

EXHIBIT A

**Memorandum In Support Of
Defendant Amr Mohsen's Post-Trial Motions
For Judgment of Acquittal
And For A New Trial
filed April 14, 2006**

Moore - Direct / Harris

1 Q. When you say that you told Mr. Mohsen basically the same
2 thing that you testified about this morning with this jury, did
3 you go through page by page like we did in court? Did you go
4 through with Mr. Mohsen the notebook page by page and explain
5 all the discrepancies that you found?

6 A. My recollection is that we went through just about page by
7 page. He was very interested in what I found, and he wanted me
8 to show him what I had found.

9 Q. When you discussed your findings of date overwrites, did
10 Amr Mohsen tell you whether he had actually written those dates
11 in 1988 or 1998?

12 A. He kept reiterating that he had prepared the documents on
13 the dates indicated or close in time to those dates indicated.

14 Q. After you had performed your analysis over seven days of
15 this notebook, did you form any conclusions regarding whether
16 the 1988 notebook was authentic and actually prepared in 1988?

17 A. Yes.

18 Q. What was your conclusion?

19 A. That the notebook was not genuine, that it was a
20 fabrication, that it had been more likely created in 1998 or
21 1999, rather than ten years before that.

22 Q. Did you tell Amr Mohsen the conclusions that you reached
23 after your analysis of the notebook?

24 A. I did.

25 Q. Did you tell Amr Mohsen your conclusion that the notebook

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1 was phony on September 26, 1998 when you met with him?

2 A. Yes.

3 Q. After you met with Amr Mohsen and gave him the analysis
4 that you have just given the jury, did you have any further
5 contact with Amr Mohsen?

6 A. Yes.

7 Q. When was the next time that you heard from Amr Mohsen?

8 A. Well, the next time that I spoke with him was on the 30th
9 of September, and that was after I made several phone calls
10 back to Avery Dennison, ultimately, ending in sort of a blank
11 wall for me. I was informed that their counsel had told them
12 that they would not give me the date information. That they
13 would relay that information, however, to Mr. Mohsen's
14 attorney.

15 On the 30th of September, I called him or we had
16 actually had several phone calls -- I'm sorry, I misspoke. I
17 had several phone calls with various people at Avery Dennison
18 and I called him -- Mr. Mohsen's -- for him, he was out and I
19 left a message with that information on it, that he could --
20 presumably, his attorney could find out what Avery Dennison
21 said about that regarding the date of that label.

22 Q. After you had advised Mr. Mohsen that your opinion was that
23 the 1988 notebook was a phony, did he have you do additional
24 forensic work for him?

25 A. Well, not at that time. At that time on the 30th of

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1 September I thought my services were at an end.

2 Q. Did you, in fact, close your file on Mr. Mohsen?

3 A. I did. I had my file in this case closed.

4 Q. Did Mr. Mohsen contact you after you closed your file?

5 A. He did.

6 Q. Okay. Can you describe the next contact you had with
7 Mr. Mohsen after you closed the file?

8 A. It was on the 30th of January of 1998.

9 Q. Do you mean 1999?

10 A. I do. I made a mistake with my dates. It reads '98, I
11 should have written '99.

12 It was in the morning. And I returned a phone call
13 to Mr. Mohsen because he had left a message on my recorder.

14 Q. When you returned the phone call, did you actually make
15 contact with Mr. Mohsen?

16 A. I did.

17 Q. What did the two of you discuss?

18 A. We discussed evaluations and examinations of office machine
19 copies, Xerox copies, with respect to dating them. In other
20 words, would they -- could we determine forensically whether
21 the documents were actually about eight years old or whether
22 they were made yesterday.

23 Q. Was Mr. Mohsen asking whether it would be possible to
24 determine when photocopies had been made?

25 A. Yes.

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1 A. Correct.

2 Q. Did you report the findings that you described to the jury
3 about your analysis, did you report those findings to Amr
4 Mohsen?

5 A. I did.

6 Q. When did you report your findings?

7 A. On the 4th of March of 1999.

8 Q. What did you do with the original Day-Timer after you did
9 your forensic examination?

10 A. Immediately following our conversation, I took the book to
11 Federal Express and dropped it off and sent it back to
12 Dr. Mohsen.

13 Q. When you say "our conversation," are you referring to your
14 conversation with Mr. Mohsen?

15 A. Yes, I am.

16 Q. And you returned it by Federal Express to Mr. Mohsen?

17 A. I did.

18 **MS. HARRIS:** Your Honor, may I approach the witness?

19 **THE COURT:** Yes.

20 **BY MS. HARRIS:**

21 Q. Showing you what's been marked as 43 for identification, do
22 you recognize Government's Exhibit 43?

23 A. Yes.

24 Q. What is Government's Exhibit 43?

25 A. It's my filed copy of my Federal Express receipt.

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1 Q. And is that documented in the chron notes that are
2 Government's Exhibit 36?

3 A. Yes, ma'am.

4 Q. Okay. What happened during this telephone conversation?

5 A. Actually, he had called me several times during that time
6 frame, and he asked numerous questions regarding the
7 indentations on paper.

8 Q. What year are we in now?

9 A. 2000.

10 Q. Okay. And what specifically was Mr. Mohsen asking you over
11 the phone during this period of time? I take it there was more
12 than one phone call; is that correct?

13 A. Yes, there were several.

14 Q. What was the general substance you were discussing with
15 Mr. Mohsen?

16 A. He wanted to know information about indentations on paper,
17 what could be found and what couldn't be found. At that time I
18 referred him to two of my colleagues who were -- are closer
19 physically to him.

20 Q. Did Amr Mohsen transmit any documents to you in the
21 March 2000 time frame?

22 A. Yes.

23 Q. How did you receive these documents?

24 A. I received them on -- actually the 2nd of March by Federal
25 Express.

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1 MS. HARRIS: May I approach, Your Honor?

2 THE COURT: Yes.

3 BY MS. HARRIS:

4 Q. Showing you what's been marked as Government's Exhibit 46
5 for identification, do you recognize Government's Exhibit 46?

6 A. Yes.

7 Q. What is Government's Exhibit 46?

8 A. My copy of his FedEx air bill to me that I received the
9 documents to be examined in, and a little short note which
10 says, "Dave, please do ESDA of 3," and there is a circle around
11 3 and below the 3, and in the circle is a capital F and then a
12 3 circled with a B below it and 2 with a T underneath it and
13 they are both circled.

14 Q. Did you receive some documents along with Government's
15 Exhibit 46?

16 A. Yes, I received documents that were marked -- three
17 separate documents that were marked with those designation.

18 Q. Can you remind the jury what ESDA is?

19 A. Stands for electrostatic detection apparatus. It's a
20 device that I mentioned that we use primarily for detecting and
21 visualizing indentations on paper.

22 Q. Is Government's Exhibit 46 a copy of the air bill that was
23 attached to the package you received on or about March 2nd,
24 2000?

25 A. Yes, it also contains his little note.

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1 Q. It also contains Mr. Mohsen's little note to you?

2 A. Yes, ma'am.

3 MS. HARRIS: I offer Government's Exhibit 46 into
4 evidence.

5 MR. LOCKE: No objection.

6 THE COURT: Exhibit 46 is received in evidence.

7 (Government Exhibit 46 was received in
8 evidence.)

9 BY MS. HARRIS:

10 Q. What date did you receive the documents that came with
11 Government's Exhibit 46, do your chron notes reflect that?

12 A. Yes, on the 2nd of March, 2000.

13 Q. Did you make copies of the pages that you received from
14 Mr. Mohsen by this Federal Express that you have just have
15 talked about, Government's Exhibit 46?

16 A. Yes.

17 Q. Okay.

18 MS. HARRIS: May I approach?

19 BY MS. HARRIS:

20 Q. Showing you what's been marked as Government's Exhibit 47
21 for identification, do you recognize Government's Exhibit 47?

22 A. The top page of my notes that I made on the 2nd of March.
23 And the next pages are several copies of the document that had
24 the 3 and the circle on the F below it. The next two pages are
25 the one that had the 2 and a T and the circle around both of

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1 them -- oh, I'm sorry, and the back of 3F. F I took to stand
2 for front. The back of that had a 3B on it.

3 Q. Did you assume the B was back?

4 A. I did.

5 Q. Okay. Did you make copies of what you received from
6 Mr. Mohsen by Federal Express?

7 A. Yes, those are the ones I just spoke about here as copies.

8 Q. That is what is reflected in Government's Exhibit 47?

9 A. As well as some print of some ESDA lifts that I made for
10 the client.

11 **MS. HARRIS:** Your Honor, I offer exhibit 47 into
12 evidence.

13 **MR. LOCKE:** No objection.

14 **THE COURT:** Exhibit 47 is received in evidence.

15 (Government's Exhibit 47 was received in
16 evidence.)

17 **BY MS. HARRIS:**

18 Q. Did you perform the ESDA testing that Amr Mohsen requested
19 you to perform in March of 2000?

20 A. I did, as well as a couple of other examinations.

21 Q. What other examinations did you do for Mr. Mohsen in March
22 of 2000?

23 A. One of the examinations was an examination on the
24 microscope that had the lighting at an oblique angle. Because
25 often when documents bear indentations, if you put the lighting

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1 at sort of a glancing angle, you can sort of fill in the
2 shadows of those indentations. And so I did that, and I
3 actually took a color video print of a closeup of one of the
4 portions of that document to show that.

5 Q. Did you transmit the results of the ESDA testing you have
6 just described to the jury, did you transmit those results back
7 to Amr Mohsen?

8 A. I did -- what I did was I called for him. He was out.

9 Q. What day did you call him?

10 A. On the same day, on the 2nd of March. The examinations
11 didn't take a long time. I did them from 10:40 in the morning
12 until noon, and I called at about, I assume, noon. And then I
13 prepared a transmittal letter and a bill, and I returned the
14 evidence and copies of my ESDA lifts, and a copy of my color
15 coded -- excuse me, not color coded, but color video print to
16 him by Federal Express.

17 Q. Showing you what's been marked as Government's Exhibit 48
18 for identification, do you recognize Government's Exhibit 48?

19 A. Yes. That would have been the -- my copy of the
20 transmittal air bill from where I sent that evidence back to
21 Mr. Mohsen on the 2nd of March.

22 Q. The 2nd of March of what year?

23 A. 2000.

24 Q. And is Government's Exhibit 48 your copy of the Federal
25 Express receipt showing that you Federal Expressed the

TREDENNICK / DIRECT - LOCKE

1 A. Yes.

2 Q. And it also has, at most, a three-chip delay in getting
3 from one component to another.

4 A. Yes.

5 Q. Okay. Do you have the other -- that one, right. This is a
6 diagram that I made, but this reflects the three types of prior
7 art that were -- QuickTurn asserted, is that right? The channel
8 routing? The hierarchical interconnect and the partial crossbar
9 (Indicating)?

10 A. Yes.

11 Q. Now, in your opinion, do any of those prior arts invalidate
12 the '069 patent?

13 A. No, they do not.

14 Q. Did they ever?

15 A. Not in my opinion. Yeah, my opinion is the same from 1999
16 when I first made it, to today.

17 MR. LOCKE: That's all that I have. Thank you.

18 THE COURT: You may cross examine.

19 MS. HARRIS: Thank you, Your Honor.

20 CROSS EXAMINATION

21 BY MS. HARRIS:

22 Q. Good morning, Dr. Tredennick. Now, you looked at certain
23 pages from Mr. Butts's notebook in giving the opinion that you
24 just gave, is that correct?

25 A. Yes.

TREDENNICK / RECROSS - HARRIS

1 objection.

2 Q. (By Mr. Locke) Do you believe that the other expert is
3 correct?

4 MS. HARRIS: Objection, Your Honor. That is what the
5 jury is for.

6 THE COURT: Well, I know, but that is the point you
7 raised, and Mr. Locke is asking the same question. The experts
8 disagree?

9 THE WITNESS: I don't agree with the other expert. In
10 fact, I don't believe that the other expert actually wrote the
11 reports that he signed.

12 MR. LOCKE: Okay.

13 THE COURT: Any recross?

14 RECROSS EXAMINATION

15 BY MS. HARRIS:

16 MS. HARRIS: Mr. Tredennick, you just stated that you
17 are not an ink expert, correct?

18 A. Yes.

19 Q. So you would have no basis for knowing whether the ink on
20 somebody's report was available at the time they said they
21 signed it?

22 A. No, I wouldn't.

23 Q. And you're not a handwriting expert, either?

24 A. No, I'm not.

25 Q. So you have no basis for saying you don't know whether he

Closing Argument / Harris

1 to commit an illegal act. So the question you need to ask
2 yourself is did Amr and Aly Mohsen form an agreement to commit
3 perjury and to obstruct justice.

4 The evidence that they did is overwhelming. You
5 know that from the phony notebook that Aly Mohsen claims to
6 have witnessed in 1988, and you know it from everything that I
7 just went through with you. Every act that was taken in
8 furtherance of that conspiracy, including the staged break-in
9 of the car, the phony Keith Lobo notes, all of Aly Mohsen's
10 perjured deposition testimony, all of Amr Mohsen's perjured
11 deposition testimony -- everything that I've just taken you
12 through were overt acts of the conspiracy to commit perjury and
13 obstruct justice.

14 If you find that the two brothers formed this
15 criminal agreement, this criminal partnership, then Amr Mohsen
16 is criminally responsible for everything his brother,
17 Aly Mohsen, did in furtherance of that conspiracy. That is
18 Count 1. I submit to you the evidence is overwhelming on that
19 count. You have the false notebook. You have everything I've
20 just taken you through. I would like to also discuss the
21 perjury counts against Amr Mohsen.

22 Count 2 of the indictment charges Amr Mohsen with
23 perjury. And I'm going to take you through the specific
24 testimony. First of all, this occurred at page 339 of
25 Amr Mohsen's deposition. So when you get your verdict form, it

Closing Argument / Harris

1 company QuickTurn was the victim. And the question you need to
2 ask yourself is was all of this false evidence that we went
3 through on the time line and that I showed you through the
4 documents, would that reasonably have influenced QuickTurn to
5 part with money.

6 You don't have to determine whether the fraud was
7 successful. The Government doesn't need to prove that
8 QuickTurn actually was defrauded, even though they were. All
9 you have to determine is whether it would have reasonably
10 caused QuickTurn to part with money.

11 We know that that happened: QuickTurn hired
12 lawyers, Jeff Miller spent an inordinate amount of his time
13 trying to get to the bottom of these phony notebooks. And by
14 the way, one of the defense experts, Mr. Blakely, said that is
15 exactly what he would have done if he were representing a
16 company and he got fraudulent evidence. "I would want to know
17 about that. I would not ignore it," is what he said.

18 The other thing that we know about the defendant's
19 intentions is you have the Keith Lobo notes. That was probably
20 one of the most important pieces of evidence you saw because
21 that was the basis for ratcheting the damages up to \$70
22 million. The intention was in producing these notes to bring
23 QuickTurn to its knees and to get a lot of money.

24 Okay. Count 12 is the mailing that Amr Mohsen sent
25 to Mr. Moore. You have the original from Federal Express.

Rebuttal Closing Argument / Waldinger

1 judged when -- like some mythical date after May of 2000, which
2 is what the defendant wants you to do. He wants you to go off
3 the board and say, if this case had ever gone to trial, I would
4 have won. And so, all of this, these lies that I told
5 regarding the 1988 notebook are not material. That's not what
6 the law is.

7 The instruction that you will receive says that the
8 materiality of a false statement must be tested testimony -- at
9 the time of the alleged false statement and not on the basis of
10 events that occurred later.

11 So this argument that you heard that Aptix didn't
12 need the notebook, the 1988 notebook, because it would have won
13 anyway, what I call the could have-should have-would have
14 defense, is a nondefense, that's not what the law is. The
15 question is what were the issues when Amr Mohsen made his false
16 statements in the depositions, in the two depositions that are
17 charged in Counts 2, 3 and -- and 4. The issue that was
18 central to the lawsuit at that time was when Amr Mohsen
19 invented what he said he invented in the '069 patent.

20 We don't know what would have happened if Judge
21 Alsup had not dismissed this lawsuit. So that should be your
22 initial inquiry. Your initial inquiry should not be is this a
23 no harm/no foul argument. Your initial inquiry should be were
24 Amr Mohsen's false statements in his depositions material at
25 the time they were made? I submit to you that they absolutely

Rebuttal Closing Argument / Waldinger

1 Even if Aptix would have won the lawsuit, even if
2 Aptix would have won the lawsuit, the 1988 notebook and the
3 fact that it was a completely fraudulent notebook is still
4 relevant and still material in that patent litigation, and
5 here's why:

6 If Aptix would have won, which is what the defendant
7 says, the next question is, okay, how much money does Aptix
8 get? And you've heard testimony from Mr. Miller that Aptix was
9 seeking over \$20 million in the lawsuit. Mr. Miller also
10 testified and other witnesses testified that the way you get
11 damages is to give notice of infringement and that you don't
12 get damages -- that the clock on damages does not start ticking
13 until you give notice of infringement. The whole point of this
14 lawsuit is to get money. If Amr Mohsen wanted money out of the
15 lawsuit, he had to show that he had given notice of
16 infringement.

17 How does he show he gave notice of infringement? He
18 testified in depositions that he gave lawyers for Aptix,
19 Exhibit 29, which are his notes allegedly of a meeting with
20 Keith Lobo. And when asked if depositions whether he had ever
21 given QuickTurn notice of infringement, he said, "I gave
22 verbal, verbal notice to Keith Lobo." And he talked about
23 these notes as -- as showing that he had -- in fact, had done
24 that. That's Government's Exhibit 29. We've talked about
25 these before, but these notes say, "Gave Keith '069 patent,

Rebuttal Closing Argument / Waldinger

1 told QDS infringes." QDS is QuickTurn Design Systems.

2 Well, seems pretty apparent that if the defendant is
3 right, that he would have won the lawsuit, that the next
4 question would have been whether Aptix would have given
5 QuickTurn notice of infringement, and these notes would have
6 been central to that issue.

7 These notes are fraudulent. These notes are faked.
8 We haven't charged this in the document, but you know that they
9 are fake, because Mr. Mohsen ran a prototype of the notes
10 through Robert Kuranz in early 1999.

11 This is -- these are different. These are not the
12 same. This is the one that was produced in the litigation,
13 this is slightly different. This is the original. If you look
14 at -- Mr. Kuranz's file is Exhibit 35. So he sent these
15 original prototype notes to Mr. Kuranz. And when you get this
16 exhibit, you'll see that there are two -- this is black ink,
17 this is blue, this is black ink, this is blue, and that
18 Mr. Kuranz apparently took ink plugs out of here.

19 He testified that Mr. Mohsen had asked him to do the
20 TLC testing, which I have forgotten what TLC stands for, nobody
21 remembers, and he did that testing. Clearly, it was to find
22 out if these inks could pass the sniff test. Because he wanted
23 to use them in the litigation. He wanted to use them to get
24 damages.

25 This is Mr. Kuranz's photocopy of the notes that

Rebuttal Closing Argument / Waldinger

1 were sent to him. And he wrote that the defendant had told him
2 that these notes dated to '89. And I submit to you that the
3 defendant probably picked '89 because he thought that was a big
4 enough cushion for whatever time period he wanted to say these
5 notes came from.

6 In the end, I think there has been testimony that
7 the '069 patent issued in early August of 1996. So these notes
8 come from August of 1996. But I think it's pretty clear, based
9 on what you have seen the defendant do with respect to
10 Robert Kuranz, that these were faked.

11 And, of course, that's what Aptix -- or that's what
12 QuickTurn would have said, right? If Aptix would have won the
13 lawsuit and then relied on these notes, I know what I would do
14 if I were QuickTurn, I would say to whoever it was, the judge
15 or the jury, these are fake. And these are fake because he
16 faked up the 1988 notebook. So the 1988 notebook, even if
17 Aptix won, is relevant to the issue of whether these notes are
18 real.

19 And so they are material both in the perjury context
20 because again, whether the '88 notebook is real becomes
21 relevant. If Amr Mohsen faked up the '88 notebook, it's likely
22 that he faked up the Keith Lobo notes. They are also material
23 to the scheme to defraud. Again, he has produced -- the
24 defendant produces the Keith Lobo notes. He testified that he
25 gave these to Howrey & Simon, Aptix's attorney, to turn over in

Rebuttal Closing Argument / Waldinger

1 the litigation. These are absolutely relevant to whether
2 QuickTurn would reasonably part with money. If QuickTurn
3 believed this -- now, again, remember, the defendant, in a
4 scheme to defraud, doesn't have to be successful in a scheme to
5 defraud. He doesn't actually have to have defrauded anybody,
6 he just has to have had a scheme to defraud.

7 This scheme to defraud was to get money out of
8 QuickTurn. Either QuickTurn would have lost in the lawsuit and
9 had to pay more damages, or QuickTurn may have decided to
10 settle if they see these notes. It's all material. The
11 materiality is not an issue.

12 The only other thing that I would like to talk about
13 is the -- is Count 20, which is the contempt of court. And the
14 only issue there, really, Mr. Balazs suggested that there was
15 some evidence that the defendant was going to leave. I think
16 we all know that he was out of here, he was leaving the
17 country. And so the only question left is whether he applied
18 for a passport in order to do that.

19 I think it's pretty clear that he did that. He was
20 -- he was overheard by FBI agent Jeff Johnson on the phone
21 asking the person he was talking to to remind him what he
22 needed in terms of passports.

23 You heard Ms. Emma Sword testify that her company
24 requires people to have passports to fly to the Cayman Islands.
25 So whether or not he actually needed one to get into the

1 Leave your notes there.

2 **MR. BALAZS:** The only other housekeeping thing is my
3 understanding is that the jury doesn't have a DVD player or
4 something to play any of the transcripts or audiotapes, right.

5 **THE COURT:** Yes, you are both familiar with Ninth
6 Circuit law, I assume, which naively prohibits the Court from
7 letting the jury play a DVD, a tape recorder or anything with
8 more moving parts than a crowbar without the defendant being
9 present in open court. I will follow that rule until the Ninth
10 Circuit realizes what they have done and changes it.

11 (Jury out at 2:59 p.m./counsel confer over
12 exhibits/exhibits taken into the jury
13 room.)

14 (Proceedings recess for jury deliberations
15 at 3:05 p.m./resume at 4:22 p.m.)

16 **THE COURT:** The defendant is present with counsel.

17 Shortly after the jury retired, I received a note
18 with the following question: "Is there a copy of the
19 indictment with the specific charges that we can see?" And I
20 wrote back the answer, "No."

21 I'm now informed orally that the jury has reached a
22 verdict. The foreperson, from the note that they sent out,
23 appears to be Juror No. 2, John Shepherd. So I'm going to
24 bring the jury in and -- however, I need to have the alternates
25 here, too.

Primas - Cross / Balazs

1 A. Do I still have?

2 Q. Did you have his phone number at that time?

3 A. Yes.

4 Q. Now, isn't it true that on March 1st, you were arrested
5 with a crack cocaine pipe in your pocket?

6 A. Yes, it was.

7 Q. And that is the reason you didn't stay in touch with the
8 FBI, wasn't it?

9 A. No.

10 Q. You were using crack cocaine?

11 A. No, that is not the reason.

12 Q. And you are a crack cocaine addict?

13 A. I would say I got a problem with it. I mean, you can call
14 me what you like, but yeah, I got a problem.

15 Q. You got a problem?

16 A. That is not the reason why I did not, in fact, stay in
17 touch with him.

18 Q. It was a mix-up?

19 A. It was a miscommunication, and I guess it was on my part.

20 Q. Had nothing to do with the crack cocaine?

21 A. No, it didn't.

22 Q. It was just a coincidence that you were arrested on
23 March 1st with a crack cocaine pipe in your pocket?

24 A. Just a coincidence?

25 Q. Yes.

Primas - Cross / Balazs

1 Q. Okay. Did you remember the names John Williams and
2 Ed Swanson?

3 A. No.

4 Q. Did you know that the attorneys he had are different than
5 me and my co-counsel?

6 A. Oh, I'm sure of it.

7 Q. Okay.

8 You know that I wasn't his attorney, Amr's attorney,
9 back when he was at the Santa Rita Jail?

10 A. Yeah, yes.

11 Q. Okay.

12 Now, when he hired you to do legal research, he gave
13 you -- he wanted you to do research and find ideas for his
14 case, for his defense?

15 A. Yes.

16 Q. And in doing that, he gave you some of the discovery
17 documents from his case?

18 A. Yes.

19 Q. In fact, he gave you quite a bit of discovery, right?

20 A. Yes.

21 Q. Because he wanted you to look at everything and be able to
22 help find some kind of a legal defense to his case?

23 A. Right.

24 Q. And at times, you kept some of the discovery in your jail
25 cell; is that right?

Primas - Cross / Balazs

1 A. Yes.

2 Q. And it was the cell with you and George Harmon. And you
3 had actually sometimes quite a bit of discovery in your jail
4 cell?

5 A. Yes.

6 Q. Was that at times like a box or more than one box?

7 A. Not a box. No. Maybe a stack or something like that. Not
8 a box.

9 Q. Okay.

10 I want to show you a few documents and ask if you
11 recognize these.

12 I'm going to give you three documents marked GG1,
13 GG2, GG3, ask if you recognize them.

14 (Reviewing documents.)

15 **THE WITNESS:** Yes.

16 **BY MR. BALAZS:**

17 Q. And what are they?

18 A. They are different papers from out of the law library.

19 Q. And those were some of those -- some of the materials that
20 you copied for Amr; is that right?

21 A. Yes.

22 Q. And, in fact, they have your --

23 A. My --

24 Q. -- initials on them sometimes?

25 A. Yes.

Primas - Cross / Balazs

1 A. Yes.

2 Q. And those were four separate burglaries, right?

3 A. Yes.

4 Q. And that also the charges alleged that you had nine prior
5 felony convictions?

6 A. Yes.

7 Q. And were all -- were all those prior felony convictions
8 true that were alleged?

9 MR. WALDINGER: Your Honor, I'm not sure, I haven't
10 looked at the document, but I think that Rule 609 would exclude
11 some of those.

12 THE COURT: It may, but if you haven't looked at the
13 document, you can't tell me which are excluded and which are
14 included.

15 MR. WALDINGER: I haven't seen the information.

16 THE COURT: Well, that's your problem, isn't it? I
17 mean, the information is available.

18 The objection is overruled.

19 BY MR. BALAZS:

20 Q. Were those four -- were those nine felony convictions in
21 that information all true? That you were convicted of each of
22 those nine crimes?

23 A. Either I pled no contest, but I -- yeah, I was found not --
24 I was found guilty, yes.

25 Q. Okay.

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1 And at the time of the robbery, you were also on
2 parole; is that right?

3 **A.** Yes.

4 **Q.** Now, the robbery charge carried a penalty of two, three, or
5 five years imprisonment?

6 **A.** Yes.

7 **Q.** And the gun charge carried a mandatory ten years; is that
8 right?

9 **A.** I'm not sure about that.

10 **Q.** You're not sure? You were a jailhouse lawyer at the jail?

11 **A.** But a mandatory ten years? Not to my recollection, no.

12 **Q.** Didn't do any research on your own case?

13 **A.** Yes, but I didn't read a mandatory ten years.

14 **Q.** Okay.

15 Your attorney never told you that?

16 **A.** Not to my recollection, no. I mean, you could be right.
17 But I'm just saying I don't remember the mandatory ten years.

18 **Q.** Not something that would stick in your memory, huh?

19 **A.** Oh, definitely would.

20 **Q.** Okay.

21 Now, on the additional burglary charges, you knew
22 that you could get additional time for each of those
23 burglaries, right?

24 **A.** Yes.

25 **Q.** Do you know how much time you could have gotten?

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1 wanted to give to the prosecutors?

2 **A.** Yes.

3 **Q.** Now, by the time you met with prosecutors -- by the time
4 you met with prosecutors, you were willing to do almost
5 anything to get out of jail, right?

6 **A.** Well, I guess I would -- to get out of jail? Yeah, I mean,
7 I would have, yes.

8 **Q.** You would?

9 **A.** Not anything, but yeah, practically. I would have done a
10 whole lot of things to get out, yes, sir.

11 **Q.** Okay.

12 In fact, you -- in March of 2004, you wrote a letter
13 to the judge and your State Court case asking him to give you
14 probation?

15 **A.** I could have, yes.

16 **Q.** Let me -- let me show you a document.

17 **THE COURT:** What's the number of this one?

18 **MR. BALAZS:** It's FF.

19 **BY MR. BALAZS:**

20 **Q.** Ask if you recognize this.

21 (Reviewing document.)

22 **BY MR. BALAZS:**

23 **Q.** Is that a document in your own handwriting?

24 **A.** Yes, it is.

25 **Q.** And it's your signature on the bottom?

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1 A. Yes.

2 Q. Wasn't that just a way of getting out of jail right away?

3 A. No. There was no mention of no promises, no anything.

4 Q. No promises, but wasn't that the reason you asked to meet
5 with the federal prosecutors?

6 A. At the beginning, no.

7 Q. At the beginning, it was out of the goodness of your heart?

8 A. It was out of thinking that somebody might get hurt.

9 Q. Okay.

10 Now, at that meeting, you gave them two pieces of
11 paper, right -- well, I'm sorry, let me take that back.

12 At that meeting, I think you testified that you gave
13 prosecutors a note that had to do with the vandalism of
14 Tom Huang's car that said something concerning pay your debts;
15 do you remember that?

16 A. Yes.

17 Q. And that was something that Amr wrote?

18 A. Yeah, it could have been, yes.

19 Q. Okay.

20 So he wrote that note that had to do with the
21 vandalism with Tom Huang's car, right?

22 A. Um-hmm.

23 Q. Now, you also gave him another document, which is marked
24 Government's Exhibit 127A. I want to show you this.

25 A. Yes, yes.

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1 Q. Do you remember that?

2 A. Yes.

3 Q. That's a note that you gave to the prosecutors and the FBI
4 at the meeting, right?

5 A. Right.

6 Q. Or at least you showed it to them.

7 That's all in your handwriting, right?

8 A. Yes.

9 Q. And that's -- that's the piece of paper that lists all
10 the -- lists different witness names, right?

11 A. Yes.

12 Q. Now, didn't you copy those names from the discovery from
13 Amr Mohsen's case?

14 A. Umm, actually, Amr gave me the -- umm, the addresses. He
15 would give me sheets of paper. Some of the discovery he had,
16 like, for -- I think it was for Mr. Kuranz, he had found the
17 phone number and stuff on the back. So he gave me that so I
18 wrote it down.

19 So all these different addresses that I had had that
20 I gotten from him, I wrote down in one. And I gave this to the
21 FBI agent.

22 Q. Okay.

23 So you didn't -- you didn't get those names from
24 Amr's discovery and then give it to the prosecutors in a -- in
25 a plan to be able to try to get yourself a lower sentence?

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1 A. I was -- yeah, I mean, I was hoping that, you know, maybe
2 they could -- you know, something would -- you know, would turn
3 out good for me. For doing a good turn, you get a good turn.
4 I mean, that had crossed my mind, but they never -- the whole
5 time the prosecutors told me they couldn't -- you know, they
6 can't give me anything, you know what I mean.

7 Q. They couldn't guarantee you anything?

8 A. They couldn't guarantee me anything and they weren't --
9 they weren't going to sit there and tell me that they would
10 guarantee me anything.

11 Q. Right. But you understood that the more you did, the more
12 it could help you in your case?

13 A. I was still under the impression that there was no
14 guarantees. That's all I knew was that there was no
15 guarantees.

16 Q. That is not my question. My question is not whether there
17 was no guarantees, it's whether you understood that the more
18 you did, the more it could help you in your State Court case?

19 A. Not necessarily the more I did. I figured by just going in
20 this one time was -- it was enough. I mean, going in there the
21 one time put my life on the line, right there.

22 Q. Right. Just going in there then. But you also agreed
23 afterwards then to wear a wire, right?

24 A. Yes.

25 Q. That it could potentially cause some --

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(Handing witness transcript.)

BY MR. BALAZS:

Q. Now, can you read the first paragraph that refers to you, Manny? Can you read that?

A. In highlight?

Q. Yeah.

A. "I" -- "I told him, I said, 'You know, I gave these people your address.'"

Q. Okay.

Now, isn't that -- isn't that what you said you told Chris Forvour?

A. Yes.

Q. Okay.

And what was the reason you gave -- you told Amr that you gave people his address?

A. I told Amr that so that, like, for the stuff that had been done, he would -- you know, he would know that he had to pay them to know that we were serious. Like I said before, otherwise, he would have just thought that, hey, maybe they're not really doing anything, you know. That they are saying they are doing because he kept wanting results and this was just letting him know that the people that do these things are going to want to get paid.

Q. Okay.

Now, that was -- that statement that you told

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1 A. It says, "Let him do the talking. Get as much detail as
2 possible."

3 Q. Okay.

4 Is that what Chris Forvour told you?

5 A. This transcript is true, it would have to reflect that.

6 Q. Do you have any reason to believe it's not true?

7 A. No.

8 Q. Okay.

9 Now, during the -- during the videotaped
10 conversation that we saw in court, you were trying hard in that
11 tape to get Amr to agree to the idea of killing the judge,
12 weren't you?

13 A. I don't know if I was trying to -- maybe I got a little
14 pushy, I'm not sure, but I was --

15 Q. But he never agreed in that videotape to -- to plan the --
16 to kill the judge; isn't that right?

17 A. He never -- I think he did.

18 Q. Those -- there was preliminary discussions, but he says his
19 conscience was bothering him and he wanted to think about it;
20 isn't that right?

21 A. It seemed -- he would -- you know, he would use the
22 conscience routine as he did on Dave Moore, but then again,
23 even the car wasn't enough. Now I want to send him a note,
24 what was he going to do -- that's just my way. You would have
25 to be in the situation and around him to -- to feel and to know