

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION
4 CASE NO. 23-80101-cr-CANNON

5 UNITED STATES OF AMERICA, Miami, Florida

6 Plaintiff, June 13, 2023

7 vs. 2:55 p.m. to 3:44 p.m.

8 DONALD J. TRUMP and WALTINE Courtroom 13-3
9 NAUTA,

10 Defendants. (Pages 1 to 36)

11 INITIAL APPEARANCE AND ARRAIGNMENT
12 BEFORE THE HONORABLE JONATHAN GOODMAN,
13 UNITED STATES MAGISTRATE JUDGE

14 APPEARANCES:

15 FOR THE GOVERNMENT: JAY BRATT, ESQ.
16 DAVID HARBACH, ESQ.
17 JULIE EDELSTEIN, ESQ.
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I N D E X

WITNESSES

WITNESSES FOR THE GOVERNMENT:

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WITNESSES FOR THE DEFENDANTS:

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EXHIBITS IN EVIDENCE

IDENTIFIED

ADMITTED

Plaintiff's Exhibit No.

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Defendants' Exhibit No.

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MISCELLANEOUS

Proceedings.....

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Court Reporter's Certificate.....

30

1 (The following proceedings were held at 2:55 p.m.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: And good afternoon, folks. Please be
4 seated. Make yourself comfortable.

5 UNIDENTIFIED SPEAKER: Good afternoon, Your Honor.

6 THE COURT: Give me half a minute to get organized and
7 get settled.

8 (Pause in proceedings.)

9 THE COURT: We're here, folks, for Case No.
10 23-80101-cr-Cannon. United States of America vs. Donald J.
11 Trump and Waltine Nauta.

12 First, I want to thank Chief Judge Cecilia Altonaga
13 for letting me use this courtroom and also chambers.

14 Second, I want to thank the U.S. Marshal and all of
15 his deputies for all the hard work that they've put in the past
16 several days. And also thanks to the entire law enforcement
17 community, all the multiple agencies who have been working over
18 the past several days to get this organized.

19 And finally, I'd like to thank the clerk of the court
20 and her staff for making arrangements under a time crunch.

21 I want to remind everyone of the Court's broadcast,
22 broadcasting prohibition rules. No photographs or videos in
23 this courtroom or otherwise in the building.

24 And I am also going to point out what I call the no
25 circumventing the rule, rule, which means for those folks who

1 are over in the spillover room watching this on television
2 monitors, you're not allowed to record or broadcast from what
3 you see on TV, because that would defeat the entire
4 prohibition.

5 We're going to start off by taking former President
6 Trump first, and then we'll handle Codefendant Waltine Nauta.

7 Who is here for the prosecution, please?

8 MR. HARBACH: Good afternoon, Your Honor. David
9 Harbach of the Special Counsel's Office for the United States.
10 Sitting with me at the table are my colleagues, Jay Bratt and
11 Julie Edelstein.

12 THE COURT: Thank you. And all three of you are from
13 Washington?

14 MR. HARBACH: Yes, Your Honor.

15 THE COURT: Well, welcome to the Southern District of
16 Florida.

17 MR. HARBACH: Thank you, sir.

18 THE COURT: And who is here for former President
19 Trump?

20 MR. KISE: Good afternoon, Your Honor. Christopher
21 Kise, Continental PLLC on behalf of President Donald Trump.
22 And I appreciate the Court already granting Mr. Blanche's *pro*
23 *hac vice*. He'll enter his appearance.

24 THE COURT: Thank you. I don't want to take undue
25 credit, it was actually Judge Cannon who granted that motion

1 for *pro hac vice*, but thank you so much.

2 And your colleague?

3 MR. BLANCHE: Todd Blanche, just admitted *pro hac*
4 *vice*. Good afternoon, Your Honor.

5 THE COURT: Good afternoon. And you are from New York
6 City?

7 MR. BLANCHE: I am, Your Honor.

8 THE COURT: Welcome to the Southern District of
9 Florida as well.

10 So I have a question for both of you. And you can
11 feel free to be seated, make yourself comfortable.

12 Are both of you here temporarily or permanently?

13 MR. KISE: Permanently, Your Honor.

14 MR. BLANCHE: Permanently, Your Honor.

15 THE COURT: Okay, that's good to know.

16 Have you filed a notice of permanent appearance yet?

17 MR. KISE: Yes, Your Honor, I have.

18 THE COURT: Okay. And Mr. Blanche.

19 MR. BLANCHE: I was just admitted, Your Honor. I will
20 do so promptly.

21 THE COURT: All right. Well, why don't you take until
22 tomorrow to get that done, it's sort of an administrative step.
23 But thank you. Very well.

24 So since both of you are here permanently, let me ask
25 one other background question, which is, are you here for trial

1 purposes only or trial and appeal?

2 MR. KISE: Trial and appeal, Your Honor, as reflected
3 in our notice.

4 THE COURT: All right. Very good. Thank you so much.

5 Folks, the Indictment itself is 44 pages, 38 counts
6 with 37 counts against the former President Trump and 6 against
7 the Codefendant and alleged coconspirator, Waltine Nauta.

8 Have you folks reviewed the Indictment with former
9 President Trump?

10 MR. BLANCHE: We have, Your Honor.

11 THE COURT: And because both of you are in the case
12 permanently, would you like to arraign him now?

13 MR. BLANCHE: Yes, Your Honor.

14 MR. KISE: Yes, Your Honor.

15 THE COURT: All right. So let's move forward and do
16 that, please.

17 So the custom in our district, customs vary from
18 district to district. But in our district, we typically don't
19 read aloud the entire Indictment, that would take quite a
20 while. The typical protocol is for the defense lawyers to say
21 we read -- we waive the formal reading.

22 Are you willing to waive the formal reading?

23 MR. BLANCHE: We waive the formal reading, Your Honor.

24 THE COURT: All right. And the next step typically
25 would be you either enter a plea of guilty or not guilty.

1 MR. BLANCHE: Your Honor, we most certainly enter a
2 plea of not guilty.

3 THE COURT: All right. And the other typical request
4 that we make in this district is, we'd like a jury trial, we
5 demand a jury trial. Is that something you're asking for?

6 MR. BLANCHE: We so demand, yes, Your Honor.

7 THE COURT: All right. And the other typical step
8 that defense lawyers in our district take is to ask for the
9 issuance of the standing discovery order.

10 Are you making that request as well?

11 MR. BLANCHE: Yes, Your Honor.

12 THE COURT: All right. The standing discovery order
13 either has been uploaded or will soon be uploaded on our CM-ECF
14 system.

15 I'm now going to be issuing what we call the *Brady*
16 order. I'm confident that the Department of Justice is fully
17 aware of its *Brady* obligations, but in an abundance of caution,
18 we now issue an actual order to enforce the *Brady* obligations.
19 So I'm going to be reading the *Brady* order, issuing the *Brady*
20 order, and this order also applies for the Codefendant,
21 Mr. Nauta, as well.

22 A written version of this *Brady* order will later
23 appear on our CM-ECF written docket.

24 As required by Rule 5(f) of the Rules of Criminal
25 Procedure, the United States is ordered to disclose to the

1 Defendant all exculpatory evidence; that is, evidence that
2 favors the Defendant or casts doubt on the United States's case
3 as required by *Brady vs. Maryland* and its progeny.

4 The Government has a duty to disclose any evidence
5 that goes to negating the Defendant's guilt, the credibility of
6 a witness or that would reduce a potential sentence.

7 The Defendant is entitled to this information without
8 a request. Not doing so in a timely manner may result in
9 consequences, including, but not limited to, exclusion of
10 evidence, adverse jury instructions, dismissal of charges,
11 contempt proceedings, disciplinary action or sanctions by the
12 Court.

13 On the summons that the Government issued, Docket
14 Entry No. 4 is the summons that you asked the clerk of the
15 court to be signed. Chief Magistrate Judge Edwin Torres issued
16 the summons on June 8th, 2023. A bond recommendation was
17 attached signed by J. Bratt, assistant special counsel.

18 That recommendation called for a personal surety bond
19 with no financial component. No dollar amount. Basically, it
20 was a personal recognizance type of release.

21 Is this still the recommendation of the United States?

22 MR. HARBACH: It is, Your Honor.

23 THE COURT: Have you discussed the proposed terms of
24 release or bond with any of the defense lawyers? In other
25 words, have you worked something out?

1 MR. HARBACH: Yes, Your Honor. Well, I can represent
2 this much. We had informed counsel for both Defendants that
3 our recommendation for the conditions associated with the
4 personal surety bond that Your Honor just described will be the
5 same. And they are, in particular, a recommendation that the
6 Court impose what in this district under the standard
7 conditions of bond are labeled Condition No. 1.

8 THE COURT: Yes.

9 MR. HARBACH: And Condition No. 5.

10 THE COURT: Yes.

11 MR. HARBACH: And that the remaining standard
12 conditions of bond need not apply here because the Government
13 does not review either Defendant as a flight risk and,
14 furthermore, that no special conditions are necessary in this
15 instance.

16 I've related that to both defense counsel, Your Honor.

17 THE COURT: All right. And was there an agreement?

18 MR. BLANCHE: There is, Your Honor.

19 THE COURT: All right. So both sides, at least as to
20 former President Trump, are saying this should be a personal
21 surety bond, no dollar amount, no financial component and only
22 the standard Conditions 1 through 5.

23 MR. BLANCHE: No, Your Honor.

24 MR. HARBACH: No, Your Honor, 1 and 5.

25 THE COURT: Of course. My mistake. 1 and 5.

1 MR. HARBACH: Yes.

2 THE COURT: So 18 USC 3142(a)(1) authorizes a
3 defendant to be released on a personal recognizance or upon
4 execution of an unsecured appearance bond.

5 Section B, subsection B, authorizes this, quote, less
6 the judicial officer, meaning me, determines that such release
7 will not reasonably assure the appearance of the person as
8 required or will endanger the safety of any other person or the
9 community. I think, as you've just indicated, the Government
10 is representing that those concerns are not concerns in this
11 case for either of the two Defendants, correct?

12 MR. HARBACH: Yes, Your Honor.

13 THE COURT: Subsection B requires the release to be
14 subject to the condition that the person not commit a federal,
15 state or local crime during the period of release, that is
16 condition -- standard Condition No. 5.

17 I assume the Defendant, former President Trump, has no
18 problems with that condition?

19 MR. BLANCHE: I assure you he does not, Your Honor.

20 THE COURT: All right. Very good.

21 So I understand the discussions that the two sides
22 have had. I, however, have some questions about the
23 prosecution's release recommendations, and I'll go through them
24 now. Right now we're just talking about former President
25 Trump.

1 Is the prosecution asking for former President Trump
2 to surrender his passport?

3 MR. HARBACH: No, Your Honor.

4 THE COURT: Is the prosecution requesting any
5 international travel limits on former President Trump?

6 MR. HARBACH: No, Your Honor.

7 THE COURT: Is the prosecution asking for any limits
8 on domestic travel for former President Trump?

9 MR. HARBACH: No, Your Honor.

10 THE COURT: So one of the standard conditions of our
11 bond is no travel outside the Southern District of Florida
12 unless pre-approved by a Court. What is your position on that?

13 MR. HARBACH: That it's not necessary, Your Honor.

14 THE COURT: Fair enough.

15 Is the prosecution requesting that former President
16 Trump be forbidden from possessing firearms, ammunition or
17 dangerous devices?

18 MR. HARBACH: No, Your Honor.

19 THE COURT: Is the prosecution asking that former
20 President Trump avoid all contact with codefendants, victims
21 and witnesses except through counsel?

22 MR. HARBACH: We are not requesting that condition
23 either, Your Honor.

24 THE COURT: Is the prosecution requesting that former
25 President Trump report to pretrial services in any way?

1 MR. HARBACH: No, sir.

2 THE COURT: Is the prosecution asking for any other
3 special conditions of pretrial release?

4 MR. HARBACH: No, sir.

5 THE COURT: Is pretrial services -- is a
6 representative from pretrial services here?

7 Yes, Ms. Silva.

8 MS. SILVA: Yes, Your Honor.

9 THE COURT: Good to see you, Ms. Silva.
10 Is pretrial services requesting any special
11 conditions?

12 MS. SILVA: No, Your Honor.

13 THE COURT: So I'm going to authorize a personal
14 surety appearance bond for former President Trump without a
15 financial component. It is, in fact, a personal recognizance
16 release with the following conditions: As you have indicated,
17 Nos. 1 and 5.

18 However, despite the parties' recommendations to me, I
19 am also going to be imposing some additional special
20 conditions.

21 Former President Trump will avoid all contact with
22 witnesses and victims except through counsel. This condition
23 will be effective once defense counsel receives a written list
24 of those witnesses and victims from the prosecutor. Please
25 send a copy to pretrial services as well.

1 The prohibition will be effective only as to those on
2 the written list. The prosecution will have the ability to
3 expand that list by submitting an amended list.

4 In addition, I'm imposing the special condition that
5 former President Trump may not communicate with the
6 Codefendant, Waltine Nauta, about the case. And the reason I
7 am emphasizing the words "about the case" is that normally in
8 our district, and probably many others, the condition is no
9 contact whatsoever; so typically whenever there is a no contact
10 with a codefendant provision, it means no contact whatsoever
11 except through counsel.

12 However, it is my understanding that Mr. Nauta works
13 for former President Trump and is with you on a daily basis or
14 close to it. Therefore, it would be impossible for that
15 condition to work in the typical way, because if he works for
16 you, you are going to have contact with him on a daily basis.

17 Therefore, I am modifying that special condition so
18 that it's only discussions about the case, except through
19 counsel.

20 We have here a personal surety bond for former
21 President Trump to sign. I am going to check off the
22 appropriate boxes --

23 MR. BLANCHE: Your Honor?

24 THE COURT: Yes, sir.

25 MR. BLANCHE: May I be heard on the special condition?

1 THE COURT: Yes.

2 MR. BLANCHE: Thank you.

3 The challenge with the special condition that
4 President Trump not have contact with witnesses is that many --
5 we don't know who the witnesses are, every one of them, but
6 many of the witnesses who we understand to be involved in this
7 case include members of President Trump's protection detail,
8 include members of President Trump's staff that work with him
9 and for him and have for many, many years. And so the -- the
10 practical implication of that special condition doesn't work in
11 our view, in this case. Everybody that he interacts with --
12 many of the people that he interacts with on a daily basis,
13 including the men and women assigned to protect him, are
14 potential witnesses in this case.

15 So for him not to allowed -- be allowed to have
16 contact with them, in our view, isn't appropriate and doesn't
17 work. We have certainly communicated with our client about
18 what he can and cannot do and say as it relates to witnesses
19 and potential witnesses; and I assure the Court he will not
20 violate our direction or your direction to the extent it comes
21 from the Court.

22 But the special -- you were correct about the
23 Codefendant, Your Honor, that he works very closely with the
24 President, but that is similarly true for many of the witnesses
25 that we understand to be involved in this case. So the same

1 challenges that exist with respect to the Codefendant exist for
2 many of the witnesses as well. So I would respectfully request
3 that Your Honor reconsider that special condition.

4 We are happy to speak with the Government about any
5 concerns that they may have about -- about President Trump,
6 communications with witnesses and bring any issues to the
7 Court's attention, but I believe the reason why we decided that
8 special condition didn't fit with this case, Your Honor, is
9 because of the -- the facts of this case are everything in
10 President Trump's life. So it's what happened at Mar-a-Lago,
11 it's what happened at Bedminster, among other things. And the
12 folks that are part of the Government's case are the folks that
13 work with President Trump and have worked for President Trump
14 every day, especially as it relates to his staff and the United
15 States Secret Service.

16 THE COURT: I think what you are saying to me is that
17 many of the witnesses -- many of the witnesses would also be in
18 the same status as the Codefendant. You have the practical
19 problem of being on staff and having close contact every day.

20 MR. HARBACH: Your Honor, may --

21 THE COURT: Just a minute. I can't tell if you were
22 going to say something because you were chatting.

23 Did you have anything else you would like to say?

24 MR. BLANCHE: I do. A helpful, important fact. One
25 of the key witnesses that we know is still the President's

1 lawyer. So a special condition that President Trump cannot
2 communicate with his lawyer, obviously doesn't work,
3 respectfully, Your Honor.

4 THE COURT: Not phrased that way, but let me hear from
5 the Government.

6 MR. HARBACH: Thank you, Your Honor.

7 I'd like to offer maybe a suggestion about how to
8 proceed. As Your Honor pointed out, your order requires the
9 Government to produce a list of witnesses to be subject to this
10 condition.

11 I should also say that the Government is cognizant of
12 the issues that Your Honor has raised and that Mr. Blanche has
13 already identified about the practical difficulties of
14 enforcing a no-contact order with certain personnel. So our
15 suggestion would be that the Government come up with a list,
16 which, full disclosure, would not be an exhaustive list of all
17 witnesses that might potentially be called at trial, but will
18 be a list of witnesses reflecting our effort to narrow the
19 scope of witnesses as to whom such an order might actually be
20 necessary, and including an effort on our part to reasonably
21 accommodate the types of concerns that Mr. Blanche has just
22 expressed.

23 And so our suggestion would be that you let us prepare
24 a list, let us discuss it with counsel for the former President
25 and, hopefully, we can agree on -- on a list as to which this

1 condition makes sense.

2 I'll also point out that the same specialized
3 condition that Your Honor articulated for the President's
4 contact with Mr. Nauta, might also apply as to some of those
5 other witnesses with whom he is required to work closely on a
6 daily basis. In other words, the restriction could be limited
7 to contact about the case.

8 Suffice it to say that in our view, giving the parties
9 a chance to iron out those details might be an efficient way to
10 go.

11 THE COURT: What about if we come up with this plan:
12 First of all, as the party generating the list of witnesses,
13 you have a great deal of discretion, and you can choose to put
14 a witness on the no-contact list or not. And second of all,
15 what I will permit you to do is delineate witnesses into two
16 categories. One will be the more traditional category of no
17 contact whatsoever, and then the other would be no contact or
18 no communications about the case.

19 So if we're talking about people who are members of
20 the protective detail, people who work at his golf course,
21 people who are on staff, seems to me those folks could still be
22 on the no communication about the case list. Make sense?

23 MR. HARBACH: Yes, sir, it does.

24 THE COURT: Make sense for the Defense?

25 MR. BLANCHE: I still do not believe the special

1 condition is necessary in this case. Even as Your Honor just
2 described, having two lists that the Government gets to come up
3 with about completely no contact or limited contact but not to
4 discuss the case, it still is potentially unworkable.
5 Certainly, we can try to work it out with the Government, Your
6 Honor, but I don't know the names of -- for example, if the
7 Government selects and says no contact with somebody who has
8 worked for President Trump for years and continues to rely on
9 President Trump for their livelihood, that certainly doesn't
10 seem fair or appropriate.

11 So I don't believe it's appropriate for the Government
12 to be allowed to come up with this list and that becomes the
13 list. I believe the more appropriate path would be for us to
14 have a discussion with the Government and see if we can reach
15 an agreement about an appropriate way to address Your Honor's
16 concern about contact, but really contact about the case as it
17 relates to most witnesses that the President interacts with
18 that also happen to be witnesses.

19 THE COURT: Well, to follow up on the example that you
20 just gave, that they were talking about somebody who worked for
21 former President Trump for many years and may still work for
22 the former president, what would be the difficulty in having a
23 no discussion with that long-term employee about the facts of
24 the case? That shouldn't be a problem, right?

25 MR. BLANCHE: That is not a problem, Your Honor.

1 THE COURT: Okay. That's what I am saying. You'd
2 have a no-contact list, and then you have a list of no
3 communications about the case, but otherwise you'd have full
4 contact, full contact with those folks. Am I making sense?

5 MR. BLANCHE: Your Honor, it -- I understand the
6 Court's concern, and what Your Honor just said makes sense.
7 But we still object to that condition, Your Honor. I don't --
8 first of all, I don't believe it's necessary or appropriate in
9 this case.

10 There is not -- the individuals who we understand to
11 be witnesses that the President interacts with and speaks with
12 every day all have lawyers and all have competent lawyers. And
13 so to the extent that the remedy that the Court seeks to
14 address, which is improper communications between someone who
15 is charged with a crime and potential witnesses, in this case
16 it's -- it's not a remedy the Court needs to address. Because
17 the individuals that potentially could have contacts that the
18 Court is concerned about have counsel and have a way to deal
19 with that, which will then quickly go to the Government, I am
20 sure, and be able to be brought to the Court's attention.

21 So I just continue to believe that this special
22 condition doesn't apply to the facts of this case and shouldn't
23 be imposed as a condition on President Trump.

24 THE COURT: You made a very broad statement. You said
25 that all these witnesses have their own lawyers. Is that true,

1 every single fact witness has their own lawyer?

2 MR. BLANCHE: I don't know all the witnesses, Your
3 Honor. What I -- I believe what I said, and if I didn't, I
4 misspoke, is our understanding of the witnesses that are --
5 that interact and communicate with President Trump, which it's
6 not just his employees, it's other -- it's others as well that
7 are -- that interact with him occasionally or that work with
8 him on the campaign. So it's a broad group of individuals.
9 Those individuals that we are aware of all have their own
10 lawyers, and so that remedy is addressed.

11 There may be an unknown witness that we don't know
12 about that doesn't have their own lawyer, I'm not sure. But
13 the remedy that the Court is trying to fix and address in this
14 case is already fixed and addressed by the fact that -- that
15 the witnesses that will have contact with President Trump have
16 their own counsel. And so imposing a condition, even a broad
17 one that sets limits on what can be said and not said for
18 particular witnesses and having separate lists for other
19 witnesses that's no contact, as a special condition of release,
20 isn't appropriate in this case.

21 I think there's other ways to address any issues that
22 come up with improper contact by anybody in this case. And the
23 fact that everybody has lawyers, everybody has counsel, for the
24 most part. And again, if there is a witness who doesn't, I'm
25 not aware of that witness.

1 And the special counsel is -- there's 13 lawyers here.
2 The special counsel is able to bring any issue to the Court's
3 attention about improper contact. And so as a condition of
4 release, a special condition of release, it's just not
5 necessary in this case.

6 THE COURT: So I have been listening to you for a
7 while. Let me hear from the Government again, please.

8 MR. HARBACH: Your Honor, we offered advice a moment
9 ago, understanding the Court's position that such a condition
10 is necessary. And all I can do is reiterate our view that
11 there is a way to make the Court's decision about no contact
12 with -- with witnesses and the like perfectly workable.

13 The elephant in the room, if you will, is that we
14 don't have a list yet. Mr. Blanche has referred a couple of
15 times to the fact that he doesn't know who everyone on the list
16 is, and that's because we haven't generated one yet. We are
17 mindful of what Your Honor said earlier about a way that we
18 could go about doing it, and we're happy to do that. And I've
19 already made the point that it would not include every -- it
20 would definitely not include every conceivable witness we might
21 call at trial, but a subclass of those witnesses as to whom we
22 think the order that the Court has already decided to enter
23 should apply.

24 It seems easily workable. There shouldn't be a
25 logistical problem with it.

1 THE COURT: So here's what I'd like to do. Instead,
2 we'll just have one list. We're not going to segregate it into
3 different categories. It will simply be one list that you, the
4 prosecution, will generate. You can choose how many people to
5 put on the list or not.

6 But it won't actually be a no-contact list. That --
7 it's too broad, especially given all the folks who are still
8 working for former President Trump and he still sees on a
9 regular basis.

10 Instead, this list will be a no communication about
11 the facts of the case with the folks on the list, other than
12 through counsel.

13 That should not be a problem for you because you've
14 already told me that there shouldn't be any issues. These
15 folks have their own lawyers. This is not a concern. This
16 won't be happening. So perhaps in your view, it's simply
17 restating the obvious, because you don't intend for your client
18 to be communicating with any witness about the facts of the
19 case, right?

20 MR. BLANCHE: Yes, Your Honor, of course.

21 THE COURT: Okay. So that will be a special
22 condition. No communication with fact witnesses -- no
23 communication about the case with fact witnesses who are on a
24 list provided by the Government.

25 If you believe that the list is inappropriate,

1 excessive, unwieldy, illogical or in any other way
2 problematic, you can file a motion with me, and I will
3 reconsider that requirement, and we can talk about it in
4 greater specificity. But for right now, that will be a special
5 condition of the bond.

6 MR. BLANCHE: One question, I might have misheard. Is
7 Your Honor's requirement the Government provide us with a full
8 witness list? Because that -- that we'll take. I mean, I'm
9 not sure what The Honor's ruling is about this. They get to
10 pick which witnesses they want to be added to the bond that
11 we're allowed to have contact with but not communicate with --
12 about the case with, but they don't have to give us a full list
13 of witnesses, just a list they select?

14 THE COURT: These are witnesses who the Government
15 says your client, except through counsel, should not be
16 communicating about the facts of the case.

17 Now, if they don't put a witness on a list, let's say
18 there is some witness, John Smith, they don't have that witness
19 on the list. If former President Trump, except through
20 counsel, happens to speak to John Smith about the facts of the
21 case, no worries, he's not in violation of the terms of the
22 bond because that person isn't on the list. All right?

23 MR. BLANCHE: Understood.

24 THE COURT: Okay. So that will be a special
25 condition.

1 We have here the bond for former President Trump, and
2 let me just briefly go through it. It will be Conditions 1 and
3 5 and the special condition that we just spent the past few
4 minutes talking about.

5 There is a space at the very last page of the bond for
6 the signature of former President Trump, and then there is a
7 place for a date and then for my signature as well.

8 So my courtroom deputy, Trina, has that bond. If you
9 could come up and retrieve it, review it with your client and
10 then have him sign it and bring it back to the bench, I'd
11 appreciate that.

12 (Pause in proceedings.)

13 MS. SILVA: Your Honor, if I may?

14 THE COURT: Yes.

15 MS. SILVA: Your Honor, since according to pretrial
16 services, it is not a special condition of -- since reporting
17 to pretrial services is not part of the special conditions of
18 release, we will not need a copy of the list provided to the
19 Government.

20 THE COURT: Good point. Correct. Thank you.

21 MS. SILVA: Thank you, Your Honor.

22 (Pause in proceedings.)

23 THE COURT: Take your time, folks.

24 THE COURTROOM DEPUTY: Six and seven.

25 (Pause in proceedings.)

1 THE COURT: I think the expression is the third time's
2 a charm.

3 THE COURTROOM DEPUTY: Thank you.

4 THE COURT: Anything further from either side this
5 afternoon concerning former President Trump?

6 MR. HARBACH: Nothing further from the Government,
7 Your Honor.

8 MR. BLANCHE: No, Your Honor. Thank you.

9 THE COURT: All right. Thank you.

10 Let's turn now to Codefendant, Waltine Nauta. I
11 assume we have the same three Government lawyers for the
12 prosecution.

13 Who is here for the Defense for Mr. Nauta?

14 MR. WOODWARD: Good afternoon, Your Honor. Stanley
15 Woodward. I'm here with Mr. Nauta, though I understand I may
16 not enter an appearance with the Court until I have local
17 counsel to sponsor me. We appreciate the Court's indulgence in
18 allowing me to join Mr. Nauta at counsel's table for these
19 proceedings.

20 We'd request a brief extension of time for the
21 arraignment only, for purposes of ascertainment of counsel.
22 Mr. Nauta is prepared to proceed with his initial presentment
23 or his initial appearance with the Court today.

24 Thank you, sir.

25 THE COURT: What's the Government's position on that

1 request?

2 MR. HARBACH: We don't oppose it as long as it's
3 reasonably prompt, Your Honor.

4 THE COURT: Sure.

5 So the general rule is that only members of the
6 Southern District of Florida bar can appear in court. I
7 understand you are in the process of making those arrangements,
8 but those have not be finalized. I'm going to exercise my
9 discretion and permit you to represent Mr. Nauta this afternoon
10 concerning the first appearance portion, but we can't go
11 through with the arraignment because we need permanent
12 appearance of counsel who is either a member of the Southern
13 District of Florida bar or who has been sponsored by someone
14 who has filed a motion for *pro hac vice*, like Mr. Kise.

15 So we can go forward with the first appearance. Is
16 the Government's position concerning the bond precisely the
17 same for Mr. Nauta as for former President Trump?

18 MR. HARBACH: Yes, Your Honor.

19 THE COURT: All right. And the answers to all of the
20 questions that I asked you concerning former President Trump
21 would be the same answers for Mr. Nauta?

22 MR. HARBACH: Yes, Your Honor.

23 THE COURT: All right.

24 By the way, before I forget, we're going to get to the
25 bond in just a minute, but the arraignment will be two weeks

1 from now, June 27th, at 9:45 a.m. That will be before Chief
2 Magistrate Judge Edwin Torres. But let me just mention a
3 possibility to you because I know you are not from this
4 district and you may not be familiar with the rules, and I'm
5 simply putting it out there.

6 Under Federal Rule of Criminal Procedure 10(b), your
7 client, Mr. Nauta, need not appear physically in court for the
8 arraignment if you follow the procedures of the rule. And
9 basically it requires you to have your client sign a form that
10 follows the protocol of the rule. If Mr. Nauta does that, then
11 he doesn't need to appear on June 27th at 9:45 p.m.

12 However, you, as his lawyer, and the lawyer who is
13 filing the *pro hac vice* motion, would have to appear. I'm not
14 asking you to make a decision now, that's entirely up to you;
15 and you can consult with your client and your soon-to-be
16 cocounsel, but I'm just flagging that for you as a possibility,
17 all right?

18 MR. WOODWARD: Thank you, Your Honor.

19 THE COURT: All right. So this will be the same bond
20 for Mr. Nauta, which will be a no financial condition, personal
21 surety bond, in effect a personal recognizance bond. The same
22 standards, conditions. And we're also going to include the one
23 special condition as we spent several minutes talking about
24 earlier. So if I just say "that condition," you folks will
25 know what I mean?

1 MR. WOODWARD: Yes, Your Honor.

2 THE COURT: All right. Very well. I have for you a
3 bond for Mr. Nauta to sign and to be witnessed. If you could
4 come up and get the bond form for Mr. Nauta, I'd appreciate
5 that.

6 (Pause in proceedings.)

7 MR. WOODWARD: I'm sorry, Your Honor, as I read the
8 form provided by your clerk, it appears to impose all five of
9 the standard conditions.

10 THE COURT: Is that right? Well, let's double-check
11 that. If there's a mistake, we'll quickly correct it.

12 MR. WOODWARD: May I approach, Your Honor?

13 THE COURT: Sure.

14 (Pause in proceedings.)

15 MR. WOODWARD: May I approach, Your Honor?

16 THE COURT: Yes, sir, you may.

17 (Pause in proceedings.)

18 THE COURT: Thank you.

19 Anything further from either side this afternoon
20 concerning Mr. Nauta?

21 MR. WOODWARD: Not for the Defense, Your Honor.

22 MR. HARBACH: Not from the Government, Your Honor.

23 Thank you.

24 THE COURT: All right. As I indicated -- yes, sir?

25 MR. HARBACH: I was just saying not from the

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Government.

THE COURT: Thank you so much.

So just remember June 27th at 9:45, either with Mr. Nauta or without, but either way, June 27th at 9:45.

MR. WOODWARD: I look forward to seeing you then. Thank you, Your Honor.

THE COURT: The good news is it will not be me, it will be the Chief Magistrate Judge Ed Torres. My involvement in this case, sir, I think ends right about now. Thank you so much.

We'll be adjourned. Take care.


COURT SECURITY OFFICER: All rise.

(The proceedings adjourned at 3:44 p.m.)

C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

06/13/2023
DATE


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