

DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Diane J. Humetewa

Date: November 16, 2023

USA v. Michael Lacey, et al

Case Number: CR-18-00422-PHX-DJH

Assistant U.S. Attorneys: Kevin Rapp, Austin Berry, Margaret Perlmeter, Andrew Stone, Peter Kozinets, Daniel Boyle, Joseph Bozdech

Attorneys for Defendants: Paul J. Cambria Jr., Retained for Defendant Lacey, present; **Bruce S. Feder**, Retained (*Knapp*) and **Eric W. Kessler**, CJA for Defendant Spear, present; **Gary S. Lincenberg**, and **Gopi Panchapakesan**, Retained for Defendant Brunst, present; **David S. Eisenberg**, CJA for Defendant Padilla, present; **Joy M. Bertrand**, CJA for Defendant Vaught, present.

Defendants: Present Not Present Released Custody Summons Writ

JURY TRIAL (Day 34):

(9:12 a.m. Jury resumes deliberations and informs the Court of a written inquiry. 10:19 a.m. Recess. 10:45 a.m. Jury resumes deliberations.)

11:02 a.m. Court reconvenes. Jury inquiry and response discussed, and will be provided to the Jury as set forth on the record. Government is directed to file a Response to Defendants' First Supplement to Motion to Strike Testimony (Doc. 1972) by this evening. 11:24 a.m. Recess.

(11:30 a.m. Jury provided with response to written inquiry. 11:48 a.m. Recess. 1:04 p.m. Jury resumes deliberations. 3:19 p.m. Jury informs the Court that they have a written note and verdict.)

4:06 p.m. Court reconvenes. 4:08 p.m. Jury present. Court reads Jury's note in open court and directs the Courtroom Deputy to retrieve the verdict from Foreperson, Juror #2. Upon the Court's review, the verdict is read into the record by the Courtroom Deputy. Defendant Lacey (1) is found guilty as to Count 100 of the Superseding Indictment, and no verdict is returned as to Counts 1-70, 81, 83-84, 86, 88-92, 94-99 of the Superseding Indictment. Defendant Scott Spear (3) is found guilty as to Counts 1-18, 52-62, 71-78, 85, and 93 of the Superseding Indictment, and not guilty as to Counts 19-51, and 63-68 of the Superseding Indictment. Defendant John Brunst (4) is found guilty as to Counts 1, 52-62, 64-70, 78-84, 86-93 of the Superseding Indictment, and not guilty of Counts 2-51, and 63 of the Superseding Indictment. Defendant Andrew Padilla (6) is found not guilty as to Counts 1-51 of the Superseding Indictment. Defendant Joye Vaught (7) is found not guilty as to Counts 1-51 of the Superseding Indictment. Jury is polled and released with the gratitude of the Court. 4:38 p.m. Recess.

4:56 p.m. Court reconvenes. **IT IS ORDERED** declaring a mistrial with respect to the counts that the Jury did not reach a verdict as to Defendant Lacey (1), Counts 1-70, 81, 83-84, 86, 88-92, 94, 95-99 of the Superseding Indictment.

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IT IS FURTHER ORDERED that a Judgment of Acquittal shall be entered as to Defendants Andrew Padilla (6) and Joye Vaught (7).

IT IS FURTHER ORDERED directing Pretrial Services to release to Defendants Padilla and Vaught, their passports.

IT IS FURTHER ORDERED that Defendants shall have until November 29, 2023 to supplement their Oral Rule 29 Motion. Government shall file its Response by December 8, 2023. The Court will inform Defendants if a Reply is necessary.

IT IS FURTHER ORDERED extending the deadline by which the Government shall file its Response to Defendants' Motion (Doc. 1972) to and including November 22, 2023. Defendants' Reply if any, is due seven (7) days thereafter. 5:16 p.m. Recess.

Later (off the record): As to the pending Motion for Protective Order (Doc. 1948) and Motion to Intervene (Doc. 1957), the Court will order expedited responses to both Motions.

IT IS ORDERED that any party seeking to Respond to either Motion (Doc. 1948 or 1957) shall do so no later than November 19, 2023. Any replies shall be filed by November 21, 2023.

Court Reporter Hilda Lopez
Deputy Clerk Liliana Figueroa

Start: 11:02 AM
Stop: 5:16 PM
Total: 1hr 14min