

APPENDIX C

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

TRANSCRIPT OF JURY TRIAL

BEFORE THE HONORABLE VANESSA L. BRYANT

UNITED STATES DISTRICT JUDGE

APPEARANCES:

10 For the Plaintiff: RAHUL KALE, AUSA
11 United States Attorney's Office
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Bridgeport, CT 06604

13 DAVID VATTI, AUSA
United States Attorney's Office
14 450 Main Street
Room 328
15 Hartford, CT 06103

16 For the Defendant: TRACY HAYES, ESQ.
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18 265 Church Street
Suite 702
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21 ECR Operator: FRANCES VELEZ

1 I N D E X

2 Verdict: 10

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Colloquy

1 (9:10 O'CLOCK, A.M.)

2 THE COURTROOM DEPUTY: (Audio begins mid-sentence) --
3 court. Oyez, oyez, oyez. In the matter of USA v. Godiksen,
4 case number 3:16-CR-00178-VLB. The Honorable United States
5 District Court for the District of Connecticut is now open.
6 All persons having cause or action pending or who have been
7 bound or summoned to appear herein will take due notice hereof
8 and give attention according to law.

9 THE COURT: Good morning.

10 IN UNISON: Good morning, Your Honor.

11 THE COURT: Please be seated. We received a note
12 from the jury, requesting a playback of a portion of the
13 testimony of Dr. Baranoski.

14 Madame Court Reporter, do we have that material
15 available for the jury now?

16 THE COURT REPORTER: Yes.

17 THE COURT: All right, we're going to play that.
18 Please bring the jury into the courtroom.

19 For your edification, you may notice that there's
20 very little air circulation in this room, and it's warm. I
21 can tell you it's warmer in that room, and you should write to
22 your congressman and senators and make them aware of the
23 conditions of this building and our need for aid in the
24 courtroom -- courthouse, if you are so inclined.

25 MR. HAYES: Absolutely.

Colloquy

1 UNIDENTIFIED SPEAKER: Absolutely.

2 THE COURT: Would counsel stipulate to the persons of
3 the entire jury?

4 MR. KALE: Yes, Your Honor.

5 MR. HAYES: I concur, Your Honor.

6 THE COURT: Thank you.

7 MR. HAYES: Thank you.

8 THE COURT: Please be seated.

9 Ladies and gentlemen, we have received your note. My
10 courtroom reporter, Ms. Velez, has prepared the portion of the
11 testimony you've asked to hear, and we will now play that for
12 you.

13 (Audio played)

14 THE COURT: Does that suffice? Does that satisfy
15 your request?

16 THE JURY: Yes.

17 THE COURT: It does?

18 THE JURY: Thank you, Your Honor.

19 THE COURT: You're welcome. You may retire to the
20 jury room.

21 MR. HAYES: Your Honor?

22 THE COURT: You may retire to the jury room.

23 (Jury exits)

24 THE COURT: Please be seated.

25 Yes, Mr. Hayes?

Colloquy

1 MR. HAYES: Your Honor, I believe that -- I believe
2 the jury asked to hear the redirect as well. They called it
3 rebuttal, but redirect -- it's in the note.

4 THE COURT: I just --

5 MR. HAYES: I know. I know, Your Honor.

6 THE COURT: You --

7 MR. HAYES: I know. That's why -- I didn't want to
8 interrupt.

9 MR. KALE: Your Honor -- I think that's in the note,
10 Your Honor. I belie -- they say "rebuttal", but they -- I
11 assume that's the redirect.

12 THE COURT: Do you have that available, Frances?

13 THE COURT REPORTER: Um-hum.

14 THE COURT: You do?

15 THE COURT REPORTER: Yes.

16 THE COURT: All right. Please bring them back out.

17 MR. HAYES: Thank you. And it continues to be hot in
18 here, for the record.

19 THE COURT REPORTER: There're a few sidebars in that
20 one, so I'll stop when (indiscernible).

21 THE COURT: All right. Can you hear them?

22 THE COURT REPORTER: Um-hum.

23 THE COURT: The sidebars? Yes?

24 (Pause)

25 THE COURT: Frances, how long is it?

Colloquy

1 THE COURT REPORTER: I'm sorry?

2 THE COURT: How long is it? Do you know? Can you
3 tell?

4 THE COURT REPORTER: 1:56 -- we have a recess at 2:17
5 and then recovene at -- 2:17 --

6 THE COURT: Can you fast-forward through the sidebars
7 or do we have to --

8 THE COURT REPORTER: Oh, yes, I'll --

9 THE COURT: -- have to sit?

10 THE COURT REPORTER: I'll stop and -- I can do that.

11 THE COURT: Okay.

12 (Jury enters)

13 THE COURT: Will counsel please stipulate to the
14 presence of the entire jury?

15 MR. KALE: Yes, Your Honor.

16 MR. HAYES: I agree, Your Honor. Thank you.

17 THE COURT: Thank you. Please be seated.

18 Ladies and gentlemen, I just want to clarify that you
19 want to hear Attorney Hayes' reexamination of Dr. Baranoski as
20 well? Is that correct?

21 THE JUROR: The original request, Your Honor, was to
22 hear the cross and then the rebuttal.

23 THE COURT: And by "rebuttal" do you mean --

24 THE JUROR: Mr. Hayes' follow-up.

25 THE COURT: Mr. Hayes' -- okay. Would you like to

Colloquy

1 hear --

2 THE JUROR: But when you asked at the completion of
3 the prosecution, everybody agreed that we were good.

4 THE COURT: Are you certain?

5 THE JUROR: Yes.

6 THE COURT: All righty. Thank you. I misunderstood;

7 I --

8 THE JUROR: Oh, no, you understood it --

9 THE JUROR: No, you understood correctly. We just --
10 at the break point --

11 THE COURT: Yes.

12 THE JUROR: -- before Mr. Hayes, we said we were
13 satisfied with your --

14 THE COURT: I understand now, but I misunderstood
15 your request. I just want to make absolutely certain that you
16 do not want to hear Attorney Hayes' reexamination -- redirect
17 examination of Dr. Baranoski.

18 MR. KALE: Your Honor, just to be clear -- I
19 apologize -- perhaps the jury can retire. If they can write a
20 note -- I believe they are supposed to communicate by note, so
21 if they can write a note if they want to hear it or not hear
22 it?

23 THE JUROR: That's fine.

24 THE COURT: Do you understand my confusion? We do
25 have that available for you here, and we can play that back

Colloquy

1 for you. So please let us know if you'd like that.

2 THE JUROR: Okay, we will -- we'll retire to the
3 deliberation room and send a note out if we'd like to follow
4 up.

5 THE COURT: All righty. Thank you.

6 THE JUROR: Thank you.

7 THE JUROR: Thank you, Your Honor.

8 (Jury exits)

9 THE COURT: Court is in recess.

10 MR. KALE: Thank you, Your Honor.

11 THE COURT: Um-hum.

12 THE COURTROOM DEPUTY: All rise. The Honorable
13 United States District Court is now in recess.

14 (Recess)

15 THE COURTROOM DEPUTY: The Honorable United States
16 District Court is now open after recess.

17 THE COURT: All right. Gentlemen, we have a -- we
18 have two notes from the jury: the first note confirms that
19 they have heard all of the playback that they need to reach a
20 decision, and the second note indicates that they have
21 answered all three questions in the interrogatories and they
22 are prepared to render their verdict.

23 Mr. Shafer, would you please bring the jury out?

24 (Pause)

25 (Jury enters)

Colloquy

1 THE COURT: Would counsel please stipulate to the
2 presence of the entire jury?

3 MR. KALE: Yes, Your Honor.

4 MR. HAYES: I concur, Your Honor.

5 THE COURT: Please be seated.

6 All right, ladies and gentlemen, the Court has
7 reviewed both of your notes, the first indicating that the
8 jury does not need to hear the redirect examination of Dr.
9 Baranoski conducted by Attorney Hayes, the second being that
10 you have answered all of the questions in the interrogatories
11 and have reached a verdict. Is that correct?

12 THE JURY: Yes.

13 THE COURT: Very good. Mr. Foreman, would you please
14 stand and read your verdict?

15 THE JURY FOREMAN: Would you like me to read the
16 question in --

17 THE COURT: Yes. The --

18 THE JURY FOREMAN: -- in totality?

19 THE COURT: Yes.

20 THE JURY FOREMAN: Okay. We the jury unanimously
21 find that the Government has proved beyond a reasonable doubt
22 that the defendant, James Erik Godiksen, at or about the time
23 charged in the indictment, traveled or caused another to
24 travel in interstate commerce or used or caused another to use
25 any facility in interstate or foreign commerce. The jury

Colloquy

1 answers that question unanimously as yes.

2 Number 2: We the jury unanimously find that the
3 Government has proved beyond a reasonable doubt that the
4 aforementioned travel or use of the interstate facility was
5 done with the intent that a murder be committed in violation
6 of the laws of any state of the United States. The jury
7 unanimously answers that question as yes.

8 Number 3: We the jury unanimously find that the
9 Government has proved beyond a reasonable doubt that something
10 of pecuniary value was received or promised or agreed to be
11 paid as consideration for the murder. We the jury unanimously
12 answer that question as yes, as well.

13 THE COURT: And have you completed a verdict form?

14 THE JURY FOREMAN: Yes.

15 THE COURT: Would you please read that?

16 THE JURY FOREMAN: I will. We the jury unanimously
17 find the defendant, James Erik Godiksen, guilty of Count I of
18 the indictment, charging him with murder for hire, in
19 violation of Title 18 U.S. Code Section 1958.

20 THE COURT: Thank you.

21 Mr. Shafer, would you please poll the jury?

22 THE COURTROOM DEPUTY: Juror number 1, is this your
23 verdict?

24 JUROR NO. 1: Yes.

25 THE COURTROOM DEPUTY: Juror number 2, is this your

Colloquy

1 verdict?

2 JUROR NO. 2: Yes.

3 THE COURTROOM DEPUTY: Juror number 3, is this your
4 verdict?

5 JUROR NO. 3: Yes.

6 THE COURTROOM DEPUTY: Juror number 4, is this your
7 verdict?

8 JUROR NO. 4: Yes.

9 THE COURTROOM DEPUTY: Juror number 5, is this your
10 verdict?

11 JUROR NO. 5: Yes, it is.

12 THE COURTROOM DEPUTY: Juror number 6, is this your
13 verdict?

14 JUROR NO. 6: Yes.

15 THE COURTROOM DEPUTY: Juror number 7, is this your
16 verdict?

17 JUROR NO. 7: Yes.

18 THE COURTROOM DEPUTY: Juror number 8, is this your
19 verdict?

20 JUROR NO. 8: Yes.

21 THE COURTROOM DEPUTY: Juror number 9, is this your
22 verdict?

23 JUROR NO. 9: Yes, it is.

24 THE COURTROOM DEPUTY: Juror number 10, is this your
25 verdict?

Colloquy

1 JUROR NO. 10: Yes.

2 THE COURTROOM DEPUTY: Juror number 11, is this your
3 verdict?

4 JUROR NO. 11: Yes.

5 THE COURTROOM DEPUTY: And juror number 12, is this
6 your verdict?

7 JUROR NO. 12: Yes.

8 THE COURT: Ladies and gentlemen, you have fully
9 discharged your duties. With the sincere appreciation of all
10 parties concerned, I excuse you. You may retire to the larger
11 and hopefully cooler jury room, and I will join you
12 momentarily to thank you all individually.

13 (Jury excused)

14 (Jury exits)

15 THE COURT: Please be seated. Does either party have
16 a motion?

17 Mr. Hayes?

18 MR. HAYES: Your Honor, I could file something -- I'm
19 sorry. Your Honor, I could file something formally, and
20 that's my intention. I mean, I can make a motion now, but I'd
21 prefer to just file some quick papers before Your Honor.

22 THE COURT: Very good. The Court will await your
23 filing.

24 MR. HAYES: Thank you.

25 MR. KALE: Your Honor, may we have two weeks to

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1 respond, Your Honor?

2 THE COURT: Yes. You may --

3 MR. KALE: Thank you, Your Honor.

4 THE COURT: You may have twenty-one days if you would
5 like --

6 MR. KALE: Thank you, Your Honor.

7 THE COURT: -- to respond.

8 All right. And in that case, the Court will defer
9 entering a scheduling order for sentencing

10 MR. HAYES: Very well.

11 THE COURT: All right? Anything further before we
12 adjourn?

13 MR. KALE: Nothing from the Government, Your Honor.

14 MR. HAYES: No, Your Honor. Thank you, Your Honor.

15 THE COURT: You're welcome.

16 THE COURTROOM DEPUTY: All rise. The Honorable
17 United States District Court is now in recess.

18 (Whereupon the above matter was concluded at
19 10:21 o'clock, a.m.)

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C E R T I F I C A T I O N

3 I, Clara Rubin, Official Court Transcriber for the
4 United States District Court for the District of Connecticut,
5 do hereby certify that the foregoing pages are a true and
6 accurate transcription of the proceedings in the
7 aforementioned matter to the best of my skill and ability.

10 Date: August 6, 2018

John W. [Signature]

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