

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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BEFORE THE HONORABLE MORRISON C. ENGLAND, JR., JUDGE

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 2:06-cr-0035

VOLUME VI

ERIC McDAVID,

Pages 936 to 939

Defendant.

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REPORTER'S TRANSCRIPT

COURT PROCEEDINGS

WEDNESDAY, SEPTEMBER 19, 2007

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Reported by: DIANE J. SHEPARD, CSR #6331, RPR

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APPEARANCES

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(Not able to appear.)

1 SACRAMENTO, CALIFORNIA

2 WEDNESDAY, SEPTEMBER 19, 2007

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4 (Jury in.)

5 THE CLERK: Calling case 06-cr-00035, United States
6 v. Eric McDavid. On for jury trial, day six, Your Honor.

7 THE COURT: How do I follow that one?

8 Good morning. As you can see, Mr. Reichel is not
9 present. He did call this morning, and apparently is in pretty
10 bad shape and won't be able to make it here today.

11 He says that -- he promises -- and first of all, he
12 apologizes to all of you, Mr. Lapham, his client, the Court,
13 for not being present. He was trying his best to be here, but
14 he simply can't.

15 But he will be able to be here, he promises, on
16 Monday, and that's what we're going to have to do at this point
17 in time is to kick this over a couple of days into next week.

18 I'm sorry that this has happened, but, again, I don't
19 know that there's much that anyone could do at this point in
20 time. And I'm not upholding my end of the bargain regarding
21 the evidence being presented by today, and I apologize for
22 that. But we will just have to do what we have to do.

23 So if I can have you all leave today and come back
24 next Monday, I would appreciate it. Hopefully at that time
25 we'll be able to get a better handle on how much time we're

1 talking about. I think we should be able to get it done in
2 fairly short order at that point in time. Any questions?

3 ALTERNATE 2: Definitely Monday. There's a pretty
4 strong possibility of Tuesday? Because I want to get my sub
5 set up.

6 THE COURT: Yes. I think that would be smart. If
7 nothing else, ladies and gentlemen, please, again, remember the
8 admonitions regarding not discussing the case, forming
9 opinions, reading newspaper articles or viewing television
10 reports or listening to reports on the radio.

11 If there's nothing else, thank you very much. We'll
12 see you Monday morning at 9:00 a.m. Court's adjourned. Thank
13 you.

14 (Court adjourned.)

15 CERTIFICATION

16
17 I, Diane J. Shepard, certify that the foregoing is a
18 correct transcript from the record of proceedings in the
19 above-entitled matter.
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21

22 /S/ DIANE J. SHEPARD
23 DIANE J. SHEPARD, CSR #6331, RPR
24 Official Court Reporter
25 United States District Court