

1 the aspects of the motion we filed, and I think it's a lot for  
2 the Court to have to deal with, quite frankly, and I know the  
3 Court is going to try and do the best it can with the  
4 situation, but I don't think it's tenable and -- I don't ask  
5 for mistrials easily, I have probably asked for four in my  
6 entire career, I don't see a way out of this problem.

7 (Pause.)

8 THE COURT: All right, I'm going to deny the  
9 defendant's motion for a mistrial. Any issues caused by a  
10 witness referring to certain individuals by their first name  
11 only and by asking the Government if they may use last names  
12 of certain other individuals can be cured by a jury  
13 instruction, which I will give. Going forward, the Government  
14 shall provide the defendant and each witness, including the  
15 current witness, with a list of the individuals whose identity  
16 should be protected from the public and the press, that way  
17 each witness can refer to the list rather than asking the  
18 Government whether a particular individual's identity is  
19 protected.

20 You don't have a proposed jury instruction.

21 [REDACTED] Not yet, Your Honor.

22 THE COURT: I have one.

23 To the jurors: You may have noticed during  
24 yesterday's testimony that the witness used first names of  
25 certain individuals. That is because the names of certain

1 alleged victims are being withheld from the public and the  
2 press to protect the privacy of those individuals. I have  
3 therefore instructed the parties to refer to those individuals  
4 by their first names only; however, those full names are known  
5 to the Government, the defendant, and to the Court.

6           You may also have noticed that the witness was  
7 asking the Government whether she should say the last names of  
8 certain individuals. Going forward, the witnesses will  
9 receive a list of the individuals whose last names are to be  
10 protected to which they may refer while testifying.

11           Anything else you want me to put in there?

12           [REDACTED] Not from the Government Your Honor.

13           THE COURT: You object?

14           MR. AGNIFILO: I do, Judge.

15           THE COURT: Your objection is noted.

16           Also, I'm going to direct that the parties shall not  
17 make any speaking objections. If the basis for an objection  
18 is not apparent, the parties may request a sidebar.

19           MR. AGNIFILO: Very good. Thank you, Judge.

20           THE COURT: Okay, what else?

21           [REDACTED] Nothing else from the Government, but we  
22 would just ask for five minutes to make sure that the list is  
23 correct for the current witness.

24           THE COURT: All right, we'll take a five-minute  
25 break.