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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, . Case No. 06-CR-643 (AET)
. .
v. . 402 East State Street
. Trenton, New Jersey 08608
. .
ALBERT POET, .
Defendant. .
. March 13, 2007
. 10:00 a.m.

TRANSCRIPT OF SIDEBARS ONLY
BEFORE HONORABLE ANNE E. THOMPSON
UNITED STATES DISTRICT COURT JUDGE and JURY

APPEARANCES:

For the Government: Office of the U.S. Attorney
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For the Defendant: JEROME BALLAROTTO, ESQ.
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1 make sense for them to be able to and at this point,
2 unfortunately, I don't have a case law with me to instruct one
3 way or the other, but that concern was raised in my office and
4 it was something that (indiscernible).

5 MR. BALLAROTTO: If I may, we submit that the proper
6 remedy here, and to protect the Court in the process and the
7 prosecution, would be to dismiss without prejudice, they can go
8 back and get their indictment and we can come back here in --
9 whenever, to try the case. We're ready to go now, but, you
10 know, there is a concern and in order to best insulate both the
11 prosecution and Dr. Poet, and the Court, that is the prudent
12 course of action.

13 MS. COWLES: Well, Your Honor, he may be well
14 correct, I know that the statute to which we've referred, 31:27
15 addresses (indiscernible) Government, and I know the Government
16 would not be appealed once we got into the trial, it may be
17 that it's still appealable, the defense appeal. I don't know
18 that.

19 MR. BALLAROTTO: If there's a conviction, I can't
20 imagine we couldn't since we raised it at trial. I can't
21 imagine --

22 MS. COWLES: And you probably could raise it at that
23 point. So that may not be a problem. The problem for us was
24 the --

25 MR. BALLAROTTO: Double jeopardy.

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1 frankly, I would be inclined to deny the motion. That doesn't
2 mean that I'm right or that the Government won't have to face
3 an appeal that would be vulnerable. A conviction that might be
4 vulnerable. That's your concern, not mine.

5 MS. COWLES: That's fine, Your Honor. We're happy to
6 deal with anything that comes after the course of this trial.
7 Our concern is simply the motion would be denied formally.

8 THE COURT: All right. Thank you, I will deny the
9 motion.

10 UNIDENTIFIED MALE SPEAKER: (Indiscernible).

11 THE COURT: Juror number six needs to speak with me?
12 All right bring her -- is it a her or him?

13 UNIDENTIFIED MALE SPEAKER: Him.

14 THE COURT: Him, bring him over, or bring him in.

15 MS. COWLES: Your Honor, we also -- courtroom deputy,
16 our paralegal is in court, he was not here this morning. Can
17 we introduce him --

18 THE COURT: The young man that has just --

19 MS. COWLES: Yes.

20 MR. BALLAROTTO: Judge, I think the Court was in the
21 process of making a ruling when the clerk --

22 THE COURT: The motion is denied. Juror number six,
23 yes, come around, sir, please. I'm going to ask you to use
24 this microphone, that's right, turn toward us. You evidently
25 have had some thoughts about the charge.