

1 MS. DUARTE: I can speak to that, Your Honor.

2 I do not actually have any of the Bates-stamped
3 discovery in electronic form unless it was previously that way.

4 I think what Mr. Sutcliffe is referring to is a disk
5 that was actually made by the Federal Defender's office when
6 they first represented him, and apparently they had scanned in
7 some of the discovery.

8 When I saw it, I did not review it because I was
9 concerned it may have some attorney work product in it. But I
10 think that's what it is. But we never did scan in any
11 discovery. That's not ours.

12 THE COURT: Okay. That's -- given that
13 representation, there is nothing further to be done about that.

14 MR. SUTCLIFFE: True.

15 Yes, Your Honor. I submitted a discovery letter also
16 earlier, before trial, a couple of weeks before trial, to the
17 government, and I requested that the government turn over any
18 proof that the -- that they had sent to me that they had
19 notified previous counsel that the SCSI drive, which is known
20 as SCSI No. 2, had been wiped.

21 I represented to her that I had never been told that
22 it had been wiped and shown that it had been wiped, and no
23 previous counsel ever represented that it had been -- that they
24 had been notified that it had been wiped.

25 This was something anew, and I wanted proof since the

1 government was representing, in her letter to me, that she had
2 informed previous counsel that --

3 THE COURT: You are not entitled to such additional
4 proof or corroboration. There is no basis to go beyond the
5 representation.

6 MR. SUTCLIFFE: I'm not asking for proof of
7 corroboration, Your Honor. I'm requesting for discovery.

8 THE COURT: That's what you seem to be asking for,
9 though, Mr. Sutcliffe.

10 I don't understand even what "wiping" is. But if the
11 government told your previous counsel something, you don't have
12 a right to demand further corroboration of that or evidence of
13 it.

14 MR. SUTCLIFFE: Well, I'll review my records --

15 THE COURT: I won't say that as a general, broad
16 proposition of law, but absent any additional showing that
17 anything relevant or anything prejudicial, either or both,
18 arises out of the government's representation -- you are
19 constantly seeking more and more information.

20 There has been a continuing flow of discovery in this
21 case from prior lawyers to you. I won't review all that's been
22 said, and I don't wish to raise any hackles by referring to it.
23 But a great deal of time has been consumed by the Court making
24 sure that you've gotten everything to which you are entitled.

25 So I deny that request.