

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CRIMINAL MINUTES - TRIAL**

Case No. 2:07-CR-00015-001At Big Stone Gap, VirginiaDate 6/24/08 & 6/25/08PRESENT: HON James P. Jones, JUDGEFelicia ClarkBridget DickertRandy Ramseyer/Tyler NewbyDeputy ClerkCourt ReporterAsst. U.S. Attorney

U.S.A. v. (DEFENDANTS LISTED BELOW)

(1) Daniel Dove✓ present custody ✓ bond O/R(2) present custody bond O/R(3) present custody bond O/R(4) present custody bond O/R present custody bond O/R present custody bond O/R

ATTORNEYS FOR DEFENDANTS

(1) Michael Gunlick✓ present apptd. ✓ retained(2) present apptd. retained(3) present apptd. retained(4) present apptd. retained present apptd. retained present apptd. retained Case called and continued to for trial.✓ JURY TRIAL. The Jury impaneled and sworn (see attached list) COURT TRIAL✓ Introduction of evidence for Government begun ✓ concluded; Motion for judgment of acquittal granted denied under advisement✓ Introduction of evidence for defendant begun, ✓ concluded; Motion for judgment of acquittal renewed granted denied under advisement Rebuttal evidence; Surrebuttal evidence; ✓ Evidence concluded Case continued to for further trial Closing Arguments Jury charged by court Jury retires to deliberate at jury returns at JURY VERDICT. (See signed verdict as to each defendant. FINDING BY COURT.(1) Defendant (2) Defendant (3) Defendant (4) Defendant Jury polled. Polling waived. Mistrial declared. Jury discharged. Motion after verdict.JUDGMENT: Defendant guilty Defendant not guilty Court received Presentence Report. Copy of Presentence Report not requested. A copy of same was furnished to counsel pursuant to Rule 32 F.R.C.P. Defendant to remain on bond. Defendant remanded to custody. Court orders presentence report. Case continued until 20 at for sentencing. SENTENCE IMPOSED flc Initials of Deputy Clerk

Jury Trial Day 1

9:05 a.m. - All parties present with counsel; 37 jurors present and sworn on voir dire; 12 jurors and 2 alternates were selected; motion hearing held outside the presence of the jury in re: [60] Motion in Limine; objection by the defense; oral argument by the defense; oral argument by the government; court granted motion with limitations stated in open court; government motion to exclude expert witness; argument by government; argument by defense; oral order granted government's motion; oral motion by government to exclude hearsay evidence by potential witnesses during trial; oral order directing defense not to mention hearsay evidence during opening statements; court recessed at 11:15 a.m.; court resumed at 11:29 a.m.; outside the presence of the jury, court discussed issue with juror about computer issues in her own business; court questioned juror; with no objection from counsel the juror remained on the jury; jurors returned to the courtroom; court instructs jury; opening statements by the government; opening statements by the defense; court recessed for lunch at 12:00 p.m.; court resumed at 1:02 p.m.; government presented evidence and questioned witnesses; court recessed at 2:38 p.m.; court resumed at 3:02 p.m.; court recessed at 3:52 p.m.; court resumed at 3:58 p.m.; court adjourned at 4:48 p.m. for the day to resume on 6/25/08 at 9:00 a.m.

Time In Court: 9:05 a.m. - 11:15 a.m.; 11:29 a.m. - 12:00 p.m.; 1:02 p.m. - 2:38 p.m.; 3:02 p.m. - 3:52 p.m.; 3:58 p.m. - 4:48 p.m.
Total: (4 hours 49 minutes)

Jury Trial Day 2

9:04 a.m. - AUSAs, defendant w/ counsel and fourteen (14) member jury panel present for continuation of jury trial; government evidence continues; court recessed at 10:34 a.m.; court resumed at 10:59 p.m.; governments evidence continued; court recessed for lunch at 11:57 a.m.; court resumed at 1:00 p.m.; government rested; outside the presence of the jury; oral argument as to previous motion to exclude defendant's expert witness testimony; court will allow testimony of witness but is directed that witness not disclose opinion when testifying; court recessed at 2:08 p.m.; court resumed at 2:18 p.m.; issue as to hearsay evidence by the def.; argument by the defense; court denied as inadmissible evidence; defense presented evidence and questioned witnesses; court recessed at 4:02 p.m.; court resumed at 4:14 p.m.; court adjourned at 5:57 p.m. for the day to resume on 6/26/08 at 9:00 a.m.; jury to report at 9:30 a.m.

Time in Court: 9:04 a.m. - 10:34 a.m.; 10:59 a.m. - 11:57 a.m.; 1:00 p.m. - 2:08 p.m.; 2:18 p.m. - 4:02 p.m.; 4:14 p.m. - 5:57 p.m.
Total: (6 hours 51 minutes)