

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Jared Lee Loughner,

Defendant.

NO. CR 11-187 TUC-LAB

Phoenix, Arizona

January 24, 2011

1:27 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

(Arraignment)

BEFORE THE HONORABLE LARRY A. BURNS

Court Reporter:

Merilyn A. Sanchez, CRR
401 W. Washington, SPC 37
Phoenix, AZ 85003-2118
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Proceedings taken by stenographic court reporter
Transcript prepared by computer-aided transcription

1 has returned a three-count Indictment. Waiving has been
2 read (sic). Is Mr. Loughner prepared to enter a plea at
3 this time, Mr. Clarke?

4 MS. CLARKE: We would ask that the Court enter
5 the plea.

6 THE COURT: Okay. A not guilty plea is entered
7 on behalf of the defendant to all three counts of the
8 Indictment.

9 Mr. Loughner, you have a right to a speedy public
10 jury trial. You have a right to counsel. You have a right
11 against self-incrimination. Those rights abide and stay
12 with you throughout the proceeding.

13 Bail has been set in this matter. Ms. Clarke, I
14 think the first order of business is to ask whether you have
15 any question or doubt in your mind about the defendant's
16 ability to assist you at this time, or to understand the
17 nature of the proceedings.

18 MS. CLARKE: We are not raising that issue at
19 this time, Your Honor.

20 THE COURT: All right. Does the Government have
21 any concern to that effect?

22 MR. KLEINDIENST: Not at this time, Your Honor.

23 THE COURT: All right.

24 MR. KLEINDIENST: Perhaps later.

25 THE COURT: The next issue for me is,

1 Mr. Kleindienst, let me ask of you, I know that a Indictment
2 has been returned. Does the Government have in mind that
3 there will be a Superceding Indictment, or is there any plan
4 present to present additional charges to a grand jury?

5 MR. KLEINDIENST: I can tell the Court that there
6 is a possibility of a Superceding Indictment in this case,
7 Your Honor.

8 THE COURT: Has any timetable been set or
9 estimated for that?

10 MR. KLEINDIENST: Not definitely, Your Honor.

11 THE COURT: Okay. How about ballpark? Can you
12 give me an idea? This is kind of critical to the
13 date-setting function that we would do.

14 MR. KLEINDIENST: I would say about 30 days, Your
15 Honor.

16 THE COURT: All right. You may have a seat,
17 Mr. Loughner, and Ms. Clarke.

18 What about discovery at this time, Ms. Clarke?
19 Can you bring me up to speed on that? Have you received
20 some discovery in the case?

21 MS. CLARKE: Your Honor, we were presented with
22 a -- an envelope of some disks right when we came into the
23 courtroom. I'm not exactly sure what it is. But that
24 process is ongoing.

25 THE COURT: All right. Mr. Kleindienst, do you

1 want to speak to that?

2 MR. KLEINDIENST: Yes, Your Honor. We provided
3 to counsel a disk that has about 45 tapes that came from the
4 defendant's residence, from his computer. We've also turned
5 over by disk about 250 interviews of witnesses that have
6 been interviewed in this case since the crimes were
7 committed. And that number is about 250. And obviously, as
8 more discovery is available to us, we will make it available
9 immediately to the defense counsel.

10 THE COURT: Okay. Is it your intention, and I
11 use this term kind of loosely, but is it your intention to
12 treat this as an open discovery case where you give over
13 things and not hold back things?

14 MR. KLEINDIENST: Unless there's some legal
15 basis, Your Honor, to withhold something, that is the
16 Government's policy, that's correct.

17 THE COURT: Okay. And would you inform defense
18 counsel if you are withholding something, at least alert her
19 that there's something being withheld?

20 MR. KLEINDIENST: I will, Your Honor.

21 THE COURT: Okay. Are you satisfied with that
22 then, Ms. Clarke?

23 MS. CLARKE: Yes, Your Honor.

24 THE COURT: I received today a motion filed by
25 the United States to return the case to the Tucson division.

1 Have you had a chance to look at that?

2 MS. CLARKE: Your Honor, I saw that last night.
3 And it appears to be in accordance with the local rules that
4 proceedings in this particular case, given the location of
5 the offense, would be in Tucson.

6 The only thing we ask, and I talked to
7 Mr. Kleindienst moments ago, is the opportunity to figure
8 out where Mr. Loughner would be housed and to address those
9 issues before the Court rules.

10 THE COURT: Okay. Do you oppose it, or you just
11 want to -- you want to find out what the situation is before
12 you take a position?

13 MS. CLARKE: Right. I don't think that we are
14 going to have any real opposition to that. I just want to
15 find out where Mr. Loughner would go and how those
16 arrangements would be made.

17 THE COURT: All right.

18 MS. CLARKE: But if we could alert the Court
19 maybe in a couple of days.

20 THE COURT: Okay. I'll keep the motion under
21 advisement. If there is agreement on that, then you can
22 present a stipulated order to me.

23 MR. KLEINDIENST: There are two facilities,
24 Your Honor, that are close to -- geographically close to the
25 courthouse in Tucson, which I don't think would make it

1 unreasonable for her to have her client there, Your Honor.

2 THE COURT: All right. What about scheduling
3 now?

4 I'm reluctant to set any dates beyond like a
5 status or a motion date at this time until such time that
6 you know, Ms. Clarke, and Mr. Kleindienst is certain as to
7 what all the charges are going to be. I think, as I think
8 about it, depending on what additional charges may be
9 forthcoming, it certainly affects how you prepare and how
10 long would be a necessary preparation time. Do you have any
11 thoughts on that?

12 MS. CLARKE: I think that's right, Your Honor.
13 If the Court could set a status conference, there are some
14 issues that we are considering and trying to deal with right
15 now that we can bring to the Court's attention soon. But if
16 the Court would set a status conference in 30 days, I think
17 maybe that would be the best thing.

18 THE COURT: Mr. Kleindienst, were I to do that,
19 do you think that would allow enough time for the Government
20 to decide what, if any additional charges they are going to
21 bring and to present those such that --

22 MR. KLEINDIENST: By the 30-day time period, Your
23 Honor?

24 THE COURT: Right. Right.

25 MR. KLEINDIENST: I can't say that a final

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A P P E A R A N C E S

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1 P R O C E E D I N G S

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3 THE COURTROOM DEPUTY CLERK: This is case number
4 CR 11-187, United States of America versus Jared Lee
5 Loughner, on for arraignment.

6 Counsel please state your name for the record.

7 MR. KLEINDIENST: Good afternoon, Your Honor,
8 Wallace Kleindienst, Beverly Anderson, and Mary Sue
9 Feldmeier for the United States.

10 THE COURT: Good afternoon.

11 MS. CLARKE: Judy Clarke, Rueben Cahn, and Mark
12 Fleming with Mr. Loughner, who is present.

13 THE COURT: All right. Good afternoon.
14 Ms. Clarke, I am informed that an Indictment has been
15 returned in this matter. If you and Mr. Loughner will stand
16 please for arraignment on the Indictment.

17 Madam Clerk.

18 Do you waive reading of the full Indictment,
19 Ms. Clarke?

20 MS. CLARKE: We do.

21 THE COURT: All right.

22 You may arraign him on the Indictment and advise
23 him of his rights.

24 THE COURTROOM DEPUTY CLERK: We don't do that.

25 THE COURT: Oh, hand that to me. The grand jury