

1 AND YOU'RE ALL SET, RIGHT?

2 MR. WEHNER: WE'RE READY TO GO TO TRIAL, JUDGE.

3 YES, SIR.

4 THE COURT: FINE. WELL, NOW, THAT COMES DOWN
5 THEN TO THE QUESTION OF TIMING THAT I GUESS I SHOULD
6 DISCUSS THAT WITH INDEPENDENT COUNSEL FOR A MINUTE. I WAS
7 SOMEWHAT MISLED BY THE PAPERS.

8 GOOD MORNING.

9 MS. HARRIS: GOOD MORNING, YOUR HONOR.

10 THE COURT: I WAS MISLEAD BY THE PAPERS, AND
11 IT'S MY FAULT I REALIZE, WHEN YOU SAID THAT YOU WERE
12 PREPARED TO GIVE ALL THE BRADY MATERIAL RELATING TO EACH
13 WITNESS PRIOR TO THE WITNESS TESTIFYING. I COULD
14 UNDERSTAND THAT TO BE A POSITION YOU WOULD TAKE WITH
15 RESPECT TO JENCKS MATERIAL, THE GRAND JURY TESTIMONY AND
16 WHATEVER ARRANGEMENT WERE MADE ABOUT THE WITNESS' IMMUNITY
17 OR OTHERWISE BUT IN THE LARGE IF YOU NOW KNOW OF ANY BRADY
18 MATERIAL YOU HAVE AN OBLIGATION TO TURN THAT OVER
19 IMMEDIATELY. OTHER THAN THAT, DO YOU SEE WHAT I'M TALKING
20 ABOUT, OTHER THAN JENCKS MATERIAL, IF YOU HAVE SOME
21 EXCULPATORY MATERIAL OF ANY KIND THAT REALLY RELATES TO
22 THE KIND OF INFORMATION THAT THE DEFENDANT IS ENTITLED TO
23 IN ORDER TO FRAME ITS OWN DEFENSE IN PART, AS I UNDERSTAND
24 BRADY, YOU'VE GOT AN OBLIGATION TO TURN THAT OVER RIGHT
25 AWAY, AS SOON AS YOU KNOW IT.

Exhibit B

1 MS. HARRIS: YOUR HONOR, I'M GLAD TO MAKE THE
2 DISTINCTION BETWEEN THE GIGLIO SORT OF INFORMATION WHICH
3 ARE THE IMMUNITY ORDERS AND THE PRIOR STATEMENTS OF
4 WITNESSES AND THOSE KINDS OF MATTERS WHICH I HAVE SAID WE
5 WILL MARK AS 3500 MATERIAL AND HAND IT OVER WITH THE 3500
6 MATERIAL WHICH I INTEND TO DO IN ENOUGH TIME THAT WE WILL
7 NOT DELAY THE TRIAL.

8 THE COURT: WELL, HOW QUICKLY CAN YOU -- BEFORE
9 WE TALK ABOUT THE JENCKS KIND OF MATERIAL, WHAT IS YOUR
10 TIMING ON TURNING OVER THE 3600 MATERIAL?

11 MS. HARRIS: YOUR HONOR, AS SOON AS WE GET THOSE
12 PACKAGES PULLED TOGETHER, AND WE'RE STILL PULLING THEM
13 TOGETHER, LET ME STATE THAT THERE IS EXTENSIVE 3500
14 MATERIAL WITH RESPECT TO SOME WITNESSES, WITH RESPECT TO
15 THOSE WITNESSES I WOULD EXPECT TO GIVE THE PACKAGE TO THE
16 DEFENSE, I SAY AGAIN IN AMPLE TIME TO USE IT WITHOUT
17 DELAYING THE TRIAL. I HESITATE AT THIS MOMENT TO STATE A
18 SPECIFIC TIME AND I'M TALKING JENCKS MAINLY BUT I'M ALSO
19 TALKING THE THINGS THAT ARE ORDINARILY MARKED AS JENCKS
20 SUCH AS IMMUNITY ORDERS AND PLEA AGREEMENTS, IF ANY, AND
21 MATTERS LIKE THAT.

22 I DO WANT TO RECOGNIZE WHAT YOUR HONOR HAS
23 STARTED TALKING ABOUT WHICH IS THE EXCULPATORY BRADY
24 MATERIAL SEPARATE AND APART FROM THE KIND OF TRADITIONAL
25 GIGLIO MATERIALS AND I DO WANT TO RECOGNIZE OUR OBLIGATION

1 SHOULD WE COME ACROSS ANYTHING LIKE THAT TO TURN IT OVER
2 WHEN WE FIND IT.

3 THE COURT: WELL, DO YOU HAVE ANY OF IT THAT YOU
4 KNOW OF? NOW?

5 MS. HARRIS: NOT TO MY KNOWLEDGE, YOUR HONOR.

6 THE COURT: SO AT THE PRESENT TIME THE BRADY
7 MATERIAL IS JUST THE TRADITIONAL TYPE OF MATERIAL THAT IS
8 DISCLOSED WHENEVER A WITNESS TAKES THE STAND WITH PRIOR
9 STATEMENTS AND ANY KIND OF PROMISES AND SO FORTH,
10 ARRANGEMENTS THAT HAVE BEEN MADE.

11 MS. HARRIS: YES. NOW, TO THE EXTENT THAT WE
12 HAVE MADE AVAILABLE DISCOVERY, AND THERE ARE I THINK IT'S
13 PROBABLY 47,000 PAGES THAT HAVE BEEN COPIED BY THE
14 DEFENSE, JUDGE, THERE MAY BE MATERIAL IN THERE WHICH THE
15 DEFENSE REGARDS AS EXCULPATORY, I CANNOT MAKE THAT
16 JUDGMENT, BUT WE HAVE ATTEMPTED TO UNDER THE STRICTURES OF
17 TIME IN TERMS OF OUR DISCOVERY TO TRY TO BE SPECIFIC AS TO
18 THIS NARROW CASE AND GIVE -- AND NOT DUMP THE WHOLE 35
19 CABINETS ON THEM AND IN THAT CONNECTION THERE'S GOING TO
20 BE INFORMATION ABOUT MISS DEAN'S CONDUCT OF THE -- OF HER
21 BUSINESS AT HUD AND FOR ALL I KNOW SOME OF THAT THE
22 DEFENSE MAY REGARD AS EXCULPATORY. SO I WANT TO MAKE THAT
23 STATEMENT TO YOUR HONOR, BUT I HAVE NOT COME ACROSS
24 ANYTHING THAT LEAPS OUT AS EXCULPATORY BRADY MATERIAL.

25 THE COURT: BUT IN ANY EVENT THEY HAVE THAT.