on this juror, which was the last juror, that's  
2 fine. And if the Court believes that there has been a  
3 pattern, then we have to show a basis that is  
4 non-discriminatory. And we're prepared to do that.

5 But I want the record to be clear that -- again, I  
6 think we have to look at -- we're focusing at this point  
7 obviously strategically on the first 28, that's just math.  
8 There is a less likelihood that we get to the end of the 40.  
9 So we are focusing on the first batch of the 40, the first 30  
10 people in this panel of 40. And I think by our calculation  
11 over 50 percent of them were women. So I think that's  
12 something to take into account.

13 I also believe that it is worth noting that there  
14 is -- this is not a scenario where there are only female  
15 victims or anything of that nature. There is many men  
16 complaining as there are women.

17 MS. BENSING: That's factually --

18 THE COURT: Let defense counsel finish.

19 MS. BONJEAN: Even so, there are men complaining,  
20 there are men who are accusing, there are men who claim to be  
21 intended victims. So again, I don't think you can  
22 discriminate whether the intended victims are women or men,  
23 but I think the Court can look at these factors to determine  
24 whether there is actually discrimination at play.

25 I want to point out that at sidebar in this cause

1 challenge, which is inappropriate to bring up, I'm not in a  
2 position to explain what was going through my head when I  
3 brought it up. I can assure the Court that I wasn't  
4 distinguishing between the female teacher and the male  
5 teacher. I didn't catch that she was an administrator, I will  
6 say that. There were other factors at play. What I said was,  
7 generally, I think with teachers it's a difficult, it's a  
8 unique hardship, I said that in plural. So I don't think to  
9 point to that as some pattern of discrimination --

10 THE COURT: I'm not sure the relevance of a  
11 reference to a for-cause challenge, given that we're talking  
12 about a Batson challenge related to one of the peremptory  
13 challenges. But continue.

14 MS. BONJEAN: Sure. If the Court is asking at this  
15 juncture -- I don't remember what her number was, I believe it  
16 was seat four, juror 67 -- if the Court is asking for a  
17 non-gender related reason for striking the prospective juror  
18 at seat four in juror 67, we can provide that.

19 THE COURT: Go ahead.

20 MS. BONJEAN: This was a women who identified  
21 herself as a member of the democratic socialist national  
22 party, I think, or democratic national party. Her politics --  
23 she was one of the only people who identified overtly with  
24 what her politics were. And that is a non-discriminatory  
25 basis for striking someone.

1 (Continuing) (In open court; jury not present.)

2 MS. BENSING: Your Honor, may the Government be  
3 heard?

4 THE COURT: Well, yes, in one moment.

5 I do want to ask if Defendant -- Ms. Daedone's  
6 defense counsel wants to add -- I'm sorry, Ms. Cherwitz's  
7 defense counsel wants to add anything.

8 MS. COHEN: Yes, we join, Your Honor. We don't have  
9 any -- no, I don't think we have anything else to add.

10 THE COURT: Okay. Let me hear from the Government.

11 MS. BENSING: Your Honor, I think that there is a  
12 misunderstanding of the burden shifting. So when the burden  
13 shifts now to the Defense to provide a gender-neutral  
14 explanation, that applies to all of the jurors of that  
15 protected class for obvious reasons, Your Honor. Like,  
16 obviously, we wouldn't have made it after the first couple  
17 women were struck.

18 THE COURT: What is the basis to say though that it  
19 relates to all of those strikes, not the prior strikes?

20 In other words, why would it relate to, say, the  
21 first defendant strike or the second strike?

22 MS. BENSING: Well, it would relate to the female  
23 strikes, Your Honor. And so I -- my understanding of the  
24 burden shifting is that it then goes back to the party to  
25 provide a neutral explanation for the protected class.

1 For example, it wouldn't make sense for the  
2 Government to move for a Batson challenge for the first female  
3 or even second or even third or perhaps even fourth. But when  
4 there are six in a row, I think that is --

5 THE COURT: But the challenge is to that six in a  
6 row, correct?

7 MS. BONJEAN: That's the remedy; you put the person  
8 back on.

9 THE COURT: Hang on, hang on.

10 MS. BONJEAN: Yeah.

11 MS. BENSING: The challenge is to the pattern of  
12 striking a protected class.

13 THE COURT: And specifically to the last strike,  
14 which is to Number 7?

15 MS. BENSING: To all of them, Your Honor.

16 THE COURT: To strike 7?

17 MS. BENSING: To all of them.

18 And I would point the Court to -- the remedy is  
19 broad. We can look at 301 Federal Appendix 46,  
20 United States v. Bartee, Second Circuit 2008. And I think  
21 then the ultimate remedy would be receiving once the Court  
22 makes the inquiry as to the jurors of the protected class.

23 THE COURT: Well, let me hear from Defendants in  
24 response.

25 And to the extent, again, that there are

1 gender-neutral explanations for the other five strikes, those  
2 can be conveyed as well. If Defendants are comfortable  
3 conveying those as well, that may also address this issue.

4 MS. BONJEAN: That's just not how it works. That's  
5 not how -- you don't have to go back and defend every strike  
6 you made against a woman that they waited to make their --  
7 they waited to make their challenge. And you can look --  
8 Your Honor, you can look at the prior strikes to determine  
9 whether our basis on this juror is nondiscriminatory. You can  
10 look at the pattern, but you -- it is not a matter of going  
11 back and defending each strike.

12 And I would point out -- because, I mean, at the end  
13 of the day the remedy that they have is to say you've  
14 discriminated, you have to put this juror back on the jury,  
15 right? This last juror. It isn't put all the women back on  
16 the jury. I mean, that makes no sense whatsoever; now we've  
17 intruded on the Defendants' rights to, you know, pick a jury  
18 pursuant to, you know, her interests.

19 So I think -- and I'm looking at case law right  
20 now.

21 MS. BENSING: Your Honor, I can point the Court to  
22 very clear case law on this if that would be helpful.

23 THE COURT: Okay.

24 MS. BENSING: United States v. Martinez, 621 F.3d  
25 101, Second Circuit 2010. To establish a prima facie case of

1 purposeful discrimination under Batson, the objecting party  
2 must show that the other party challenged members of a  
3 specific group and then -- sorry, give me one second to  
4 find...

5           If a prima facie case is established, the burden  
6 shifts to the challenged party to present a nondiscriminatory  
7 reason for striking the jurors -- plural -- in question. Does  
8 not just apply to the juror right after which you made the  
9 challenge, it applies to the jurors in the protected class.  
10 At this stage, proffered explanations are deemed valid unless  
11 discriminatory intent is inherent in the challenged party's  
12 explanation.

13           It applies to all of the jurors of that class,  
14 Your Honor.

15           MS. BONJEAN: I don't think Martinez stands for  
16 that. I mean, I think we should all take a minute to read it.  
17 In that case there was a peremptory challenge, there had to be  
18 a non-gender based reason for that challenge, and then the  
19 defendant -- or the Government there went on and struck  
20 more -- and I don't know if it was men or women, but I'm  
21 guessing it's women. And then, so moving forward for every  
22 challenge, you had to defend it, so that's why it's speaking  
23 in plural.

24           But I'm happy -- you know, we could all take a look  
25 at the case, but I don't believe it is correct that it's our

1 obligation to go back and give a gender-neutral reason for  
2 every single female juror we have struck and I object to doing  
3 so. At least, again, I would like to make sure that the  
4 authority on this is what the Government says it is because  
5 I'm not entirely convinced that it is and my reading of  
6 Martinez is not consistent with what the Government is  
7 representing here.

8 THE COURT: All right. Let's do this. Let's take a  
9 short break. We will come back. Depending on the  
10 circumstances, let's come back at 1:30. And we may meet in  
11 the jury room if the jurors are back here, but we'll proceed  
12 at that time.

13 MS. BONJEAN: Thank you.

14 MS. BENSING: Thank you, Your Honor.

15 (Recess taken.)

16 (In open court; jury present.)

17 THE COURT: Please be seated.

18 All right. So I'm going to ask the attorneys again  
19 to come to the jury room, to return there. So I will just ask  
20 everyone to come to the back, including the court reporter as  
21 well.

22 And for the jury, we'll be out again in a few  
23 minutes.

24 (In jury room; jury not present.)

25 THE COURT: Okay. So we're meeting again in the

1 jury room. We just had a break. The jury is returning to the  
2 courtroom, but I wanted to address this issue related to the  
3 Batson challenge that was raised prior to the break.

4 So just to be clear for the record, when a party  
5 raises a Batson challenge, the trial court uses a three-part  
6 burden-shifting framework to assess whether the challenged  
7 peremptory strike is based on an impermissible discriminatory  
8 motive. To establish a prima facie case of purposeful  
9 discrimination, the objecting party must show that the other  
10 party challenged members of a specific group and that the  
11 totality of the circumstances raises an inference of  
12 discriminatory motive.

13 Second, if a prima facie case is then established,  
14 the burden shifts to the challenged party to present a  
15 nondiscriminatory reason for striking the jurors in question.  
16 At this stage, the proffered explanations are deemed valid  
17 unless discriminatory intent is inherent in the challenged  
18 party's explanation. Although the challenged party must  
19 present a comprehensible reason, the second step of this  
20 process does not demand an explanation that is persuasive or  
21 even plausible. So long as the reason is not inherently  
22 discriminatory, it suffices.

23 And this case law that I've just described is from  
24 United States v. Martinez, which the Government had cited  
25 earlier, as well as Rice v. Collins, a Supreme Court case from

1 2006.

2 Throughout this process, the ultimate burden of  
3 persuasion regarding improper motivation rests with and never  
4 shifts from the opponent of the strike. And that's from  
5 United States v. Gigliotti, 2016 Westlaw 6804913.

6 And again, if a valid reason is articulated, the  
7 third part of this framework, the trial court then considers  
8 the totality of the circumstances to determine whether the  
9 objecting party has carried its burden of proving a purposeful  
10 discrimination by a preponderance of the evidence. Despite,  
11 again, Batson's three-part framework, the ultimate burden of  
12 persuasion regarding improper motivation rests with and,  
13 again, never shifts from that opponent of the strike.

14 I wanted to give that framework for the record to  
15 make it as clear as possible where things stand. When we  
16 left, there was an open question that the Court looked into  
17 about whether or not Defendants' counsel needs to provide a  
18 gender-neutral basis at this stage of the framework assessment  
19 for those other six strikes and, in the Court's view, the  
20 Defendant does need to make such an explanation. I agree with  
21 the Government that in order to show a pattern, logically  
22 there would need to be showing that there are multiple choices  
23 and strikes that are consistent with that pattern. And if the  
24 Government has made a prima facie showing that Defendants'  
25 counsel exercised a peremptory challenge on the basis of

1 protected class -- here, gender -- then there needs to be an  
2 explanation for those six strikes that were women that were  
3 selected.

4 And frankly, even if there is a debate as to whether  
5 or not an explanation is necessary under Martinez, although I  
6 think Martinez is very clear on this point, under the totality  
7 of the circumstance's assessment that the Court needs to make,  
8 the Court is, of course, entitled to ask questions to make its  
9 determination.

10 So I think at this point you've already made an  
11 explanation on Juror 67, who is in Seat 4, so I would ask for  
12 the Defendants to make any argument that it was making for the  
13 other strikes.

14 MS. BENSING: And, Your Honor, may I make one  
15 record?

16 I just want to be clear that the Government is  
17 challenging all six strikes to the women jurors. I just want  
18 to make that very clear. We made the challenge, obviously,  
19 after a sixth female in a row was struck, but the challenge is  
20 to all six.

21 THE COURT: Well, look, I think, you know, okay, I  
22 appreciate you making the record. At the same time, you know,  
23 obviously it's to the pattern which includes those six, but  
24 again, to my point, my view is to explain those in a neutral  
25 manner.

1 MS. BONJEAN: Yes, Your Honor .

2 And before we give our gender neutral reasons, of  
3 which there are plentiful, I would point out that in Martinez,  
4 the defendant there told the judge he was going to  
5 discriminate. It was conceded, it was an admission. So the  
6 attorney there, you know, essentially said: I intend to  
7 discriminate against female jurors. So I think that is  
8 slightly distinguishable. But be that as it may.

9 As to --

10 MR. ROBOTTI: Judge, just on behalf of  
11 Defendant Cherwitz, I think under Martinez, we also object  
12 that there has been a prima facie case made here. The  
13 Government in that case struck four male jurors in a row and  
14 the Court clearly held that that was not sufficient on its own  
15 to establish a prima facie case. And that was because the  
16 majority of the veneer in that case was male. Here, the  
17 majority of the veneer of the 40 who are seated is female;  
18 it's 22 out of 40. We struck six out of seven. This is, you  
19 know, directly comparable to what the Second Circuit found was  
20 not sufficient on its own to establish a prima facie case. So  
21 I think we are prepared, and Ms. Bonjean will do so, to  
22 establish a gender-neutral explanation, but I want to make it  
23 clear for the record.

24 THE COURT: Okay. That objection is noted for the  
25 record. I do think the Government has met its burden to show

1 a prima facie case just given the -- based on the sheer  
2 numbers and based on the arguments raised by the Government.  
3 But of course that's only the beginning of the inquiry and I  
4 want to hear from the Defendants.

5 MS. BONJEAN: Yes, Your Honor.

6 THE COURT: And may I just add, for completeness in  
7 the record. As you're going through this, if you can also  
8 just repeat what you said for Juror 67.

9 MS. BONJEAN: Yes. That was --

10 THE COURT: The last strike, 67.

11 MS. BONJEAN: So we, I think, started with Seat 4,  
12 Juror 67. And I think one of the primary issues there was  
13 that she identified as, I think, a Democratic Socialist of  
14 America party, which is a political group that is notably very  
15 pro worker. That is sort of their raison d'tre, is pro  
16 worker. And she was one of the only people, as I recall, who  
17 identified with a political party, which shows a very -- you  
18 know, most people don't do that. So that's showing a very  
19 clear motivation for -- and the way she -- you know, the way  
20 she views the world. So I think we are entitled -- that is  
21 not a gender reason. We are entitled to say we don't want  
22 someone who associates with a party that is fundamentally  
23 motivated by pro-worker type ideals for the obvious reason.

24 And Seat Number 7, which is I guess Juror 7 as well,  
25 that one is very simple. This juror was not only a psychology

1 major, but works for CPS. She deals with child abuse issues  
2 in Child Protective Services. She's even a Level II  
3 specialist. She literally investigates child abuse and sexual  
4 abuse. And that, it has nothing to do with her gender but has  
5 to do with her job and what she sees every day.

6 Moving on from there, we have I think Seat 12,  
7 Juror Number 44. This was a juror who lives in Park Slope,  
8 Brooklyn. She is a musician. And she clearly demonstrated a  
9 strong leaning towards, you know, liberal politics. She  
10 listens to NPR. She has children. And we are interested in,  
11 and we have an interest in, looking at whether people are  
12 going to be sympathetic to the MeToo movement, sympathetic to  
13 those types of attitudes that have come into play just in the  
14 last several years. And it's clear that that type of liberal  
15 coverage from NPR and other news outlets have, frankly, been  
16 very pro-MeToo. And, you know, this is not a surprise. We've  
17 raised this earlier about our concerns about these issues.  
18 And so, you know, this was, from our estimation, based on her  
19 news sources, where she lives, the fact that she has children.  
20 She also didn't seem to really want to be here, but that's  
21 less of an issue. But this was a basis for the exercise  
22 against Juror Number 44.

23 Juror Number 96, who sat -- was there anything else?

24 MS. COHEN: No, no, no.

25 MS. BONJEAN: Okay.

1 Juror Number 96, sat in Seat 10. This was the woman  
2 who came late in the game, as the Court may recall. A lot of  
3 this was body language, frankly. She was sad at sidebar. She  
4 gave barely one-syllable responses. She was very stingy with  
5 her information. She almost had an attitude, frankly. She  
6 also indicated to the Court, when you asked the question about  
7 sexual harassment or sexual abuse, she's like: Well, I'm a  
8 woman. Like, everyone knows someone who has been sexually  
9 harassed. Then she revealed that she had a sister who had  
10 either been abused or harassed. When she sat in the box and  
11 you asked more personal questions, I think she, you know,  
12 said: Why work at a company? Like, she was very, very stingy  
13 with information. So for all those reasons, this was a juror,  
14 man, woman, or otherwise, was not someone that we were going  
15 to want on this jury.

16 Juror Number -- Seat Number 23, Juror 48. The basis  
17 for this strike was that this -- the first thing this woman  
18 said when asked about her husband was he's an attorney for the  
19 Federal Government. I think she even said he may have worked  
20 in this building or something of that nature. She also works  
21 in HR. She also said she got her news from her husband, who  
22 is a federal -- who is an attorney for the federal government.  
23 With all due respect, it's our position that there is a good  
24 possibility that an attorney for the federal government may  
25 give more credit to the federal government in a prosecution

1 and we don't want to start out behind the eight-ball on that.  
2 It had nothing to do with gender.

3 And lastly, as to Seat 18 and Juror Number...

4 MS. COHEN: Juror Number 61.

5 MS. BONJEAN: Juror Number 61. The reason, the  
6 non-gender reason for this strike was here we have a teacher,  
7 she had multiple -- I think three daughters or several  
8 daughters, and she had a very strong connection to law  
9 enforcement. I think she said she had a husband who had been  
10 a police officer for, like, 35 years or something of that  
11 nature. So again, pro law enforcement, pro government, with  
12 daughters: No, thank you. And that has nothing to do with  
13 gender.

14 THE COURT: All right. Anything further?

15 MS. COHEN: Yes. I just want to say, Your Honor, I  
16 think this will also sum it up, that, you know, obviously the  
17 rationale -- just because this could impact men or women. The  
18 rationale has to be tied to trial strategy. And I think every  
19 single decision that the Defense made is tied to trial  
20 strategy. I know exactly what the Government's picks, I can  
21 tell you what their strategy is based on. For example, they  
22 struck one woman; she said she always sides with the employer.  
23 So, there are specific reasons. Just because she's a woman or  
24 the two men that they struck, you know, this is all trial  
25 strategy. No one in the Defense has picked these people

1 because of the strategy. If we had, you know, the same  
2 political views of a man who is listening to NPR, the same  
3 concerns for us, obviously, that would be the same strike.

4 MS. BONJEAN: And one last point. There are two  
5 Defendants, also. I think you need to take that into account.  
6 They're permitted to have similar strategies. And they -- so  
7 if -- you know, it happens, when we're talking about two  
8 Defendants, the patterns, you know, may seem more pronounced,  
9 but it may be that both Defendants have an interest in, you  
10 know, the same types of -- have an interest in having a jury  
11 that looks similarly based on their experience. It doesn't --  
12 I don't think you can just jump to the conclusion where you --  
13 particularly when you have two Defendants, the pattern is --  
14 you know, it's not -- it's easy to make that assumption with  
15 two different Defendants, so I'll leave it at that.

16 THE COURT: Anything further from the Government?

17 MS. BENSING: Yes, Your Honor. I would like to  
18 respond to some of the arguments that were made and, in  
19 particular, with respect to Juror 12 /44. The reasons that I  
20 heard that were given is that she lives in Park Slope and is  
21 a musician. I don't see any basis that those would be  
22 relevant whatsoever. They also indicated that she had liberal  
23 politics because she listens or gets her news from NPR. A  
24 number of the jurors, including male jurors, indicated that  
25 they got their news from NPR.

1 THE COURT: Hang on.

2 MS. BENSING: And then the last reason is that she  
3 has children. Again, a large number of the jurors in our pool  
4 have children.

5 So, I don't think that they have established a  
6 non-gender based reason or any reason that demonstrates that  
7 that is not pretextual with respect to Juror 12.

8 THE COURT: But it doesn't need to be persuasive or  
9 even plausible, right? It just has to be not inherently  
10 discriminatory.

11 MS. BENSING: Right. But I believe that where the  
12 same explanation would apply to numerous jurors across the  
13 panel, across the veneer --

14 THE COURT: Well, again -- and everyone can hang on  
15 a second here.

16 MS. BONJEAN: Sure.

17 THE COURT: I don't think that's exactly repeating  
18 what was said. I mean, there were multiple things that were  
19 just noted by the Defendant not limited to the NPR, the  
20 liberal politics, the sympathy to the MeToo movement, which  
21 was discussed at length.

22 Go ahead.

23 MS. BENSING: I apologize, Your Honor.

24 So, there was no discussion of the MeToo movement,  
25 although Ms. Bonjean made an extrapolation about the fact that

1 she listens to NPR, that she must be a supporter of the MeToo  
2 movement. That goes back to the fact that a number of the  
3 jurors in the pool listen to NPR or get their news from,  
4 quote/unquote, liberal news sources.

5 THE COURT: All right. Well, continue with your  
6 response.

7 MS. BENSING: Thank you, Your Honor.

8 Also with respect to Juror 18/61, I believe the  
9 reasons that were given, among others, is that the juror has  
10 daughters. I would note that that also is a gender, a  
11 gendered-based reason, focusing on the sex of the children.

12 The other reasons that are given is that she's a  
13 teacher. Again, we've had a number of teachers in the veneer.

14 And that her husband was a police officer, again,  
15 this is not -- there is no testifying witness in this case  
16 that's a police officer. It's just, like, not something that  
17 is a part of this case, Your Honor.

18 With respect to juror -- I'm sorry, I'm getting  
19 distracted by the commentary.

20 THE COURT: Hold on a second.

21 We don't want to waste anyone's time. We're all  
22 officers -- attorneys are officers of the court. I'm going to  
23 ask everyone just to refrain from speaking so we can move  
24 through this efficiently and as fairly as possible.

25 So, continue.

1 MS. BENSING: And then with respect to Juror 7, I  
2 believe the reasons that are given is that she's a psych major  
3 and works for CPS. And I believe Ms. Bonjean says that she  
4 investigates sex abuse. I mean, I don't think there's any  
5 record that she investigates sex abuse. She's a Child  
6 Protective Services worker, but that doesn't inherently mean  
7 that she's investigating sex abuse.

8 So that's my record, Your Honor. I think that with  
9 respect to some of these, I understand some of the reasons  
10 that are given and with respect to some of them, I don't.

11 THE COURT: Okay. Again, the trial court has to  
12 consider the totality of the circumstances to determine  
13 whether the objecting party has carried its burden of proving  
14 purposeful discrimination by a preponderance of the evidence.  
15 That's under Hernandez, 500 U.S. 363-64.

16 Again, I will just note the burden rests with and  
17 never shifts from the opponent of the strike. In my view, I  
18 do credit the race -- excuse me, the gender-neutral  
19 explanations of the challenged peremptory strikes. I think  
20 for each of the jurors that are listed, the Court credits  
21 those gender-neutral explanations.

22 With respect to Juror 67 in Seat 4 -- and again, I  
23 would defer to what was stated in the transcript as well, but  
24 in terms of a summary with respect to Juror 64, who is in  
25 Seat 4, she indicated that she was a member of a political

1 organization, I think may have been the only person to  
2 actually indicate that she was a member of a political party,  
3 which is considered, fairly or not, to be a pro-worker party.

4 With respect to Juror 7, who is in Seat 7, the  
5 Defense referred to a basis as her work with child abuse or  
6 child services and how that might play in a case where the  
7 allegations here don't necessarily deal with child abuse but  
8 may deal with abuse or trauma-related issues.

9 With respect to Juror 44 in Seat 12, I think there  
10 are a number of things that were listed, including the  
11 potential liberal politics of this individual who might then  
12 be sympathetic to the MeToo movement. But I think also, and  
13 I take this to heart, that there was a sense that she may not  
14 have wanted to be here in terms of some of her responses in  
15 terms of the credibility assessment.

16 With respect to Juror 96 in Seat 10, I certainly  
17 credit the fact that she would give mostly one-word answers to  
18 some of the questions. I think the Defense said that she was  
19 stingy with information, which it seemed to be pretty accurate  
20 in terms of her general perspective during the selection.

21 With respect to Juror 48 in Seat 23, I think there  
22 are concerns that the Defendants raised about her getting her  
23 news from a federal government attorney, which I think could  
24 become a factor in a case in which the federal government is a  
25 party.

1           And then finally, with respect to Juror 61, while  
2 that teacher, as the Defense noted -- well, excuse me, while  
3 the Prosecution noted there may not be police officers who are  
4 testifying at this trial, there certainly will be law  
5 enforcement in some capacity involved and I think it's a fair  
6 concern to raise if there is a feeling of being pro law  
7 enforcement.

8           So again, to be clear on the record, I credit the  
9 gender-neutral explanations of the challenged peremptory  
10 strikes and I deny the Batson motion.

11           MS. BENSING: Thank you, Your Honor.

12           THE COURT: So, let's continue.

13           So, we were at the seventh strike. It's the eighth  
14 strike for the Defendants.

15           You need a minute? Okay.

16           MS. BONJEAN: We are striking -- hold on, I'm sorry.  
17 Let me pull up my notes here.

18           Seat Number 6, Juror Number 6.

19           THE COURT: So the eighth strike for the Defendants  
20 will be Juror 6 in Seat 6.

21           MS. BONJEAN: Correct.

22           THE COURT: So now we're still in the fourth round  
23 of the strikes. It's the Government's strike.

24           MS. BENSING: Yes, Your Honor.

25           We will strike Juror 50, who is in Seat 28.

1 THE COURT: So Juror 50 in Seat 28 will be the  
2 Government's fourth strike.

3 MS. BONJEAN: I'm sorry. Got it, got it.

4 THE COURT: Juror 50 in Seat 28.

5 So now we're in the fifth round and the Government  
6 goes first.

7 MS. BENSING: The Government strikes Juror 17. 17,  
8 Your Honor.

9 THE COURT: Okay. So Juror 17 in Seat 17.

10 MS. BONJEAN: Seat 17, Juror...

11 MS. COHEN: 17.

12 THE COURT: All right. Now, again, we're in the  
13 fifth round. It's the Defendants' strike, ninth strike.

14 MS. BONJEAN: Hold on one second.

15 The Government has one more strike after this,  
16 right?

17 THE COURT: Yes. Until we get to the alternates.

18 MS. BONJEAN: Sorry, I just want to make sure.

19 THE COURT: And just to be clear, the Defendants  
20 will have the next strike and then also the first strike in  
21 round six. So the next two strikes will be the Defendants.

22 MS. BONJEAN: One second.

23 THE COURT: Yes.

24 (Pause in proceedings.)

25 MS. COHEN: Sorry, Your Honor . Thanks for your

1 patience.

2 We're going to strike Juror Number 59 in Seat Number  
3 22.

4 THE COURT: Okay. So this would be the ninth  
5 strike of the Defense. It would be Juror 59 in Seat 22.

6 Okay. And now we'll go to the sixth round and this  
7 will be the tenth strike for the Defendants.

8 (Pause in proceedings.)

9 MS. COHEN: Okay, Your Honor, the Defendants strike  
10 Juror Number 24.

11 THE COURT: Okay. So that's Juror Number 24 in  
12 Seat 24.

13 And then the last strike, before we get to the  
14 alternates, for the Government. Sixth round here.

15 MS. BENSING: Juror 3.

16 THE COURT: Okay. Juror 3 in Seat 3. And that's  
17 the last strike for the Government before we get to the  
18 alternates.

19 So I do think it may make sense just to read --

20 MS. BONJEAN: Can you make a Batson challenge for  
21 men?

22 THE COURT: Well, I will take that as a sign of  
23 levity for the record, but I defer to the parties.

24 MS. BONJEAN: I'll look at it in the break time.

25 THE COURT: Okay. Thank you.

1           So I think it makes sense just to list the 12 and  
2 then we'll go to the alternates so we're all on the same page.

3           MS. BENSING: So, Your Honor, just for the record,  
4 once we have our 12, then we'll just select from the back half  
5 for the alternates?

6           THE COURT: Right.

7           And again, I provided this chart which will  
8 hopefully be of some help just to go through the order.

9           And again --

10          MS. FARRELL: Can we make a record -- sorry --  
11 joking aside, about their claiming we struck all men? There  
12 were two women we were intending to strike that they struck.  
13 So in addition to the two that we struck, there were two  
14 others that we had to skip because they already struck it.

15          THE COURT: So just in the abundance of caution, are  
16 the Defendants seeking a Batson challenge?

17          MS. BONJEAN: No.

18          THE COURT: All right. So I just want to list the  
19 12 jurors and then we'll talk about the alternates. And  
20 again, there are six alternates that will be picked.

21                 So Juror Number 1 will be Juror 41.

22                 I will list the number and then what seat they're  
23 in, make this hopefully as smooth as possible.

24                 So Juror 41 is in Seat 1.

25          MS. FARRELL: Oh, sorry, 41? I thought you said 40.

1 Thank you.

2 THE COURT: Juror 41 is in Seat 1.

3 Juror 2 is in Seat 2.

4 I have Juror 3 -- excuse me. Juror 95 in Seat 3.

5 Then I have -- in Seat 4 will be Juror 80.

6 In Seat 5 would be Juror 11.

7 In Seat 6 would be Juror 45.

8 In Seat 7 would be Juror 14.

9 In Seat 8 would be Juror 46.

10 Juror 92 would be in Seat 9.

11 Juror 21 would be in Seat 10.

12 Juror 94 would be in Seat 11.

13 And Juror 73 would be in Seat 12.

14 MS. BONJEAN: I'm sorry, who was in Seat 11, Judge ?

15 What was the juror number?

16 THE COURT: I have Juror 94.

17 MS. BONJEAN: 94.

18 THE COURT: Okay.

19 Any issues with those numbers? I think I captured  
20 the numbers all accurately.

21 So then let's move to -- again, so Seat 12 is  
22 Juror 73.

23 So let's then move to the alternates. Again, the  
24 first round for the alternates, Defendant would go first.

25 MS. BONJEAN: I'm sorry, and is Juror Number 9 --

1 was Juror Number -- Juror 93 was struck, right?

2 MS. COHEN: Yes.

3 MS. BONJEAN: Okay. By the Government?

4 MS. COHEN: Yeah.

5 THE COURT: Yes. That was the first strike.

6 MS. BONJEAN: Right.

7 MS. COHEN: Oh. Am I --

8 MS. BONJEAN: Are we in agreement?

9 MS. COHEN: I think we're in agreement. Defense  
10 strikes Juror Number 29 in Seat 29.

11 THE COURT: Okay. So the first strike in the  
12 alternates would be Juror 29 in Seat 29.

13 So now it's the Government's strike. And you'll  
14 have the next two, Government.

15 MS. BENSING: Okay. We'll strike 32/97.

16 THE COURT: So the Government strikes as an  
17 alternate Juror 97, who is in Seat 32.

18 Okay. And now we're in the second round, so the  
19 Government will have the first strike in that round.

20 MS. BENSING: Your Honor, we're just going to waive.

21 THE COURT: So for the second round there is a  
22 waive, a waiver.

23 MS. BENSING: Yes.

24 THE COURT: So the next strike in the second round  
25 goes to the Defendant.

1 MS. BONJEAN: Juror Number 81, Seat 30.

2 THE COURT: So the second alternate strike from the  
3 Defendants is Juror 81 in Seat 30.

4 And then you have the next strike in the third round  
5 here for the alternate. This is your last strike.

6 MS. COHEN: We strike Juror Number 52, who is in  
7 Seat 33.

8 THE COURT: Okay. So Juror 52 in Seat 33. That  
9 would be the final Defendants' strike.

10 And does the Government have its last strike for the  
11 alternates?

12 MS. BENSING: One minute, Your Honor.

13 And, Your Honor, we have six alternates?

14 THE COURT: Six alternates.

15 MS. FARRELL: Can we talk for a second?

16 (Pause in proceedings.)

17 MS. BENSING: Okay. We will strike 37 /82.

18 THE COURT: Okay. So the Government's last strike  
19 is Juror 82 in Seat 37.

20 So then the six alternates will be the -- are chosen  
21 from, again, the next twelve qualified potential jurors.

22 So, in Seat 13 will be Juror 31.

23 In Seat 14 will be Juror 62.

24 In Seat 15 will be Juror 63.

25 In Seat 16 will be Juror 78.

1 In Seat 17 will be Juror 38.

2 And then last seat, Seat 18, will be Juror 39.

3 MS. BONJEAN: Oh, that I --

4 MS. FARRELL: Since we waived, one left over.

5 THE COURT: Since they waived, Juror 40 is done,  
6 effectively out, because the Government had waived and it's  
7 the -- the six alternate jurors are chosen from the next  
8 twelve qualified potential jurors remaining after strikes for  
9 cause and the exercise of peremptory challenges.

10 So I just want to read these numbers again so  
11 there's no issues.

12 Juror 41 in Seat 1.

13 Juror 2 is in Seat 2.

14 Juror 95 is in Seat 3.

15 Juror 80 is in Seat 4.

16 Juror 11 is in Seat 5.

17 Juror 45 is in Seat 6.

18 Juror 14 is in Seat 7.

19 Juror 46 is in Seat 8.

20 Juror 92 is in Seat 9.

21 Juror 21 is in Seat 10.

22 Juror 94 is in Seat 11.

23 Juror 73 is in Seat 12.

24 Juror 31 is in Seat 13.

25 Juror 62 is in Seat 14.

1 Juror 63 is in Seat 15.

2 Juror 78 is in Seat 16.

3 Juror 38 is in Seat 17.

4 And Juror 39 is in Seat 18.

5 Okay?

6 Hang on just one moment.

7 So my understanding is there had been a request made  
8 to Judge Gujarati on an issue. What is, generally, what the  
9 issue is.

10 MS. BENSING: Your Honor, we intend to open on the  
11 fact that Nicole Daedone sold OneTaste for \$12 million. The  
12 parties had previously briefed introduction of financial  
13 evidence. We raised it with Defense Counsel, who I think were  
14 assessing their position. That in an abundance of caution, we  
15 wanted to raise it with the Court.

16 And I'm not sure, obviously, Ms. Bonjean or  
17 Ms. Cohen can -- or Mr. Robotti can speak.

18 THE COURT: Well, thank you. I just wanted to know  
19 the topic really for the Judge.

20 So we'll return into the courtroom. I will excuse  
21 the jurors and I will go through some more of the logistical  
22 items. And I also will confirm with Judge Gujarati what time  
23 she wants to start the openings. So I just ask everyone to go  
24 back to the courtroom and I'll come out in a moment.

25 (Continued on the next page.)

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1 (Proceedings continue in open court.)

2 THE COURT: Please be seated.

3 Okay. So, first, we thank everyone for their  
4 patience as we are going through this process.

5 So I am going to read the names -- the names -- one  
6 second.

7 Excuse me. I am going to read the numbers of the  
8 jurors that have been selected, okay. If I read your number,  
9 please stay in your seat, and then I am going to make you  
10 change seats in a few moments, as necessary.

11 So juror 41 will be in seat number 1.

12 Juror 2 will be in seat number 2.

13 Juror 95 will be in seat number 3.

14 Juror 80 is in seat number 4.

15 Juror 11 is in seat number 5.

16 Juror 45 is in seat number 6.

17 Juror number 14 is in seat number 7.

18 Juror 46 is in seat number 8.

19 Juror 92 is in seat number 9.

20 Juror 21 is in seat number 10.

21 Juror 24 is in seat number 11.

22 Juror 73 is in seat number 12.

23 Juror 31 is in seat number 13.

24 Juror 62 is in seat number 14.

25 Juror 63 is in seat number 15.

1 Juror 78 is in seat number 16.

2 Juror 38 is in seat number 17.

3 And juror 39 is in seat number 18.

4 Are the juror numbers I just listed, is this  
5 acceptable to the government?

6 MS. BENSING: Yes, Your Honor.

7 THE COURT: Is this acceptable to each of the  
8 defendants?

9 MS. COHEN: Yes, Your Honor.

10 MS. BONJEAN: Yes, Your Honor.

11 THE COURT: So if I read your number just now, stay  
12 in your seat. If I didn't read your number, please, before  
13 you go, please plan to exit and go back to the jury  
14 department. There's also a juror that left an umbrella here  
15 yesterday. So if you want to come by, my deputy can help you  
16 get that back. But, again, if I did not call your number just  
17 now after the break, please leave and go back to the jury  
18 department on the second floor. And I thank you for your  
19 service.

20 For those that I did call their numbers, once  
21 everyone leaves, I will ask you to move your location.

22 (Prospective jurors exit the courtroom.)

23 THE COURT: So for those of you who are remaining,  
24 I'm going to ask you to sit in your proper seats.

25 Juror 41 will be in seat 1.

1 Juror 2 still in seat 2.

2 MS. BONJEAN: Your Honor, can we approach?

3 MS. COHEN: Okay.

4 THE COURT: Sure. We can have a sidebar.

5 (Sidebar had, off the record.)

6 THE COURT: So juror 24, you were not selected. You  
7 are free to go to the jury department. You are welcome to go  
8 back to the jury department, sir.

9 To be clear, juror 2 is in seat 2.

10 Juror 95 is in seat 3.

11 If you can go to that seat.

12 Juror 80 is in seat 4.

13 Juror 11 is in seat 5.

14 Juror 45 is in seat 6.

15 Juror 14 is in seat 7.

16 Juror 46 is in seat 8.

17 Juror 92 is in seat 9.

18 Juror 21 is in seat 10.

19 Juror 94 is in seat 11.

20 Juror 73 is in seat 12.

21 Juror 31 is in seat 13.

22 Juror 62 is in seat 14.

23 Where is 94?

24 Juror 94?

25 MS. BENSING: Your Honor, I believe 94 -- sorry.

1 THE COURT: Juror 73 is in seat 12.

2 MS. BENSING: Your Honor, if I may. I believe the  
3 Court may have not read 94's name.

4 THE COURT: All right.

5 MS. BENSING: There might have been a 94, 24,  
6 mix-up. That might explain why.

7 THE COURT: All right. We will go down to the jury  
8 department and make sure she comes back up, if she did exit.

9 Juror 73 is in seat 12.

10 Okay. Sorry. Juror 31 is in seat 13.

11 Juror 62 is in seat 14.

12 Juror 63 is in seat 15.

13 Juror 78 is in seat 16.

14 Juror 38 is in seat 17.

15 And juror 39 is in seat 18.

16 So we'll just have a moment so we can have juror 94  
17 come back.

18 (Short pause.)

19 THE COURT: As we are waiting, I am going to ask  
20 Judge Gujarati's courtroom deputy, he's going to be handing  
21 you a chart, and in that chart it just has your contact  
22 information, in case of an emergency. He will be handing that  
23 to you, and if you will fill that out. And if you get to  
24 number 11 before juror 94 comes back, just leave a space for  
25 her.

1 (Short pause.)

2 THE COURT: We will wait for juror 94 to return.

3 There is going to be a short break for Judge Gujarati to come  
4 on the bench. We will also try to remove some of the other  
5 chairs in the courtroom as well.

6 So just for planning purposes, opening statements  
7 are expected to begin today, but there will be a short break  
8 between this period and the beginning of trial.

9 (Short pause.)

10 THE JUROR: Your Honor?

11 THE COURT: Is this about contact information?

12 THE PROSPECTIVE JUROR: I have a question.

13 THE COURT: I'll have the deputy come talk to you.

14 Thank you.

15 (Short pause.)

16 THE COURT: We will take a short break and we'll  
17 come right back on.

18 (Short pause.)

19 THE COURT: For the record, juror 94 is back, here  
20 in seat number 11. Apologies if I made a misstatement.

21 MS. BENSING: Your Honor, I am so sorry. I want to  
22 make sure all the parties are present.

23 MS. COHEN: Yes, Your Honor. They are just in the  
24 rest room.

25 THE COURT: Sure.

1 (Short pause.)

2 THE COURT: I think both defendants are now back in  
3 the room. And just to be clear, on the record, juror 94 is in  
4 seat 11.

5 And just out of an abundance of caution, is the jury  
6 acceptable to the government?

7 MS. BENSING: Yes, Your Honor.

8 THE COURT: And the jury is acceptable to each  
9 defendant?

10 MS. BONJEAN: Yes, Your Honor.

11 MS. COHEN: Yes, Your Honor.

12 THE COURT: Okay. So let me just talk to the jury  
13 for a moment.

14 Apart from telling your employer that you have been  
15 selected for a jury in a federal court, you may not discuss  
16 this case at all. That includes discussion with each other,  
17 friends or family, strangers you meet in the courthouse or  
18 elsewhere. If someone asks, just say "I have been instructed  
19 by the judge not to discuss the case."

20 Second, you must not conduct any outside research on  
21 the Internet or otherwise about this case, the parties, the  
22 lawyers, the judge, or the applicable law. Do not use phone,  
23 computer, social media, or e-mail, to communicate with anyone  
24 about this case.

25 Third, avoid any news reports or discussion about

1 the case, in any form, whether online, print, TV, or  
2 otherwise. If you accidentally see something on the news or  
3 Internet, stop watching or listening, and notify Judge  
4 Gujarati's deputy, who's standing to your left.

5 If you see the parties, the lawyers, or others  
6 associated with them in the courthouse, in the hallway, in the  
7 bathroom, do not communicate with them.

8 Do not think they are being rude if they don't say  
9 hello. They are just following the Court's instructions to  
10 avoid all contact with members of the jury.

11 If someone tries to talk to you about the case,  
12 parties, or even generally about issues or events relating to  
13 the case, don't let them and report the interaction with Judge  
14 Gujarati's deputy.

15 Okay? So I will ask Judge Gujarati's deputy to  
16 bring the jurors to the jury room, and I will ask everyone to  
17 rise for the jury.

18 (Jurors exit the courtroom.)

19 THE COURT: We are going to take a 15-minute break,  
20 and Judge Gujarati will come on the bench. Thank you.

21 (Jury Selection concluded at 3:08 p.m.)

22 (Jury trial before Honorable Judge Gujarati  
23 commences after the jury selection recess at 3:30 p.m. Trial  
24 transcript transcribed under separate cover.)

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