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1 understanding? What was going on through your head as you
2 responded to that comment?

3 MR. MOORE: I assume your Honor agrees with
4 Mr. Solowiejczyk. It's proper cross-examination, particularly
5 for Mr. Code, to explore on cross the fact that he had just met
6 Mr. Blazer this one time.

7 THE COURT: I fully expect that that will be the
8 cross-examination.

9 MR. MOORE: Yes, sir.

10 I do feel obligated as an officer of the court to
11 point out I have noticed one juror who does appear to be
12 nodding off occasionally. Sometimes she seems to recover. It
13 is juror no. 4. And I just call that to your Honor's attention
14 because I feel like I'm obligated to call that to your Honor's
15 attention.

16 THE COURT: Absolutely. OK.

17 MR. MOORE: Three. Three. Not four. Three.

18 THE COURT: Ms. Green?

19 MR. HANEY: Your Honor, I had one other matter if I
20 may.

21 If preferred, I would submit a letter motion but based
22 on the testimony yesterday from Mr. Blazer as to what he
23 understood Mr. Dawkins to have meant with respect to Sean
24 Miller, I would ask that the Court consider the subpoena that
25 was served on Sean Miller, the Court reconsider that ruling

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1 that his testimony be no longer irrelevant. The testimony from
2 Marty Blazer was that it was his understanding that Sean Miller
3 was discussing with Christian Dawkins taking over payments for
4 a student athlete in exchange for that there being some
5 consideration provided. And I would move based on the motion
6 that was previously filed as to relevancy of Sean Miller's
7 testimony that the Court reconsider or I can emphasize that and
8 explore that further on a letter motion if the Court prefers.

9 THE COURT: Let's see what the government has to say.

10 MR. SOLOWIEJCZYK: Your Honor, we can respond to that.
11 Frankly, we view this as an important issue and, if possible,
12 we'd rather respond in writing. But we don't think anything
13 has changed as a result of the testimony yesterday.

14 Our understanding of Mr. Haney's purpose in trying to
15 call Sean Miller is to somehow establish that since Christian
16 Dawkins didn't seek to bribe him, he must not have sought to
17 bribe these other coaches.

18 I'd also note there was some testimony with -- in the
19 first meeting that we listened to where Christian Dawkins
20 explained on tape why you don't bribe head coaches but you did
21 bribe assistant coaches which just further undercuts what
22 Mr. Haney is trying to do here. If your Honor is actually
23 considering revisiting this ruling, we'd like to submit
24 something in writing.

25 THE COURT: I'm not going to stop Mr. Haney from

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1 putting in a motion if he wants to put in a motion. I do note,
2 however, that presumably the recording that was played
3 yesterday in which Mr. Miller was mentioned was turned over to
4 the defense. We've had it beforehand. The motion that was
5 made prior was based on that knowledge and that understanding
6 and a ruling was based on that knowledge and that
7 understanding. So, as Mr. Solowiejczyk indicated, nothing has
8 changed. But if you want to make a motion to more fully set
9 out your position, I'm happy to receive it.

10 MR. HANEY: Thank you, your Honor.

11 THE COURT: Anything else?

12 MR. MOORE: Your Honor, I notice that Mr. Mark filed
13 something with respect to the limiting instruction that I
14 proposed yesterday.

15 THE COURT: Yes, sir.

16 MR. MOORE: Prior to receiving Mr. Mark's letter
17 motion we had actually reviewed and found, had some other
18 Second Circuit cases which are in line with his citations and I
19 read his authority and based on that I feel I'm obligated to
20 withdraw my request.

21 THE COURT: Very well. Thank you.

22 Anything else?

23 There being nothing else, we will await the jury.

24 (Recess)

25 THE COURT: Is Mr. Blazer close?