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2255, AOV, APPEAL, CLOSED, INTERPRETER

**U.S. District Court
Southern District of Florida (Miami)
CRIMINAL DOCKET FOR CASE #: 1:15-cr-20820-BB-1**

Case title: USA v. Elbeblawy

Date Filed: 10/22/2015

Date Terminated: 08/31/2016

Assigned to: Judge Beth Bloom

Appeals court case numbers: 16-16048-C
USCA, 20-10769-A USCA

Defendant (1)

Khaled Elbeblawy
YOB: 1976; ARABIC
TERMINATED: 08/31/2016

represented by **Khaled Elbeblawy**
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APPX 3
P. 1

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Pending Counts

18:1349.F- Conspiracy to Commit Health
Care Fraud and Wire Fraud
(1s)

18:371.F- Conspiracy to Defraud the
United States and Pay Health Care
Kickbacks
(2s)

Highest Offense Level (Opening)

Felony

Terminated Counts

18 U.S.C. § 1349 - Conspiracy to Commit
Health Care Fraud and Wire Fraud

Disposition

Imprisonment for a term of 240 months.
This term consists of 240 months as to
count 1 and 60 months as to count 2, to be
served concurrently to count 1; followed by
3 years Supervised Release. This term
consists of 3 years as to counts 1 and 2, all
such terms to run concurrently.

Imprisonment for a term of 240 months.
This term consists of 240 months as to
count 1 and 60 months as to count 2, to be
served concurrently to count 1; followed by
3 years Supervised Release. This term
consists of 3 years as to counts 1 and 2, all
such terms to run concurrently.

Disposition

Dismissed

(1)

Conspiracy to Defraud the U.S. and Pay
Health Care Kickbacks

Dismissed

(2)

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Andrew H. Warren**
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Date Filed	#	Docket Text
10/22/2015	<u>1</u>	MOTION to seal case by USA as to Khaled Elbeblawy.(rby) (Entered: 10/23/2015)
10/22/2015	<u>2</u>	ORDER granting <u>1</u> Motion to seal case as to Khaled Elbeblawy (1). Signed by Magistrate Judge Jonathan Goodman (rby) (Entered: 10/23/2015)
10/22/2015	<u>3</u>	INDICTMENT as to Khaled Elbeblawy (1) count(s) 1, 2. FORFEITURE ALLEGATIONS (rby) (Additional attachment(s) added on 11/2/2021: # <u>1</u> Restricted Unredacted Indictment) (ch1). (Entered: 10/23/2015)
10/23/2015	<u>5</u>	Order to Unseal as to Khaled Elbeblawy. Signed by Magistrate Judge Jonathan Goodman on 10/23/2015. (ch1) (Entered: 10/26/2015)
10/23/2015	<u>6</u>	Minute Order for proceedings held before Magistrate Judge Jonathan Goodman: Initial Appearance as to Khaled Elbeblawy held on 10/23/2015. Date of Arrest or Surrender: 10/23/15. Arraignment set for 10/27/2015 10:00 AM in Miami Division before MIA Duty Magistrate. Detention Hearing set for 10/27/2015 10:00 AM in Miami Division before MIA Duty Magistrate. Attorney added: Michael A. Matters for Khaled Elbeblawy for Criminal Case CJA representation. Date attorney was appointed CJA: 10/23/15. (Digital 13-36-10/13-41-10) Signed by Magistrate Judge Jonathan Goodman on 10/23/2015. (ch1) (Entered: 10/26/2015)

10/23/2015		Arrest of Khaled Elbeblawy (ar2) (Entered: 11/16/2015)
10/26/2015	<u>7</u>	PAPERLESS NOTICE OF HEARING as to Khaled Elbeblawy. Immediately upon the conclusion of the Defendant's arraignment and detention hearing, the Parties and the Defendant shall appear for a status conference in Miami Division before Judge Kathleen M. Williams. (drh) (Entered: 10/26/2015)
10/26/2015	<u>8</u>	PAPERLESS NOTICE CHANGING TIME OF HEARING as to Khaled Elbeblawy Status Conference set for 10/27/2015 time has changed to 01:30 PM, Courtroom 11-3 in Miami Division before Judge Kathleen M. Williams. (ag) (Entered: 10/26/2015)
10/27/2015	<u>9</u>	Minute Order for proceedings held before Magistrate Judge Chris M. McAliley: Detention Hearing as to Khaled Elbeblawy held before Judge Kathleen Williams on 10/27/2015. DAR # 11:01:53. (ch1) Modified on 10/28/2015 (nf). Modified on 10/28/2015 (nf). Modified on 10/28/2015 (nf). Modified on 10/29/2015 (ag). Modified on hearing judge, removed arraignment text and SDO text 10/29/2015 (wc). (Entered: 10/27/2015)
10/27/2015	<u>15</u>	PAPERLESS MINUTE ENTRY for proceedings held before Judge Kathleen M. Williams: ARRAIGNMENT as to Khaled Elbeblawy (1) Count 1,2 held on 10/27/2015. Standing Discovery Order entered. Court Reporter: Patricia Sanders, 305-523-5548 / Patricia_Sanders@flsd.uscourts.gov. (wc) (Entered: 10/29/2015)
10/27/2015	<u>16</u>	PAPERLESS STANDING DISCOVERY ORDER as to Khaled Elbeblawy: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Judge Kathleen M. Williams on 10/27/2015. (See DE# 15.) (wc) (Entered: 10/29/2015)
10/28/2015	<u>10</u>	DETENTION ORDER - RISK OF FLIGHT. Signed by Magistrate Judge Chris M. McAliley on 10/28/2015. (ar2) (Entered: 10/28/2015)
10/28/2015	<u>11</u>	SPEEDY TRIAL REPORT by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 10/28/2015)
10/28/2015		SYSTEM ENTRY - Docket Entry 12 restricted/sealed until further notice. (nc) (Entered: 10/28/2015)
10/28/2015		SYSTEM ENTRY - Docket Entry 13 restricted/sealed until further notice. (nc) (Entered: 10/28/2015)
10/29/2015	<u>14</u>	CJA 20 - Voucher and Order Appointing Counsel as to Khaled Elbeblawy. Attorney Michael A. Matters appointed for the defendant for Criminal Case CJA representation. Date attorney was appointed CJA: 10/23/2015. Nunc Pro Tunc date: 10/23/2015. Voucher Number: FLS 15 4540. (ra) (Entered: 10/29/2015)
10/29/2015	<u>17</u>	NOTICE OF ATTORNEY APPEARANCE Nicholas E. Surmacz appearing for USA. . Attorney Nicholas E. Surmacz added to party USA(pty:pla). (Surmacz, Nicholas) (Entered: 10/29/2015)

10/30/2015	<u>18</u>	ORDER SETTING TRIAL DATE as to Khaled Elbeblawy. Calendar Call set for 11/16/2015 10:00 AM in Miami Division before Judge Beth Bloom. Jury Trial set for 11/30/2015 09:00 AM before Judge Beth Bloom. Signed by Judge Beth Bloom on 10/28/2015. (ar2) (Entered: 10/30/2015)
10/30/2015	<u>19</u>	ORDER REGARDING PRETRIAL PROCEDURES as to Khaled Elbeblawy. Signed by Judge Beth Bloom on 10/28/2015. (ar2) (Entered: 10/30/2015)
10/30/2015	<u>20</u>	NOTICE OF ATTORNEY APPEARANCE Andrew H. Warren appearing for USA. . Attorney Andrew H. Warren added to party USA(pty:pla). (Warren, Andrew) (Entered: 10/30/2015)
11/02/2015	<u>21</u>	MOTION Motion to Exceed Statutory Cap for Attorneys Fees by Khaled Elbeblawy. Responses due by 11/19/2015 (Attachments: # <u>1</u> Text of Proposed Order)(Matters, Michael) (Entered: 11/02/2015)
11/02/2015	<u>22</u>	MOTION Motion to Approve Investigative Costs in Excess of Stat Cap by Khaled Elbeblawy. Responses due by 11/19/2015 (Attachments: # <u>1</u> Text of Proposed Order) (Matters, Michael) (Entered: 11/02/2015)
11/02/2015	<u>23</u>	First RESPONSE to Standing Discovery Order by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 11/02/2015)
11/02/2015	<u>24</u>	ORDER denying without Prejudice <u>21</u> Motion to Exceed Statutory Cap for Attorney's Fees as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 11/2/2015. (ar2) (Entered: 11/03/2015)
11/02/2015	<u>25</u>	ORDER TRANSFERRING CASE as to Khaled Elbeblawy to Judge Beth Bloom for all further proceedings, accepted and signed on 11/2/2015. Judge Kathleen M. Williams no longer assigned to case. Signed by Judge Kathleen M. Williams on 11/2/2015. (ar2) (Entered: 11/03/2015)
11/02/2015	<u>26</u>	ORDER granting in part <u>22</u> Motion for Approval of Investigative Costs as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 11/2/2015. (ar2) (Entered: 11/03/2015)
11/03/2015	<u>27</u>	NOTICE <i>Regarding Discovery (Joint)</i> by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 11/03/2015)
11/06/2015	<u>28</u>	Defendant's MOTION to Suppress Statements by Khaled Elbeblawy. (Attachments: # <u>1</u> Exhibit A)(Matters, Michael) (Entered: 11/06/2015)
11/06/2015	<u>29</u>	Proposed Voir Dire Questions by Khaled Elbeblawy (Matters, Michael) (Entered: 11/06/2015)
11/06/2015	<u>30</u>	PAPERLESS ORDER Requiring Expedited Response from AUSA as to Khaled Elbeblawy pursuant to Rule 35/60/Other re <u>28</u> Defendant's MOTION to Suppress Statements filed by Khaled Elbeblawy. Expedited Response due by Thursday, 11/12/2015. Signed by Judge Beth Bloom on 11/6/2015. (tas) (Entered: 11/06/2015)
11/06/2015	<u>31</u>	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Khaled Elbeblawy <u>28</u> Defendant's MOTION to Suppress Statements : Motion Hearing set immediately after Calendar Call on Monday, 11/16/2015 at 10:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 11/06/2015)
11/09/2015	<u>32</u>	NOTICE OF ATTORNEY APPEARANCE Nalina Sombuntham appearing for USA. <i>Re: Forfeiture</i> . Attorney Nalina Sombuntham added to party USA(pty:pla). (Sombuntham, Nalina) (Entered: 11/09/2015)

11/12/2015	<u>33</u>	RESPONSE in Opposition by USA as to Khaled Elbeblawy re <u>28</u> Defendant's MOTION to Suppress Statements Replies due by 11/23/2015. (Surmacz, Nicholas) (Entered: 11/12/2015)
11/15/2015	<u>34</u>	Witness List by USA as to Khaled Elbeblawy (Surmacz, Nicholas) (Entered: 11/15/2015)
11/15/2015	<u>35</u>	EXHIBIT LIST by USA as to Khaled Elbeblawy (Surmacz, Nicholas) (Entered: 11/15/2015)
11/15/2015	<u>36</u>	Proposed Voir Dire Questions by USA as to Khaled Elbeblawy (Surmacz, Nicholas) (Entered: 11/15/2015)
11/16/2015	<u>37</u>	TRANSCRIPT of Detention Hearing as to Khaled Elbeblawy held on 10/27/2015 before Magistrate Judge Chris M. McAliley, 1-49 pages, Court Reporter: Bonnie Joy Lewis, 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/10/2015. Redacted Transcript Deadline set for 12/21/2015. Release of Transcript Restriction set for 2/19/2016. (Attachments: # <u>1</u> Designation Access Form) (amb) (Entered: 11/16/2015)
11/16/2015	<u>38</u>	Arrest Warrant returned executed on 10/23/2015 as to Khaled Elbeblawy (ar2) (Entered: 11/16/2015)
11/16/2015	39	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Khaled Elbeblawy held on 11/16/2015 re <u>28</u> Defendant's MOTION to Suppress Statements filed by Khaled Elbeblawy. Motion to Suppress hearing held in part and continued to 11/17/15 at 9:00 am in Miami, Courtroom 10-2. Arabic Interpreter Requested by the Defendant and used for Court Proceedings. The Government calls witness: Amber Kilpatrick and Francisco Marty. Government admits exhibits 1,2,3,4 and 6 into evidence. Calendar Call as to Khaled Elbeblawy not held on 11/16/2015 and continued to 11/17/15 at 9:00 am. in Miami, Courtroom 10-2. Parties Present: Nicholas Surmacz, DOJ and Vasanth Sridharan, DOJ; Michael Matters, Esq.; Defendant (J). Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 11/16/2015)
11/16/2015	40	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Khaled Elbeblawy <u>28</u> Defendant's MOTION to Suppress Statements : Motion to Suppress hearing Continued to Tuesday, 11/17/2015 09:00 AM in Miami Division before Judge Beth Bloom, Courtroom 10-2. (9:00 am to 12:00 pm reserved for this hearing).(tas) (Entered: 11/16/2015)
11/16/2015	41	PAPERLESS NOTICE OF HEARING as to Khaled Elbeblawy. Calendar Call reset for Tuesday, 11/17/2015 09:00 AM in Miami Division before Judge Beth Bloom, Courtroom 10-2. (tas) (Entered: 11/16/2015)
11/17/2015	42	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Continuation of Motion Hearing as to Khaled Elbeblawy held on 11/17/2015 re <u>28</u> Defendant's MOTION to Suppress Statements filed by Khaled Elbeblawy, Calendar Call as to Khaled Elbeblawy held on 11/17/2015, as to <u>28</u> Defendant's MOTION to Suppress Statements . Continuation with witness Francisco Marty; Defense calls witness Khaled Elbeblawy; Government recalls witness Agent Amber Kilpatrick. Government admits exhibits 7 and 12 into evidence. Oral arguments heard. The Court Denies the motion for reasons stated on the record. Parties estimate that the trial will last 6 days. JURY TRIAL set for Monday, 11/30/2015 10:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (44 jurors

		ordered for trial). The parties shall file a proposed order with the Court listing the names of parties and what electronic equipment is requested for trial. (Arabic Interpreter Requested and Ordered for Trial). Parties Present: Nicholas Surmacz, DOJ and Vasanth Sridharan, DOJ; Michael Matters, Esq.; Defendant (J) Arabic Interpreter present and used for a portion of the hearing, the defendant waived the interpreters presence for part of the hearing. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 11/17/2015)
11/17/2015	43	PAPERLESS NOTICE OF TRIAL as to Khaled Elbeblawy: Jury Trial set for Monday, 11/30/2015 10:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2.(tas) (Entered: 11/17/2015)
11/17/2015	44	ORDER denying <u>28</u> Motion to Suppress as to Khaled Elbeblawy (1) for reasons stated on the record. Signed by Judge Beth Bloom on 11/17/2015. (tas) (Entered: 11/17/2015)
11/17/2015	<u>45</u>	MOTION to Bring Electronic Equipment into the courtroom by Khaled Elbeblawy. Responses due by 12/4/2015 (Attachments: # <u>1</u> Text of Proposed Order)(Matters, Michael) (Entered: 11/17/2015)
11/17/2015	46	PAPERLESS ORDER granting <u>45</u> Motion to Bring Electronic Equipment into the courtroom as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom (BB) (Entered: 11/17/2015)
11/18/2015	<u>47</u>	GOVERNMENTS EXHIBIT LIST re EXHIBITS ADMITTED INTO EVIDENCE AT THE MOTION TO SUPPRESS (tas) (Entered: 11/18/2015)
11/18/2015	<u>48</u>	Proposed Jury Instructions by Khaled Elbeblawy (Matters, Michael) (Entered: 11/18/2015)
11/18/2015	<u>49</u>	SPEEDY TRIAL REPORT (<i>Joint</i>) by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 11/18/2015)
11/23/2015	<u>50</u>	EMERGENCY MOTION for Continuance by Khaled Elbeblawy. Responses due by 12/10/2015 (Attachments: # <u>1</u> Text of Proposed Order)(Matters, Michael) Modified text on 11/24/2015 (ar2). (Entered: 11/23/2015)
11/23/2015	51	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Khaled Elbeblawy <u>50</u> MOTION to Continue Trial <i>Emergency Motion to Continue Trial</i> : Motion Hearing set for Wednesday, 11/25/2015 09:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. Arabic Interpreter Ordered for the Defendant. All parties presence required.(tas) (Entered: 11/23/2015)
11/25/2015	52	Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Khaled Elbeblawy held on 11/25/2015 re <u>50</u> MOTION to Continue Trial <i>Emergency Motion to Continue Trial</i> filed by Khaled Elbeblawy. Appearances by Nicholas Surmacz for the USA and Michael Matters for the defendant. Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (ch1) . (Entered: 11/25/2015)
11/25/2015	<u>53</u>	ORDER CONTINUING TRIAL and granting <u>50</u> Emergency Motion to Continue Trial as to Khaled Elbeblawy (1). Calendar Call set for 1/5/2016 1:00 PM in Miami Division before Judge Beth Bloom. Jury Trial set for 1/12/2016 in Miami Division before Judge Beth Bloom. Signed by Judge Beth Bloom on 11/25/2015. (ar2) (Entered: 11/25/2015)
12/03/2015	<u>54</u>	Arrest Warrant returned executed on 10/23/2015 as to Khaled Elbeblawy (ar2) (Entered: 12/03/2015)
12/09/2015	<u>55</u>	SPEEDY TRIAL REPORT (<i>Joint</i>) by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 12/09/2015)

12/14/2015	<u>56</u>	PETITION for Writ of Habeas Corpus ad testificandum for Eulises Escalona by USA as to Khaled Elbeblawy. (cg1) (Entered: 12/14/2015)
12/14/2015	<u>57</u>	WRIT of Habeas Corpus Ad Testificandum Issued Re: <u>56</u> Petition for Writ of Habeas Corpus ad testificandum for Eulises Escalona in case as to Khaled Elbeblawy (1). Signed by Magistrate Judge Edwin G. Torres on 12/14/2015. (cg1) Modified text on 12/14/2015 (ar2). (Entered: 12/14/2015)
12/21/2015	<u>58</u>	TRIAL BRIEF by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 12/21/2015)
12/22/2015	<u>59</u>	SUPERSEDING INDICTMENT as to Khaled Elbeblawy (1) count(s) 1s, 2s. FORFEITURE. (asl) (Additional attachment(s) added on 11/2/2021: # <u>1</u> Restricted Unredacted Indictment) (ch1). (Entered: 12/28/2015)
12/28/2015		SYSTEM ENTRY - Docket Entry 60 restricted/sealed until further notice. (asl) (Entered: 12/28/2015)
12/28/2015	<u>61</u>	TRANSCRIPT of Excerpt of Motion to Suppress Hearing, Testimony of Khaled Elbeblawy as to Khaled Elbeblawy held on 11/17/2015 before Judge Beth Bloom, 1 - 53 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/22/2016. Redacted Transcript Deadline set for 2/1/2016. Release of Transcript Restriction set for 3/31/2016. (yhz) (Entered: 12/28/2015)
12/28/2015	<u>62</u>	TRANSCRIPT of Judge's ruling, Excerpt of Motion to Suppress Hearing, as to Khaled Elbeblawy held on 11/17/2015 before Judge Beth Bloom, 1 - 8 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/22/2016. Redacted Transcript Deadline set for 2/1/2016. Release of Transcript Restriction set for 3/31/2016. (yhz) (Entered: 12/28/2015)
12/29/2015	<u>63</u>	MOTION to Continue Trial by Khaled Elbeblawy. Responses due by 1/15/2016 (Attachments: # <u>1</u> Text of Proposed Order)(Matters, Michael) (Entered: 12/29/2015)
12/29/2015	64	PAPERLESS NOTICE OF HEARING as to Khaled Elbeblawy. Arraignment on the Superseding Indictment set for Monday, 1/4/2016 09:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 12/29/2015)
12/29/2015	65	PAPERLESS ORDER requiring the Government to File a Response to the Defendant's Motion for Continuance, ECF No. <u>63</u> , no later than 1/4/2016. Signed by Judge Beth Bloom (BB) (Entered: 12/29/2015)
12/29/2015		Set Deadline per DE 65 in case as to Khaled Elbeblawy <u>63</u> MOTION to Continue Trial . Responses due by 1/4/2016 (jua) (Entered: 12/30/2015)
12/30/2015	<u>66</u>	SPEEDY TRIAL REPORT (<i>Joint</i>) by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 12/30/2015)
12/31/2015	<u>67</u>	RESPONSE to Motion by USA as to Khaled Elbeblawy re <u>63</u> MOTION to Continue Trial Replies due by 1/11/2016. (Sridharan, Vasanth) (Entered: 12/31/2015)

01/04/2016	68	PAPERLESS Minute Order for proceedings held before Judge Beth Bloom: ARRAIGNMENT on the Superseding Indictment as to Khaled Elbeblawy (1) Count 1s,2s held on 1/4/2016. Not Guilty plea entered. Case proceeds to trial as scheduled on Tuesday, 1/12/16 at 9:00 a.m. in Miami, Courtroom 10-2. Parties present: Michael Matters, Esq.; Defendant present (J); Vasanth Sridharan, AUSA. Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. PAPERLESS STANDING DISCOVERY ORDER: The defendant(s) having been arraigned this date in open Court, it is Ordered that within 14 days of the date of this order that all parties to this action shall review and comply with Southern District of Florida Local Rules 88.10 (Criminal Discovery), and 88.9(c) (Motions in Criminal Cases). Upon a sufficient showing, the Court may at any time, upon a properly filed motion, order that the discovery or inspection provided for by this Standing Order be denied, restricted or deferred, or make such other order as is appropriate. It is expected by the Court, however, that counsel for both sides shall make a good faith effort to comply with the letter and spirit of this Standing Order. It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of Local Rule 88.10. Signed by Judge Beth Bloom on 1/4/16. (tas) (Entered: 01/04/2016)
01/04/2016	69	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Calendar Call as to Khaled Elbeblawy held on 1/4/2016 (cancelling the calendar call for 1/5/16), Motion Hearing as to Khaled Elbeblawy held on 1/4/2016 re <u>63</u> MOTION to Continue Trial filed by Khaled Elbeblawy and Motion for New Counsel. The Motions are denied for reasons stated on the record. The Motion for new trial (letter written by the defendant) was heard outside the presence of the Government and that portion of the record shall be under seal. Trial is special set to begin on Tuesday, 1/12/16 at 9:00 a.m. in Miami, Courtroom 10-2. (44 jurors ordered). Trial is estimated from 1/12/16 through 1/21/16 and 1/25/16 if needed. The government is instructed to provide the defense with copies of the summary charts by 5:00 pm on 1/8/16. Parties present: Michael Matters, Esq.; Defendant present (J); Vasanth Sridharan, AUSA. Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/04/2016)
01/04/2016	70	PAPERLESS NOTICE OF TRIAL as to Khaled Elbeblawy: Jury Trial special set for Tuesday, 1/12/2016 09:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 01/04/2016)
01/04/2016	<u>71</u>	NOTICE of filing letter from the defendant received in open court by Khaled Elbeblawy. (tas) (Entered: 01/04/2016)
01/04/2016	72	PAPERLESS ORDER denying <u>63</u> Motion to Continue Trial as to Khaled Elbeblawy (1) for reasons stated on the record. Signed by Judge Beth Bloom (BB) (Entered: 01/04/2016)
01/05/2016	<u>73</u>	EXHIBIT LIST by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 01/05/2016)
01/05/2016	<u>74</u>	Witness List by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 01/05/2016)
01/06/2016	<u>75</u>	NOTICE of Request of Experts by Khaled Elbeblawy (Matters, Michael) (Entered: 01/06/2016)
01/12/2016	76	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial DAY 1 as to Khaled Elbeblawy held on 1/12/2016. Jury panel of 44 jurors sworn voire

		dire. Voire dire begins and ends. Jury selected, panel of 14 jurors sworn. Preliminary Instructions given, Opening statements by the parties. The Government begins their presentation of their case, witness sworn and exhibits entered. The Court is in recess until 1/13/16 at 9:00 am. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/14/2016)
01/13/2016	77	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial DAY 2 as to Khaled Elbeblawy held on 1/13/2016. The Government continues with their presentation of their case, witness sworn and exhibits entered. The Court is in recess until 1/14/16 at 9:00 am. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present for Defendant.(Contract Spanish Interpreters present for Government Witness). Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/14/2016)
01/14/2016	78	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial DAY 3 as to Khaled Elbeblawy held on 1/14/2016. The Government continues with their presentation of their case, witness sworn and exhibits entered. The Court is in recess until 1/19/16 at 9:00 am. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present for Defendant Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/14/2016)
01/19/2016	79	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial DAY 4 as to Khaled Elbeblawy held on 1/19/2016. The Court addresses the Defendants Motion to Discharge his attorney outside the presence of the Jury and the transcript is sealed. The Court denies the Defendants request to receive a new court appointed counsel. The Defendant wishes to represent himself and Mr. Matters shall remain as standby counsel in this case. Barry Wax, Esq. is appointed CJA counsel for witness Cynthia Vilches. The Government continues with their presentation of their case, witness sworn and exhibits entered. The Court is in recess until 1/20/16 at 9:00 am. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present for Defendant Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/20/2016)
01/19/2016	80	PAPERLESS ORDER appointed CJA Counsel Barry Wax, Esq. for Trial Witness Cynthia Vilches. Date attorney was appointed CJA: 1/19/2016. Counsel required to appear in Court on 1/19/16. Signed by Judge Beth Bloom on 1/20/16. (tas) (Entered: 01/20/2016)
01/19/2016		Attorney update in case as to Khaled Elbeblawy. Attorney Barry Michael Wax, Esq. added Appointment of CJA Attorney Barry Wax, Esq. added and appointed for Government and Defense witness Cynthia Vilches for Court CJA representation. Date attorney was appointed CJA: 1/19/2016. (tas) (Entered: 01/20/2016)
01/20/2016	81	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial DAY 5 as to Khaled Elbeblawy held on 1/20/2016. The Government continues with the presentation of their case and evidence and witness testimony. The Government rest. Rule 29 motion made by stand by counsel Mr. Matters on behalf of the defendant. The Defendant presents his case and testifies. The Court is in recess until 1/21/16 at 9:00 am. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present for Defendant Arabic

		Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/21/2016)
01/21/2016	82	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Jury Trial Day 6 as to Khaled Elbeblawy held on 1/21/2016. Charge conference held. Defendant continues with the presentation of his case and testimony. Defendant rest (no witnesses called). No rebuttal evidence by the government. Court instructs the Jury. Closing arguments heard. Jury begins deliberating at 6:15 pm. The parties confer in re the exhibits and submit a final exhibit list to the Court. Jury Question received. Jury verdict received at 9:30 pm and published. Jury polled. Jury released. Verdict Guilty of all counts. PSR Ordered. Sentencing set for Friday, 4/8/16 at 9:00 am in Miami, Courtroom 10-2. Mr. Matters, CJA counsel and stand by counsel for the defendant is relieved of his duties and terminated. Richard Klugh, Esq. is appointed CJA Counsel for Sentencing purposes and appeal. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Michael Matters, Esq.; Defendant present (J). Arabic Interpreter present. Attorney added: Richard Carroll Klugh, Jr for Khaled Elbeblawy for Criminal Case CJA representation of Sentencing Proceedings and Appeal. Date attorney was appointed CJA: 1/21/16 Richard Klugh, Esq. Appoint for Appeal and Sentencing. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 01/22/2016)
01/21/2016	83	PAPERLESS NOTICE OF SENTENCING HEARING as to Khaled Elbeblawy. Sentencing set for Friday, 4/8/2016 09:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 01/22/2016)
01/21/2016	<u>85</u>	Courts Jury Instructions and Proposed Verdict Form as to Khaled Elbeblawy (tas) (Entered: 01/22/2016)
01/21/2016	<u>86</u>	Jury Notes/questions as to Khaled Elbeblawy (tas) (Entered: 01/22/2016)
01/21/2016	<u>87</u>	NOTICE of filing redacted superseding indictment submitted to the jurors in re Khaled Elbeblawy (tas) (Entered: 01/22/2016)
01/21/2016	<u>88</u>	EXHIBIT LIST by USA as to Khaled Elbeblawy (tas) (Entered: 01/22/2016)
01/21/2016	<u>89</u>	EXHIBIT LIST by Khaled Elbeblawy (tas) (Entered: 01/22/2016)
01/21/2016	<u>90</u>	JURY VERDICT as to Khaled Elbeblawy (1) Guilty on Count 1s,2s (tas) (Entered: 01/22/2016)
01/21/2016	<u>91</u>	RELEASE OF EXHIBITS as to Khaled Elbeblawy. Released to: Defense Counsel Mr. Matters. (tas) (Entered: 01/22/2016)
01/21/2016	<u>92</u>	RELEASE OF EXHIBITS as to Khaled Elbeblawy. Released to: Government Counsel Mr. Surmacz (tas) (Entered: 01/22/2016)
01/22/2016	84	PAPERLESS ORDER as to Khaled Elbeblawy, Attorney Michael A. Matters, CJA counsel and standby counsel terminated in case as to Khaled Elbeblawy. Attorney Richard Klugh, Esq. appointed as CJA Counsel for Sentencing and Appeal. Signed by Judge Beth Bloom on 1/21/2016. (tas) (Entered: 01/22/2016)
01/22/2016	93	PAPERLESS AMENDED NOTICE OF SENTENCING HEARING as to Khaled Elbeblawy. Sentencing set for Friday, 4/8/2016 09:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (30 minutes has been reserved for this hearing, if more time is required counsel shall notify the courtroom deputy at toniann_jacoby@flsd.uscourts.gov).(tas) (Entered: 01/22/2016)
01/22/2016	<u>94</u>	Witness List by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 01/22/2016)

01/22/2016	<u>95</u>	EXHIBIT LIST by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 01/22/2016)
01/25/2016	96	Notice of Presentence Investigation Assignment of Khaled Elbeblawy to US Probation Officer Demesha Edwards in the Miami Wilkie D. Ferguson, Jr. U.S. Courthouse and she can be contacted at (305)523-5328 or Demesha_Edwards@flsp.uscourts.gov. (lrn) (Entered: 01/25/2016)
01/26/2016	<u>97</u>	CJA 24 as to Khaled Elbeblawy: Authorization to Pay Yvette Hernandez Inc. Voucher # FLST 16-019. (ar2) (Entered: 01/26/2016)
02/01/2016	98	PAPERLESS NOTICE RESETTING SENTENCING HEARING as to Khaled Elbeblawy. Sentencing reset for Friday, 4/15/2016 11:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (30 minutes has been set aside for this hearing, the parties shall contact the court if additional time is needed). (tas) (Entered: 02/01/2016)
02/02/2016	<u>99</u>	CJA 20 - Voucher and Order Appointing Counsel as to Khaled Elbeblawy. Attorney Richard Carroll Klugh, Jr. appointed for the defendant for Criminal Case CJA representation. Date attorney was appointed CJA: 1/21/2016. Voucher Number: FLS 15-5277. (ar2) (Entered: 02/02/2016)
02/02/2016	<u>100</u>	CJA 20 - Voucher and Order Appointing Counsel as to Cynthia Vilches. Attorney Barry Michael Wax appointed for Witness-Other (Grand Jury, Court) CJA representation. Date attorney was appointed CJA: 1/19/2016. Voucher Number: FLS 15-5531. (ar2) (Entered: 02/02/2016)
02/03/2016	<u>101</u>	Unopposed MOTION for Extension of Time to File Post-trial Motions by Khaled Elbeblawy. Responses due by 2/22/2016 (Attachments: # <u>1</u> Text of Proposed Order) (Klugh, Richard) (Entered: 02/03/2016)
02/03/2016	102	PAPERLESS ORDER granting <u>101</u> Motion for Extension of Time to File Post-Trial Motions by March 5, 2016 as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom (BB) (Entered: 02/03/2016)
02/18/2016	<u>103</u>	Arrest Warrant returned executed on 10/23/2015 as to Khaled Elbeblawy (ar2) (Entered: 02/18/2016)
02/19/2016	<u>104</u>	TRANSCRIPT of Excerpt Transcript of Trial, Day 3, Testimony of Dr. Delisma as to Khaled Elbeblawy held on 01/14/2016 before Judge Beth Bloom, 1 - 109 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/14/2016. Redacted Transcript Deadline set for 3/24/2016. Release of Transcript Restriction set for 5/23/2016. (yhz) (Entered: 02/19/2016)
03/07/2016		SYSTEM ENTRY - Docket Entry 105 restricted/sealed until further notice. (tpl) (Entered: 03/09/2016)
03/08/2016	<u>106</u>	Corrected MOTION for Acquittal (Responses due by 3/25/2016), MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment , MOTION for New Trial (Responses due by 3/25/2016) by Khaled Elbeblawy. (Klugh, Richard) (Entered: 03/08/2016)
03/08/2016	108	PAPERLESS ORDER denying as moot 105 Motion for Acquittal as to Khaled Elbeblawy (1); denying as moot 105 Motion to Dismiss for Lack of Jurisdiction as to Khaled Elbeblawy (1); denying as moot 105 Motion for New Trial as to Khaled

		Elbeblawy (1) as a result of the filing of ECF No. <u>106</u> . Signed by Judge Beth Bloom (BB) (Entered: 03/08/2016)
03/08/2016		SYSTEM ENTRY - Docket Entry 107 restricted/sealed until further notice. (tpl) (Entered: 03/09/2016)
03/09/2016	<u>110</u>	Clerks Notice to Filer re 109 Unopposed MOTION Seal Docket Entries 105 and 107 . Sealed Document Filed Electronically ; ERROR - The Filer failed to file a sealed document in the conventional paper format. The document has been restricted and the docket text has been corrected. It is not necessary to refile the document but future sealed filings must be filed in the conventional paper format in accordance with the CM/ECF Administrative Procedures. (nc) (Entered: 03/09/2016)
03/09/2016		SYSTEM ENTRY - Docket Entry 109 restricted/sealed until further notice. (nc) (Entered: 03/09/2016)
03/09/2016		SYSTEM ENTRY - Docket Entry 111 restricted/sealed until further notice. (tpl) (Entered: 03/09/2016)
03/10/2016	<u>112</u>	TRANSCRIPT of Excerpt of Trial Day 2, Testimony of Stephen Quindoza as to Khaled Elbeblawy held on 1/14/2016 before Judge Beth Bloom, 1 - 31 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/4/2016. Redacted Transcript Deadline set for 4/14/2016. Release of Transcript Restriction set for 6/13/2016. (yhz) (Entered: 03/10/2016)
03/10/2016	<u>113</u>	TRANSCRIPT of Excerpt of Trial Day 3, Continued Testimony of Stephen Quindoza as to Khaled Elbeblawy held on 1/14/2016 before Judge Beth Bloom, 1 - 55 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/4/2016. Redacted Transcript Deadline set for 4/14/2016. Release of Transcript Restriction set for 6/13/2016. (yhz) (Entered: 03/10/2016)
03/11/2016	<u>114</u>	NOTICE of Filing Redacted Appendices for Post-trial Motion by Khaled Elbeblawy re <u>106</u> Corrected MOTION for Acquittal MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment MOTION for New Trial (Klugh, Richard) (Entered: 03/11/2016)
03/16/2016	<u>115</u>	DRAFT Disclosure of Presentence Investigation Report of Khaled Elbeblawy. This is a limited access document. Report access provided to attorneys Nalina Sombuntham, Vasanth R. Sridharan, Nicholas E. Surmacz, Richard Carroll Klugh, Jr by USPO (Attachments: # <u>1</u> Position of Parties)(acn1) (Entered: 03/16/2016)
03/21/2016	<u>116</u>	RESPONSE in Opposition by USA as to Khaled Elbeblawy re <u>106</u> Corrected MOTION for Acquittal MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment MOTION for New Trial Replies due by 3/31/2016. (Attachments: # <u>1</u> Exhibit All (A-H)) (Sridharan, Vasanth) (Entered: 03/21/2016)
03/30/2016	<u>117</u>	OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT by Khaled Elbeblawy (Klugh, Richard) (Entered: 03/30/2016)
03/30/2016	<u>118</u>	MOTION to Strike Presentence Report by Khaled Elbeblawy. Responses due by 4/18/2016. (See DE <u>117</u> for image). (ar2) (Entered: 03/31/2016)

03/31/2016	<u>119</u>	Clerk's Notice to Filer Re: <u>117</u> Objections to Presentence Investigation Report and [DE 118] Motion to Strike. Two or More Document Events Filed as One ; ERROR - Only one event was selected by the Filer but more than one event was applicable to the document filed. The docket entry was corrected by the Clerk. It is not necessary to refile this document but in the future, the Filer must select all applicable events. (ar2) (Entered: 03/31/2016)
03/31/2016	<u>120</u>	NOTICE of Correcting Objection to Presentence Report by Striking References to Pretrial Detention Order by Khaled Elbeblawy re <u>117</u> Objections to Presentence Investigation Report (Klugh, Richard) (Entered: 03/31/2016)
03/31/2016	<u>121</u>	REPLY TO RESPONSE to Motion by Khaled Elbeblawy re <u>106</u> Corrected MOTION for Acquittal MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment MOTION for New Trial (Klugh, Richard) (Entered: 03/31/2016)
04/04/2016	<u>122</u>	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Khaled Elbeblawy <u>106</u> Corrected MOTION for Acquittal MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment MOTION for New Trial : Motion Hearing set for 4/15/2016 09:00 AM in Miami Division, 400 North Miami Avenue, Courtroom 10-2, before Judge Beth Bloom. (ch1) (Entered: 04/04/2016)
04/04/2016	<u>123</u>	TRANSCRIPT of Excerpt of Trial Day 1, Jury Voir Dire as to Khaled Elbeblawy held on 1/12/2016 before Judge Beth Bloom, 1 - 114 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>124</u>	TRANSCRIPT of Excerpt of Trial Day 2, Direct Testimony of Uelises Escalona as to Khaled Elbeblawy held on 1/13/2016 before Judge Beth Bloom, 1 - 113 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>125</u>	TRANSCRIPT of Excerpt of Trial Day 3, Direct Testimony of Special Agent Amber Kilpatrick as to Khaled Elbeblawy held on 1/14/2016 before Judge Beth Bloom, 1 - 37 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>126</u>	TRANSCRIPT of Excerpt of Trial Day 1, Government Opening Statement as to Khaled Elbeblawy held on 1/12/2016 before Judge Beth Bloom, 1 - 15 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016.

		Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>127</u>	TRANSCRIPT of Excerpt of Trial Day 6, Government Closing Statement as to Khaled Elbeblawy held on 1/21/2016 before Judge Beth Bloom, 1 - 16 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>128</u>	TRANSCRIPT of Excerpt of Trial, Day 6, Government Rebuttal Closing as to Khaled Elbeblawy held on 1/21/2016 before Judge Beth Bloom, 1 - 13 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/04/2016	<u>129</u>	TRANSCRIPT of Excerpt of Trial Day 4, Direct Rebuttal Testimony of Special Agent Lynnette Alvarez-Karnes as to Khaled Elbeblawy held on 1/19/2016 before Judge Beth Bloom, 1 - 108 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/28/2016. Redacted Transcript Deadline set for 5/9/2016. Release of Transcript Restriction set for 7/8/2016. (yhz) (Entered: 04/04/2016)
04/07/2016	<u>130</u>	MOTION for Forfeiture of Property <i>Money Judgment</i> by USA as to Khaled Elbeblawy. Responses due by 4/25/2016 (Attachments: # <u>1</u> Exhibit Attachment A (Composite), # <u>2</u> Text of Proposed Order)(Sombuntham, Nalina) (Entered: 04/07/2016)
04/07/2016	<u>131</u>	VACATED: ORDER granting <u>130</u> Motion for Order of Forfeiture as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 4/7/2016. (ar2) Modified text to reflect this order is vacated per court order on 4/15/2016 (tas). (Entered: 04/07/2016)
04/08/2016	<u>132</u>	NOTICE <i>Regarding Length of Sentencing Hearing and Request for Forfeiture Hearing</i> by Khaled Elbeblawy (Klugh, Richard) (Entered: 04/08/2016)
04/08/2016	<u>133</u>	PAPERLESS NOTICE OF HEARING as to Khaled Elbeblawy Forfeiture Hearing set for 4/15/2016 10:00 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (ch1) (Entered: 04/08/2016)
04/12/2016	<u>134</u>	FINAL Addendum 1 Disclosure of REVISED Presentence Investigation Report of Khaled Elbeblawy. This is a limited access document. Report access provided to attorneys Nalina Sombuntham, Vasanth R. Sridharan, Nicholas E. Surmacz, Richard Carroll Klugh, Jr by USPO (Attachments: # <u>1</u> Addendum)(acn1) (Entered: 04/12/2016)
04/13/2016	<u>135</u>	NOTICE <i>of Filing Letters of Support for Sentencing</i> by Khaled Elbeblawy (Klugh, Richard) (Entered: 04/13/2016)
04/13/2016	<u>136</u>	SENTENCING MEMORANDUM by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 04/13/2016)

04/14/2016	<u>137</u>	TRANSCRIPT of Trial Day 1 as to Khaled Elbeblawy held on 01/12/2016 before Judge Beth Bloom, Volume Number 1 of 6, 1 - 269 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/14/2016	<u>138</u>	TRANSCRIPT of Trial Day 2 as to Khaled Elbeblawy held on 1/13/2016 before Judge Beth Bloom, Volume Number 2 of 6, 1 - 263 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/14/2016	<u>139</u>	TRANSCRIPT of Trial Day 3 as to Khaled Elbeblawy held on 1/14/2016 before Judge Beth Bloom, Volume Number 3 of 6, 1 - 244 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/14/2016	<u>140</u>	TRANSCRIPT of Trial Day 4 as to Khaled Elbeblawy held on 1/19/2016 before Judge Beth Bloom, Volume Number 4 of 6, 1 - 316 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/14/2016	<u>141</u>	TRANSCRIPT of Trial Day 5 as to Khaled Elbeblawy held on 1/20/2016 before Judge Beth Bloom, Volume Number 5 of 6, 1 - 265 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/14/2016	<u>142</u>	TRANSCRIPT of Trial Day 6 as to Khaled Elbeblawy held on 1/21/2016 before Judge Beth Bloom, Volume Number 6 of 6, 1 - 359 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/9/2016. Redacted Transcript Deadline set for 5/19/2016. Release of Transcript Restriction set for 7/18/2016. (yhz) (Entered: 04/14/2016)
04/15/2016	<u>143</u>	NOTICE of Filing Letters of Support for Sentencing (Supplemental) by Khaled Elbeblawy (Klugh, Richard) (Entered: 04/15/2016)

04/15/2016	144	PAPERLESS ORDER denying <u>106</u> Motion for Acquittal as to Khaled Elbeblawy (1); denying <u>106</u> Motion to Dismiss for Lack of Jurisdiction as to Khaled Elbeblawy (1); denying <u>106</u> Motion for New Trial as to Khaled Elbeblawy (1) for reasons stated on the record. Signed by Judge Beth Bloom (BB) (Entered: 04/15/2016)
04/15/2016	145	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Khaled Elbeblawy held on 4/15/2016 re <u>106</u> Corrected MOTION for Acquittal MOTION to Dismiss for Lack of Jurisdiction <u>90</u> Jury Verdict, <u>59</u> Indictment MOTION for New Trial filed by Khaled Elbeblawy. Oral arguments heard. All motions denied for reasons stated on the record. Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Richard Carroll Klugh, Jr., Esq.; Defendant present (J). Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 04/15/2016)
04/15/2016	146	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Forfeiture Hearing as to Khaled Elbeblawy held on 4/15/2016. Oral arguments heard, the Court VACATES ECF No. <u>131</u> Order of Forfeiture. Forfeiture Hearing continued and set for Friday, 5/13/2016 01:30 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. Parties Present: Nalina Sombuntham, AUSA; Richard Klugh, Jr.; Esq.; Defendant present (J). Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 04/15/2016)
04/15/2016	147	PAPERLESS Order to Vacate re ECF No. <u>131</u> Order on Motion for Forfeiture of Property as to Khaled Elbeblawy. Order vacated for reasons stated on the record at the hearing held on Friday, April 15, 2016. Signed by Judge Beth Bloom on 4/15/2016. (tas) (Entered: 04/15/2016)
04/15/2016	148	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Sentencing not held on 4/15/2016 as to Khaled Elbeblawy. Defense ore tenus motion to continue sentencing is granted for reasons stated on the record. (Sentencing CONTINUED to Friday, 5/13/2016 01:30 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2.) Parties Present: Nicholas E. Surmacz, DOJ; Vasanth R. Sridharan; DOJ; Richard Carroll Klugh, Jr., Esq.; Defendant present (J). Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (tas) (Entered: 04/15/2016)
04/15/2016	149	PAPERLESS NOTICE OF SENTENCING HEARING as to Khaled Elbeblawy. Sentencing set for Friday, 5/13/2016 01:30 PM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (tas) (Entered: 04/15/2016)
04/18/2016		SYSTEM ENTRY - Docket Entry 150 restricted/sealed until further notice. (tpl) (Entered: 04/18/2016)
04/18/2016		SYSTEM ENTRY - Docket Entry 151 restricted/sealed until further notice. (tpl) (Entered: 04/18/2016)
04/21/2016	<u>152</u>	CJA 24 as to Khaled Elbeblawy: Authorization to Pay Yvette Hernandez Voucher # FLST 16 095. (amb) (Entered: 04/21/2016)
04/22/2016	<u>153</u>	Unopposed MOTION to Continue <i>Sentencing and Related Proceedings</i> re 149 Notice/Order of Change of Plea and/or Sentencing by Khaled Elbeblawy. Responses due by 5/9/2016 (Klugh, Richard) (Entered: 04/22/2016)
04/25/2016	154	PAPERLESS ORDER granting <u>153</u> Unopposed Motion for Extended Continuance of Post-Conviction Proceedings and Alternative Request for Relief Due to Appointed Counsel's Medical Emergency as to Khaled Elbeblawy (1). SENTENCING HEARING reset for Friday, 7/29/2016 09:30 AM in Miami Division before Judge Beth Bloom,

		400 North Miami Avenue, Courtroom 10-2. FORFEITURE Hearing reset for Friday, 7/29/2016 09:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. (3 hours set aside for these hearings, please contact Chambers if additonal time is required.)(Arabic Interpreters Required and Ordered) Signed by Judge Beth Bloom on 4/25/16. (tas) (Entered: 04/25/2016)
07/14/2016	<u>155</u>	Unopposed MOTION to Continue Sentencing Hearing <i>and Forfeiture Hearing</i> by Khaled Elbeblawy. Responses due by 8/1/2016 (Attachments: # <u>1</u> Text of Proposed Order)(Klugh, Richard) (Entered: 07/14/2016)
07/14/2016	156	PAPERLESS ORDER granting <u>155</u> Motion to Continue Forfeiture and Sentencing Hearing as to Khaled Elbeblawy (1). Forfeiture Hearing reset for Tuesday, 8/30/2016 09:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. Sentencing set for Tuesday, 8/30/2016 09:30 AM in Miami Division before Judge Beth Bloom, 400 North Miami Avenue, Courtroom 10-2. Signed by Judge Beth Bloom (tas) (Entered: 07/14/2016)
08/10/2016	<u>157</u>	TRANSCRIPT of Arraignment on Superseding Indictment as to Khaled Elbeblawy held on 01/04/2016 before Judge Beth Bloom, 1 - 36 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/6/2016. Redacted Transcript Deadline set for 9/15/2016. Release of Transcript Restriction set for 11/14/2016. (yhz) (Entered: 08/10/2016)
08/10/2016	<u>158</u>	TRANSCRIPT of Motions & Forfeiture Hearing as to Khaled Elbeblawy held on 04/15/2016 before Judge Beth Bloom, 1 - 102 pages, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/6/2016. Redacted Transcript Deadline set for 9/15/2016. Release of Transcript Restriction set for 11/14/2016. (yhz) (Entered: 08/10/2016)
08/11/2016		SYSTEM ENTRY - Docket Entry 159 restricted/sealed until further notice. (nc) (Entered: 08/11/2016)
08/11/2016		SYSTEM ENTRY - Docket Entry 160 restricted/sealed until further notice. (nc) (Entered: 08/11/2016)
08/11/2016		SYSTEM ENTRY - Docket Entry 161 restricted/sealed until further notice. (nc) (Entered: 08/11/2016)
08/11/2016		SYSTEM ENTRY - Docket Entry 162 restricted/sealed until further notice. (nc) (Entered: 08/11/2016)
08/23/2016	<u>163</u>	RESPONSE in Opposition by Khaled Elbeblawy re <u>130</u> MOTION for Forfeiture of Property <i>Money Judgment</i> Replies due by 9/2/2016. (Klugh, Richard) (Entered: 08/23/2016)
08/25/2016	<u>164</u>	NOTICE of Sentencing Witnesses and Hearing Duration by Khaled Elbeblawy (Klugh, Richard) (Entered: 08/25/2016)
08/25/2016	<u>165</u>	Defendant's MOTION for Downward Departure by Khaled Elbeblawy. Responses due by 9/12/2016 (Klugh, Richard) (Entered: 08/25/2016)
08/29/2016	<u>166</u>	REPLY TO RESPONSE to Motion by USA as to Khaled Elbeblawy re <u>130</u> MOTION for Forfeiture of Property <i>Money Judgment</i> (Attachments: # <u>1</u> Text of Proposed Order)

		(Sombuntham, Nalina) (Entered: 08/29/2016)
08/30/2016	<u>167</u>	PAPERLESS ORDER denying 118 Motion to Strike as to Khaled Elbeblawy (1) for reasons stated on the record. Signed by Judge Beth Bloom (BB) (Entered: 08/30/2016)
08/30/2016	<u>168</u>	PAPERLESS ORDER denying <u>165</u> Motion for Downward Departure as to Khaled Elbeblawy (1) for reasons stated on the record. Signed by Judge Beth Bloom (BB) (Entered: 08/30/2016)
08/30/2016	<u>169</u>	Paperless Minute Entry for proceedings held before Judge Beth Bloom: Forfeiture Hearing as to Khaled Elbeblawy held on 8/30/2016, Sentencing held on 8/30/2016 as to Khaled Elbeblawy. Appearances by Nicholas Surmacz, Nilina Sombuntham and Vasanth Sridharan for the USA and Richard Klugh, Jr. for the defendant. Arabic Interpreter present. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. (ch1) (Entered: 08/30/2016)
08/31/2016	<u>170</u>	JUDGMENT as to Khaled Elbeblawy (1), Count(s) 1, 2, Dismissed; Count(s) 1s, 2s, Imprisonment for a term of 240 months. This term consists of 240 months as to count 1 and 60 months as to count 2, to be served concurrently to count 1; followed by 3 years Supervised Release. This term consists of 3 years as to counts 1 and 2, all such terms to run concurrently. Restitution: \$36,400,957.00 Assessment: \$200.00 Closing Case for Defendant. Signed by Judge Beth Bloom on 8/31/2016. (ail) NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69. (Entered: 09/01/2016)
09/01/2016	<u>171</u>	ORDER OF FORFEITURE as to Khaled Elbeblawy. Signed by Judge Beth Bloom on 8/31/2016. (ail) (Entered: 09/01/2016)
09/12/2016	<u>172</u>	NOTICE OF APPEAL by Khaled Elbeblawy Re: <u>170</u> Judgment,,. Filing fee \$ 505.00. CJA Appointment with CJA Voucher Number 15 5277. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (Klugh, Richard) (Entered: 09/12/2016)
09/13/2016		Transmission of Notice of Appeal, Judgment and Docket Sheet as to Khaled Elbeblawy to US Court of Appeals re <u>172</u> Notice of Appeal - Final Judgment, Notice has been electronically mailed. (apz) (Entered: 09/13/2016)
09/26/2016	<u>173</u>	Acknowledgment of Receipt of NOA from USCA as to Khaled Elbeblawy re <u>172</u> Notice of Appeal - Final Judgment, date received by USCA: 9/13/2016. USCA Case Number: 16-16048-C. (apz) (Entered: 09/27/2016)
10/11/2016	<u>174</u>	TRANSCRIPT INFORMATION FORM as to Khaled Elbeblawy re <u>172</u> Notice of Appeal - Final Judgment, filed by Khaled Elbeblawy. Sentencing, other hearings transcript(s) ordered. Order placed by Richard Klugh. Email sent to Court Reporter Coordinator. (Klugh, Richard) (Entered: 10/11/2016)
10/28/2016	<u>175</u>	COURT REPORTER ACKNOWLEDGMENT as to Khaled Elbeblawy re <u>174</u> Transcript Information Form, <u>172</u> Notice of Appeal - Final Judgment,. Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. Estimated filing date of transcript 12/12/2016. USCA number 1616048-C. (yhz) (Entered: 10/28/2016)

12/18/2016	<u>176</u>	TRANSCRIPT of Motion to Suppress, Day 1 as to Khaled Elbeblawy held on 11/16/15 before Judge Beth Bloom, 1 - 117 pages, re: <u>172</u> Notice of Appeal - Final Judgment, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. USCA Case Number: 16-16048-C. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/9/2017. Redacted Transcript Deadline set for 1/18/2017. Release of Transcript Restriction set for 3/20/2017. (yhz) (Entered: 12/18/2016)
12/18/2016	<u>177</u>	TRANSCRIPT of Motion to Suppress, Day 2 as to Khaled Elbeblawy held on 11/17/2016 before Judge Beth Bloom, 1 - 108 pages, re: <u>172</u> Notice of Appeal - Final Judgment, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. USCA Case Number: 16-16048-C. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/9/2017. Redacted Transcript Deadline set for 1/18/2017. Release of Transcript Restriction set for 3/20/2017. (yhz) (Entered: 12/18/2016)
12/18/2016	<u>178</u>	TRANSCRIPT of Pretrial Motion as to Khaled Elbeblawy held on 11/25/15 before Judge Beth Bloom, 1 - 10 pages, re: <u>172</u> Notice of Appeal - Final Judgment, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. USCA Case Number: 16-16048-C. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/9/2017. Redacted Transcript Deadline set for 1/18/2017. Release of Transcript Restriction set for 3/20/2017. (yhz) (Entered: 12/18/2016)
12/18/2016	<u>179</u>	TRANSCRIPT of Forfeiture & Sentencing Hearing as to Khaled Elbeblawy held on 8/30/16 before Judge Beth Bloom, 1 - 143 pages, re: <u>172</u> Notice of Appeal - Final Judgment, Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov. USCA Case Number: 16-16048-C. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/9/2017. Redacted Transcript Deadline set for 1/18/2017. Release of Transcript Restriction set for 3/20/2017. (yhz) (Entered: 12/18/2016)
12/27/2016	<u>180</u>	TRANSCRIPT NOTIFICATION as to Khaled Elbeblawy - Transcript(s) ordered on: 10/12/2016 by Richard C. Klugh, Esq. has/have been filed on 12/18/16 by Court Reporter: Yvette Hernandez, 954-769-5686 / Yvette_Hernandez@flsd.uscourts.gov re <u>174</u> Transcript Information Form, <u>175</u> Court Reporter Acknowledgment, <u>172</u> Notice of Appeal - Final Judgment,. (yhz) (Entered: 12/27/2016)
08/17/2017	181	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: <u>172</u> Notice of Appeal - Final Judgment, Appeal No. 16-16048-CC. The entire record on appeal is available electronically. (apz) (Entered: 08/17/2017)
10/18/2017	182	Compliance with Request from USCA dated 10/17/2017. Regarding: Compilation of case documents. Complied with on 10/17/2017. USCA Case Number 16-16048-CC. (apz) (Entered: 10/18/2017)

09/05/2018	<u>183</u>	MANDATE of USCA (certified copy). We AFFIRM Elbeblawy's convictions and sentence, VACATE the forfeiture order, and REMAND for proceedings consistent with this opinion as to Khaled Elbeblawy re <u>172</u> Notice of Appeal - Final Judgment; Date Issued: 9/5/2018; USCA Case Number: 16-16048-CC. (apz) (Entered: 09/05/2018)
03/18/2019	<u>184</u>	WRIT OF CERTIORARI DENIED by US Supreme Court as to Khaled Elbeblawy re <u>172</u> Notice of Appeal - Final Judgment. (apz) (Entered: 03/19/2019)
07/10/2019	<u>185</u>	NOTICE of Reassignment of Assistant US Attorney. Nicole Grosnoff appearing for USA. Nalina Sombuntham terminated. Attorney Nicole Grosnoff added to party USA(pty:pla). (Grosnoff, Nicole) (Entered: 07/10/2019)
09/30/2019	<u>186</u>	PAPERLESS NOTICE OF HEARING as to Khaled Elbeblawy Resentencing re: Forfeiture set for 12/6/2019 at 10:00 AM in Miami Division, 400 North Miami Avenue, Courtroom 10-2 before Judge Beth Bloom. (ego) (Entered: 09/30/2019)
11/01/2019	<u>187</u>	Unopposed MOTION to Withdraw as Attorney by Richard Klugh for / by Khaled Elbeblawy. (Klugh, Richard) (Entered: 11/01/2019)
11/04/2019	<u>188</u>	PAPERLESS ORDER granting <u>187</u> Motion to Withdraw as Attorney. Richard Carroll Klugh, Jr withdrawn from case. Added Jeffrey David Weinkle for Khaled Elbeblawy for Remand for Sentencing re: Forfeiture. Date attorney was appointed CJA: 11/4/2019 as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 11/4/2019. (ego) (Entered: 11/04/2019)
11/15/2019	<u>189</u>	MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property by USA as to Khaled Elbeblawy. Responses due by 11/29/2019 (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Grosnoff, Nicole) (Entered: 11/15/2019)
12/02/2019	<u>190</u>	PAPERLESS ORDER requiring the Defendant's Response by December 5, 2019, to the United States' Motion for Amended Forfeiture Money Judgment, ECF No. <u>189</u> , as to Khaled Elbeblawy. Signed by Judge Beth Bloom (BB) (Entered: 12/02/2019)
12/02/2019		Set/Reset Deadlines/Hearings in case as to Khaled Elbeblawy as per DE <u>190</u> re <u>189</u> MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property. Responses due by 12/5/2019 (lk) (Entered: 12/03/2019)
12/04/2019	<u>191</u>	MOTION to Continue Sentencing Hearing by Khaled Elbeblawy. Responses due by 12/18/2019 (Weinkle, Jeffrey) (Entered: 12/04/2019)
12/04/2019	<u>192</u>	PAPERLESS ORDER granting <u>191</u> Motion to Continue Change of Sentencing Hearing as to Khaled Elbeblawy (1). Re: <u>189</u> MOTION to Correct <u>171</u> Order for Forfeiture of Property . Motion Hearing reset for 2/14/2020 at 09:30 AM in Miami Division, 400 North Miami Avenue, Courtroom 10-2 before Judge Beth Bloom. Signed by Judge Beth Bloom on 12/4/2019. (ego) (Entered: 12/04/2019)
12/04/2019	<u>193</u>	MOTION for Extension of Time file Response re <u>190</u> Order by Khaled Elbeblawy. Responses due by 12/18/2019 (Weinkle, Jeffrey) (Entered: 12/04/2019)
12/04/2019	<u>194</u>	PAPERLESS ORDER granting <u>193</u> Motion for Extension of Time to File Response by February 7, 2020, as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom (BB) (Entered: 12/04/2019)
02/10/2020	<u>195</u>	RESPONSE in Opposition by Khaled Elbeblawy re <u>189</u> MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property Replies due by 2/18/2020. (Weinkle, Jeffrey) (Entered: 02/10/2020)
02/11/2020	<u>196</u>	REPLY TO RESPONSE to Motion by USA as to Khaled Elbeblawy re <u>189</u> MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property (Grosnoff, Nicole) (Entered: 02/11/2020)

		02/11/2020)
02/11/2020	<u>197</u>	Writ of Habeas Corpus Ad Prosequendum Issued as to Khaled Elbeblawy. Notice (NEF) sent to US Pretrial, Probation and PSIunit Office (Court Desk) (USPPO_CT_DESK). Signed by Judge Beth Bloom on 2/11/2020. Re-Sentencing set for 2/14/2020 09:30 AM in Miami Division before Judge Beth Bloom. (ar2) (Main Document 197 replaced on 2/12/2020) (ego). (Entered: 02/12/2020)
02/12/2020	198	PAPERLESS NOTICE OF HEARING ON MOTION in case as to Khaled Elbeblawy <u>189</u> MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property : Motion Hearing reset for 2/24/2020 at 09:00 AM in Miami Division, 400 North Miami Avenue, Courtroom 10-2 before Judge Beth Bloom. (ego) (Entered: 02/12/2020)
02/12/2020	<u>199</u>	Writ of Habeas Corpus Ad Prosequendum Issued as to Khaled Elbeblawy. Notice (NEF) sent to US Pretrial, Probation and PSIunit Office (Court Desk) (USPPO_CT_DESK). Signed by Judge Beth Bloom on 2/12/2020. Re-Sentencing Hearing set for 2/24/2020 9:00 AM in Miami Division before Judge Beth Bloom. (ar2) (Entered: 02/12/2020)
02/24/2020	200	PAPERLESS Minute Entry for proceedings held before Judge Beth Bloom: Motion Hearing as to Khaled Elbeblawy held on 2/24/2020 re <u>189</u> MOTION to Amend/Correct <u>171</u> Order for Forfeiture of Property filed by USA, Re-Sentencing held on 2/24/2020 as to Khaled Elbeblawy. Parties present argument. For the reasons stated on the record the Motion to Amend/Correct Forfeiture of Property ECF <u>189</u> is granted. Amended Forfeiture Money Judgment to follow. Total time in court: 30 minutes. Arabic Interpreter present on stand by. Defendant stated he did not need the services of the interpreter. Attorney Appearance(s): Nicole Grosnoff, Jeffrey David Weinkle, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. (ego) (Entered: 02/24/2020)
02/24/2020	<u>201</u>	AMENDED FORFEITURE MONEY JUDGMENT Granting <u>189</u> Motion for Entry of an Amended Forfeiture Money Judgment as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 2/24/2020. <i>See attached document for full details.</i> (ar2) (Entered: 02/24/2020)
02/24/2020	<u>202</u>	NOTICE OF APPEAL by Khaled Elbeblawy Re: <u>201</u> Order on Motion to Amend/Correct. Filing fee \$ 505.00. CJA Appointment with Date of Appointment 11/04/2019. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (Weinkle, Jeffrey) (Entered: 02/24/2020)
02/24/2020	204	Clerks Notice to Filer re <u>202</u> Notice of Appeal - Final Judgment. Document Case Number and Case Style Do Not Match ; CORRECTIVE ACTION REQUIRED - The Filer has made the correction. See DE <u>203</u> for correct Notice of Appeal. (apz) (Entered: 02/25/2020)
02/25/2020	<u>203</u>	AMENDED NOTICE OF APPEAL by Khaled Elbeblawy Re: <u>201</u> Order on Motion to Amend/Correct. Filing fee \$ 505.00. CJA Appointment with Date of Appointment 11/04/2019. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (Weinkle, Jeffrey) Modified text on 2/25/2020 (apz). (Entered: 02/25/2020)
02/25/2020		Transmission of Notice of Appeal, Amended Forfeiture Money Judgment and Docket Sheet as to Khaled Elbeblawy to US Court of Appeals re <u>203</u> Notice of Appeal - Final

		Judgment, Notice has been electronically mailed. (apz) Modified text on 2/25/2020 (apz). (Entered: 02/25/2020)
02/26/2020	<u>205</u>	MOTION for Leave to Appeal In Forma Pauperis (Responses due by 3/11/2020), Unopposed MOTION to Withdraw as Attorney by Jeffrey D. Weinkle for / by Khaled Elbeblawy. (Weinkle, Jeffrey) (Entered: 02/26/2020)
02/26/2020	<u>206</u>	PAPERLESS ORDER granting <u>205</u> Motion for Leave to Appeal In Forma Pauperis as to Khaled Elbeblawy (1); granting <u>205</u> Motion to Withdraw as Attorney. Jeffrey David Weinkle withdrawn from case.Appointing Sonia Escobio O'Donnell for Khaled Elbeblawy for Appellate representation. Date attorney was appointed CJA: 2/26/2020 as to Khaled Elbeblawy (1). Signed by Judge Beth Bloom on 2/26/2020. (ego) (Entered: 02/26/2020)
03/02/2020	<u>207</u>	Acknowledgment of Receipt of NOA from USCA as to Khaled Elbeblawy re <u>202</u> Notice of Appeal - Final Judgment, date received by USCA: 2/25/2020. USCA Case Number: 20-10769-A. (apz) (Entered: 03/02/2020)
03/02/2020	<u>208</u>	Acknowledgment of Receipt of Amended NOA from USCA as to Khaled Elbeblawy re <u>203</u> Notice of Appeal - Final Judgment, date received by USCA: 2/25/2020. USCA Case Number: 20-10769-A. (apz) (Entered: 03/02/2020)
03/05/2020	<u>209</u>	Duplicate NOTICE OF APPEAL by Khaled Elbeblawy Re: <u>201</u> Order on Motion to Amend/Correct. Filing fee \$ 505.00. No Filing Fee Required. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (hh) (Entered: 03/06/2020)
03/06/2020		Transmission of Notice of Appeal and Docket Sheet as to Khaled Elbeblawy to US Court of Appeals re <u>209</u> Notice of Appeal - Other Order. Notice has been electronically mailed. (hh) (Entered: 03/06/2020)
03/19/2020	<u>210</u>	Motion to Vacate under 28 U.S.C. 2255 by Khaled Elbeblawy (civil case number 20-CV-21212-BB.) All further docketing related to the motion to vacate is to be done in the civil case. (amb) (Entered: 03/20/2020)
04/29/2020	<u>211</u>	TRANSCRIPT INFORMATION FORM as to Khaled Elbeblawy re <u>209</u> Notice of Appeal - Other Order, filed by Khaled Elbeblawy. Email sent to Court Reporter Coordinator. (hh) (Entered: 04/30/2020)
05/14/2020	<u>212</u>	TRANSCRIPT INFORMATION FORM as to Khaled Elbeblawy re <u>202</u> Notice of Appeal - Final Judgment, filed by Khaled Elbeblawy. Forfeiture/Re-Sentencing transcript(s) ordered. Order placed by Sonia E. O'Donnell. Email sent to Court Reporter Coordinator. (O'Donnell, Sonia) (Entered: 05/14/2020)
05/19/2020	<u>213</u>	COURT REPORTER ACKNOWLEDGMENT as to Khaled Elbeblawy re <u>209</u> Notice of Appeal - Other Order, <u>202</u> Notice of Appeal - Final Judgment, <u>212</u> Transcript Information Form, <u>211</u> Transcript Information Form, <u>203</u> Notice of Appeal - Final Judgment,, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. Estimated filing date of transcript 5/19/2020. USCA number 20-10769. (yhz) (Entered: 05/19/2020)
05/19/2020	<u>214</u>	TRANSCRIPT of Motion Hearing as to Khaled Elbeblawy held on 02/24/2020 before Judge Beth Bloom, 1 - 18 pages, re: <u>202</u> Notice of Appeal - Final Judgment, <u>203</u> Notice of Appeal - Final Judgment,, Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov. USCA Case Number: 20-10769. Transcript may be viewed at the court public terminal or purchased by contacting the Court

		Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/9/2020. Redacted Transcript Deadline set for 6/19/2020. Release of Transcript Restriction set for 8/17/2020. (yhz) (Entered: 05/19/2020)
05/19/2020	<u>215</u>	TRANSCRIPT NOTIFICATION as to Khaled Elbeblawy - Transcript(s) ordered on: 5/16/2020 by Sonia Escobio O'Donnell, Esq. has/have been filed by Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov re <u>209</u> Notice of Appeal - Other Order, <u>213</u> Court Reporter Acknowledgment, <u>202</u> Notice of Appeal - Final Judgment, <u>212</u> Transcript Information Form, <u>211</u> Transcript Information Form, <u>203</u> Notice of Appeal - Final Judgment,, (yhz) (Entered: 05/19/2020)
05/19/2020	<u>216</u>	CORRECTED TRANSCRIPT NOTIFICATION as to Khaled Elbeblawy - Transcript(s) ordered on: 5/19/2020 by Sonia Escobio O'Donnell, Esq. has/have been filed by Court Reporter: Yvette Hernandez, 305-523-5698 / Yvette_Hernandez@flsd.uscourts.gov re <u>209</u> Notice of Appeal - Other Order, <u>213</u> Court Reporter Acknowledgment, <u>202</u> Notice of Appeal - Final Judgment, <u>212</u> Transcript Information Form, <u>211</u> Transcript Information Form, <u>215</u> Transcript Notification, <u>203</u> Notice of Appeal - Final Judgment,, (yhz) (Entered: 05/19/2020)
05/26/2020	<u>217</u>	CLERK'S Notice Requesting Exhibits for Appeal sent to Government/Defendant's Re D.E. <u>95</u> Exhibit List, <u>89</u> Exhibit List as to Khaled Elbeblawy. Our records indicate that the Exhibits were returned to the Attorney(s)/Party(s) Government/Defendant's on 1/21/2016 Re De <u>91</u> <u>92</u> . Pursuant to Local Rule 5.3(b)(3) and Admin. Order 2016-70, all trial/hearing exhibits admitted into evidence must be transmitted to the US Court of Appeals, along with the record on appeal, when requested. In order for this court to comply with the Circuits request, you must RE-FILE/UPLOAD documentary exhibits previously returned. If no exhibits are received within 10 days, a notice of noncompliance will be forwarded to the USCA. (rrs) Modified on 5/26/2020 (rrs). (Entered: 05/26/2020)
06/22/2020	<u>218</u>	NOTICE of Filing Trial Exhibits by USA as to Khaled Elbeblawy (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3A-T, # <u>4</u> Exhibit 3B-T, # <u>5</u> Exhibit 4A-T, # <u>6</u> Exhibit 4B-T, # <u>7</u> Exhibit 4C-T, # <u>8</u> Exhibit 4D-T, # <u>9</u> Exhibit 5A-T, # <u>10</u> Exhibit 5B-T, # <u>11</u> Exhibit 5C-T, # <u>12</u> Exhibit 6, # <u>13</u> Exhibit 7, # <u>14</u> Exhibit 100, # <u>15</u> Exhibit 101, # <u>16</u> Exhibit 102, # <u>17</u> Exhibit 103, # <u>18</u> Exhibit 104, # <u>19</u> Exhibit 104A, # <u>20</u> Exhibit 106, # <u>21</u> Exhibit 107, # <u>22</u> Exhibit 108, # <u>23</u> Exhibit 109, # <u>24</u> Exhibit 110, # <u>25</u> Exhibit 111, # <u>26</u> Exhibit 200, # <u>27</u> Exhibit 201, # <u>28</u> Exhibit 202, # <u>29</u> Exhibit 203, # <u>30</u> Exhibit 204) (Sridharan, Vasanth) (Entered: 06/22/2020)
06/22/2020	<u>219</u>	NOTICE of Filing Trial Exhibits (2 of 2) by USA as to Khaled Elbeblawy re <u>218</u> Notice (Other),, (Attachments: # <u>1</u> Exhibit 205, # <u>2</u> Exhibit 206, # <u>3</u> Exhibit 207, # <u>4</u> Exhibit 208, # <u>5</u> Exhibit 209, # <u>6</u> Exhibit 210, # <u>7</u> Exhibit 211, # <u>8</u> Exhibit 228, # <u>9</u> Exhibit 232, # <u>10</u> Exhibit 233, # <u>11</u> Exhibit 234, # <u>12</u> Exhibit 235, # <u>13</u> Exhibit 236, # <u>14</u> Exhibit 237, # <u>15</u> Exhibit 238, # <u>16</u> Exhibit 239, # <u>17</u> Exhibit 240, # <u>18</u> Exhibit 241, # <u>19</u> Exhibit 242, # <u>20</u> Exhibit 243, # <u>21</u> Exhibit 244, # <u>22</u> Exhibit 301, # <u>23</u> Exhibit 303, # <u>24</u> Exhibit 304, # <u>25</u> Exhibit 305, # <u>26</u> Exhibit 306, # <u>27</u> Exhibit 307, # <u>28</u> Exhibit 308, # <u>29</u> Exhibit 309, # <u>30</u> Exhibit 310, # <u>31</u> Exhibit 311, # <u>32</u> Exhibit 312, # <u>33</u> Exhibit 314, # <u>34</u> Exhibit 315, # <u>35</u> Exhibit 400, # <u>36</u> Exhibit 401, # <u>37</u> Exhibit 402, # <u>38</u> Exhibit 403, # <u>39</u> Exhibit 404, # <u>40</u> Exhibit 405, # <u>41</u> Exhibit 406, # <u>42</u> Exhibit 409, # <u>43</u> Exhibit 410, # <u>44</u> Exhibit 411, # <u>45</u> Exhibit 412, # <u>46</u> Exhibit 414, # <u>47</u> Exhibit 415, # <u>48</u> Exhibit 600, # <u>49</u> Exhibit 630, # <u>50</u> Exhibit 631, # <u>51</u> Exhibit 632, # <u>52</u> Exhibit 635, # <u>53</u> Exhibit 636, # <u>54</u> Exhibit 637, # <u>55</u> Exhibit 638, # <u>56</u> Exhibit 639, # <u>57</u> Exhibit 640, # <u>58</u> Exhibit 700, # <u>59</u> Exhibit 701, # <u>60</u> Exhibit 802, # <u>61</u> Exhibit 803, # <u>62</u> Exhibit 900, # <u>63</u> Exhibit 901, # <u>64</u> Exhibit 1000, # <u>65</u> Exhibit 1001, # <u>66</u> Exhibit 1002, # <u>67</u> Exhibit 1003, # <u>68</u> Exhibit 1004, # <u>69</u> Exhibit 1005, # <u>70</u> Exhibit

		1006, # <u>71</u> Exhibit 1007, # <u>72</u> Exhibit 1008, # <u>73</u> Exhibit 1009) (Sridharan, Vasanth) (Entered: 06/22/2020)
06/24/2020		SYSTEM ENTRY - Docket Entry 220 restricted/sealed until further notice. (mc) (Entered: 06/24/2020)
07/29/2020	<u>221</u>	CERTIFICATION re COMPLIANCE RE ADMITTED EVIDENCE by USA as to Khaled Elbeblawy (Sridharan, Vasanth) (Entered: 07/29/2020)
08/21/2020	<u>222</u>	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: <u>209</u> Notice of Appeal - Other Order, <u>202</u> Notice of Appeal - Final Judgment, <u>203</u> Notice of Appeal - Final Judgment, Appeal No. 20-10769-DD. The record on appeal is available electronically with the exception of: DE <u>89</u> - Defendant's Exhibit List. (apz) (Entered: 08/21/2020)
09/01/2020	<u>223</u>	CLERK'S Notice Requesting Exhibits for Appeal sent to Defendant Re D.E. <u>89</u> Exhibit List as to Khaled Elbeblawy. Our records indicate that the Exhibits were returned to the Attorney(s)/Party(s) Defendant on 1/22/2016 Re De <u>91</u> . Pursuant to Local Rule 5.3(b) (3) and Admin. Order 2016-70, all trial/hearing exhibits admitted into evidence must be transmitted to the US Court of Appeals, along with the record on appeal, when requested. In order for this court to comply with the Circuits request, you must RE-FILE/UPLOAD documentary exhibits previously returned. If no exhibits are received within 10 days, a notice of noncompliance will be forwarded to the USCA. (rrs) (Entered: 09/01/2020)
09/04/2020	<u>224</u>	NOTICE of Filing Exhibits and Certificate of Compliance Re Admitted Evidence by Khaled Elbeblawy re <u>89</u> Exhibit List (Attachments: # <u>1</u> Exhibit Eulises Escalona's Proffer Letter, # <u>2</u> Exhibit Articles of Amendment to Articles of Incorporation of Willsand Home Health Agency, Inc., # <u>3</u> Exhibit Plea Agreement Eulises Escalona, # <u>4</u> Exhibit Checks to Grisela Brito) (O'Donnell, Sonia) (Entered: 09/04/2020)
09/08/2020	<u>225</u>	Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Southern District of Florida certifies that the record is complete for purposes of this appeal re: <u>209</u> Notice of Appeal - Other Order, <u>202</u> Notice of Appeal - Final Judgment, <u>203</u> Notice of Appeal - Final Judgment, Appeal No. 20-10769-DD. The entire record on appeal is available electronically. (apz) (Entered: 09/08/2020)
09/22/2020	<u>226</u>	NOTICE of Change of Address. (Address modified) (lk) (Entered: 09/23/2020)
02/02/2021	<u>227</u>	MANDATE of USCA, AFFIRMING judgment/order of the district court as to Khaled Elbeblawy re <u>203</u> Notice of Appeal - Final Judgment, <u>202</u> Notice of Appeal - Final Judgment, <u>209</u> Notice of Appeal - Other Order, Date Issued: 2/2/21 ; USCA Case Number: 20-10769-DD (hh) (Entered: 02/02/2021)
06/07/2021	<u>228</u>	WRIT OF CERTIORARI DENIED by US Supreme Court as to Khaled Elbeblawy re <u>209</u> Notice of Appeal - Other Order, <u>202</u> Notice of Appeal - Final Judgment, <u>203</u> Notice of Appeal - Final Judgment. (apz) (Entered: 06/08/2021)

PACER Service Center			
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12/06/2023 17:15:21			
PACER Login:	bhtlegal	Client Code:	elbeblawy
Description:	Docket Report	Search Criteria:	1:15-cr-20820-BB

Dec 28th / 2015

Honorable Judge

Beth Bloom

U.S. District Court

Southern District of Florida

Miami Division

400 North Miami Avenue

Miami, Florida 33128 7716

15-20820-CR

Honorable Judge,

Beth Bloom

The reason for this letter is the fact that I'm very worried about the status of my case.

At this time even though I am being Represented By Mr. Michael Matters, I feel that I am having a big gap in communications with him, which is by having difference of opinions in many points concerning my case, and up this moment I didn't get from him and he didn't speak to me about a defense strategy for my case, which I have asked him many times and I never get an answer.

Also, sometimes I see that we have totally different directions in a few matters in the case and did not get to agree until now.

Although I believe he is a good person and a good Attorney, And I got to know through meeting with him that the conversation turns tense for no reason, And I am sure it wasn't on purpose from his side or mine, but it turns things down when it happens. And what made me very concern your Honor is the fact that right before Christmas he informed me that there is a big chance that I would be superseded with a new indictment, which makes my case more complicated.

I am so sorry your Honor that I am writing this letter for you but I am very worried and concerned because it is my life and I am extremely nervous of taking

APPX 3
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The Risk of going to trial and not being able to prove
And explain my version of my fact.

I am Depply sorry for my hand writing and if I have
any mistakes in writing words down but I hope that
you understand that I am fighting for my life.

TanK you your honor.

Respectfully submitted,

Khaled Selim Elbeblawy

Reg # 08071-104

FDC Miami

P.O. Box 019120-33101

APPX 3
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 1:15-cr-20820-BB-1

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KHALED ELBEHLAWY,

Defendant.

January 4, 2016
9:43 a.m.

*Hearing for new
counsel*

Pages 1 THROUGH 25

TRANSCRIPT OF SEALED PORTION OF ARRAIGNMENT
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE

Appearances:

FOR THE GOVERNMENT: UNITED STATES DEPARTMENT OF JUSTICE
VASANTH R. SRIDHARAN, ESQ.

CAMERON ERVIN
1400 New York Avenue NW
Washington, DC 20530

FOR THE DEFENDANT:

ADELSTEIN & MATTERS
MICHAEL A. MATTERS, ESQ.
2929 Southwest 3rd Avenue, Suite 410
Miami, Florida 33129

COURT REPORTER:

Yvette Hernandez
U.S. District Court
400 North Miami Avenue, Room 10-2
Miami, Florida 33128
yvette_hernandez@flsd.uscourts.gov

Yvette Hernandez, Official Court Reporter
299 East Broward Boulevard, Room 207-B
Fort Lauderdale, Florida 33301
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* * * * *

THE COURT: Mr. Elbehlawy, as you can see, I have asked the individuals on behalf of the Government to step outside, and only court staff is present in the courtroom. The prosecutor is not present, and anything that you say to me will remain confidential, and I will order that the transcript be sealed. You can speak freely.

Do you understand, sir?

THE DEFENDANT: (In English.) Yes, Your Honor.

THE COURT: The Court has reviewed the letter that you wrote that you are very worried about the status of your case; however, nowhere within the letter have you asked that the Court inquire as to whether your attorney is representing effectively. Are you seeking to discharge your court-appointed counsel, Michael Matters?

THE DEFENDANT: Yes, Your Honor.

THE COURT: It's the responsibility of the Court, if you are requesting that the Court remove Mr. Matters as your attorney, to determine whether, in fact, there is a proper basis. Are you asking that the Court discharge Mr. Matters and allow you to represent yourself?

THE DEFENDANT: No, Your Honor. I'm asking if the Court can help me because my concerns, as I mentioned in the letter, that I'm a little bit -- or a lot worried, actually, because I try to communicate -- and I appreciate Mr. Matter's

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APPX 3

P. [REDACTED]
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1 efforts as well, but the things -- it was not going the way,
 2 you know, as I expected, as I mentioned in the letter that a
 3 few things -- and we have different ways of looking at things.
 4 Then most -- one of the things that concerned me a lot that
 5 sometime conversation gets very tense and we don't reach
 6 anything in our meetings.

7 We did meet a few times. And at this point, as I
 8 mentioned, too, that there is -- I did not see like any defense
 9 strategy, and I asked for a couple of times. And that's why I
 10 was seeking if, please, Your Honor can help me with a different
 11 counselor. And I appreciate him very much, of course.

12 THE COURT: But when you ask the Court to help you
 13 with a different counselor, Mr. Elbeblaw, you are asking the
 14 Court to allow Mr. Matters -- or to discharge Mr. Matters and
 15 to appoint another attorney to represent you?

16 THE DEFENDANT: Yes, please, Your Honor.

17 THE COURT: Do you believe that Mr. Matters has not
 18 properly represented you in this case?

19 THE DEFENDANT: I don't know how to say this, but -- I
 20 don't know the answer should be yes or no or I can explain a
 21 little bit.

22 THE COURT: Do you believe that Mr. Matters has
 23 properly represented you in this case?

24 THE DEFENDANT: Not really.

25 THE COURT: When you say, "not really," you stated

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1 specifically in your letter several grounds. One being that
 2 there is a gap in communications.

3 THE DEFENDANT: Correct.

4 THE COURT: The second ground is Mr. Matters did not
 5 speak to you about a defense strategy.

6 THE DEFENDANT: That's correct.

7 THE COURT: The third ground is that Mr. Matters
 8 informed you right before Christmas that there was a big chance
 9 that you would be superseded with a new indictment.

10 THE DEFENDANT: Yes. And one more thing, that some
 11 conversations between me and him used to get very -- kind of
 12 tense, high tense, you know, while we were talking. We have
 13 different ways. And the meeting itself -- we used to meet like
 14 I would say an hour, hour and a half, but at the end we don't
 15 come up with something clear for the status or the matter we
 16 were discussing that day or at that meeting.

17 THE COURT: I understand that your communications, as
 18 you say, have been tense. How many communications have you had
 19 with Mr. Matters since he's been appointed by the Court to
 20 represent you?

21 THE DEFENDANT: We met about five times. I believe
 22 so. And -- or six times. And I think about four of them
 23 things was kind of tense.

24 THE COURT: Is there anything else that you want to
 25 let the Court know, Mr. Elbeblaw?

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1 THE DEFENDANT: No, Your Honor. Thank you.

2 THE COURT: Is there something specific that

3 Mr. Matters has not done that you believe should have been done
4 in your case?

5 THE DEFENDANT: In the beginning, yes.

6 THE COURT: Can you tell me specifically what you
7 believe --

8 THE DEFENDANT: Yes.

9 THE COURT: -- Mr. Matters has not done that you
10 believe should have been done.

11 THE DEFENDANT: Yes. In the first time I met him, we
12 were going for an arraignment. He did not ask me how much I
13 can afford if he's going to ask for a bond. And then also I
14 did not know that it's going to be -- how do you call this --
15 cross-examined for someone. And then he did not ask me if I
16 have like, you know, somebody I can -- if the judge agreed for
17 me to be out on a bond, that I would be living in my place or
18 if I have a family member. So when I get to the court, I
19 remember -- I'm sorry. I'm just a little bit nervous. I
20 remember that when the judge asked that -- what -- what I have
21 or what can I afford, Mr. Matters' answer, it was his answer,
22 not my answer, because he did not ask me the day before. And I
23 was kind of surprised about that.

24 Then I just discussed it with him about two weeks ago.
25 I asked him a question. I told him: "I have a question for

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1 you to ask you for a long time." And you know, he didn't give
2 me an answer. I told him: "Why didn't you ask me about it
3 when we met the first time before we going for an arraignment?"
4 Then I remember he told me like, you know, who told you or
5 something like that to like to -- or how you get to know,
6 something like that. I told him just, I was surprised about
7 that that day in court. So that was one thing.

8 Something else happened in the suppress. It was -- we
9 agreed about certain things should be done. Then when I sit in
10 the -- how do you call this -- to testify, he told me: "I'm
11 going to ask you a few questions." I did not know that I'm
12 going to be questioned aggressively in a way I did not expect.
13 It made me very nervous, as I am now. And a day before, a
14 couple days before, we were discussing what we're going to do,
15 then he did not tell me that I have the right to testify or
16 not. But he told me while he was sitting right next to me --
17 he told me: "I'm going to ask you a couple of questions, just
18 easy questions so we would make things more clear," that's it.
19 But then I got surprised that Mr. Prosecutor -- that he came
20 and he was asking things, you know, very aggressively and
21 things I did not do at all. So -- I'm sorry. That's it, Your
22 Honor.

23 THE COURT: Is there anything else that you believe
24 Mr. Matters should have done in your case that was not done?

25 THE DEFENDANT: It was -- I expected for us to meet

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1 more frequent, but it did not happen. We used to meet once a
2 week, except one week he missed.

3 What else? And that sometimes I used to explain to
4 him from my perspective how things happens or answering all his
5 questions. But then sometimes he used to get tense and even
6 his assistant, his private investigator, sitting right next to
7 him. Then I see him sometimes he raise his voice really loud.
8 Then he hits the wall with his hand used to get -- you know.
9 And even sometimes I used to make jokes to calm him down, but
10 it used to make me lose concentration sometimes. That's it.

11 THE COURT: Is there anything that Mr. Matters has
12 done in your case that you believe should not have been done?

13 THE DEFENDANT: I'm not aware for what's happening
14 because I'm here, but I was trying to -- one of the things I
15 tried to ask him, if I can communicate with him in email, but
16 that wasn't possible. He doesn't provide that. Sometime I
17 used to get just surprised by things that he discussed with the
18 prosecutor. Then I get to know that at the end, and I was -- I
19 give him the answers he asked for. Then he comes back and tell
20 me something based on -- I can tell, of course, there is
21 communication, which is -- I understand. But it used to
22 surprise me because it denies the fact that I answered his
23 question sometime about certain things. So -- and I felt --
24 and I'll be very honest, sometime that the question he asks me,
25 like I'm sitting in front of a prosecutor, not my lawyer. Then

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1 I was concerned and I was waiting a couple times to -- and I
2 asked him the same question: "What's our strategy, did you
3 prepare anything?" I didn't get a clear answer from him, and
4 that was it.

5 THE COURT: Is there anything else, Mr. Elbeblaw,
6 that you want me to know?

7 THE DEFENDANT: Thank you, Your Honor.

8 THE COURT: Mr. Matters, would you care to respond to
9 each of Mr. Elbeblaw's points, sir?

10 MR. MATTERS: Your Honor, based on the last three
11 weeks of discussions with my client and learning of this
12 letter, not even being shown a copy of it at the last meeting,
13 we have irreconcilable differences which are going to preclude
14 me from continuing to represent him.

15 THE COURT: What are they, sir?

16 MR. MATTERS: Number one, Mr. Elbeblaw does not trust
17 me. He does not agree with any of the theories that I have
18 shown him as to what my theory of the defense is. As I've
19 explained to him, in the United States, it's the Government
20 that has to prove you guilty. You don't have to prove your
21 innocence. The attack that I had planned to use in this case
22 to defend him is to impeach and attack each and every one of
23 the main witnesses against him by showing that their hands are
24 dirtier than even what the Government is attempting to show
25 about my client.

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1 Mr. Elbeblaw does not appreciate or understand,
2 notwithstanding how many times I've tried to explain it to him,
3 that not only does that premise protect him, or is one of the
4 theories of the defense, but more importantly, he asked me,
5 frankly, if there's a lot of evidence against him. And I've
6 shown it to him. When he suggests that I'm a prosecutor, it is
7 because he gets angry when I show him the evidence against him,
8 which is a lot, a lot of documents, a lot of expected testimony
9 by the witnesses. And in order to properly represent someone,
10 you have to tell them what's being used against them.

11 He doesn't accept that. He thinks I'm working against
12 him. He's accused me of not investigating all of the witnesses
13 in the case and going to each and every one of the patient's
14 homes or suggesting that I and/or my investigator should
15 investigate 15 or 20 patient files that he turned over to the
16 Government, when he was cooperating with them, by going and
17 talking to those patients and seeing whether or not he had them
18 do anything wrong to commit health care fraud.

19 I also, in reference to what he was trying to explain
20 to you -- and I understood what he was trying to say -- at the
21 motion to suppress hearing, we had prepared for that hearing at
22 FDC. And at that time, he indicated to me that he most
23 assuredly wanted to testify. Therefore, I spent the time
24 preparing him for testimony based on the allegations that we
25 raised in the motion to suppress and based on what he had told

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1 me to be, I'm assuming, truthful and accurate, because that's
2 what he told me.

3 At the end of the testimony, I frankly told my client
4 that he didn't need to testify, but if he wanted to, we would
5 shorten his testimony at the motion after the Government had
6 rested. And he said: "No. I'm ready to proceed." And he
7 testified and got cross-examined, no different than any other
8 witness gets cross-examined.

9 Mr. Elbeblaw, does not want me to represent him
10 because he disagrees with each and every one of the things that
11 I'm attempting to do. I have learned through a review of the
12 discovery that Mr. Elbeblaw -- and also by contact with an
13 attorney -- has been interviewing or calling other attorneys
14 from the facility. I have no idea what they're talking about,
15 other than representing him or providing him with thoughts on
16 how to defend him, which they propound or want to do. I am not
17 working with any other lawyers. I don't have any other people
18 that I take advice from that -- who I don't even know, I'm not
19 even told about. But coincidentally, I found out about it.

20 My client has told me he doesn't trust me. My client
21 has told me that he would rather have another lawyer. And I
22 said: "Then we will bring that to the Court's attention."

23 Because I told him that the Government had indicated
24 to me that there was a superceding indictment coming, he, I
25 believe, thought that I had something nefarious to do with it.

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1 I have no clue as to where he would get that information, other
 2 than me telling him that my conversation with one of the
 3 prosecutors intimated that they were trying to get a
 4 superceding indictment. I then told him: "If that's true, we
 5 have to see what it says. They don't tell me what it says.
 6 And number two, when I get it, if it contains different
 7 allegations against you, I need to file a motion for
 8 continuance."

9 That is when he told me he had sent the Court a
 10 letter, without showing it to me, without telling me what was
 11 in it.

12 He continuously tells me he has surprises for the
 13 case. I said: "What are they? I'm your lawyer. I think I
 14 should know." I don't get any response. He says: "When the
 15 time comes, you'll find out." I can't represent someone in
 16 this manner, Your Honor. So I suggest that the Court grant his
 17 request and appoint him a new lawyer.

18 THE COURT: Mr. Matters, can you summarize your
 19 criminal experience, sir.

20 MR. MATTERS: I graduated from law school in 1974. I
 21 prosecuted for Richard Gerstein as an assistant state attorney
 22 for a little over two years. And since that time, I have
 23 defended people charged with crimes. I have only practiced
 24 criminal law.

25 THE COURT: And for how many years --

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1 MR. MATTERS: And I think I did one or two divorces,
 2 but that was enough.

3 THE COURT: And for how many years, Mr. Matters, have
 4 you practiced in the federal court here in the Southern
 5 District of Florida?

6 MR. MATTERS: At least 30 to 35 years, maybe a few
 7 more.

8 THE COURT: And Mr. Matters, since you were appointed
 9 as CJA counsel in this case, can you tell the Court
 10 specifically what you have done to represent Mr. Elbeblaw.

11 MR. MATTERS: As soon as I was appointed, I
 12 represented him at his arraignment and his pretrial detention
 13 hearing. Subsequent to that, I began reviewing all of the
 14 discovery that continuously comes in.

15 And parenthetically, I'll tell the Court that I just
 16 told Mr. Elbeblaw that today, while I was sitting here waiting
 17 for court to start, I got more discovery in his case, not
 18 including the summary charts, which I had been told by the
 19 Government that we would be getting a while ago.

20 Almost -- after probably the first week in November is
 21 when the discovery began coming in on discs. I provided my
 22 client with several -- I gave him 36 discs of DVDs that I had
 23 gotten from the Government.

24 I have had my investigator make copies so as to save
 25 the expense of using the replicating company to give him

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1 certain amounts of the CDs. I can't keep up with sending him
2 CDs, making CDs, and spending time doing all of that while I'm
3 trying to absorb what's in them myself. That is why I

4 explained to him that when I come to talk to him and discuss
5 with him what I learn, I expect to hear, as I told my client,
6 his responses to what I'm seeing so that I can prepare a
7 defense about those things. But I have told the Court many of
8 the conversations I have with him.

9 I can tell the Court that I have done legal research
10 with regard to the issues in the case with a motion to suppress
11 in regard to some other evidentiary issues, which I don't want
12 to go into because it could prejudice the Court if a new lawyer
13 or if myself raises those. I don't think that that's
14 appropriate. But I can assure you that I have. And I have
15 just spent an inordinate amount of time drafting potential
16 cross-examination of the witnesses that I assumed would be the
17 critical witnesses. That's a summation, basically.

18 THE COURT: Mr. Matters, should the Court deny
19 Mr. Elbeblaw's motion, do you believe that you can continue to
20 represent Mr. Elbeblaw effectively?

21 MR. MATTERS: No.

22 THE COURT: Why not?

23 MR. MATTERS: Because I cannot discuss anything with
24 someone who does not believe what I tell them, who does not
25 trust in my judgment or my attempts to represent him

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1 appropriately and legally, nor can I represent someone when I
2 believe that there are irreconcilable differences that have
3 arisen between us, which now preclude me from representing him.

4 THE COURT: But the irreconcilable differences that
5 you refer to include the fact that Mr. Elbeblaw does not trust
6 you because he does not agree with your theory of the case; is
7 that correct?

8 MR. MATTERS: Not only that. He doesn't trust me when
9 I tell him things. He doesn't give me the information that I
10 need and withholds it from me.

11 I cannot have conversations with him any longer,
12 wherein they are helpful to either of us. They lead to nothing
13 but arguments, frankly, and some other things.

14 So the answer is: No. I cannot continue to represent
15 him.

16 THE COURT: But these arguments that you speak of, are
17 they as a result of reviewing the evidence that the Government
18 has in support of its allegations?

19 MR. MATTERS: Not just that. Arguments in what I do
20 and what I don't do, arguments about the justice system,
21 arguments about the -- how people are -- I want to be careful
22 about how I say these things, but how people are trying to do
23 things to my client which will lead to ramifications later on
24 that no one can imagine that he can cause.

25 THE COURT: Mr. Matters, I'm going to require that you

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1 explain what you mean by saying that people are trying to do
2 things to your client which will lead to ramifications later on
3 that no one can imagine that he can cause.

4 MR. MATTERS: Right. Well, he claims, frankly, that
5 he has all sorts of political connections in his native land
6 and that as we speak people are doing or learning things that
7 will make the Government embarrassed, that will make the
8 Government look bad, that -- but I can't tell you what these
9 things are because he won't tell me. These are another
10 surprise, if he's found guilty.

11 And lastly -- and I certainly respect everyone's
12 religion to the utmost. But my client believes wholeheartedly
13 that his case is not really in the jury's hands, but is in
14 God's hands, which is fine to have such steadfast faith, but
15 sometimes we have to analyze what the case is about, instead of
16 hoping for divine intervention.

17 THE COURT: Do you believe that your client's beliefs
18 are to an extent that you are questioning his competency?

19 MR. MATTERS: No. I wouldn't say that.

20 THE COURT: Then it's more of a distortion on his
21 part?

22 MR. MATTERS: Correct.

23 THE COURT: And how does that distortion relate to an
24 inability to effectively represent him?

25 MR. MATTERS: Because when it's that distorted, no

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1 matter what I say seems to make any difference. When I show
2 him and confront him with hardcore evidence, I get different
3 answers sometimes on the same things from one meeting to the
4 next.

5 THE COURT: And have you discussed with Mr. Elbeblaw
6 a defense strategy?

7 MR. MATTERS: I've told him the defense strategy.
8 It's the same one I told the Court.

9 THE COURT: Have you --

10 MR. MATTERS: Which is to create reasonable doubt.

11 THE COURT: Have you fully reviewed all of the
12 discovery with Mr. Elbeblaw?

13 MR. MATTERS: Most of it.

14 THE COURT: Have you reviewed the list of the
15 witnesses and exhibits that the Government seeks to introduce
16 at the time of trial?

17 MR. MATTERS: Yes.

18 THE COURT: Mr. Elbeblaw's statement with regard to
19 the detention hearing, is he correct that you failed to review
20 with the judge the basis of any bond or where Mr. Elbeblaw may
21 be living if he were released on bond?

22 MR. MATTERS: No. We didn't discuss where he would be
23 living because it never got to that. We had a full-blown
24 detention hearing where I cross-examined one of the agents for
25 a period of time. The Government gave me, as I was entitled

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to, the 302s that that agent wrote. And I attempted to show her, based on what my client had told me, differences in the concept of the Government that my client was a flight risk.

First of all, I had argued that he wasn't a flight risk because he had been out on pretrial release, when originally he had agreed to plead guilty and certainly nobody was asking for bond then. Ultimately, Judge McAliley said: "Well, I'm going to grant it." And that's about all I did on that.

THE COURT: Thank you, sir.

Mr. Elbeblaw, is there anything further that you would like to present to the Court, sir?

THE DEFENDANT: (In English.) Yes, Your Honor.

I would like to respond to a few things, if you don't mind, Mr. Matters said.

THE COURT: All right, sir.

THE DEFENDANT: Yes. First of all, I'm aware of the fact, Your Honor, that of course I have to provide everything I have and I have to answer everything he asked me for, which is -- 90 percent of our meetings, it was questions from him and I used to answer all the time.

When I say that I believe that it's in God's hands, that's -- it's a faith, and I don't think there's nothing wrong with that. I think everybody should express what they feel and they believe respectfully. And that's what I proudly still believe in. And of course I trust him. That's why -- and I

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trusted him. That's why I answered majority of his questions or almost all his questions. But sometimes, Your Honor, when I -- after I answer his questions, and it comes the following meeting, I expect for him to tell me: "Okay. We're going to be working on this." It doesn't happen.

Then when I asked him, as he said that he told me his defense strategy, he used to tell me: "We're going to try to prove the people wrong."

One of things get me very concerned, I told him I have witnesses. He said: "I'm not going to waste my time with people they not going to come and add much to the case." I told him: "But these witnesses, they could make such a difference." He didn't believe in that. We never discussed it anymore.

Also, in the detention hearing, I remember Judge McAliley asked him how much I can afford in a bond. He never asked me the question before and he gave a randomly number without asking me. In fact, I had some friends, they could have been helping me with the bond.

Also, regarding what he mentioned as surprises, you can ask him, I used to write things down and come down and give it to him as point to help in the case beside his work. I did not say surprise, but I said in a way that whatever I can bring to prove my version of the fact I will do because it's my life on the line, not anybody else.

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1 Of course, if I did not trust him, Your Honor, I would
 2 have told him from the beginning. But I continued meeting with
 3 him up to last week. And before -- right after, a day after I
 4 send the letter, I told him I send the letter to you. I did
 5 not hide anything from him. But sometimes they don't allow us
 6 to bring paperwork downstairs. It happened one or two times.
 7 I told him: "I send it to the Judge already, and I'm sure that
 8 you are going to have a copy." I didn't hide anything from
 9 him. And I told him: "I appreciate everything you did, but I
 10 was extremely concerned."

11 Also, some of the discovery, we never reviewed one of
 12 the CDs together. Of course, you know, sometime I used to
 13 receive stuff late. And I mentioned it to him a couple of
 14 times. It doesn't give me enough time to review things.

15 What else?

16 By him communicating with the prosecutor, that's
 17 totally understandable. But also, in the meantime, I never
 18 told him that, you know -- that I'm not trusting him or his
 19 work against me. I never thought about it this way. But, in
 20 fact, I used to ask him about certain things -- and I don't
 21 mind -- and I did not -- of course it's concerning to see a lot
 22 of discoveries, but it's not because I did what they provided.
 23 No -- and I told him -- I told him I focus more to have -- to
 24 explain what they provide, how we can explain it to you, Your
 25 Honor, and the jury. But I never got a clear answer. Again,

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1 it was -- the only answer I got: "We're going to try to prove
 2 the people wrong." That's -- I looked at it in a way like:
 3 "Okay. Can you explain?" But I never got an answer. And I
 4 used to think about it. It's my life on the line.

5 And also, I remember I told him one thing. I told
 6 him: "They can provide anything they want, even including the
 7 Superceding Indictment." I told him: "What I focus on, how to
 8 defend myself." You know? I don't focus about what they
 9 provide. I have to review it because it's big and very
 10 important part of the case, but I focus how to defend myself.

11 And that was pretty much it. Nothing else, Your
 12 Honor. Thank you.

13 THE COURT: Mr. Elbeblaw, the Court has taken the
 14 time to hear the grounds for your motion to discharge your
 15 court-appointed counsel, and has certainly considered each
 16 ground and the response.

17 As I stated previously, your concern is with regard to
 18 the status of your case, that you've stated there is a
 19 breakdown in communication, that your attorney, Mr. Matters,
 20 has failed to advise you about a defense strategy. He advised
 21 you that a superceding indictment would be filed that has made
 22 the situation more tense. And you've stated that the other
 23 grounds being that Mr. Matters did not ask you how much you
 24 could afford at the time of the bond hearing or circumstances
 25 of where you would be living.

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1 In addition, you've stated that Mr. Matters, during
2 the motion to suppress, agreed that certain things would be
3 done, which were not done.

4 Let me state first and foremost, Mr. Elbeblaw, that
5 there is no requirement by our Constitution that there be a
6 perfect harmonious relationship, but that the attorney-client
7 relationship is one that leads to having your attorney, in this
8 case Mr. Matters, effectively represent you in this matter.

9 The Court has the benefit of two transcripts. One
10 from the detention before Judge McAlliley on October 27th, 2015.
11 And the second is the hearing on the motion to suppress, in
12 which this Court presided.

13 It's clear from Judge McAlliley's order and the hearing
14 that justified the entry of the order that at no time was Judge
15 McAlliley even considering a bond. And, in fact, stated that
16 detention was the right assessment in that case.

17 With regard to the motion to suppress, as Mr. Matters
18 has stated, you stated that you wanted to testify. And as with
19 every witness who testifies, you were subject to
20 cross-examination.

21 You stated that the communication was tense after you
22 were advised that a superceding indictment would be filed.
23 And, in fact, the Government did seek, through the Grand Jury,
24 a superceding indictment, and did advise Mr. Matters, and he
25 merely relayed to you what the Government was going to do.

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1 You stated that although Mr. Matters has met with you
2 five to six times that you should have met more; however, it
3 appears to the Court that Mr. Matters has gone through and
4 reviewed with you all of the discovery that the Government
5 provided, including a full discussion of the defense theory.

6 Mr. Matters has stated that his approach with regard
7 to the theory of the case is to impeach every one of the
8 witnesses, to show that their hands are dirtier than what the
9 Government is impugning as to your conduct and that you don't
10 understand that and you still ask what evidence there is
11 against you. There are many documents, many witnesses, and
12 this Court has had the benefit of hearing and seeing some of
13 that during the motion to suppress hearing.

14 You have a belief about the case and that belief is
15 either supported or unsupported by the evidence. But it's the
16 Government that carries the sole burden of proving all the
17 elements of these two offenses.

18 While you stated that Mr. Matters has been sitting in
19 front of you as a prosecutor, that tells this Court, based on
20 what's been presented, that Mr. Matters has been actively
21 preparing this case for trial by questioning you in order to
22 obtain information in order to prepare a defense.

23 This Court has a great deal of respect for Michael
24 Matters. I've worked with Mr. Matters for many years. He's a
25 fine attorney with the utmost integrity, skill, and

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1 professionalism. And I have no doubt that since he was
2 appointed on October 27th of this year that he has been
3 actively pursuing this case in terms of mounting a sufficient
4 defense on your behalf.

5 The question is whether there are differences such
6 that under our United States Constitution the Court should
7 discharge Mr. Matters and appoint another attorney to represent
8 you. I find, based on what has been presented to the Court,
9 that there is no severe, extensive, or irreconcilable conflict
10 between you and Mr. Matters that has led to a significant
11 breakdown of the communication that has substantially
12 interfered with the attorney-client relationship. I find that
13 any deterioration in the relationship has been caused by your
14 disbelief with regard to evidence that has been shown or your
15 general dissatisfaction with the theory of the case.

16 The facts are the facts, and the Government has the
17 burden. And whether you agree or disagree with the theory of
18 the case to be employed by Mr. Matters, in the end, it's your
19 decision. Mr. Matters can give you all the legal advice with
20 regard to the elements that the Government has to meet, and
21 it's their burden. But in the end, Mr. Elbeblaw, many of the
22 decisions in this case will be yours and yours alone.

23 There is no reason to believe that you can be
24 represented effectively by any other attorney. And there's no
25 reason to believe that based on my observations, and the

1 statements that you and Mr. Matters have made, that you would
2 get along any better with any other attorney that I might
3 appoint. As such, your motion to discharge your
4 court-appointed counsel, Mr. Matters, is denied, and this case
5 will proceed on the track that it is on, and that is for trial.

6 I will ask the court reporter to keep this portion of
7 the transcript sealed and will not be accessible by the
8 Government in any way.

9 Mr. Matters, if I may ask if you can bring in the
10 individuals on behalf of the Government and let's proceed with
11 this case.

12 MR. MATTERS: Sure.

13 * * * * *

1 UNITED STATES OF AMERICA)

2 ss:

3 SOUTHERN DISTRICT OF FLORIDA)

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at
8 and reported in machine shorthand the proceedings had the 4th
9 day of January, 2016, in the above-mentioned court; and that
10 the foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages

13 1 - 25.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Fort Lauderdale, Florida this 9th day of August, 2016.

16
17 /s/Yvette Hernandez
18 Yvette Hernandez, CSR, RPR, CLR
19 Certified Shorthand Reporter
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25

second hearing, for custody of mother's

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:15-cv-20620-BB-1

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KHALED ELSEBRAWY,

Defendant.

January 12, 2016.
9:10 a.m.

Pages 1 THROUGH 12

TRANSCRIPT OF SEALED PORTION, TRIAL DAY 1
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE
And a jury of 14

Appearances:

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VASANTH R. SRIDHARAN, ESQ.
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1/14/16
1/14/16

THE COURT: All right. Mr. Elsbrawy and Mr. Matters,
as you can see, all the individuals on behalf of the Government
have left the courtroom. The only individuals present in the
courtroom are court personnel.

Mr. Matters?

MR. MATTERS: Yes, Judge. Mr. Elsbrawy requested
that I subpoena several witnesses to testify on his behalf, a
lawyer by the name of Javier Telamo, who represented his

corporate affairs with regard to JEM. I spoke with Mr. Telamo
for the purposes of interviewing him and discussing with him
what his testimony might be. I spoke with him directly on the
16th of this month, I spent about a half an hour speaking with
him.

Through that conversation, I learned from Mr. Telamo,
that, in fact, some of the things that my client had told me he
would be saying -- meaning, Mr. Telamo -- would not, in fact,
be testified to by Mr. Telamo.

I also learned that Mr. Telamo, did not, in fact,
indicate to my client methods and means to operate his business
in such a manner as to be producing wages, paychecks, and other
remuneration for nurses, nursing groups, et cetera, used by my
client's businesses that were not bona fide in fair market
value, that even though someone, as he told my client, is paid
an hourly wage and was given an 1099 as an independent

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APPX 3
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1 contractor, it would be suspect and, in fact, indicative of
2 fraud if, in fact, people were receiving inconsistent checks
3 and amounts of the checks were not fair market value,
4 notwithstanding that they were subcontractors.

5 He also told me that patient recruiters are
6 automatically suspect and that indeed kickbacks covered up as
7 payments to nursing services for more than the Medicare rate
8 would be suspect as well and indicative of fraud.

9 Based on those conversations, I told Mr. Elbeblaw I
10 wasn't contacting or using Mr. Telamo to testify and hurt our
11 case any worse than it already is.

12 Mr. Elbeblaw also wanted me to chase down and find
13 the director of nursing at JEM Health Care, a person whose name
14 he couldn't actually provide me, but told me it's in the record
15 so I should find it. We did find it. It was Margaret Dallas.
16 My investigator attempted to contact the Florida licensing
17 bureau with regard to RNs to try and locate Ms. Dallas, and
18 that was to no avail. We couldn't find her. We couldn't find
19 the nursing school that our client told us that she was running
20 up in North Miami. We couldn't find anything about her.

21 Our conclusion is that perhaps she got remarried,
22 moved, or is gone. I don't know where she is and I can't find
23 her. And on top of that, she would not have been helpful to
24 our case for various reasons. And thirdly, it is my
25 professional opinion that as soon as I began to interview her

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1 about her involvement at JEM, she would have, as is her
2 privilege and right, told me that she was going to get a
3 lawyer. And she would have gotten a lawyer and taken the Fifth
4 Amendment because she could have incriminated herself in this
5 conspiracy.

6 Then, Mr. Elbeblaw wanted me to subpoena in the
7 doctors, on a list of doctors that is Government's Exhibit --
8 one moment, Judge -- Government's Exhibit 7, JEM Attending
9 Summary List, which indicates certain doctors' names that are
10 either checked or marked with Xs.

11 I assured Mr. Elbeblaw, number one, that a few of
12 those doctors are coming thanks to the Government bringing them
13 in here to testify against him. And number two -- that would
14 be Dr. Avila and Dr. Delisma. The other doctors, one of whom
15 is depicted in Government's Exhibit 4, 4A, and 4B, the excerpt,
16 Dr. Bahrami, which will be introduced in evidence, is a tape
17 recording of my client while working for the Government, in
18 cooperation with the Government, speaking with Dr. Bahrami on
19 the date of that tape. I think it's September 26th of either
20 2012 or 2013. But in that tape, Dr. Bahrami is indicating to
21 my client how much he's charging for kickbacks. And there's a
22 discussion about it between my client and Dr. Bahrami. Hardly
23 do I believe in my wildest imagination Dr. Bahrami would like
24 to come into this courtroom and testify. And if he did, it
25 would be to incriminate my client even further.

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1 The remaining doctors on this list, one of whom is
 2 Dr. Howard Reinfeld, was another doctor that my client, through
 3 his cooperation time, attempted to record and set up while
 4 working for the Government. And Dr. Reinfeld refused to talk
 5 to him about these issues, even though he visited him once, and
 6 kept refusing to answer his phone calls the rest of the times
 7 and not meeting with my client about referring patients for
 8 kickbacks.

9 Two of the other people on the list -- Dr. Abbasi is
 10 mentioned in several debriefings and reports as being someone
 11 involved in referring patients for kickbacks. The other two
 12 doctors, frankly, I don't know who Neil Furman is and nor do I
 13 know who the other doctor was, Fahel.

14 But regardless, my experience, my ability to try, and
 15 try this case properly, and do the best service I can for my
 16 client, does not tell me to follow his wishes and subpoena
 17 these people. In conjunction with that, not only did I write
 18 him a letter about it on January the 8th, but I told him about
 19 it during our meeting on -- I think it was the 6th. I then
 20 told him about it again when we remet with him after we were
 21 last in court.

22 And -- oh, January 5th is the day that I met with him.
 23 Sorry. And then I met with him again on January the 7th and
 24 discussed this issue. And he called my office and I explained
 25 to him, number one, I'm not talking on a telephone that is

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1 recording everything I am talking to you about, since this is
 2 an attorney-client privileged communication, but nonetheless
 3 that doesn't necessarily stop the recording.

4 And number two, I told him: "I'm still not
 5 subpoenaing these witnesses."

6 I did do a little research and looked at the Florida
 7 Bar ethics rules, as well as Puglisi, P-U-G-L-I-S-I v. State of
 8 Florida, Supreme Court of Florida case, decided on April the
 9 11th of 2013. And in that case it also cites numerous federal
 10 cases, such as Florida v. Nixon 543 US -- 543 US 175, 125
 11 Supreme Court 551, which held an attorney undoubtedly has a
 12 duty to consult with a client regarding important decisions,
 13 including questions of overreaching defense strategies, citing
 14 Strickland v. Washington.

15 That obligation, however, does not require counsel to
 16 obtain the Defendant's consent to every tactical decision,
 17 citing Taylor v. Illinois, 484 United States 400. An attorney
 18 has the authority to manage most aspects of the defense without
 19 obtaining his client's approval.

20 In Jones v. Barnes, which is also cited, 463 United
 21 States 745, clearly indicates that, as does United States -- I
 22 lost the case. But regardless, those cases all stand for the
 23 proposition that there are four, and only four, decisions that
 24 only a defendant can make. Those four decisions are whether to
 25 plead guilty or not guilty, whether to have trial by jury or by

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1 judge, whether to testify or not testify, and whether to take
 2 an appeal if they're found guilty in a criminal case, or not
 3 take an appeal.

4 Anything else is truly within the lawyer's discretion
 5 based on his training and ability. And that was the finding in
 6 the State of Florida Supreme Court case, which held that: "The
 7 question before us is whether a criminal defendant has the
 8 ultimate authority to decide whether to present witnesses at
 9 trial when the defendant is represented by counsel. The
 10 answer -- we answer this question in the negative and hold that
 11 defense counsel has the final authority as to whether or not
 12 the defense will call a particular witness to testify at a
 13 criminal trial." And they receded from a previous decision of
 14 the State of Florida in *Blanco v. State*, found at 452 So.2d
 15 520, Florida 1984, which said that the ultimate decision rested
 16 with the defendant. And they cited all these other federal
 17 cases to reach that conclusion.

18 The Florida Bar rules, specifically Rule 4-1.2, Scope
 19 of Representation, A: Lawyer to Abide by Client's Decisions,
 20 states that: "In a criminal case, the lawyer shall abide by
 21 the client's decision after consultation with the lawyer as to
 22 the plea to be entered, whether to waive jury trial, and
 23 whether the client will testify."

24 Whether my client likes my strategy or not, I have
 25 told him I believe, for the reasons I've laid out, that it

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1 would be absolutely inappropriate, wrong, and not helpful at
 2 all to be subpoenaing these people that he insisted on having
 3 testify in his case.

4 THE COURT: Thank you, Mr. Matters.

5 Mr. Matters, certainly the Court believes that you
 6 have pursued all avenues in terms of a defense in this case.
 7 You have evaluated and analyzed the witnesses and the strategy
 8 to be employed. With regard to the calling of these witnesses,
 9 that is Mr. Elbeblaw's request with regard to Javier Telamo,
 10 the attorney, you specifically spoke with the attorney and
 11 found that much of what your client advised you the attorney
 12 would be testifying to, the attorney specifically advised you
 13 that he would not testify to that.

14 As well, you made a significant effort to attempt to
 15 locate Margaret Dallas. And I do believe that if, in fact, she
 16 was ever found, that her statements would be of an
 17 incriminating nature that she would not be compelled to
 18 testify.

19 In addition, with regard to Drs. Avila and Delisma,
 20 who will be present to testify, they are listed by the
 21 Government. Certainly, you'll have an opportunity to
 22 cross-examine them with regard to disputing any testimony that
 23 they may give to the Court.

24 With regard to Dr. Bahrami, and that is the tape
 25 recording in September 26th of 2013, in which he discussed

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1 kickbacks, I certainly believe that that would be further
2 inculpating evidence.

3 As well, Dr. Reinfield and Dr. Abbasi, those
4 individuals that perhaps were involved in receiving and
5 participating in kickbacks, I don't believe that their
6 testimony would certainly assist the Defense.

7 The evidence in this case is overwhelming in terms of
8 the inculpating nature. The reason why the Court is well
9 aware of that is the Court sat here during the motion to
10 suppress; however, Mr. Elbeblawy has the right to ensure that
11 the Government meets its burden and is held to that high burden
12 of proving all the elements of these two offenses beyond and to
13 the exclusion of every reasonable doubt.

14 But with regard to a strategy, and that is making a
15 decision as to what witnesses to be called and how to pursue a
16 strategy in this case, it is entirely your decision. And while
17 certainly you have an obligation to consult with your client,
18 in the end, the case of Strickland v. Washington, the United
19 States Supreme Court case, the case of US v. Nixon, a United
20 States Supreme Court case, the Florida Supreme Court has
21 certainly spoken, and the Florida Bar has spoken specifically
22 with the Rules of Professional Conduct that the obligation does
23 not require an express consent on the part of your client, and
24 you certainly have the authority to manage the case and to
25 determine the best strategy that fits this particular case.

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1 Your training, ability, and experience as a licensed
2 and practicing attorney in the Southern District certainly
3 gives the Court comfort that you will make the right decisions
4 in this case.

5 Mr. Elbeblawy, Mr. Matters is absolutely correct.
6 There are four avenues and four areas that you have the sole
7 decision to make. Your attorney can give you the best advice,
8 but in the end the decision is yours. And that's whether or
9 not to plead guilty or not, whether or not to proceed to a
10 trial by jury or a trial before this Court where I would serve
11 as the trier of fact, whether to testify -- and at the
12 appropriate time, the Court will ask you outside the presence
13 of the jury as to whether you have made that decision, and that
14 will be yours and yours alone -- and whether you choose to
15 appeal any decision in this case.

16 Short of that, Mr. Elbeblawy, you are not co-counsel.
17 That is, you have no authority to speak directly to the Court.
18 You will speak through Mr. Matters. And if Mr. Matters needs
19 to bring something to the Court's attention, as he has right
20 now, he will do so and the Court will address it.

21 If you choose to speak, as I've advised, out loud and
22 not through your attorney, I am advising, sir, that I will
23 admonish you. I don't want to admonish you in front of the
24 jury. But if we need to move the case along, I will have to do
25 so, sir. And I certainly do not want to prejudice you. But

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1 I'm giving you fair warning, Mr. Elbeblaw, that Mr. Matters
2 will speak on your behalf. We will take whatever breaks are
3 necessary for the Court to address what Mr. Matters feels
4 should be addressed outside the presence of the jury and
5 perhaps outside the presence of the Government.

6 Let me also advise, Mr. Elbeblaw, that when
7 Mr. Matters addresses the Court there is no need for you to
8 stand. You are certainly permitted to, but there is no need
9 for you to stand.

10 At this point in time, I have addressed Mr. Matters'
11 concern. He will make the decisions regarding the strategy in
12 your case. He's brought your request to the Court's attention
13 with regard to the subpoenaing of these witnesses and we've
14 addressed them sufficiently.

15 I'm now going to ask that the Government come into the
16 courtroom. We will proceed with the jury questionnaires so
17 that your attorney, as well as the attorneys on behalf of the
18 Government, will have an opportunity to prepare for the jury to
19 come in so we will begin jury selection.

20 You can bring in the individuals.

21 * * * * *

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UNITED STATES OF AMERICA)

ss:

SOUTHERN DISTRICT OF FLORIDA)

C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at
8 and reported in machine shorthand the proceedings had the 12th
9 day of January, 2016, in the above-mentioned court; and that
10 the foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages
13 1 - 12.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Fort Lauderdale, Florida this 9th day of August, 2016.

/s/Yvette Hernandez
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 1:15-cr-20820-BB-1

January 19, 2016
9:15 a.m.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KHALED ELBEBLAWY,

Defendant.

Pages 1 THROUGH 35

TRANSCRIPT OF SEALED PORTION TRIAL DAY 4
BEFORE THE HONORABLE BETH BLOOM
UNITED STATES DISTRICT JUDGE
And a Jury of 14

Appearances:

FOR THE GOVERNMENT: UNITED STATES DEPARTMENT OF JUSTICE
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VASANTH R. SRIDHARAN, ESQ.
CAMERON ERVIN
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* * * * *

THE COURT: If I may ask, Mr. Surmacz and your team,
if each of you will step outside so only court personnel,
Mr. Elbeblawy, the interpreter, and Defense counsel are
present.

MR. SURMACZ: Not a problem. Thank you.
(Government exits the courtroom, 9:15 a.m.)

THE COURT: All right. Mr. Elbeblawy, as you can see,
the prosecution team has left the courtroom. The only
individuals that are present are your attorneys and the court
staff.

Yes, sir?

THE DEFENDANT: Yes, Your Honor. What happened --
what I wanted to discuss, after Dr. Delisma testified, it was
some questions -- me and Mr. Matters, we talked about it --
that he should be asking Dr. Delisma to prove certain points
for my favor. He didn't do it. What happened also that that
happened with couple witnesses before Dr. Delisma, which is my
codefendant, and it happened also with Lynette -- which, I
think -- yes, her name is Alvarez -- and Kilpatrick, Agent
Kilpatrick. That's number one.

And also, in a way -- I don't know how to express
this. But in a way, every time we try to -- like -- or I give
them some questions, he give me the impression that it's good
questions to ask, and then I get surprised he doesn't ask

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APPX 3
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1 questions to prove critical points in the case. You know, when
2 I ask about it, I don't get a specific answer.

3 Also, we still have a breakdown between us in
4 communication up to yesterday. And I'll give you two points.
5 Yesterday, of course, when -- after four days in trial, there's
6 new things comes up by witnesses and evidence the Government
7 provides. So supposedly, we should sit to see what's the new
8 strategy to defend certain things. Yesterday, I ask about
9 that. He doesn't have anything. He said he doesn't have
10 anything for me. I ask about a -- what should we do about
11 particular points in the case that it was being discussed
12 already. He did not give me anything. He did not give me any
13 answer. I was extremely shocked about it. I give couple of
14 suggestions. The vibe I got back from him that there's not
15 much to do, pretty much, you know. And he said it, actually.
16 I just remember, literally, he said: "There is not much to
17 do."

18 And if you remember, Your Honor, that I explained to
19 you before that I requested witnesses he did not want to bring.
20 From the Government exhibit and out of the Government exhibit
21 list, I requested some documents. Government ask me for some
22 charts for patients. I give them more what they ask for
23 because I'm sure what's in these charts. I ask him for that to
24 be provided for my favor. Never happened. In fact, he give me
25 six charts -- copies of these six charts. I sit with him a

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1 couple of weeks ago. We took six hours, literally six hours.
2 I explained everything in detail these charts. I was shocked
3 that this evidence he did not request to be provided for my
4 favor as well.

5 Of course, with all due respect to him -- and it's my
6 case -- he is always confused. He always doesn't know what to
7 do, with all due respect to them. Even I can tell that the
8 juror themselves -- you know, that reflect negative on me that
9 I have a lawyer he's not representing me the right way.
10 There's couple more points Your Honor, and I'm done.

11 THE COURT: Certainly.

12 THE DEFENDANT: Yesterday, he came to ask me one of
13 the most important thing, that I want to testify or not. And
14 we discussed a few things. We did not reach something in
15 particular. I told him if there is anything, you know, you
16 feel that it's a factor for me, I will. That's his opinion.
17 My opinion is totally different, totally different. And I'm
18 responsible for what I'm saying.

19 Also, he's still very ineffective person to represent
20 me. He's being hostile, you know. And I think -- and I
21 appreciate what you said to me the last time. I did request
22 this several times from you, Your Honor, and I respect your
23 decision. I'm requesting substitution of counsel for the
24 fourth or the fifth time. I don't know what other option I
25 have. I remember you told me the last time that the only

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1 option for me to represent myself, when I requested I can have
2 another option. And that's pretty much about nine or ten
3 reasons. It's just things keep coming up. Makes me look way
4 weak, you know. It favors the Government, and I'm still
5 requesting -- and that's the last thing I'm going to say -- for
6 substitution of counsel, Your Honor.

7 THE COURT: Mr. Elbeblaw, specifically when we were
8 together on Thursday, there were three witnesses that
9 testified; Mr. Quindoza, Amber Kilpatrick, and Dr. Delisma.
10 Can you tell the Court specifically what questions you wanted
11 asked that were not asked.

12 THE DEFENDANT: Yes. For Mr. Quindoza, there's things
13 I explained to Mr. Matters when he brought me the charts for
14 the patients. When Mr. Quindoza -- he claimed about that
15 certain payments -- that when you -- let's say home health
16 companies bill the government for certain amount of money. He
17 did not explain that the government has the authority to deduct
18 that money if they find mistakes in the following claims gets
19 submitted from other patients. I spoke with Mr. Matter about
20 it. He never asked him that question.

21 Also, there is something else that the government --
22 there is a software called DDE. This software, Your Honor,
23 explains to you your process of billing after you bill, which
24 is -- it gives you between 18 to 26 days until the government
25 proves or does not prove your billing. It tells you if it's

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1 proved or denied or is in a pending status. I explained to
2 Mr. Matters how this process go, what -- even sometime they
3 deny your claim and they tell you it's not appealable, for
4 whatever reason. And we accept that, which -- we have no
5 choice. He never present that to him.

6 Some certain things for -- I think it was Agent
7 Kilpatrick, she -- and I'm sorry to say it this way -- she lied
8 under oath, you know, for certain things she claimed that I
9 said to them and I did not say to them, you know, that -- her
10 saying about the list, if I'm not mistaken. I think she said
11 that this time -- the last time she testified or the time
12 before. But I explained to Your Honor, if you remember, when
13 you give me a chance to speak in the middle of the day last
14 time, how this list and what happened in that list. I did tell
15 him to explain this and explain to the jury how they made me do
16 things in that list and they framed me hundred percent, you
17 know. He didn't, pretty much, and I mentioned it to him like
18 two or three times.

19 Also, with Agent Alvarez, she wasn't involved that
20 much during two and a half years --

21 THE COURT: I'm speaking specifically -- because
22 you've made reference to yesterday being the full day of
23 testimony. We spoke of --

24 THE DEFENDANT: I'm sorry.

25 THE COURT: -- Mr. Quindoza, Agent Kilpatrick, and

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1 now, Dr. Delisma. Specifically, what questions did you want
2 Mr. Matters to ask that he was not able to?

3 THE DEFENDANT: Yes. Him asking Dr. Delisma many
4 questions about if I ever met with him before, if I ever even
5 gave him money before.

6 Also, there's certain things about that -- the man, I
7 did not see him for almost since 2010 until 2014, which is --
8 myself, if it was any deal between this man before, I should
9 have continued with him to give a kickback, as the Government
10 claims. He did not explain that. He did not say that. We
11 spoke about couple of points. He did not say them. So I'm
12 still being represented the wrong way, in a very weak manner.
13 And, Your Honor, it's my life.

14 THE COURT: Mr. Elbeblaw, are there any additional
15 questions that you wanted Mr. Matters to ask of the witnesses
16 on Thursday that were not asked?

17 THE DEFENDANT: Hold on, please.

18 What I'm asking, Your Honor, for substitution of
19 counselor.

20 THE COURT: Mr. Elbeblaw, I asked a very specific
21 question. Are there any additional questions that you wanted
22 Mr. Matters to ask these witnesses that he did not ask?

23 THE DEFENDANT: Well, he wrote them down. If you want
24 me to go through my paper, I think it's going to take some
25 time, Your Honor, because, if you see, as I showed you the last

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1 time, right here. If you see that I --

2 THE COURT: Did he cover the sum and substance of what
3 you wanted to have asked of these three witnesses?

4 THE DEFENDANT: I do some time, and actually most of
5 the time. But if I go through what I'm trying down now, it
6 will take a very long time, which is -- I do, if you can see it
7 from --

8 THE COURT: You specifically complained that there
9 were questions you wanted asked of these witnesses that
10 Mr. Matters did not ask, and I'm asking you what those
11 questions are.

12 THE DEFENDANT: Your Honor, but you're focus on one
13 thing and I'm giving you about nine reasons.

14 THE COURT: Well, I have three points that you've
15 raised. That is that Mr. Matters failed to ask questions of
16 witnesses yesterday, which was Thursday when we were together,
17 and there were three witnesses that testified. You stated that
18 there was a chart that you were not in agreement with, and you
19 spent six hours explaining that chart. And you stated that
20 Mr. Matters had a discussion with you about your decision to
21 testify.

22 THE DEFENDANT: No, Your Honor. I think I said way
23 more than that, with all due respect. I said about six charts
24 or seven charts he brought. He asked me many questions. I
25 answered him, which is -- he was asking to see how things runs,

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1 how the business runs, how we see patients, how to prove that
2 these doctors lying about certain things, you know. I did
3 answer him -- actually, he did not ask the questions. I
4 answered him in detail in every case, pretty much.

5 Also, I mention many, many reasons that -- as I
6 mentioned to you, that there's many questions he should be
7 asking people. He wrote them down. I wrote them down. And I
8 can -- if you give me enough time, I can get them out of my
9 list. I have no problem with that.

10 Also, he did not come up with any new strategy. I'm
11 surprised why you didn't write that down, Your Honor, for you
12 to see with the coming days or the past days things comes up
13 and he does not -- any lawyer -- and I was searching that
14 online in the system, any lawyer comes up with new strategy
15 based on the evidence and the witnesses he cross-exams and the
16 evidence the Government provides, which is -- and he did not
17 pretty much. I came yesterday -- when I sit with him, I came
18 up with several points. His answer -- and that's very
19 important to be in record, is that: "Well, there's not much to
20 say," and then he explains to me how the process going to go
21 from -- how you call this -- from what the Government, they
22 going to do, then they are going to rest, all the process until
23 I get sentenced, supposedly.

24 You know, these things are very -- he's focusing on
25 totally something far away from the current matter we're

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1 dealing with. He's talking to me that I'm already being guilty
2 and I'm being sentenced, when I provided so much and I still
3 can provide so much to him and he's not responding to me.

4 THE COURT: All right. Thank you, sir.

5 Mr. Matters, would you like to respond, sir?

6 MR. MATTERS: Judge, first of all, with respect to the
7 meeting we had yesterday, there was absolutely no discussion
8 asked by Mr. Elbeblaw of me about any new strategies.

9 Number two, he was interested in what the scenarios
10 are if he's found guilty, and I explained them to him every
11 step of the way as to a PSI being requested by the Court, his
12 interview by a probation officer, and ultimately a PSI being
13 written and reviewed by both of us and what would then happen.

14 Secondly, I asked him specifically -- and when we first
15 sat down -- if he could recall what he wanted to discuss with
16 the Court. He couldn't imagine what it was. He was too
17 nervous and thinking of other things, he told me.

18 Number three, we discussed whether or not he should
19 testify. And I explained to him that it was his decision, and
20 his decision alone, whether to testify or not. He asked me
21 whether -- what my recommendation was, and I gave it to him.
22 He asked me what the chances are of losing this case were. I
23 explained that answer to him.

24 As far as asking Mr. Quindoza about bills and
25 overpayment, and not asking him questions about that,

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1 Mr. Quindora testified that JEM got a letter suspending their
2 billing privileges and ultimately revoking them in November of,
3 I believe, 2009. To ask him and continuously underscore by
4 asking questions about what a witness has testified to from
5 documents in evidence is never going to change the quality of
6 that document, what it says, and what it means. Mr. Elbeblaw
7 thinks that a lawyer can talk to the jury while a witness is
8 testifying through his questions and explain that --
9 Mr. Elbeblaw's defense. That, I've explained to him, is not
10 how a trial works.

11 With regard to calling Agent Kilpatrick a liar about
12 things she claims the Defendant said, I, again, told him --
13 which I've done many times after his testimony at the motion to
14 suppress -- that one cannot expect her answers to change. If
15 there are any pieces of evidence which contradict that which
16 she says, we try to bring that out; if another witness would
17 contradict her, if there's some physical evidence that may
18 contradict her. And then I explained to him on numerous
19 occasions -- not during trial, when it's impossible to sit and
20 have lengthy conversations during a witness' testimony -- that
21 closing argument is when lawyers try to explain their position
22 based on their client's defense, based on the evidence that's
23 admitted, and based on the instructions and applying those to
24 the facts and the evidence.

25 With regard to Delisma, if he ever met with him after

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1 2013 or so, in my opinion, has absolutely no relevance to
2 Delisma's testimony about taking kickbacks. That doesn't
3 destroy his testimony. You can't prove something with a
4 negative that somebody, if you don't see them again, isn't
5 running after you for more -- to refer you more business. That
6 doesn't mean you're not guilty.

7 The patient files that we discussed are all Government
8 exhibits in this case, none of which happen to be the files
9 that the overt acts in Count 2 refer to. We went through them
10 so that the Defendant could review them and look at them and
11 see if there was anything absolutely inappropriate.

12 The one thing he found was that -- Delisma's signature
13 in one exhibit without a date on it. Now, why is that
14 ultimately going to be important in the closing argument?

15 Because Delisma said my client always told him leave the dates
16 blank, he was always in a hurry, and my client would fill them
17 in as he felt was the appropriate time, similar to Delisma's
18 testimony that he saw a date on one chart by his signature,
19 which wasn't his handwriting. And I believe that we showed the
20 jury in my cross-examination that he has no idea whose
21 signature that is, whether it's my client's or anyone else's.
22 And notwithstanding that, the one that's not dated will be used
23 to contradict his testimony at the appropriate time, which is
24 in a closing argument.

25 That's pretty much my response.

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1 THE COURT: Mr. Elbeblaw, the Court has now taken
2 what is almost 20 minutes, since we do have all 12 jurors
3 waiting, to address your concerns with regard to what occurred
4 on Thursday.

5 Addressing the questions that you wanted asked of the
6 witnesses, the Court has listened to the points that you wanted
7 to have made through the cross-examination by Mr. Matters.
8 You've also addressed the six hours that you spent reviewing
9 the six charts and you were not in agreement with certain
10 information contained in the charts, and you also referenced
11 the discussions that you had regarding whether you should
12 testify.

13 Let me state, Mr. Elbeblaw, that the process has been
14 now explained to you on three separate occasions. This is your
15 third attempt to discharge your court-appointed counsel. And
16 the Court looks at the claim of what you believe Mr. Matters
17 has failed to do or what he has done that you believe should
18 not have been done. In this case, there are three claimed
19 failures on the part of Mr. Matters.

20 And to the extent that there are conflicts between you
21 and Mr. Matters in terms of your statements and Mr. Matters'
22 statements, I believe, based on the Court's consideration of
23 what you have stated and what Mr. Matters stated that I believe
24 Mr. Matters and I disbelieve you for the following reasons:

25 First and foremost, with regard to Mr. Quindoza and

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1 his testimony, as he was recognized as an expert with regard to
2 the billing and overpayment of Medicare claims, I believe that
3 the emphasis during cross-examination would only emphasize and
4 further buttress the amount of fraudulent Medicare claims, and
5 I agree with Mr. Matters in terms of his strategy.

6 With regard to Agent Kilpatrick, certainly, if
7 Mr. Matters came outright and stated: "You're a liar," that
8 would be objectionable and the Court would admonish your
9 counsel. And as a skilled attorney, Mr. Matters knows better
10 that the proper course, as he has stated, would be to argue in
11 closing argument the inconsistencies. Her answers will not
12 change, and her answers were consistent with testimony that she
13 gave previously. And the Court has already addressed the issue
14 of the improper accusation during cross-examination that Agent
15 Kilpatrick is outright lying, but to focus in any
16 inconsistencies. And closing argument is the time to address
17 any issues with regard to a witness' lack of credibility,
18 including Agent Kilpatrick.

19 With regard to Dr. Delisma, I do agree that whether or
20 not you met after 2013 is not relevant. It was a tactical
21 decision to stay away from any post-incident events. The
22 patient files that have been reviewed, certainly that is so it
23 can be determined whether there are some contradictions
24 contained in the patient records. Mr. Matters brought that
25 out, and it will be not only argued during closing argument,

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1 but it was specifically shown to Dr. Delisma during the
2 cross-examination, which the Court believes was effective.

3 So the Court has addressed each of the reasons. Your
4 motion to discharge your court-appointed counsel is denied. I
5 do not believe there has been any deterioration in the
6 relationship such that Mr. Matters cannot continue to
7 effectively represent you. I'm going to ask the court security
8 officer to bring in the --

9 THE DEFENDANT: Your Honor, what's my option?

10 THE COURT: This portion of the record --

11 THE DEFENDANT: Your Honor, what's my option? I want
12 to know what's -- if he's not going to be discharged, what's my
13 option, Your Honor?

14 THE COURT: Your option, Mr. Elbeblaw, if you choose
15 to, is to represent yourself. But I'm not going to replace
16 your court-appointed counsel with another court-appointed
17 counsel.

18 THE DEFENDANT: Okay, Your Honor. You know what? I
19 want to represent myself, hundred percent.

20 THE COURT: Okay. Mr. Elbeblaw, I want you to
21 understand that if you decide to represent yourself and
22 discharge your court-appointed counsel that there are certain
23 dangers that accompany your decision to represent yourself.

24 First and foremost, we will continue with this trial
25 and this trial will not be delayed. I want you to understand

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1 that first and foremost.

2 THE DEFENDANT: Yes.

3 THE COURT: The case will proceed with the jury coming
4 out and we will proceed with day four of the trial. But I want
5 to ask specifically, Mr. Elbeblaw, is it your decision to
6 waive your right to counsel -- that is, court-appointed
7 counsel -- and represent yourself?

8 THE DEFENDANT: What's the question again?

9 THE COURT: Is it your decision to waive your right to
10 counsel and represent yourself?

11 THE DEFENDANT: It is my decision, based on the -- I
12 don't have any other choice.

13 THE COURT: When you say you don't have any other
14 choice, you're now represented by court-appointed counsel.
15 What you're asking the Court to do, or what you have asked
16 previously, is to discharge court-appointed counsel and appoint
17 another attorney to represent you.

18 THE DEFENDANT: No. I did not say to appoint, Your
19 Honor. I give you -- it's your decision, and I respect your
20 decision hundred percent. I don't even know what's my other
21 option beside what --

22 THE COURT: I've advised you that here's your option:
23 I am not going to discharge your court-appointed counsel. I do
24 not believe that there has been a deterioration or any action
25 or inaction on Mr. Matters' part that has had any effect --

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1 THE DEFENDANT: With all due respect, Your Honor,
2 that's your opinion.

3 THE COURT: Of course. It's my opinion, and my
4 opinion matters in this courtroom, Mr. Elbeblaw.

5 THE DEFENDANT: Absolutely. Absolutely, Your Honor.

6 THE COURT: So right now, as I've advised that I do
7 not believe that there is a basis for you to discharge your
8 court-appointed counsel, you asked specifically what are your
9 options. And I've responded that I'm not going to appoint
10 another attorney to represent you.

11 THE DEFENDANT: Okay.

12 THE COURT: So you can make a decision, if you choose
13 to. I don't believe it would be the right decision, but it's
14 entirely your decision. Just as you have the right to counsel,
15 you have the right to decide not to have counsel and to
16 represent yourself. But I do need to advise you of some
17 dangers that are associated with representing yourself.

18 THE DEFENDANT: Go ahead.

19 THE COURT: So I just need you to make a decision,
20 Mr. Elbeblaw --

21 THE DEFENDANT: Sure.

22 THE COURT: -- whether you want to waive your right to
23 counsel and represent yourself.

24 THE DEFENDANT: Should I listen to the danger points
25 first or you want me to answer first, Your Honor?

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1 THE COURT: I'm going to then colloquy you in terms of
2 the dangers. And once we get through --

3 THE DEFENDANT: Okay.

4 THE COURT: -- the colloquy advising you of the
5 dangers --

6 THE DEFENDANT: Sure.

7 THE COURT: -- then we'll proceed to trial.

8 THE DEFENDANT: Okay. So I would listen to it, then I
9 will give my answer.

10 THE COURT: No, sir. My question --

11 THE WITNESS: Oh, okay. You want me answer first?

12 THE COURT: -- is whether you want to waive your right
13 to counsel and represent yourself.

14 THE DEFENDANT: Yes. I want to represent myself.

15 THE COURT: You understand that you are charged with a
16 serious offense, Mr. Elbeblaw. There are two charges before
17 the Court, and you understand that the maximum penalty for the
18 offense of conspiracy to commit health care fraud and wire
19 fraud is 20 years of imprisonment, followed by five years of
20 supervised release, and the Court can impose a significant
21 fine, based on the amount of loss that's been claimed.

22 Do you understand that, sir?

23 THE DEFENDANT: Yes. I understand.

24 THE COURT: Do you also understand that you have been
25 charged in the Superseding Indictment with conspiracy to

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1 defraud the United States and paying health care kickbacks.
 2 And you understand that that carries with it a maximum penalty
 3 of five years of imprisonment, plus three years of supervised
 4 release and that term can be served consecutive, which means it
 5 would follow the other term.

6 Do you understand that, sir?

7 THE DEFENDANT: Yes, Your Honor, I do.

8 THE COURT: You understand, Mr. Elbeblaw, that you
 9 have the right to be represented by an attorney. Do you
 10 understand that?

11 THE DEFENDANT: Private attorney, you mean?

12 THE COURT: Do you understand you have the right to be
 13 represented by an attorney?

14 THE DEFENDANT: What type of attorney? Like a -- like
 15 somebody I hire?

16 THE COURT: Mr. Elbeblaw, I'm not going to continue
 17 the trial. We're in the middle of your trial. But you
 18 understand that you have the right to be represented by an
 19 attorney.

20 THE DEFENDANT: Okay, Your Honor. Yes.

21 THE COURT: The Court has appointed Mr. Matters to
 22 represent you. Before Mr. Matters, the Court had appointed an
 23 assistant public defender to represent you. Do you understand
 24 that you have the right to be represented by an attorney?

25 THE DEFENDANT: I understand.

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1 THE COURT: You also have the right to represent
 2 yourself under certain circumstances, but there are some issues
 3 that I do need to discuss with you before I determine whether
 4 you can represent yourself. Do you have any legal education or
 5 training?

6 THE DEFENDANT: That I have --

7 THE COURT: Do you have any legal education or
 8 training?

9 THE DEFENDANT: Two things to answer there, Your
 10 Honor. First of all, as you know from the first time I came
 11 here, I have a bachelor degree in business administration.
 12 Second, I'm fully responsible. That's my life. I'm the one
 13 being charged, and I think I will defend myself and I carry the
 14 consequences.

15 THE COURT: Perhaps you haven't heard my question. Do
 16 you have any legal education or training?

17 THE DEFENDANT: Yes. I have been reading online a lot
 18 about, you know, similar cases to mine. I did read over like
 19 30-something cases, and I get to learn, you know, a lot about
 20 how these cases runs and how things happens, and get to know
 21 pretty much -- of course, I'm not a lawyer. But, you know,
 22 it's just -- I hope everybody understands I'm being charged
 23 with things I didn't do and framed.

24 THE COURT: Is that the extent of your legal education
 25 and training, is you've looked up things online?

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1 THE DEFENDANT: Yes, Your Honor. I'm educating myself
2 because I did not get charged by any criminal cases before in
3 something like this. So I have been educating myself, since
4 they accused of me of what they accused me for. And I think --
5 and I'm sure almost that I'm capable to represent myself as
6 much as I can in my case.

7 THE COURT: You understand, sir, that there are many
8 dangers and disadvantages to representing yourself. For
9 example, you may be too involved to make the right decisions.
10 You have no legal training or experience. You will have to
11 follow the same rules that lawyers must follow. Even if you
12 make mistakes, you will not get any privileges or benefits, and
13 I will not help you in any way. You will not receive any
14 special treatment from the Court at all. Do you understand
15 that?

16 THE DEFENDANT: I understand.

17 THE COURT: You will be opposed by a trained, skilled
18 prosecutor, who is experienced in criminal law and court
19 proceedings. Unlike the prosecutor, you will not know the
20 complexities of the trial with regard to questioning the
21 witnesses, and what type of evidence should not be introduced,
22 and what type of evidence should be introduced. You won't know
23 what constitutes a permissible closing argument. You won't
24 know what is admissible evidence, what is appropriate direct
25 and cross-examination of witnesses, what motions you must make,

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1 and when to make them during the trial to preserve certain
2 issues for post-trial motions and to protect your rights on
3 appeal. You won't know what constitutes an appropriate closing
4 argument.

5 Do you understand that?

6 THE DEFENDANT: Yes, Your Honor, I do.

7 THE COURT: You also will not have counsel to assist
8 you if you are found guilty by the jury of these offenses.

9 THE DEFENDANT: Yes, I do.

10 THE COURT: If you are convicted, you'll be sentenced
11 pursuant to the Sentencing Reform Act, where the United States
12 Sentencing Commission has issued guidelines that are advisory,
13 but the Court needs to take those in account, where the Court
14 is required to determine the sentence that is appropriate,
15 where the Court is required to calculate the applicable
16 sentencing guideline range, to consider any departures and
17 variances and other sentencing factors under 18, United States
18 Code, Section, 3553(a).

19 If you continue to represent yourself, you won't have
20 anyone to advise you concerning the guidelines or to tell you
21 what factors the Court should consider in determining your
22 sentence. That means that you may overlook a potential ground
23 for departure or variance or other factor that might be
24 important in your presentation to the Court concerning an
25 appropriate sentence.

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1 Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: You will have limited access to books and
4 other resources, such that Mr. Matters would have access to.

5 THE DEFENDANT: I would or I would not? I just didn't
6 hear. I'm sorry --

7 THE COURT: You yourself know that you have limited
8 access to books and other resources.

9 THE DEFENDANT: Yes. Yes.

10 THE COURT: The resources that Mr. Matters has access
11 to.

12 Although you keep most of the rights when you
13 represent yourself, there is one right that you do give up,
14 Mr. Elbeblaw. You lose the right to claim on appeal that you
15 had ineffective assistance of counsel.

16 Do you understand that, sir?

17 THE DEFENDANT: I understand.

18 THE COURT: The Court will not advise you of the
19 elements of the crime, any defenses that may be applicable.

20 Do you understand that?

21 THE DEFENDANT: Yes.

22 Can I request one thing, Your Honor? Can I request a
23 copy for what you just -- everything you wrote to me for my
24 reference? And I already agreed about everything you said.

25 THE COURT: Mr. Elbeblaw, do you still want to

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1 represent yourself?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: My concern, Mr. Elbeblaw, is that we are
4 in the middle of this trial and I do believe that Mr. Matters
5 and Ms. Bars leaving the courtroom and not sitting at counsel
6 table will serve to prejudice you. So I am going to require
7 that Mr. Matters and Ms. Bars remain in the courtroom, and I'm
8 going to require that Mr. Matters remain as standby counsel.

9 That is --

10 THE DEFENDANT: I don't want him, Your Honor. I'm
11 ready to represent myself.

12 THE COURT: If you choose --

13 THE DEFENDANT: Your Honor, with all due respect --
14 and I understand -- and I did comply with all the rules you
15 told me. I'm ready to represent myself. I have my own
16 reasons. He does not want me to testify. I want to have the
17 juror hear my other side of the story. It's their decision.

18 THE COURT: And Mr. Elbeblaw, I advised you that
19 there are four specific rights that only -- or decisions in
20 this case that only you can make. And with regard to your
21 decision to testify at the appropriate time -- this would not
22 be the appropriate time -- in the end, the decision is yours.
23 You can consult with your attorney, but you make that decision.
24 But that's separate and apart from standby counsel, and I am
25 going to --

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1 THE DEFENDANT: Oh, standby counselor, you mean just
2 as -- I'm sorry. I didn't get that part.

3 THE COURT: In the event that you have a legal
4 question that you want to ask Mr. Matters, or you want to
5 consult with Mr. Matters --

6 THE DEFENDANT: No. I'm not interested.

7 THE COURT: -- on a legal issue, I'm going to require
8 that Mr. Matters and Ms. Bars remain in the courtroom, and you
9 can make the decisions with regard to your strategy, if that is
10 what you want to do.

11 THE DEFENDANT: Okay. Can I have somebody else, with
12 all due respect to Mr. Matters, to be --

13 THE COURT: No, sir.

14 THE DEFENDANT: No? Okay.

15 THE COURT: Mr. Matters will remain in the courtroom
16 with Ms. Bars. You do not need to consult with them, but they
17 are here for you in the event that you want to consult with
18 Mr. Matters on any issue of laws.

19 THE DEFENDANT: Your Honor, you are very intelligent
20 person and you know -- how I'm going to ask someone -- I'm
21 asking for him to be discharged, with all due respect -- to
22 trust him for a legal question. Your Honor, there's things I
23 don't want to say happened.

24 THE COURT: And Mr. Elbeblaw, again, I'm merely
25 giving you the consequences --

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1 THE DEFENDANT: I wish if I can say what happened.

2 THE COURT: -- of representing yourself. But because
3 I do believe that it would be unduly prejudicial for this jury
4 to walk into this courtroom and see Mr. Matters and Ms. Bars no
5 longer sitting at counsel table, I'm going to require that they
6 remain.

7 If you want to -- on your own, if you want to make the
8 decision to question the prosecution's witnesses, that's
9 entirely your decision if, in fact, you want to represent
10 yourself. But on any issues of law, I'm going to require that
11 Mr. Matters be here as standby counsel in the event that you do
12 have a question for him.

13 THE DEFENDANT: Okay. A hundred percent, I want to
14 represent myself. I don't want nobody. It's my life. It's 20
15 years of my life for something I didn't do, just by helping
16 United States Government. And I did not regret in helping
17 them, by all means, because I was helping someone believing I
18 was helping this system for better purposes. But okay, no
19 problem. And that's what I got back.

20 THE COURT: I want to make sure that you understand
21 the consequences of representing yourself, sir.

22 THE DEFENDANT: The one you just showed to me? The
23 one you just said to me or you mean there's something else
24 you're going to say to me, Your Honor?

25 THE COURT: Well, I want to make sure that you

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1 understand the consequences of representing yourself.

2 THE DEFENDANT: Yes, Your Honor, I do.

3 THE COURT: That you do not have the legal skill,
4 training, and experience of an attorney.

5 THE DEFENDANT: Look, Your Honor, I'll do my best to
6 speak from my heart the whole truth, and I'm fully responsible
7 for the consequences. I'm going to say exactly how the whole
8 story is, and that's it, as much as I can. Since I said it to
9 my lawyer several times, and he still does not believe to say
10 it, I will say it myself. I have no other choice.

11 THE COURT: Mr. Matters, based on your contact with
12 Mr. Elbeblawy, do you have any reason to believe that he may
13 not be able to carry out the basic tasks needed to present his
14 own defense without the help of counsel?

15 MR. MATTERS: No.

16 THE COURT: Mr. Elbeblawy, you understand that the
17 Court is not going to assist you throughout this trial?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: That you will be held to the same Rules of
20 Evidence and Rules of Trial Procedure that the prosecution is
21 held to.

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Given your lack of any training or
24 experience, the fact that you may be too involved to make the
25 right decision, the disadvantages of representing yourself, in

1 that you may not make the appropriate objections or make
2 objections that may appear to be prejudicial to you, there may
3 be acts within the courtroom or actions taken that may have an
4 impact on how the jury may view this case, where an attorney
5 may know strategically when to object and when not to object,
6 do you still want to represent yourself?

7 THE DEFENDANT: Yes, Your Honor. And God with me.

8 THE COURT: Mr. Elbeblawy, do you have any questions
9 with regard to your right to represent yourself in this
10 proceeding?

11 THE DEFENDANT: Yes.

12 THE COURT: What are those questions, sir?

13 THE DEFENDANT: Okay. First, if the jury walks in, do
14 I have the right to let them know why I represent myself?
15 Respecting everybody in the room, not with any bad intention.
16 I don't want even Mr. Matters -- with my disagreements with
17 him, I want to give him the appreciation. You know, I want to
18 explain to them I'm not a crazy guy standing, but, you know --
19 and I will not --

20 THE COURT: Mr. Elbeblawy, you have already made clear
21 just by your question your lack of understanding of the jury
22 trial process.

23 THE DEFENDANT: What is that, Your Honor?

24 THE COURT: I will ask Mr. Matters if there's any
25 cross-examination, and Mr. Matters will say that Mr. Elbeblawy

1 will be asking the questions. There is no reason to give the
2 jury a reason why you are choosing to represent yourself.

3 THE DEFENDANT: You don't think it's going to look
4 weird that just a guy, all of a sudden, he's standing, he's not
5 a lawyer, to represent himself? I don't have the right to
6 explain what's my position --

7 THE COURT: You can -- when you say what's your
8 position --

9 THE DEFENDANT: -- what's my situation?

10 THE COURT: -- the fact that you're making a decision
11 to represent yourself is not a decision that the jury should be
12 concerned with.

13 THE DEFENDANT: I understand.

14 THE COURT: The jury should be concerned with the
15 evidence that's presented to the Court.

16 THE DEFENDANT: Yes. I understand that, Your Honor.
17 But at least I take 20 seconds to say I'm representing myself.
18 I don't have no intention to make anybody look bad. That's not
19 what my focus on, for you to know, Your Honor. I'm just trying
20 to say I'm standing here because I believe, for example, that
21 I'm going to represent myself in a better way. It's just, you
22 know, I want to explain why I'm standing and I choose -- all of
23 a sudden, after four days the Government have been doing
24 whatever they doing to make me look like a liar and a criminal,
25 that I want to represent myself because there's no

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1 communication between me and my lawyer. And I did explain that
2 several times. That's the only statement I want to make in the
3 beginning for less than a minute.

4 THE COURT: So you want to say: "I'm standing here
5 because I want to represent myself?"

6 THE DEFENDANT: No, Your Honor. I think --

7 THE COURT: I just took down your words.

8 THE DEFENDANT: I think that they can see me standing
9 that I'm standing representing myself physically. But I want
10 to let them know the circumstances why I'm representing myself,
11 for them to get an idea, and I promise I will not touch any
12 subject or anything related to the case until you allowed me
13 to. It's something out of manners and something out of respect
14 for the juror --

15 THE COURT: Mr. Elbeblawy, before I allow you to speak
16 directly to the jury, I want to know what it is that you're
17 planning on saying.

18 THE DEFENDANT: Just why I'm representing myself.

19 THE COURT: And what is it that you're planning on
20 saying, sir? Because the Court can advise the jury.

21 THE DEFENDANT: Because during the trial and before
22 the trial there was some breakdowns between me and my lawyer.
23 I believe he's a good man. But you know, I think we don't have
24 the chemistry to work the case out, and I think I'm in a point
25 now, since the Government, they spend four days putting their

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1 evidence, you know, I think I would represent myself in a
 2 better way. That's it because he did not experience these
 3 things with me. Even if I said it to him -- maybe I'll give
 4 him the benefits of doubts that he didn't got what I was trying
 5 to say to him. I have no intention to make anybody look bad.
 6 My intention is to talk about me and what happened and the
 7 truth. That's it.

8 THE COURT: I will advise the Court -- that the Court
 9 has conducted an appropriate inquiry and Mr. Elbeblawy chooses
 10 to represent himself or Mr. Elbeblawy chooses to engage in
 11 cross-examination.

12 THE DEFENDANT: I did listen to that, Your Honor. You
 13 think that's fair for me as a person standing here being
 14 charged with conspiracies and speculations?

15 THE COURT: Mr. Elbeblawy --

16 THE DEFENDANT: Your Honor, I'm sorry. I am asking
 17 you --

18 THE COURT: Are you certain that you do not want to
 19 consider whether you should be representing yourself in this
 20 case?

21 THE DEFENDANT: Hundred percent. You know why, Your
 22 Honor? And I'll say --

23 THE COURT: Has anyone forced you or threatened you to
 24 make this decision?

25 THE DEFENDANT: No, Your Honor.

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1 THE COURT: Are you making this decision on your own
 2 free will?

3 THE DEFENDANT: I'm just making -- yes, Your Honor,
 4 because --

5 THE COURT: Have I answered all of your questions with
 6 regard to representing yourself and making a decision to
 7 discharge your court-appointed counsel and proceed in this
 8 trial on your own?

9 THE DEFENDANT: The last question, you did not.

10 THE COURT: Have I answered all of your questions?

11 THE DEFENDANT: That's what I'm answering now. The
 12 last question, you did not answer, Your Honor.

13 THE COURT: What is that question?

14 THE DEFENDANT: When you asked me what I'm going to
 15 say to the jury. And I did say to you in detail, but I think
 16 you were looking at something.

17 THE COURT: I was writing down that: "I'm standing
 18 here because I want to represent myself."

19 THE DEFENDANT: Sure. Sure. But I was waiting your
 20 answer, if you're okay with what I'm going to say, but I didn't
 21 hear that part.

22 THE COURT: I didn't get the extent of what you were
 23 going to say.

24 THE DEFENDANT: Okay. Your Honor, you want me say it
 25 again?

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 (954) 768-5886

1 THE COURT: What is it that you want to exactly say to
2 the jury?

3 THE DEFENDANT: As I explained to you, that I'm just
4 going to explain to them why I'm representing myself, that me
5 and Mr. Matters, from the beginning -- it's just there's a
6 miscommunication between us.

7 THE COURT: I'm not allowing that, sir.

8 THE DEFENDANT: Okay. So that's --

9 THE COURT: The jury does not need to hear of any
10 perceived conflict that you may have with your attorney. What
11 the jury needs to hear is that, rather than Mr. Matters
12 standing up for cross-examination, you'll be standing up for
13 cross-examination and questioning the witness. And I will
14 advise them that Mr. Elbeblawy has made the decision that he
15 will be questioning the witnesses and representing himself, and
16 that's all the jury needs to hear. The jury does not need to
17 hear the reasoning behind your decision. That's not for the
18 jury to consider. That's for the Court to consider.

19 THE DEFENDANT: I will respect your opinion, Your
20 Honor. Sure.

21 THE COURT: Are you making the decision to represent
22 yourself on your own free will?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Let's bring in the prosecution
25 team, please.

Yvette Hernandez, Official Court Reporter
299 East Broward Boulevard, Room 207-B
Fort Lauderdale, Florida 33301
(954) 769-5666

1 THE DEFENDANT: Can I sit down?

2 THE COURT: The Court finds that Mr. Elbeblawy's
3 decision to represent himself is a knowing and voluntary
4 decision. And as I stated, for reasons that the jury is not to
5 be prejudiced by not having counsel present, I am going require
6 that Mr. Matters be present in the event that Mr. Elbeblawy
7 does want to consult with counsel.

8 * * * * *

Yvette Hernandez, Official Court Reporter
299 East Broward Boulevard, Room 207-B
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1 UNITED STATES OF AMERICA)
2 ss:
3 SOUTHERN DISTRICT OF FLORIDA)

4 C E R T I F I C A T E

5 I, Yvette Hernandez, Certified Shorthand Reporter in
6 and for the United States District Court for the Southern
7 District of Florida, do hereby certify that I was present at
8 and reported in machine shorthand the proceedings had the 19th
9 day of August, 2016, in the above-mentioned court; and that the
10 foregoing transcript is a true, correct, and complete
11 transcript of my stenographic notes.

12 I further certify that this transcript contains pages
13 1 - 35.

14 IN WITNESS WHEREOF, I have hereunto set my hand at
15 Fort Lauderdale, Florida this 9th day of August, 2016.

16
17 /s/Yvette Hernandez
18 Yvette Hernandez, CSR, RPR, CLR
19 Certified Shorthand Reporter
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25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-CR-20820-BLOOM

UNITED STATES OF AMERICA

vs.

KHALED ELBEBLAWY

Defendant.

PRELIMINARY EXHIBIT LIST OF THE UNITED STATES

Pursuant to the Court's Order Setting Trial Date (ECF No. 18), the United States of America, by and through undersigned counsel, respectfully submits the following Preliminary Exhibit List.

Respectfully Submitted,

WIFREDO A. FERRER
UNITED STATES ATTORNEY

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

v.

KHALED ELBEBLAWY

**PRELIMINARY GOVERNMENT
EXHIBIT LIST**

CASE NUMBER: 15-20820-CR-
BLOOM

PRESIDING JUDGE The Honorable Beth Bloom					GOVERNMENT ATTORNEYS Nicholas E. Surmacz, Vasanth Sridharan	DEFENDANT'S ATTORNEY Michael A. Matters
TRIAL DATE January 12, 2016					COURT REPORTER Yvette Hernandez	COURTROOM DEPUTY ToniAnn Jacoby
GOV. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS	
GX 1					Khaled Elbeblawy Signed Agreed Factual Basis for Guilty Plea	
GX 2					Withdrawal Slip from Khaled Elbeblawy JP Morgan Chase Bank Account Ending in x2424 and Check #2292 from Healthy Choice Home Health Bank Account Ending in x6051 to Khaled Elbeblawy	
GX 3					September 26, 2013 Video Recording Made by Khaled Elbeblawy	
GX 3A					Excerpt of GX 3	
GX 3A-T					Transcript of GX 3A	
GX 3B					Excerpt of GX 3	
GX 3B-T					Transcript of GX 3B	
GX 4					September 26, 2013 Video Recording Made by Khaled Elbeblawy	
GX 4A					Excerpt of GX 4	
GX 4A-T					Transcript of GX 4A	
GX 4B					Excerpt of GX 4	

GX 4B-T					Transcript of GX 4B
GX 4C					Excerpt of GX 4
GX 4C-T					Transcript of GX 4C
GX 4D					Excerpt of GX 4
GX 4D-T					Transcript of GX 4D
GX 5					May 2, 2014 Video Recording Made by Khaled Elbeblawy
GX 5A					Excerpt of GX 5
GX 5A-T					Transcript of GX 5A
GX 5B					Excerpt of GX 5
GX 5B-T					Transcript of GX 5B
GX 5C					Excerpt of GX 5
GX 5C-T					Transcript of GX 5C
GX 6					Handwritten Notes Provided by Khaled Elbeblawy
GX 7					JEM Home Health Attending Summary List
GX 8					Khaled Elbeblawy Signed Plea Agreement
GX 9					CD of Audio Recordings of Phone Conversations Involving Khaled Elbeblawy
GX 9A					Excerpt of October 28, 2015 Phone Conversation Involving Khaled Elbeblawy
GX 9A-T					Translation of GX 9A
GX 100					Medicare Benefit Policy Manual, Chapter 7 – Home Health Services (Revised 04/2011)
GX 101					JEM Home Health Medicare Claims Data
GX 102					Willsand Home Health Medicare Claims Data
GX 103					Healthy Choice Home Health Medicare Claims Data

GX 104					JEM Home Health Medicare Enrollment Application Signature Pages
GX 104A					Combined JEM Home Health Medicare Enrollment Application
GX 105					Willsand Home Health Medicare Enrollment Application Signature Pages
GX 106					Healthy Choice Home Health Medicare Enrollment Application Signature Pages
GX 107					Blank Sample Home Health Medicare Enrollment Application (Revised 02/2008)
GX 108					Blank Sample Home Health Medicare Enrollment Application (Revised 11/2001)
GX 109					Medicare Benefit Policy Manual, Chapter 7 – Home Health Services (Revised 10/2003)
GX 110					November 3, 2009 Notice of Suspension of Medicare Payments for JEM Home Health Care, LLC
GX 111					JEM Home Health Care, LLC Overpayment Projection
GX 200					Khaled Elbeblawy JP Morgan Chase Bank Account Ending in x2424
GX 201					Khaled Elbeblawy and Cynthia Vilches Washington Mutual Bank Account Ending in x3929
GX 202					Khaled Elbeblawy and Cynthia Vilches JP Morgan Chase Bank Account Ending in x6540
GX 203					JEM Home Health Bank of America Bank Account Ending in x0069
GX 204					JEM Home Health Bank of America Bank Account Ending in x2100
GX 205					Willsand Home Health Bank of America Bank Account Ending in x3702
GX 206					Willsand Home Health Bank of America Bank Account Ending in x8164
GX 207					Willsand Home Health Bank of America Bank Account Ending in x8229
GX 208					Healthy Choice Home Health JP Morgan Chase Account Ending in x2042
GX 209					Healthy Choice Home Health JP Morgan Chase Account Ending in x6051
GX 210					County Wide Home Care Inc. Bank of America Account Ending in x1806
GX 211					County Wide Home Care Inc. Bank of America Account Ending in x2471
GX 212					Checks to Khaled Elbeblawy from JEM Home Health

GX 213					Checks to Khaled Elbeblawy from Willsand Home Health
GX 214					Checks to Khaled Elbeblawy from Healthy Choice Home Health
GX 215					Checks to Khaled Elbeblawy from County Wide Home Care Inc.
GX 216					Checks to Cynthia Vilches from JEM Home Health
GX 217					Checks to Cynthia Vilches from Willsand Home Health
GX 218					Checks to Cynthia Vilches from Healthy Choice Home Health
GX 219					Checks to Lily Alvarez from JEM Home Health, Willsand Home Health and Healthy Choice Home Health
GX 220					Checks to Marc Bloom from JEM Home Health, Willsand Home Health and Healthy Choice Home Health
GX 221					Checks to Complete Staffing Service, Inc. from JEM Home Health, Willsand Home Health and County Wide Home Health
GX 222					Checks to COS Nurses, Inc. and Cynthia Sanders from JEM Home Health and Willsand Home Health
GX 223					Checks to Adriana Jalil, Jalil Corporation, Jalil Group and Ultimate Care Professional Services from JEM Home Health and Willsand Home Health
GX 224					Checks to Nadim Radwan from JEM Home Health, Willsand Home Health and County Wide Home Care Inc.
GX 225					Checks to Harriette Brotman from JEM Home Health and Healthy Choice Home Health
GX 226					Checks to Ann Stember from JEM Home Health, Willsand Home Health, Healthy Choice Home Health and County Wide Home Care Inc.
GX 227					Checks to Julio Esquivel from Willsand Home Health
GX 228					Check to Lissette Exposito from JEM Home Health
GX 229					Checks to Magdalena Joyas and Joyas-Arana Nursing from Willsand Home Health and County Wide Home Care
GX 230					Checks to Carol Konhauzer from JEM Home Health
GX 231					Checks to YC Home Care Services, Inc. and Yureilis Carrasco from JEM Home Health and Willsand Home Health Services
GX 232					Check to Khaled Elbeblawy from JEM Home Health

GX 233					Check to Eulises Escalona from JEM Home Health
GX 234					Signature Cards for JEM Home Health Care, LLC Bank of America Account Ending in x2100
GX 235					Khaled Elbeblawy Bank of America Account Ending in x8682
GX 236					Khaled Elbeblawy Bank of America Account Ending in x7351
GX 237					Eulises Escalona Bank Atlantic Account Ending in x7808
GX 238					Eulises Escalona Bank Atlantic Account Ending in x4355
GX 239					Eulises Escalona Bank Atlantic Account Ending in x4649
GX 240					Eulises Escalona Bank of America Account Ending in x7603
GX 241					Eulises Escalona Bank of America Account Ending in x2092
GX 242					Checks to Mindy Tucker from Healthy Choice Home Health
GX 301					Photos of Willsand Home Health Agency
					Intentionally Left Blank
GX 303					Photo of Tony Abbassi
GX 304					Photo of Salah Amer
GX 305					Photo of Jose Avila
GX 306					Photo of Michael Bahrami
GX 307					Photo of Kansky Delisma
GX 308					Photo of Vladimiro Giua
GX 309					Photo of Abdul Jaraki
GX 310					Photo of Robert Kaiser
GX 311					Photo of Hamidreza Moghaddam
GX 312					Photo of Howard Reinfeld
					Intentionally Left Blank

GX 314					Photo of Maria Lily Alvarez
GX 315					Photo of Eulises Escalona
GX 400					Willsand Home Health Per Diem Pay Rate Schedule
GX 401					April 15, 2009 Fax from JRV Staffing
GX 402					Willsand Home Health Referral Source Stats and Paystub for Ann Stember (July 10, 2007)
GX 403					At Home Health Care Invoice and At Home Health Care Professional Service Agreement
GX 404					Willsand Home Health Referral Source Stats and Paystub for Ann Stember (February 15, 2007)
GX 405					Willsand Home Health Referral Source Stats and Paystub for Ann Stember (July 19, 2007)
GX 406					Willsand Home Health Agency Inc. Paystub for Khaled Elbeblawy with Dr. Restrepo Notation (April 2006)
					Intentionally Left Blank
					Intentionally Left Blank
GX 409					Mont Blanc Receipt (February 16, 2007)
GX 410					Credit Card Receipts
GX 411					Group Contracts – Willsand Home Health Agency Professional Service Agreement with H & E Home Care, Inc. (January 20, 2008)
GX 412					Willsand Home Health Agency Professional Service Agreement with Martin's Florida Elder Care, Inc. (May 23, 2008)
					Intentionally Left Blank
GX 414					Willsand Home Health Agency Inc. Partially Completed Medicare Application
GX 415					Willsand Home Health Agency's Letter of Authorization to Cleartel Communications and Service Agreement (July 18, 2008)
GX 416					BMW Financial Services Folder
GX 417					Volkswagen Credit Folder
GX 418					Willsand Home Health Agency Admissions Log Book
GX 500					W. G. Patient File (MR #2241)

GX 501					M. F. Patient File (MR #2148)
GX 502					A. C. Patient File (MR #629)
GX 503					A. R. Patient File (MR #3054)
GX 504					G. C. Patient File (MR #2986)
GX 505					A. V. Patient File (MR #3138)
GX 506					J. M. Patient File (MR #3038)
GX 507					J. V. Patient File (MR #1627)
GX 600					September 15, 2013 Text Message between Khaled Elbeblawy and Cynthia Vilches
					Intentionally Left Blank
GX 630					Referral Logs for Healthy Choice Home Health
GX 631					Healthy Choice Home Health Stock Purchase Option Agreement
GX 632					Letter Enforcing Healthy Choice Home Health Stock Purchase Option Agreement
GX 633					Miami-Dade Police Department Offense-Incident Report
GX 634					Daily Referral Logs for JEM Home Health
GX 635					Individual Referral Sheets for JEM Home Health
GX 636					JEM Home Health Care, LLC Professional Service Agreement with YC Home Health Care Services (January 25, 2008)
GX 637					JEM Home Health Care, LLC Professional Service Agreement with Ultimate Care Professional Services, Inc. (January 1, 2009)
GX 638					JEM Home Health Care, LLC Professional Service Agreement with Complete Staffing Service Inc. (September 18, 2009)
GX 639					Blank Healthy Choice Home Health Services, Inc. Professional Services Agreement
GX 640					Signature Page for JEM Home Health Care Agency Agreement with COS Nurses, Inc. (January 1, 2009)
GX 700					Eulises Escalona Plea Agreement and Agreed Factual Basis for Guilty Plea

GX 701					Kansky Delisma Plea Agreement and Agreed Factual Basis for Guilty Plea
GX 900					JEM Home Health Care, LLC Sunbiz Records
GX 901					Healthy Choice Home Health Services, Inc. Sunbiz Records
GX 1000					Summary Chart
GX 1001					Summary Chart
GX 1002					Summary Chart
GX 1003					Summary Chart
GX 1004					Summary Chart
GX 1005					Summary Chart
GX 1006					Summary Chart
GX 1007					Summary Chart
GX 1008					Summary Chart

CERTIFICATE OF SERVICE

I hereby certify that, on January 5, 2016, I electronically filed and served the foregoing document with the Clerk of the Court using CM/ECF.

By: /s/ Vasanth R. Sridharan
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF FLORIDA
3 MIAMI DIVISION
4 CASE NO. 1:15-cr-20820-BB-1

5 UNITED STATES OF AMERICA,

6 Plaintiff,

January 20, 2016
9:18 a.m.

7 vs.

8 KHALED ELBEBLAWY,

9 Defendant.

Pages 1 THROUGH 265

10
11 TRANSCRIPT OF TRIAL DAY 5
12 BEFORE THE HONORABLE BETH BLOOM
13 UNITED STATES DISTRICT JUDGE
14 and a Jury of 14

15 Appearances:

16 FOR THE GOVERNMENT: UNITED STATES DEPARTMENT OF JUSTICE
17 NICHOLAS E. SURMACZ, ESQ.
18 VASANTH R. SRIDHARAN, ESQ.
19 CAMERON ERVIN
20 1400 New York Avenue NW
21 Washington, DC 20530

22 FOR THE DEFENDANT: ADELSTEIN & MATTERS
23 MICHAEL A. MATTERS, ESQ.
24 2929 Southwest 3rd Avenue, Suite 410
25 Miami, Florida 33129

COURT REPORTER: Yvette Hernandez
U.S. District Court
299 East Broward Boulevard, Room 207-B
Fort Lauderdale, Florida 33301
yvette_hernandez@flsd.uscourts.gov

APP #3
P. [REDACTED]
7/2

1 (Jury not present, 9:18 a.m.)

2 (Defendant present.)

3 THE COURT: We are waiting for one juror.

4 Are there any issues we need to address?

5 MR. MATTERS: Judge, I believe Mr. Elbeblawy has
6 something he'd like to raise with the Court.

7 THE COURT: All right. Mr. Elbeblawy?

8 THE DEFENDANT: Good morning, Your Honor. No. There
9 is actually nothing. I was just asking Mr. Matters -- if you
10 remember, yesterday you brought me back to -- because the
11 Government, they tried to give me the laptop to review some
12 documents. A lot of documents, they were missing from here.
13 And I told you that I'm not interested to have anything from
14 their side. And I appreciate, of course, their offer.

15 But I was asking him in the morning -- because I left
16 the charts as-is -- you know, as he put it. So I was asking
17 him, hoping that -- I'm sure they are in contact. And I told
18 him: "Did you bring the stuff, so I can review it," and he
19 just got a little bit tense and -- you know. Then he said:
20 "You can tell the judge," so -- but that's it.

21 THE COURT: All right. Mr. Elbeblawy, and as I did
22 emphasize to you yesterday, at 5:30 we recessed, the jury went
23 home, to give you a full hour. I did make arrangements with
24 the marshals to allow you to remain in the courtroom to be able
25 to review all of the data that supported the summary charts

1 that were admitted into evidence, since you had claimed you had
2 not had the opportunity to review them.

3 At approximately five minutes to 6:00, my courtroom
4 deputy advised that the marshal said that you were refusing to
5 review the evidence. I then came into the courtroom, with
6 Mr. Surmacz present, and at that time you advised that you did
7 not want to review any of the evidence because the evidence was
8 provided by the Government. When, before we recessed, I
9 specifically asked the Government to provide the CDs to you,
10 along with a laptop for your use. So you knew that that
11 information was going to come from the Government. And, in
12 fact, all of the information that was disclosed to you and your
13 attorney throughout this proceeding was from the Government by
14 way of discovery.

15 You expressly stated that you refused to review the
16 evidence, the marshals took you back into custody, and the
17 laptop and the CDs were returned to the Government.

18 So at this point, while I understand that that was
19 your position, in fact that is where --

20 THE DEFENDANT: It's not really my position, Your
21 Honor.

22 THE COURT: Well, your position was yesterday --

23 THE DEFENDANT: You missed a very important sentence.
24 As you did not mention, because, you know --

25 THE COURT: I don't think I did, Mr. Elbeblawy. I

1 asked you specifically: "Do you want to review the evidence?"

2 THE DEFENDANT: Your Honor --

3 THE COURT: And your express words to me last night
4 were --

5 THE DEFENDANT: Your Honor, it wasn't about the time
6 for me sitting down review to it. I could stay here until
7 10:00. I don't have any place to go.

8 My point is: First, you know, my lawyer, he have been
9 handling this case for three months. He did not provide me the
10 informations. I mention that to you. You give me a chance to
11 sit in the afternoon to do stuff. I did show you a lot of
12 charts, which is the one I'm referring to, to the testimony
13 Ms. Melissa Park, that all these charts they were empty. He
14 never provided to me in the past three months.

15 My problem with -- I don't have nothing personal with
16 the Government. They are the other side of the case. They
17 trying to prove their point. I'm trying to prove mine. How
18 you expect me, with all due respect to them on a personal
19 level, to trust anything they can provide to me? I'm sorry.
20 If he was working with them to get their evidence, that's fine.
21 That's something -- I'm not experted in that.

22 But also, I'm going to say just open and clear that
23 maybe I want to work on something and then they would be able
24 to track to rebuttal what I want to work on and to prepare for
25 it. So that's one of the things.

1 I asked my lawyer, as you put him to assist me after I
2 choose to represent myself, to provide these documents to me
3 because that was his job from the beginning, which is -- he did
4 not do. But as you can see, until this moment, I still do not
5 have these documents. And we're not talking about one or two
6 documents, Your Honor. You're talking about -- there's some
7 exhibits -- 97 checks, 24 checks, a 100-and-something checks,
8 and bank records I did not receive as well -- I did not receive
9 in a CD as well. So that's all my point.

10 So -- I'm sorry. With all due respect, I understand
11 what you said. But that was not my conflict, that I have to
12 sit or I excused myself or I said: "No. I don't want to. I
13 want to go back." Of course I would sit down and review
14 whatever it is. But again, I cannot -- if I give the
15 Government now a document, I think they are going to look at
16 this and make sure that this is not going to hit them in their
17 case anyhow, to make sure that I'm not -- let's put it this
18 way: Trying to trick them, you know? So it's the same thing I
19 feel.

20 So up to this point, I'm asking him to provide me what
21 he mislead to provide me for the past three months or more.

22 THE COURT: Mr. Matters, once again, I want to ensure
23 that in the courtroom, sir, in those two banker's boxes, are
24 those the exhibits that you were using at the start of the
25 trial before Mr. Elbeblawy made the decision that he wanted to

1 represent himself?

2 MR. MATTERS: Yes, Judge.

3 THE COURT: All right. And as I can see -- and the
4 Court readily sees that on counsel table are to two banker's
5 boxes.

6 So Mr. Elbeblawy, we are waiting for one juror.
7 Looking at the eight-page exhibit list that has been filed for
8 quite some time by the Government, is there any specific
9 exhibit, Mr. Elbeblawy, that you would like to have the
10 Government provide you so you can review before we continue
11 with the cross-examination of the witness?

12 THE DEFENDANT: So my only option is the Government,
13 right? They are the one --

14 THE COURT: Mr. Elbeblawy --

15 THE DEFENDANT: I'm just asking a question, Your
16 Honor. Are they my only option?

17 THE COURT: -- I don't know how many times I can tell
18 you, sir, that if they are not contained in those boxes, the
19 Government has about 15 boxes in the courtroom --

20 THE DEFENDANT: All right. I'm ready to give you the
21 exhibits.

22 THE COURT: -- and your attorney received --

23 THE DEFENDANT: No problem.

24 THE COURT: -- the discovery from the Government. So
25 the fact that they may be providing it to you --

1 THE DEFENDANT: He never gave it to me.

2 THE COURT: That's my point, Mr. Elbeblawy. What
3 exhibit, sir, do you want to look at?

4 THE DEFENDANT: Your Honor, you're trying to prove a
5 point, with all due respect --

6 THE COURT: Mr. Elbeblawy, let me stop you. What
7 exhibit would you like to look at? Why don't you look at the
8 eight-page exhibit and advise the Court exhibit you would like
9 to look at.

10 THE DEFENDANT: Why you don't want to prove the point,
11 Your Honor, that my lawyer did lack of providing evidence to me
12 for the past three months? And here is all this. All this is
13 not enough to the Court? Which is -- Ms. Parks, she said there
14 are thousands of pages. Even when she was asked, she couldn't
15 even answer the question based on her, you know, reports that
16 she made with her team.

17 You want me give you the exhibits numbers?

18 THE COURT: I would like, once again, Mr. Elbeblawy --

19 THE DEFENDANT: Okay.

20 THE COURT: -- for you to advise the Court what
21 exhibit or exhibits you would like to review. Those exhibits
22 were made available to you last night. You refused to review
23 them.

24 THE DEFENDANT: No, they weren't, Your Honor.

25 THE COURT: So I want to ensure that any claim of

1 prejudice that you have in not having an opportunity to review
2 exhibits that have already been introduced into evidence, you
3 have a full opportunity while we're waiting for the last juror.

4 So can you look at this exhibit list, Mr. Elbeblawy --

5 THE DEFENDANT: Thank you.

6 THE COURT: -- that is in front of you and advise what
7 exhibit, sir, would you like to review.

8 THE DEFENDANT: Okay. GX 241, GX 212 to -- GX 212, as
9 it says in these files. GX 213, GX 214, GX 200. I don't know
10 if this refers to A. What is this?

11 GX 201, GX 202, GX 203, GX 204, GX 205 -- This is all
12 have been missing -- GX 206, GX 207. I never received any of
13 that. GX 208, GX 209, GX 210, GX 211.

14 THE COURT: Mr. Elbeblawy, do you even know -- I see
15 you're looking at --

16 THE DEFENDANT: Your Honor, you asked me a question.
17 Can I finish all these?

18 THE COURT: I'm asking you to let me know what
19 exhibits you want to review, not exhibits you're claiming that
20 you've never looked at.

21 THE DEFENDANT: Okay. Your Honor, it's --

22 THE COURT: So why don't we do this, sir: The first
23 five, let's take the opportunity now to give them to you --

24 THE DEFENDANT: Your Honor, I want to answer your
25 question.

1 THE COURT: Let's give you the opportunity to review
2 that. So Mr. Surmacz --

3 THE DEFENDANT: Your Honor, I want to answer your
4 question.

5 THE COURT: Mr. Elbeblawy, stop, sir, because what
6 you're doing is listing for the Court eight pages without
7 understanding what it is that you're requesting.

8 THE DEFENDANT: It's checks. I can give you the
9 descriptions in detailed.

10 THE COURT: All right. So you would -- you would like
11 all the checks?

12 THE DEFENDANT: I'm not finished, Your Honor. There
13 is more.

14 THE COURT: I understand that. But rather than --
15 what I'm not going to do, which I said to you yesterday, is
16 delay the trial, since you had a full hour yesterday. And what
17 you did is you didn't take the opportunity to review the
18 exhibits that were provided, for the sole reason that you
19 didn't trust the Government.

20 So what I'm now asking is for the first five exhibits
21 to be given to you; 241, 212, 213, 214, and 200. If we can
22 provide those to Mr. Elbeblawy, put them in front of him, so he
23 can review them.

24 I also do want to advise the parties, unfortunately,
25 we are waiting for one juror. But we do have -- in a civil

1 matter we have a settlement conference at 10:00 that we do have
2 to address in open court. So we are going to take a recess
3 from this case at 10:00 to address that settlement conference.
4 So I would ask that if you can place your items to the side,
5 Mr. Elbeblawy will be taken back into custody. We'll take a
6 recess from this case for approximately 20 minutes to 30
7 minutes.

8 MR. SURMACZ: No problem, Judge.

9 Just so -- for the record, some of the exhibits he
10 requested are hard copy. We're handing those over now. A
11 couple are on CDs. We're getting the computer from upstairs,
12 so he can review them.

13 THE COURT: Thank you.

14 THE DEFENDANT: Can I request more, so they can work
15 on it to provide it to me later on, so I can do it in my
16 lunchtime?

17 THE COURT: There are 12 exhibits that Mr. Elbeblawy
18 has referenced. You've given the first five. If you can also
19 place in front of him 201, 202, 203, 204, 205, 206, and 207.

20 MR. SURMACZ: No problem, Your Honor.

21 THE COURT: And we have the witness ready to go for
22 the continuation of cross-examination?

23 MR. SURMACZ: She is. She's sitting in the witness
24 room.

25 THE COURT: Are there any additional issues to

1 address?

2 MR. MATTERS: Judge, where would you like me to put
3 these exhibits?

4 THE COURT: Are those the first five or the other
5 seven?

6 MR. MATTERS: Yes.

7 THE COURT: All right. Let's place them in front of
8 Mr. Elbeblawy, if you can.

9 MR. SRIDHARAN: And we have the other seven right
10 here.

11 THE DEFENDANT: Your Honor, when you would allowed me
12 to review the first five exhibits, since --

13 THE COURT: I would start right now, sir.

14 THE DEFENDANT: Okay.

15 THE COURT: All right. All our jurors are present.
16 If we can bring the witness, and let's continue with the
17 cross-examination.

18 THE DEFENDANT: Your Honor, some of the exhibit also
19 CDs, as you see.

20 THE COURT: Yes. And those are the same CDs that were
21 provided to you last night.

22 THE DEFENDANT: Where can I --

23 THE COURT: As Mr. Surmacz stated, the same laptop
24 that was provided to you last night --

25 THE DEFENDANT: The Government's laptop.