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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) No. 18-MJ-2504
)
v.) June 12, 2018
)
VICENTE ROSARIO-RAMIREZ,) 3:33 p.m.
)
Defendant.) San Diego, California
)

TRANSCRIPT OF BENCH TRIAL - DAY 2
BEFORE THE HONORABLE LARRY ALAN BURNS
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: UNITED STATES ATTORNEYS OFFICE
By: DAVID FINN, ESQ.
880 Front Street
San Diego, California 92101

For the Defendant: FEDERAL DEFENDERS OF SAN DIEGO, INC.
By: MARCUS S. BOURASSA, ESQ.
MICHAEL A. MARKS, ESQ.
225 Broadway
San Diego, California 92101

Court Interpreter: MATIAS PIZARRO

Court Reporter: CYNTHIA R. OTT, RDR, CRR
District Court Clerk's Office
333 West Broadway, Suite 420
San Diego, California, 92101
cynthia_ott@casd.uscourts.gov

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1 SAN DIEGO, CALIFORNIA, JUNE 12, 2018, 3:30 P.M.

2 * * * *

3 THE COURTROOM DEPUTY: Calling matter number 10,
4 18-MJ-2504, Vicente Rosario Ramirez for second day of bench
5 trial.

6 MR. BOURASSA: Good afternoon, Your Honor, Marcus
7 Bourassa on behalf of Mr. Rosario.

8 THE COURT: All right, Mr. Bourassa, good afternoon.

9 MR. MARKS: Good afternoon, Your Honor, Michael Marks,
10 Federal Defenders, for Mr. Rosario.

11 THE COURT: Good afternoon, Mr. Marks.

12 MR. FINN: Good afternoon, Your Honor, David Finn on
13 behalf of the United States.

14 THE COURT: All right. Mr. Finn is here for the
15 government.

16 MR. FINN: Your Honor, the United States, has a
17 motion, and, I apologize, I contacted Tisha earlier.

18 THE COURT: Hold on one second and let's make sure
19 Mr. Rosario is on board. Are you hearing us through the
20 interpreter, Mr. Rosario?

21 THE DEFENDANT: Yes.

22 THE COURT: The defendant is present. Counsel are
23 present. Mr. Finn.

24 MR. FINN: Thank you, Your Honor. The United States
25 moves the Court for an order to dismiss this case in the

1 interest of justice.

2 As the Court is aware, there's a number of issues with
3 this case going to trial so quickly. And those issues have
4 kind of continued throughout the weekend with the United States
5 complying with its discovery and the issues with the witnesses
6 that at this time we're moving to dismiss in the interest of
7 justice.

8 THE COURT: All right. I mean, I wish you would have
9 told me this at the inception, it would have avoided three
10 hours of testimony and all of these motions and the
11 consternation of the defense counsel.

12 Do you have any objection?

13 MR. BOURASSA: No, Your Honor, we just ask that the
14 order be with prejudice.

15 THE COURT: You're not intending to recharge him,
16 right?

17 MR. FINN: No, Your Honor.

18 THE COURT: The motion to dismiss the charge with
19 prejudice is granted. The defendant is discharged from
20 criminal custody.

21 MR. MARKS: Your Honor, if the Court could allow me to
22 speak to Mr. Rosario.

23 THE COURT: Yeah, sure.

24 MR. MARKS: His wife is in custody and I wanted to let
25 him know what was going on.

1 THE COURT: You need a minute or two? The marshals
2 will certainly accommodate you.

3 (The proceedings concluded at 3:33 p.m., June 12, 2018.)
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COURT REPORTER'S CERTIFICATE

I, CYNTHIA R. OTT, Official Court Reporter, United States District Court, Southern District of California, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a true, complete and correct transcript of the stenographically reported proceedings had in connection with the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

DATED at San Diego, California, June 18, 2018.

_____/s/ CYNTHIA R. OTT_____
CYNTHIA R. OTT, RDR, CRR