

Judge's comments regarding length of trial:

Page 811 During cross of Nelda Old

“Something is going to have to be done to speed this thing up, or, something but we're just going too slow at this point”

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“See what you can do to maybe help the Court a little bit and speed things up somewhat”.

Page 818 – After the Judge's comments we cut short cross of Nelda saying we didn't cover all of our exhibits. Counsel felt that from Judge's comments and demeanor he did not feel she was a credible witness and he would appreciate our moving on.

Page 829

Jon Babineau – “ This is the last document that I'm going to talk about this go around Judge”

Page 1150 – when we advise Judge that we have shortened trial by one witness his response is “Hallelujah”

Page 1183 – Judge says he was told 3 days for government and 2 days for our portion.

Page 1185 – We advise that we'll only take 15 minutes for Ed Shields. Ed was critical witness to testify regarding the bank's actions towards him and his involvement in the CFM program through bank. In addition, to testify regarding the disposition of our collateral and his knowledge of the reasons the bank gave for their actions. In addition we were to have called Tim Miller from United Leasing, but decided not to. On the other hand, the government produced a parade of witnesses at the beginning of trial whose testimony related to the amount of work completed on the projects. **We never contended that the work was complete and their testimony was useless. The Judge never objected to the amount of time spent on the minutiae of the jobs.**

Page 1198 - Judge lets in info regarding the UL/Resource Bank agreement saying that “if” there is a finding of guilt it could affect the sentencing guidelines.

Page 1391

James Broccoletti – “Judge we're trying to move through this in an expeditious fashion”

Page 1421 – Judge telling us to be done by Thursday. – going to have to finish tomorrow.

Page 1422 – Judge – **We have to finish tomorrow or we're going to have a problem** In addition, in order to “help the judge finish” we stipulated to Gov. Exh. #41 regarding money laundering. Now in the PSR the Government is adding (tripling) the amount of money under the money laundering charge even though Exh. 41 is the only document they produced at trial.

Reading the transcript you will see that the judge's comments regarding finishing are only related to our counsel, not the government.