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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES OF AMERICA, . Case No. 4:09-mj-04014-HDY
Plaintiff, . Little Rock, Arkansas
v. . Tuesday, March 10, 2009
9:05 a.m.
RANDEEP MANN, .
Defendant. .
.

TRANSCRIPT OF DETENTION HEARING - VOLUME 2
BEFORE THE HONORABLE H. DAVID YOUNG
UNITED STATES MAGISTRATE JUDGE

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	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>	<u>Further Redirect</u>
<u>WITNESSES FOR PLAINTIFF:</u>					

None

WITNESSES FOR DEFENDANT:

Henry Limgo	133	138	--	--	--
Annette Smith	141	146	--	--	--
Sangeeta Mann	149	174	201	207	--

EXHIBITS:

Marked

Received

Plaintiff's:

None

Defendant's:

Ex. 2			173	174
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1 LITTLE ROCK, ARKANSAS, TUESDAY, MARCH 10, 2009, 9:05 A.M.

2 THE COURT: All right. We're ready to resume. I
3 believe we complete the Government's case.

4 And, Mr. Hendrix, you were going to call your first
5 witness.

6 MR. GORDON: Your Honor --

7 MR. HENDRIX: Sorry, Mr. Gordon.

8 MR. GORDON: -- before the defense proceeds, I'd like
9 to make a correction on the record.

10 This is in regards to the allegations of C-4 being found,
11 or seen, in Mr. Mann's residence. Again, there was a
12 discussion about an email we received yesterday. After the
13 court hearing we went back and found the email and read it
14 again.

15 It's an email that talks about three men, one of which is
16 Dr. Mann, and there's a discussion about C-4 being found in a
17 house. There were a lot of pronouns and possessive pronouns,
18 hes and hises thrown around, and it -- when it talked about the
19 C-4, it said it was found in "his" house. When we first read
20 the email, we interpreted it to mean Dr. Mann's house.

21 We did go back and check with the source yesterday, and
22 they said, no, it was not Dr. Mann's house; it was one of the
23 other gentlemen's house. So we wanted to clarify that for the
24 record.

25 THE COURT: All right.

1 MR. GORDON: Thank you.

2 THE COURT: Mr. Hendrix?

3 MR. HENDRIX: All right. Henry Limgo.

4 HENRY LIMGO, DEFENDANT'S WITNESS, SWORN

5 DIRECT EXAMINATION

6 BY MR. HENDRIX:

7 Q Good morning.

8 A Good morning.

9 Q State your name for the record, please.

10 A My name is Henry Limgo.

11 Q Spell your last name.

12 A L-I-M-G-O.

13 Q Mr. Limgo, where do you live?

14 A I live in Dover. I used to live in Russellville.

15 Yes, sir.

16 Q How old of a man are you?

17 A Pardon?

18 Q How old of a man are you?

19 A How old I am.

20 Q Yes.

21 A Oh, I'm 60 years old.

22 Q Okay. What do you do for a living?

23 A I am a partner in the restaurant business, sir.

24 Q What's your restaurant? The name of your restaurant,

25 please?

1 A New China.

2 Q And where is New China?

3 A We started in Russellville, and we opened branches in
4 some areas in Arkansas, sir.

5 Q Okay. Where are you originally from?

6 A I'm from the Philippines.

7 Q And how long have you been in the States?

8 A About 13 years, sir.

9 Q Thirteen?

10 A Yes, sir.

11 Q And in Arkansas specifically?

12 A In Arkansas.

13 Q You're saying you came directly from the Philippines
14 to Arkansas?

15 A Yes, sir.

16 Q And have you lived in the Dover area for those 13
17 years?

18 A I lived in Dover for the past four years, sir.

19 Q Okay.

20 A I was in Russellville before.

21 Q Okay. In that general area.

22 A Yes, sir.

23 Q Randeep Mann -- do you know Dr. Mann?

24 A Yes, sir.

25 Q How do you know him?

1 A I've known Dr. Mann for about five years. The first
2 time I met him was when my daughter was having a miscarriage --
3 I think it was 2004 -- and she was bleeding. It was a Saturday
4 and I couldn't get hold of doctors, so I called up a friend to
5 help me. She gave me the number of Dr. Mann, and I called up,
6 and he came to his clinic to check my daughter. That's how I
7 met him, sir.

8 Q Okay. And when was that?

9 A I think the year 2004.

10 Q Okay. So if you -- you first met him in 2004, so
11 you've known him about four or five years now.

12 A Yes, sir.

13 Q Okay. What is your -- the nature of your
14 relationship with him like now? Are you friends, also
15 patients?

16 A I am a patient, sir.

17 Q Okay.

18 A He's our family doctor, and since I'm in the food
19 business, he loves to make barbeque once in a while, and he
20 will call me. And during the time I have known him, I have
21 probably been to his house about six times doing barbeque with
22 him. Yes, sir.

23 Q Give us a general idea of how much contact you have
24 with Dr. Mann, and by that I mean either seeing him or chatting
25 on the phone, something like that.

1 A I will see him at the restaurant when he would come
2 in with his family. And over the phone I would sometimes ask
3 him if I don't feel comfortable -- it's more a consultation
4 over the phone if he answers the phone. Yes, sir.

5 Q You've been to his house on social occasions?

6 A Yes, sir. Maybe about six times for barbeque.

7 Q Who all have you seen there living at the house?

8 A Living at the house.

9 Q Uh-huh.

10 A His family, his children, sir.

11 Q And so his wife?

12 A Yes, sir.

13 Q And he has grown children. Is that right?

14 A He has four children.

15 Q Okay. Have you ever met his father and mother?

16 A I saw the father twice, when he was on vacation here.
17 I don't remember what year, but I saw him twice; on two
18 occasions I saw the parents.

19 Q When he was here on vacation, did you get a sense of
20 how long he was here?

21 A No, sir.

22 Q Okay. And was he living at the house during that
23 time?

24 A That's what I know, yes, sir.

25 Q Are you aware of his gun collection?

1 A Yes, sir, because he showed it to his other friends
2 who came to the barbeques, so I was just looking at his
3 collection.

4 Q Let me ask you this, have you ever seen him do
5 anything dangerous with his gun collection, any of the guns in
6 the gun collection?

7 A No, sir.

8 Q Give us your general opinion, based on what you know
9 of Dr. Mann, how long you've known him and the nature of your
10 relationship, what's your opinion of Dr. Mann?

11 A Dr. Mann, my opinion of Dr. Mann is that he's a very
12 responsible physician actually, as far as I'm concerned. He is
13 always available to help, even on weekends or nights when we
14 call him. And maybe not only me, maybe with his other patients
15 too. And also when I seen him, he's always with his family, so
16 he's a responsible family man, sir.

17 Q I was going to ask you about that. You've seen the
18 interaction between him and his family. What's your opinion of
19 the nature of that relationship, what kind of family man is he?

20 A I think he's very close to his children and his wife,
21 because every time he would have a gathering, they're always
22 present.

23 Q I'm sorry. Say that one more time?

24 A I said every time he would have a barbeque or
25 something with friends, his family members are always there.

1 Q Overall, what is your sense of Dr. Mann?

2 A Can you rephrase your question, sir?

3 Q Sure. Overall, what is your opinion -- give us some
4 more adjectives, some words that you think describe Dr. Mann.

5 A I can describe Dr. Mann, based on my relationship
6 with him, he's a very good doctor, he's a responsible family
7 man, and he's a friend.

8 Q Would you have any problems, and I know you live in
9 the area, and what you know about the area and the neighbors
10 and so forth, about him being released back into the community?

11 A No, sir.

12 MR. HENDRIX: I'll pass the witness.

13 CROSS-EXAMINATION

14 BY MR. GORDON:

15 Q Good morning, sir.

16 A Good morning, sir.

17 Q Is it Mr. Limgo?

18 A Yes, sir.

19 Q Okay. If I say it wrong, I apologize. How long have
20 you personally been a patient of Dr. Mann?

21 A Personally I will say about three years.

22 Q When was the last time he treated you or you visited
23 him?

24 A For a consultation, I don't know how many months ago,
25 but I had -- he prescribed medicine for me.

1 Q Okay. Three years ago he prescribed medicine to you,
2 or -- no, when did he prescribe this medicine for you?

3 A He prescribed this medicine about -- maybe over a
4 year ago, sir.

5 Q What kind of medicine?

6 A It's -- I'm taking three kinds of medicine. Okay.
7 One is Crestor for my cholesterol, and then I'm taking Maalox
8 and Tums and lisinopril for -- to control my blood pressure,
9 and my knee infection, sir.

10 Q Okay. So it's a knee infection?

11 A Uh-huh.

12 Q Have you seen Dr. Mann for any pain management
13 issues?

14 A No, sir.

15 Q How about your daughter?

16 A No, sir.

17 Q Has Dr. Mann prescribed your daughter any
18 medications?

19 A For her pregnancy? No, she lost the baby afterwards.
20 She was bleeding, sir.

21 Q Okay. And that was back in '04. Correct?

22 A Yes, sir. Yes, sir.

23 Q And you testified that you've seen Dr. Mann's gun
24 collection?

25 A Yes, sir.

1 Q Tell us about that. What did you see?

2 A I am not a gun person. He has quite a lot of
3 collections he was showing his friends.

4 Q Had you ever seen that many guns before?

5 A Private collection, no, sir. I have never been
6 interested with guns, that's why.

7 Q Have you ever seen those types of weapons before?

8 A Oh, no, sir.

9 Q Has Dr. Mann allowed you to fire any of them?

10 A No, sir.

11 Q Has he let you watch him fire some?

12 A No, sir.

13 Q Have you seen anyone fire his weapons?

14 A No, sir.

15 Q Did you ever have any conversations with Dr. Mann
16 about the guns; like did he ever tell you got them from?

17 A No, sir.

18 Q So you see this large stash of weapons that you've
19 never come across before, and you've never asked him, How do
20 you get this stuff?

21 A He was telling his friends that it was his collection
22 for so many years. I just listened, sir.

23 Q Did he ever tell about selling them?

24 A No, sir.

25 Q Thank you.

1 MR. GORDON: No further questions.

2 MR. HENDRIX: No follow up, Judge.

3 THE COURT: You can stand down.

4 May he be excused?

5 MR. HENDRIX: Yes, sir.

6 THE COURT: You're excused.

7 (The witness was excused.)

8 MR. HENDRIX: Annette Smith.

9 THE COURT: What was her last name?

10 MR. HENDRIX: Smith.

11 ANNETTE SMITH, DEFENDANT'S WITNESS, SWORN

12 DIRECT EXAMINATION

13 BY MS. COUCH:

14 Q Good morning. Could you state your name for us?

15 A Annette Smith.

16 Q Ms. Smith, what do you do, what's your business?

17 A I do claims processing for physicians' offices. I'm
18 a full practice -- a full service for medical practices.

19 Q You do medical billing?

20 A Yes, medical billing.

21 Q Do you have a business title and name?

22 A AR Medical Management.

23 Q How long have you been doing medical billing?

24 A About 11 years.

25 Q And where do you live?

- 1 A In Dover.
- 2 Q Do you know Dr. Randeep Mann?
- 3 A Yes.
- 4 Q And how do you know him?
- 5 A He's a client.
- 6 Q You do his billing?
- 7 A I've been doing his billing for 10 years now.
- 8 Q And in doing his billing, what does that entail? How
- 9 often do you go by; what do you do in order to process his
- 10 billing?
- 11 A I usually go by once a week to do a pick-up of his
- 12 superbills and explanation of benefits, and it requires -- a
- 13 superbill is something that shows the visit for that patient,
- 14 and I'm able to bill from that information and their insurance
- 15 information.
- 16 Q So you essentially pick up the information and
- 17 process the bill and make sure that it --
- 18 A Yes.
- 19 Q -- gets paid? You said you go by at least once a
- 20 week to pick up the bills?
- 21 A Yes.
- 22 Q And you said you've been doing this for about 10
- 23 years?
- 24 A Yes.
- 25 Q Does Dr. Mann have a fairly steady weekly amount of

1 bills?

2 A Yes.

3 Q Have there been significant decreases in his billing
4 for let's say a week out of every month, or two weeks out of
5 every month?

6 A No. It's very consistent.

7 Q Have you noticed Dr. Mann to be out of town a
8 significant amount of time over the past 10 years any given
9 month?

10 A No.

11 Q He works full time?

12 A Yes. He would have to work full time.

13 Q What is Dr. Mann's demeanor? I mean, have you ever
14 seen him act violently or aggressively?

15 A His character? He's always been very happy. Him and
16 Sue are very happy people, and he always welcomes me every time
17 I come in and he sees me. I've never seen him what I would
18 call angry or --

19 Q Aggressive.

20 A Aggressive? Absolutely not.

21 Q And Mrs. Mann, Sue Mann, she also works at the
22 medical clinic?

23 A Yes.

24 Q So do you see both the doctor and his wife regularly?

25 A Yes. I actually see Sue more than I see Dr. Mann.

1 Q She get there earlier in the morning?

2 A She gets there a little bit early just to set
3 everything up, just like an office staff does.

4 Q And are you aware that Dr. Mann has a gun collection?

5 A He's told me that he has a gun collection, yes.

6 Q And I believe he also has a car collection that
7 you've --

8 A Yes. I've actually seen some of his car collection.

9 Q And to your knowledge, when you talked to him about
10 his gun collection, did he describe to you the purpose of it,
11 as a collection, or --

12 A Yes. It's been some years ago since Dr. Mann and I
13 have discussed his guns, and that's the way it was discussed:
14 that they were unusual, something that he collected.

15 Q Have you met Dr. Mann's parents?

16 A Yes.

17 Q Several times?

18 A Three to four times I have met his parents.

19 Q Are you aware that they come to the United States on
20 and off semi-regularly, or what's your understanding of that?

21 A My understanding is that his parents are with him for
22 six months and in India for six months.

23 Q And you did billings -- I'm not sure if you can
24 answer this, but are you aware of his Medicaid -- his case load
25 of Medicaid patients?

1 A Yes. He has a large load of Medicaid patients.

2 Q To your knowledge, is he one of the only providers in
3 the area that services new Medicaid patients?

4 A I believe that there are several physicians in
5 Russellville area who are Medicaid providers, yes, but they can
6 choose how large a load of Medicaid patients that they carry.
7 And there is a limit to how much you can carry, and then they
8 can pull back pretty low on their Medicaid patients.

9 Q Do you have any information, or any knowledge about
10 their willingness to take new Medicaid patients right now? I
11 mean, have any patients or anybody told you that that's become
12 a --

13 A Yes.

14 Q -- problem?

15 A I've actually talked about this with Sue, and the
16 patients that are coming in that are new Medicaid patients for
17 Dr. Mann are saying that they're being let go as Medicaid
18 patients, because those doctors are not carrying as big a load
19 right now.

20 Q So Dr. Mann's necessary to their medical care?

21 A Yes. Medicaid works on a PCP basis, so they must
22 declare a personal care physician whenever they have Medicaid,
23 and if their personal care physician changes, then that is the
24 physician that gets paid for those. And then in order for them
25 to get a referral, that physician actually has to be in the

1 office to give the referral.

2 Q Okay. That's all I have. Thank you.

3 CROSS-EXAMINATION

4 BY MR. GORDON:

5 Q Good morning, ma'am.

6 A Good morning.

7 Q I'm a little confused here, and part of it's because
8 I'm writing while I listen, and I get distracted very easily.

9 You talked about Dr. Mann's wife, Sue. She works in your
10 office or his office?

11 A His office.

12 Q Okay. Is your office -- do you work in their office?

13 A No. I have a home-based business.

14 Q Okay. So when you talked about her coming in early
15 and all -- Sue coming in early all the time and that, that's
16 based on what?

17 A That is to the Skyline Medical Clinic where Dr. Mann
18 practices. And I would go there to pick up claims and
19 explanation of benefits in order to process claims.

20 Q Is Dr. Mann the only physician working at Skyline
21 Medical Clinic?

22 A Yes.

23 Q So who else works there?

24 A Who --

25 Q Anybody else?

1 A No. I must have misunderstood your question. He's
2 the only doctor at Skyline Medical Clinic.

3 Q Okay. What's the status of his medical license?

4 A He's a practicing physician.

5 Q What's the status of his license?

6 A I am not aware of the status of his license, or I'm
7 not understanding your question.

8 Q Okay. Are you aware that he has surrendered his
9 DEA -- the DEA portion of --

10 A Yes.

11 Q -- his license?

12 A I am aware of that.

13 Q Okay. And are you aware that he was -- that license
14 was suspended before as well?

15 A Yes. I would be aware of that, because I can't bill
16 whenever he has a suspended license.

17 Q Okay. So it's currently been suspended since 2006.
18 Correct?

19 A I can't remember the last time that it was suspended.

20 Q When was the first time?

21 [tape change]

22 A -- think so.

23 Q Are you familiar with the reasons why his license was
24 suspended?

25 A Yes.

1 Q Are you familiar with 20 to 30 of his patients dying
2 from overdose?

3 A I read the same reports that everybody else read.

4 Q Are you aware of lawsuits pending against him for the
5 wrongful death of some of his patients?

6 A I'm aware that that was part of it, yes.

7 Q I believe you've written a letter, that I'm assuming
8 the Court will get from the defense in this case, and in that
9 letter you call Dr. Mann a friend?

10 A Uh-huh.

11 Q Okay. So he's not only a business associate; he's a
12 friend?

13 A Yes. I consider both him and Sue friends of mine.

14 Q Have you ever been at their house?

15 A Yes.

16 Q How many times?

17 A I'd say two to three times.

18 Q Have you ever seen Dr. Mann's gun collection?

19 A No. I've only seen pictures that he has shown me.

20 Q Pictures of what?

21 A Of the guns, some of the guns that he owns.

22 Q What was in the pictures?

23 A As I said earlier, I am not a gun enthusiast and so
24 we talked about this several years ago when he first became a
25 client of mine, and we have not discussed his guns since. So I

1 couldn't tell you in great detail what type of guns that he
2 has.

3 Q Okay. Were you impressed by the guns?

4 A I guess so.

5 Q Okay. Did you ask him where he gets the guns from?

6 A No.

7 Q What he does with the guns?

8 A No.

9 Q Why he has the guns?

10 A I didn't ask him. No. It's my understanding that he
11 collects guns.

12 MR. GORDON: Thank you.

13 No further questions.

14 MS. COUCH: Nothing further.

15 THE COURT: You can stand down and be excused.

16 THE WITNESS: Thank you.

17 (The witness was excused.)

18 MR. HENDRIX: Judge, can I have a minute to confer
19 with Ms. Couch about a couple of witnesses?

20 THE COURT: Sure.

21 (Pause.)

22 MR. HENDRIX: Judge, I'll call Sue Mann.

23 THE COURT: All right.

24 SANGEETA MANN, DEFENDANT'S WITNESS, SWORN

25 DIRECT EXAMINATION

1 BY MR. HENDRIX:

2 Q Would you state your name for the record, please.

3 A Sangeeta Mann.

4 Q How do you spell your first name?

5 A S-A-N-G-E-E-T-A.

6 Q What do folks call you?

7 A Excuse me?

8 A What do people call you?

9 A Oh, Sue.

10 Q You are married to Dr. Mann?

11 A Yes.

12 Q And let's take some time and go through -- Sue, I

13 want to go through your background first. Where were you born

14 and raised?

15 A In India.

16 Q Where?

17 A Delhi.

18 Q When were you born?

19 A 1961.

20 Q How long were you in India?

21 A Till 1973.

22 Q And then what?

23 A Then my parents and my family moved to the United

24 States.

25 Q Where?

- 1 A Boston.
- 2 Q How long were you in Boston?
- 3 A Until 1985.
- 4 Q And then where?
- 5 A Then we moved to Milwaukee for now.
- 6 Q When did you and Dr. Mann marry?
- 7 A 1983.
- 8 Q Now, how did you guys meet?
- 9 A We met in India, through our families.
- 10 Q What year was that?
- 11 A 1983.
- 12 Q Okay. And you were married in 1983?
- 13 A Yes.
- 14 Q And were you married in India or America?
- 15 A Yes, in Delhi -- New Delhi.
- 16 Q Okay. So how long was it after you all were married
- 17 that you came to America?
- 18 A We got married in November, and we came here in
- 19 December.
- 20 Q Your background, what's your educational background?
- 21 A I have a bachelor's in computer science and marketing
- 22 from Boston College, and then I have an MBA from Boston
- 23 University.
- 24 Q When did you get your MBA?
- 25 A 1986, I think. I don't even remember.

1 Q And what's your employment history?

2 A History?

3 Q Yes, what have you done for a living?

4 A Oh, while I was in college I was a secretary, and
5 after college I remained at that corporation as a programmer,
6 computer science, then became a systems analyst for another
7 corporation. And then once I had children, I didn't work for a
8 while. And then when my husband opened up his practice in
9 Russellville, that's where I've been employed since then.

10 Q You've been working in the clinic there as --

11 A Yes.

12 Q -- essentially the office --

13 A Yes.

14 Q -- manager?

15 A Uh-huh.

16 Q Okay. Your family, let's -- actually, Sue, what I'm
17 going to do is go down some specific factors that are listed in
18 the statute that I'd like for you to comment on.

19 What is Dr. Mann's physical and mental condition?

20 A (No response.)

21 Q What's his physical condition right now?

22 A Oh, he's had quite a few problems with his neck and
23 back. He has a problem with his lower back; he has a
24 spondylolisthesis, a slipped disk. He's had two neck-fusion
25 surgeries just in the past couple of years, and within the next

1 few weeks he was actually planning on going to see Dr.
2 Schlessinger for maybe a third one, because he was having a lot
3 of problems with his shoulder and his arm.

4 He also is a diabetic, but it's controlled with diet and
5 medication. He has high blood cholesterolemia, asthma,
6 allergies, lots of skin problems.

7 Q Any history of any mental conditions?

8 A No.

9 Q Okay. Now, take a step backwards. I'm going to talk
10 about family and family ties. You guys were married in '83 and
11 came here. Will you go through Dr. Mann's -- I understand he
12 achieved his medical degree in India.

13 A Yes.

14 Q Do you know what year that was?

15 A 1980.

16 Q Bring us up to speed from 1980 to coming to America,
17 where all he's been educated, interned, and so forth, and
18 practiced.

19 A I know after he finished medical school, he did a
20 fellowship in orthopedics at the All India Institute of Medical
21 Sciences in New Delhi, but he didn't finish because we came
22 here.

23 Once we came here, his first objective was just to pass
24 the exams to be able to get a residency in the United States.
25 He did an externship for a while at Brown in Rhode Island with

1 a couple of physicians just to get some recommendations.

2 After that he did a year at Mount Sinai in Milwaukee,
3 Wisconsin in internal medicine. After that he did his
4 residency at the Johns Hopkins Good Samaritan Hospital in
5 Baltimore, and that was three years.

6 After that he did one year of a pulmonary critical-care
7 fellowship at St. Louis University in St. Louis, but they were
8 more research oriented and actually wanted to do all their
9 research on ferrets. And because of his allergies and asthma,
10 he was constantly, constantly sick, so he only did that for
11 about a year.

12 And since then, after that, he did emergency medicine for
13 a very long time, just in different states. We've, you know,
14 lived in lots of different states. And once he decided to not
15 do emergency medicine anymore is when he opened up the practice
16 in Russellville.

17 Q What are his board certifications?

18 A He's board certified in internal medicine, emergency
19 medicine, and pain management.

20 Q Okay. When did you guys get to Arkansas?

21 A In 1999.

22 Q And he opened up --

23 A Well, actually we lived in -- we moved to Little Rock
24 in 1998. We spent a year in Little Rock and then moved to
25 Russellville in 1999.

1 Q And his practice has been in Russellville since 1999?

2 A Yes. Yes.

3 Q Okay. You all have children?

4 A Yes, we do.

5 Q How old are they?

6 A Our oldest is 22, then we have a 20-year-old, a 19-
7 year-old, and a 17-year-old.

8 Q And so what family -- and I think it's really going
9 to be only the children, but what family do you guys have in
10 Arkansas?

11 A We don't have any family in Arkansas, other than our
12 children.

13 Q And the children are where?

14 A In Fayetteville, U of A in Fayetteville.

15 Q All going to school?

16 A Yes.

17 Q Okay. How's the medical practice going?

18 A It's gotten a lot better in the last few months.
19 Before that it was kind of slow, but the last few months it's
20 picked up quite a bit.

21 Q And you're referring to -- I take it there was -- it
22 slowed down after the Board --

23 A Yes.

24 Q -- suspended --

25 A Yes. Yes.

1 Q -- the DEA permit.

2 A Yes. Yes.

3 Q Okay. And what kind of impact did that have on the
4 practice?

5 A We lost, you know, quite a few patients who really
6 needed pain management but had to find other physicians, you
7 know, not in Russellville, but just all over the state; some
8 even had to go out of state.

9 Q Has the practice been built back up?

10 A Yes. It's been building back up the last --

11 Q Tell us about it.

12 A -- few months. In Pope County, my husband is the
13 only physician who has openings for any Medicaid or ARKids
14 patients. All the other physicians in Pope County have closed
15 their case load.

16 So any baby that's born at St. Mary's Hospital who is
17 eligible for ARKids is automatically assigned to Dr. Mann.
18 Anybody who goes through the emergency room and is unassigned
19 on Medicaid or ARKids, where they don't have a primary care
20 physician, gets assigned to Dr. Mann.

21 Anybody who's looking -- you know, who moves into that
22 county has to find a new physician, will get assigned to our
23 clinic. Also we've been seeing quite a few more Hispanic
24 patients from ConAgra-Tyson, because, you know, they like to
25 come to our clinic, because he listens to them and really tries

1 to help them, whereas other clinics just, you know, try to get
2 them in and out of the door as soon as they're able.

3 Q Where is the patient base now as far as -- are you
4 able to make a living, is he making a good living doing what
5 he's doing?

6 A I mean, it's good; it's not as much as it was
7 earlier, but it's picked up in the past few months.

8 Q Have your -- are your revenues back to about where
9 you all want them to be?

10 A No.

11 Q How bad are -- how below are they?

12 A Gosh, maybe the 35, 40 -- not even of they used to
13 be.

14 Q Any problems meeting the bills?

15 A I mean not, you know, not so far, but.

16 Q Let's go through some specific things. Talk to us
17 about the doctor's gun collection.

18 A Gun collection? He started collecting I would say
19 maybe 20-plus years ago. I'm not exact -- you know, exactly
20 sure of the exact dates, but it's been many, many years. And
21 he had always been interested in guns since, you know, his dad
22 was in the military and had -- I'm sure had weapons. But, he
23 would just talk to different people and try to find out where
24 weapons -- or weapons that were historical just to add to the
25 collection.

1 Q And in getting a gun collection, he at some point got
2 a federal firearms license?

3 A Yes.

4 Q Do you know when that was?

5 A I don't know.

6 Q Do you have any idea how long he's had it?

7 A I don't know.

8 Q All right. Where are the guns stored in the house?

9 A We have a gun room downstairs with four safes where I
10 think he stores most of them, maybe the ones that are more
11 valuable. And then we also have a locked room, storage room,
12 in one of the -- in the garage.

13 Q People have -- and I'm fishing around here, and I
14 think it's a big question a lot of people want to know. People
15 have gun collections for various reasons, it seems to me. Some
16 like to shoot guns, some maybe for a not-healthy reason, some
17 as sort of collector's items, curios.

18 Give us a sense of what the doctor's interest is, why he
19 has a gun collection.

20 A It'd be more of like you said, a collection, a hobby.
21 I think most of the ones that are -- you know, that are
22 historical or are very rare he's never even shot. They're just
23 there; you know, he's preserving them because he appreciates
24 the value.

25 Q And so some I gather have some historical

1 significance?

2 A Yes.

3 Q They're -- you've seen the gun collection.

4 A Yes.

5 Q And he keeps an inventory of the weapons?

6 A Yes.

7 Q And keeps paperwork and so forth --

8 A Yes.

9 Q -- on these things.

10 A Yes.

11 Q And we saw the tags.

12 A Yes.

13 Q Those are his tags.

14 A Yes.

15 Q Okay. I'm gathering that not all of them are, you

16 know, the latest, high-tech weaponry; you know, not all of them

17 are like that, although I assume some are. Is that right?

18 A Uh-huh.

19 Q What's like the oldest gun, do you know?

20 A The oldest? I would not know.

21 Q Okay. Are we talking World War II era, Vietnam era?

22 A I'm sure World War II, yes.

23 Q Anything earlier than that?

24 A I wouldn't know.

25 Q Okay. There has been a topic raised about cash being

1 found. Talk to us about that.

2 A I didn't hear you.

3 Q Cash, apparently there's cash in the house?

4 A Yes, yes.

5 Q Tell us that story.

6 A We generally do keep a little bit of cash; you know,
7 with the kids you never know when they might need something,
8 and they're usually home on the weekends and the banks are not
9 open, but --

10 Q What's the source of the cash?

11 A From the bank account.

12 Q They're cash withdrawals from the bank?

13 A Yes, yes.

14 Q Supported by withdrawal slips?

15 A Yes.

16 Q Okay. Talk to us about the problems with the Medical
17 Board about -- well, let's get a little bit more specific.

18 There are lawsuits, or a lawsuit pending right now? What
19 do you know about that?

20 A I know that there -- he's in the process -- he had
21 filed a suit, but there was some problem where the Board, as an
22 entity, cannot be sued, so I don't -- I think he was going to
23 pursue that further but had not had an opportunity.

24 Q What about the lawsuit pending against him?

25 A Yes, there are.

1 Q What's that?

2 A There a couple of lawsuits pending against him
3 regarding just --

4 Q You know what they're about?

5 A -- patients --

6 Q Say it again.

7 A Regarding a couple of his patients.

8 Q Do you know any more about the factual basis for the
9 lawsuit or suits?

10 A I think one involves a woman who was traveling with
11 her husband in a truck -- he was a trucker -- and she passed
12 away while they were on the road. And the other gentleman, he
13 actually had only come to our clinic once and was, you know,
14 just actually given less medication than what he had been
15 getting from his previous physician in another state, and they
16 found him unconscious and he passed away I think a day or two
17 after that.

18 Q And that's resulted in some pending litigation. Is
19 that in Pope County?

20 A I guess.

21 Q Okay.

22 A It must be Pope County, yes.

23 Q And your understanding is an answer has been filed?

24 A Yes.

25 Q Dr. Mann disputes the allegations and --

1 A Yes.

2 Q -- there'll be a trial, and --

3 A Yes.

4 Q -- nothing is resolved.

5 A Yes.

6 Q Okay. There was evidence presented about some -- a
7 \$600,000 I guess attempted transfer of funds.

8 A Uh-huh.

9 Q Do you know what I'm talking about?

10 A When was this?

11 Q Can you comment on it?

12 A Excuse me?

13 Q And can you comment on it?

14 A When was this?

15 Q I didn't write the date down. I'm going to say '03
16 maybe.

17 A '03?

18 Q Uh-huh. There was some evidence presented that you
19 and Dr. Mann had tried to, I think, withdraw funds from
20 brother's account. Does that story sound familiar to you?

21 A I vaguely remember, but 2003, that was so long ago, I
22 don't remember.

23 Q Okay. Do you remember trying to withdraw \$600,000
24 and what it would have been for?

25 A I think I remember where he did -- because he has

1 power of attorney to try to do something, but the bank was --
2 you know, hesitated, giving him a hard time. But that's all I
3 can remember.

4 Q You're saying he had power of attorney for his
5 brother?

6 A Yes. Yes.

7 Q Okay. And the bank ended up just not accepting the
8 power of attorney?

9 A I think so. I think there was some question or
10 problem.

11 Q Okay. There has been evidence of border crossings by
12 Dr. Mann. And the number is 121 times in the past two years,
13 from March of '07. How do you respond to that?

14 A We go to our -- there's a fitness center in
15 Russellville, almost every night. Maybe we miss a day here or
16 there, or a Saturday or Sunday here or there. So we -- I
17 mean -- and every time we go in, we have a -- you know, they
18 have a computer where they check you in. So that's easily
19 proven.

20 We -- I think the last time he went to India in 2006 to
21 visit family, and that's about the only thing that I can think
22 of where he left the country; maybe, you know, to Canada, but
23 not -- I mean, we're in our clinic every single day.

24 Q And so is it consistent with known facts that he
25 would have been able to travel out of the country 60 times in

1 the past 24 months?

2 A Not at all.

3 Q Does that even sound remotely correct?

4 A Not at all.

5 Q Are you testifying that in fact he has not done that?

6 A He has not.

7 Q Okay. Tell us about his father and mother.

8 A They're quite elderly. My father-in-law will be 80
9 next month. And my mother-in-law just turned -- she was born
10 in '34, so she just turned 74. They have many, many medical
11 problems; especially my father-in-law is not in very good
12 health. And they come back and forth. They do come to stay
13 with us part of the year.

14 Q And is that -- how often does that happen? How often
15 are they here?

16 A Every year.

17 Q Every year. For how long?

18 A Anywhere from four to six months.

19 Q Okay. And so they live in your house?

20 A Yes.

21 Q And describe that. That's fairly accommodating to
22 have parents living --

23 A Yes. Yes.

24 Q -- with you four to six months. What living
25 arrangements have you all made to provide for that?

1 A They have their own bedroom, bathroom.

2 Q And you guys?

3 A We have our bedroom and bathroom, and all our
4 children have their own rooms.

5 Q Right. And built -- I think you added on to the
6 house. Is that --

7 A Yes, we did.

8 Q -- right?

9 A Uh-huh.

10 Q In order to accommodate the folks?

11 A Yes. Yes.

12 Q Okay. What is your understanding of his father's
13 background?

14 A His father's background?

15 Q Uh-huh.

16 A He was in the Indian military; he retired as a
17 colonel. In addition, he's an -- he was an attorney, and I
18 don't exactly know what type of law, but he retired from that
19 as well.

20 Q And when did he retire?

21 A I don't know.

22 Q Do you have any idea when he retired from the
23 military?

24 A I don't know.

25 Q Or from practicing law?

1 A I don't know.

2 Q Describe his physical health for us right now. He's
3 getting ready to turn 80?

4 A Yes, next month.

5 Q Describe his physical health for us.

6 A He has prostate cancer, he has Parkinson's, he has
7 the beginnings of Alzheimer's, he has scoliosis and diabetes,
8 high blood cholesterolemia, and various other medical problems.

9 Q Is he on medication?

10 A Many, many different medications.

11 Q And his wife, your mother-in-law as well?

12 A Yes.

13 Q There -- I'm trying to thumb through this, but I bet
14 I can't find it. There was a picture that was introduced of --
15 I think it was some Xanax that was --

16 THE COURT: It's number 63.

17 MR. HENDRIX: Sixty-three. May I approach, Judge?

18 THE COURT: Sure.

19 BY MR. HENDRIX:

20 Q If you can take a look at Government's 63, do you
21 know what that is?

22 A Yes.

23 Q What is it?

24 A That is medication that my mother-in-law and father-
25 in-law have brought from India for their own personal use. It

1 was prescribed to them by their physician in their hometown.
2 Since they both suffer from restless leg syndrome and insomnia,
3 they're able to take this medication and able to get relief and
4 are able to sleep.

5 Q And I notice the Xanax are, what, half-of-milligram
6 tablets. Is that right?

7 A These are .5, yes.

8 Q Okay. Which is a small dose.

9 A Yes.

10 Q Correct? But there are a lot of them. Can you
11 see --

12 A Well --

13 Q -- manufacturing on that? Is that Indian?

14 A Yes, that came from India, yes.

15 Q Okay. And why would they bring their own Xanax from
16 India, when their son is a physician?

17 A Well, he's not able to -- first of all, right now,
18 not able to prescribed any controlled substances at all. Even
19 if he was, he would not prescribe any controlled substances for
20 any family members, and they have a physician that they see
21 regularly in their hometown who prescribes it for them. And
22 they bring it here and they don't take it back because
23 they'll -- you know, they'll get another prescription from
24 their physician when they go to India.

25 Q And so, first of all, frankly, his DEA controlled-

1 substances permit is presently suspended, so --

2 A Yes.

3 Q -- he couldn't do it anyway.

4 A Right.

5 Q And you're familiar with the DEA regulations on
6 doctors prescribing to family members --

7 A Yes. Yes.

8 Q -- and they're fairly stringent.

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q And frowned on?

13 A Uh-huh.

14 Q Okay. So in order to comply with those DEA
15 regulations, he's not --

16 A Right, he wouldn't --

17 Q -- prescribing --

18 A -- do that, no.

19 Q Okay. An allegation has been raised about buying
20 controlled substances online and then I gather essentially back
21 selling them to patients. And the information that came out is
22 apparently that's some allegation I gather recently made by the
23 Medical Board. Have you all been served with any paperwork by
24 the --

25 A Not --

1 Q -- Medical Board?

2 A -- at all.

3 Q Is there any complaint that you're aware of that --

4 A Not at all.

5 Q -- involves this?

6 They were online transactions. The computers in your home
7 were seized, weren't they?

8 A Yes.

9 Q Okay. And so if they were online transactions,
10 assumably the computer would tell us. Right?

11 A Yes. Yes.

12 Q Okay. What's the -- the ATF has seized Dr. Mann's
13 passports. Right?

14 A Yes.

15 Q He has two passports?

16 A Well, he has the U.S. passport and an old Indian
17 passport that's not valid and hasn't been valid for -- since he
18 received his naturalization.

19 Q Do you have a passport?

20 A I do.

21 Q Would you be willing to give it up?

22 A Yes. In fact, I even brought it with me. If I had
23 to give it up today, I would.

24 Q In anticipation that -- if there's a release in this
25 case, there may be a concern about being around guns since --

1 A Yes.

2 Q -- we're charged with a gun offense.

3 A Yes.

4 Q What have you done about living arrangements?

5 A I've talked to a few of the rental agencies in town
6 about getting an apartment, and that's not a problem. Quite a
7 few of them have apartments that are available immediately. Or
8 most of the motels in Russellville are owned by Indians, people
9 who are our friends, and it would not be a problem to live in
10 any one of them for an extended period of time.

11 Q Okay. And then have you made any inroads -- of
12 course, we're dealing with a gun collection, and I'm sure
13 you're familiar with it enough to know that there are stringent
14 regulations on how one transfers --

15 A Yes.

16 Q -- weapons. But it's not impossible. Is that
17 right?

18 A Right.

19 Q And has -- have inroads been made to look into what
20 it would take to transfer the weapons out of your home?

21 A Yes. I think Drake has spoken with one or two of the
22 dealers, and they're working on finding a place for them. And
23 actually I know if my husband was able to be out from -- you
24 know, out from the jail and be home, he could essentially have
25 this transfer work done in just a matter of days, because he's

1 more familiar with the people involved and the rules, and, you
2 know, exactly what needs to be done.

3 Q And it's tough to do that from the --

4 A Yes. Yes.

5 Q -- phone at the jail. So would it be feasible then
6 to have an apartment for a short period in order, one, to just
7 live there, or, two, to afford the opportunity to get the
8 weapons transferred out of the home?

9 A Yes.

10 Q Okay.

11 A Can I tell you one thing about their medication?

12 Q Sure.

13 A This alprazolam is 0.5 milligrams. And sometimes --
14 actually I think their doctor has probably prescribed it. They
15 are able to take as much as 2 milligrams at a time to help them
16 sleep and with the restless leg syndrome. So even though the
17 quantity seems to be extensive, the dosage in itself is not.

18 Q I'm with you. You and I have talked about the notion
19 of the Bail Reform Act, of what a third-party custodian is?

20 A I didn't hear you.

21 Q You and I have talked about a thing called third-
22 party --

23 A Oh, yes. Yes.

24 Q -- custodian.

25 A Yes.

1 Q And that is a person who would assume custody of the
2 person that's accused.

3 A Yes.

4 Q And would you be willing to do that?

5 A Yes.

6 Q Two, that agrees with the Judge to report any
7 violations that the person sees of the accused's conditions of
8 release. Would you be willing to do that as well?

9 A Yes.

10 MR. HENDRIX: Your Honor, I am missing one of my
11 attorneys. Could I have about a 10-minute break? I sent him
12 on an errand, and I haven't heard back from him. Could I ask
13 for about --

14 THE COURT: Does it have anything --

15 MR. HENDRIX: -- 10 minutes?

16 THE COURT: -- to do with this witness?

17 MR. HENDRIX: Sir?

18 THE COURT: Does that have something to do with this
19 witness?

20 MR. HENDRIX: To be honest with you, I don't know.
21 He went to go get a file, and I've not seen him since. And I'd
22 hate to conclude unless I could come back and rebuttal if I
23 wanted to do that. But I'd like about a 10-minute break to
24 find out what the deal is.

25 THE COURT: Well, you can -- let's conclude as best

1 you know how. Now, you've got another attorney there who can
2 withdraw and try to locate him while you finish up your
3 examination here, and Mr. Gordon can go on and locate, and if
4 it's -- you're looking for Mr. Mann, is that who --

5 MR. HENDRIX: Uh-huh.

6 THE COURT: -- well, see if they can locate him and
7 find out and report back to you, and then we'll have a better
8 fix on whether you are going to need more time, so let's just
9 go on and wind up and then let her see if she can locate --

10 MR. HENDRIX: Sure. I'll go ahead then and pass the
11 witness at this time.

12 (Pause.)

13 BY MR. HENDRIX:

14 Q Ms. Mann, I want to show Defendant's Exhibit 2, and
15 ask if you would tell us what that is.

16 (Defendant Exhibit 2 identified.)

17 THE WITNESS: That's a picture of our oldest son and
18 my father-in-law.

19 BY MR. HENDRIX:

20 Q How long ago was that picture taken, do you know?

21 A I would say maybe just before they left last year, so
22 end of August or so of '08.

23 Q So he's probably 78 or 79 in this picture?

24 A Yes, 78.

25 Q And he's carrying --

1 A No, 79, I'm sorry.

2 Q He's got a cane in his hand?

3 A Yes. He has to walk with a cane.

4 Q Is that the spondylolisthesis?

5 A The scoliosis.

6 Q Scoliosis.

7 MR. HENDRIX: May I introduce this, Judge?

8 MR. GORDON: No objection.

9 THE COURT: Received.

10 (Defendant Exhibit 2 received in evidence.)

11 MR. HENDRIX: And I'll pass the witness now, Judge.

12 THE COURT: All right.

13 THE WITNESS: Would you want this back?

14 MR. HENDRIX: You can keep it up there; that's fine.

15 CROSS-EXAMINATION

16 BY MR. GORDON:

17 Q Good morning, ma'am.

18 A Good morning.

19 Q Ma'am, where is your family? And I'm not talking
20 about your children and your husband, but the rest of your
21 family, where are they currently?

22 A I just have a younger brother who lives in Tucson,
23 Arizona.

24 Q Okay.

25 A And my parents spend half the year in Boston and half

1 the year in Tucson.

2 Q Okay. And the Defendant's -- I'm sorry, Dr. Mann's
3 parents, they both reside in India. Correct?

4 A For part of the year, yes.

5 Q They have a home there in India?

6 A Yes.

7 Q Okay. And Dr. Mann has a brother by the name of
8 Sandip?

9 A Yes.

10 Q And he also resides in India?

11 A Yes.

12 Q How long has he been in India?

13 A It'll be seven years this summer.

14 Q So he went back in -- around 2002?

15 A Yes.

16 Q And does Dr. Mann have any other brothers or sisters?

17 A No, he does not.

18 Q Okay. And Dr. Mann grew up in India. Right?

19 A Yes, he did.

20 Q Went to high school in India?

21 A Yes, she did.

22 Q College in India?

23 A Yes.

24 Q Okay. And he attended the Armed Forces Medical
25 College in India?

1 A Yes.

2 Q And you guys got married in India in 1983.

3 A Yes.

4 Q And you said you also met him in 1983?

5 A Yes.

6 Q Through his -- you said through your families.

7 A Right.

8 Q Was this an arranged marriage?

9 A Yes.

10 Q And once you got married, then you and Dr. Mann moved
11 to the United States.

12 A Well, he moved. I was already residing here.

13 Q Okay. But that was in 1983 that he came to the
14 United States.

15 A Yes.

16 Q All right. And it's your testimony that he only goes
17 to India every -- he's only been to India -- the last time he
18 went was in 2006?

19 A Uh-huh. I'm pretty sure.

20 Q Is that correct?

21 A Yes.

22 Q Now, you're saying you're pretty sure. So you're not
23 positive?

24 A I would be more positive if I had -- I could go back
25 and check the exact dates. I know he went to India once to

1 attend his brother's wedding, and once for I think a medical
2 school reunion, and I'm not sure if that was the one in '06
3 when he went. But I do know for a fact he went into 2006.

4 Q Okay. In a normal year, does he generally go back?
5 You've been here since '83, or he's been here since '83. In a
6 given year, how frequently does he go back to India?

7 A Not every year, no. Not even every two or three
8 years. Very infrequently.

9 Q What about trips to Canada?

10 A I think when we first got married, we did make trips
11 to Canada more often because we were in Boston, and it's quite
12 close. But in the -- you know, since we've had the practice,
13 there have been rare trips; not very frequently.

14 Q Okay. And, again, you've had the practice in
15 Russellville since 1999.

16 A Uh-huh, 1999.

17 Q So give me your best guess. Since '99 how often have
18 you all been to Canada?

19 A Oh, boy; maybe three, four times? But, you know, I'm
20 not sure.

21 Q When do you think the last trip to Canada was?

22 A I know he attended a conference in Vancouver that I
23 went with him that maybe -- I don't know how many years ago,
24 but it was while we were living in Russellville, because it
25 was, you know, offered to him through one of the pharmaceutical

1 companies.

2 Q And when Dr. Mann travels to India, do you always go
3 with him?

4 A No.

5 Q Do you always go with him when he goes to Canada?

6 A No.

7 Q Any trips across the border to Mexico?

8 A None.

9 Q For you or him?

10 A Never been to Mexico.

11 Q Do you know someone by the name of Anju -- and I may
12 be saying it wrong so I'll spell it -- A-N-J-U Mann?

13 A Uh-huh. That's my sister-in-law.

14 Q Sister-in-law? Sister-in-law. So that's Dr. Mann's
15 sister.

16 A No. His brother's wife.

17 Q Okay. I'm not real good with family trees, so I may
18 butcher this. I apologize. Okay.

19 And it looks like she was deported to India in 2002?

20 A Yes.

21 Q What do you know about that?

22 A She -- they were here on student visas, both my
23 brother-in-law and my sister-in-law, and I think after 9/11
24 they had some problems I think with their visas where their
25 attorney had moved so he never received notification from the

1 INS which he was supposed to forward to them. They were
2 supposed to show up, you know, for a hearing or something, and
3 they just never received notification, so deportation hearings
4 were initiated.

5 Q And then we have information that she came back in
6 August of 2008.

7 A No, she has not -- never been back to the United
8 States since she was deported.

9 Q Is it possible she came in and you didn't know?

10 A I mean, if she came, I would have known. She has no
11 other family here, except --

12 Q Big country though, isn't it?

13 A Yes, it's a big country, but --

14 Q Okay.

15 A -- I don't think she would come here and not tell
16 us.

17 Q Savatri Mann, S-A-V-A-T-R-I --

18 A It's S-A-V-I-T-R-I.

19 Q Thank you. Who's that?

20 A That's my mother-in-law.

21 Q This one I think I can do. That's Dr. Mann's mom.

22 A Yes.

23 Q Okay. And we have information that Dr. Mann's mom
24 came across the border four times between May of '07 and
25 September of '08. Does that sound about right?

- 1 A No.
- 2 Q Would you say more or less?
- 3 A They only come once a year and leave once a year.
- 4 Q Okay.
- 5 A And they usually come towards the beginning of the
6 summer, because the summer in India is very hard. They like to
7 spend the summers here; our summers are milder. And then they
8 usually leave just about when fall starts, because the winters
9 in India are milder than our winters.
- 10 Q Okay. So tell me that again? They come in -- when do
11 they normally come?
- 12 A During the summer months.
- 13 Q Okay. So May of 2007. Correct? That would be
14 summertime-ish.
- 15 A It would either be the end of April or the beginning
16 of May. I don't remember the exact date.
- 17 Q Okay. So May 2 of '07, that's the beginning of May.
18 Correct?
- 19 A Uh-huh.
- 20 Q So if they come across the border then to come visit,
21 that's one trip. Right?
- 22 A Yes.
- 23 Q And then if they leave sometime in the fall --
- 24 A That's the second; that's number two.
- 25 Q That's them going back.

1 A And it would be --

2 Q That's two trips.

3 A -- '07.

4 Q Okay. Then you have the spring of '08.

5 A Right. Well, the summer.

6 Q That would be number three, and then when they leave

7 in the fall of '08, that would be number four.

8 A Okay.

9 Q Correct?

10 A Okay.

11 Q So --

12 A I thought you said four trips in 2007. I didn't hear

13 the part about 2008.

14 Q Between May of '07 and September of '08.

15 A '08, yes.

16 Q Four border crossings. That sounds about right?

17 A Uh-huh.

18 Q Now, I'm just going to spell this name: D-U-S-H-Y-A-

19 N-T Mann?

20 A Yes.

21 Q Who's that?

22 A That's our son.

23 Q How do you say that?

24 A It's Dushyant.

25 Q Do people call him something else?

1 A Dee.

2 Q Dee. Okay. And we have information that your son
3 has crossed the border seven times between June of '07 and
4 January of '09.

5 A Right. Dushyant is actually our nephew, who we
6 adopted when his parents were deported, because he has been in
7 the United States since he was five years old, and he didn't
8 speak Hindi anymore, and we just felt that for his education it
9 would be better if he stayed here, because if he went back to
10 India he would not be able to pass Hindi, which is a required
11 subject in all schools, and he would have to struggle quite a
12 bit.

13 A And he -- once Dushyant received his naturalization and
14 received a U.S. passport, he would go back and visit his
15 parents. I think he went once in the summer and then pretty
16 much every Christmas break.

17 Q Okay. So seven border crossings in that time period,
18 does that sound about right?

19 A It should be an even number. I don't know why it's
20 odd, because every time he leaves he comes back.

21 Q I'm sure if I thought about that, I could explain it,
22 but --

23 A But it should be an even number, because he's always
24 left from here and always comes back here.

25 Q Okay. You said his parents were deported?

1 A Yes.

2 Q Back to India?

3 A Uh-huh.

4 Q Is that where -- and that's where they currently are?

5 A Yes.

6 Q Why were they deported?

7 A I just explained that to you with the student visas

8 and the attorney never received notification that he never

9 forwarded it to them, so deportation hearings were initiated

10 against them.

11 Q Okay. So Dee is the son of Anju?

12 A Yes.

13 Q Serena Nikita Mann.

14 Q That's our youngest daughter.

15 Q How old is she?

16 A Seventeen.

17 Q Is she currently a student?

18 A Yes.

19 Q At Fayetteville?

20 A Yes.

21 Q Is she a freshman?

22 A Our records indicate that she's crossed the border 11

23 times between April of '07 and January of '09.

24 A No. The only -- well, she has only made two trips

25 out of the country: one when she was in 10th grade; she went

1 on a school trip to Europe with teachers and other students,
2 and then last Christmas we went to India for Christmas break.

3 Q No trips to Canada?

4 A No.

5 Q No trips to Mexico?

6 A No.

7 Q No spring breaks in --

8 A In fact --

9 Q -- Mexico or anything like that?

10 A Well, she's just 17, so she's not been on any spring
11 break trips. And in fact I don't even think she had a passport
12 until she went on that school trip to Europe.

13 Q Sandip Mann; again, that's Dr. Mann's brother?

14 A Yes.

15 Q Did he used to live in Memphis?

16 A Yes, in Germantown.

17 Q And, again, he moved back to India in '02?

18 A Yes.

19 Q Did he come back to visit at all since?

20 A No, they're not able to.

21 Q Why not?

22 A Because they were deported.

23 Q Why was Sandip deported?

24 THE COURT: He's with --

25 THE WITNESS: Because --

1 THE COURT: -- Anju Mann, that's -- we've been over
2 that.

3 MR. GORDON: Okay. I'm glad one of us is following
4 these names, Judge.

5 BY MR. GORDON:

6 Q Okay. Okay. And you're currently employed in Dr.
7 Mann's medical clinic.

8 A Yes.

9 Q You're the office manager?

10 A Yes.

11 Q What kind of income is the office generating
12 nowadays?

13 A I haven't been able to get the -- all the paperwork
14 ready for our accountant for this tax season, but I know it's
15 quite a bit less than we've had in the past because our patient
16 load is not as high.

17 Q Who's your accountant?

18 A James Evans in Russellville.

19 Q Okay. How many people work in the clinic?

20 A Myself and my husband are full-time, and then two of
21 our children are part-time. They usually do come home at least
22 once a week and help me with filing, cleaning, just general
23 office work; part-time varies from, you know, 10 hours to 20
24 hours a week.

25 Q What was the clinic's income last year?

1 A I don't have the exact figure, but maybe close to --
2 are you -- gross income or net income?

3 Q Both.

4 A Well, I don't have those numbers.

5 Q What's your best guess?

6 A I would say gross maybe three, four hundred, maybe
7 more; I'm not sure, and net income maybe less than two. But I
8 can -- I have the tax returns, but I don't have them in front
9 of me, so I don't know.

10 Q Okay. And so around \$200,000. Is that a typical
11 year for the clinic since '99?

12 A No, no. In -- well, initially when the practice was
13 first opened, of course, it was, you know, very, very low. We
14 basically had no income; we only, you know, had bills and
15 expenses. But as the practice grew, our income grew as well.

16 Q Okay. What was your highest net income since it's
17 been opened, best guess?

18 A Highest net income maybe five to six --

19 Q Net?

20 A -- if I'm not mistaken.

21 Q Net?

22 A I think so, but --

23 Q Okay.

24 A -- if you needed specifics, you know, all those tax
25 returns are available. I just don't have the figures.

1 Q Do you have any other sources of income?

2 A I do not, no.

3 Q How about Dr. Mann?

4 A He has a disability policy.

5 Q And what's that pay out?

6 A It's 18 -- close to 18 a month.

7 Q Eighteen what?

8 A Oh, thousand.

9 Q \$18,000 a month?

10 A Yes.

11 Q And how long has he been receiving that?

12 A I'm not sure.

13 Q I mean since 1980, since '90?

14 A I would say maybe close to 2000, 2001, or around --

15 when he essentially was no longer able to do emergency medicine

16 because of his health.

17 Q Any other sources of income?

18 A No.

19 Q Now, you talked about the cash that was found in the

20 cache, and you said you keep a little bit of cash around --

21 A Yes.

22 Q -- the house.

23 A Yes.

24 Q \$50,000 is a little bit of cash?

25 A You know, some people don't believe in banks at all;

1 they probably have a lot more cash.

2 Q Okay. Well, you do have bank accounts. Right?

3 A Excuse me?

4 Q You do have bank accounts --

5 A Yes, we do.

6 Q -- don't you?

7 A We do.

8 Q How many?

9 A We have a clinic account; then we have two personal
10 accounts. Actually we have two clinic accounts and two
11 personal accounts.

12 Q Okay. The personal accounts, are they in your name
13 or Dr. Mann's name?

14 A Both of ours.

15 Q Are they checking, savings, what?

16 A Checking.

17 Q Do you have any savings accounts?

18 A They're considered savings as --

19 Q Okay.

20 A -- well, I guess.

21 Q Okay. And then you've got two accounts for the
22 clinic.

23 A Yes.

24 Q So you and Dr. Mann do believe in banks.

25 A Yes.

1 Q Right?

2 A Yes.

3 Q And you said you keep a little bit of cash around
4 because the kids might need it, because banks are closed on the
5 weekends?

6 A Yes.

7 Q What in the world are your kids doing that they need
8 \$50,000 to get through the week?

9 A Well, they don't get 50,000. I mean, you know, for
10 just if they have to buy books or something, or if they need
11 rent, or, you know, just general things like that. But all
12 that cash that is there, you know, there are bank withdrawal
13 slips.

14 Q How much is currently in your bank accounts?

15 A Oh, I think one of our personal accounts maybe has
16 8,000; one of the other personal accounts -- I haven't had a
17 chance to check any of these numbers because we don't have the
18 computer -- maybe 24-. One of our clinic accounts has maybe
19 3,000 and the other one might have a little bit -- maybe 85-,
20 86,000, something like that.

21 Q And you talked about a lawsuit against the Medical
22 Board?

23 A Yes.

24 Q And that's where Dr. Mann sued the Board alleging
25 that they were treating him differently because he's Indian, or

1 Hindu, and he's not a Caucasian Christian. Correct?

2 A I don't know if that's the entire basis for this
3 suit, but it might be one of the aspects involved in that.

4 Q And you're aware of two civil suits pending against
5 Dr. Mann?

6 A Yes.

7 Q And you said they were just -- involved just
8 patients.

9 A Two patients, yes.

10 Q Okay. Dead patients.

11 A Yes.

12 Q They're wrongful death suits.

13 A Yes.

14 Q Dr. Mann's father is named Kuldip Mann. Correct?

15 A Yes.

16 Q Kuldip Singh Mann?

17 A Yes.

18 Q And you testified that he used to be in the Indian
19 Army.

20 A Yes.

21 Q And you muttered something under your breath along
22 the lines of I'm sure he has weapons?

23 A No. I said he was in the Indian military, so they --
24 in India the only people allowed to own any weapons are
25 military people. What I meant by that was during his training

1 or during his -- while he was serving in the military, he was
2 probably around weapons. I don't mean they so much so had them
3 in their home, and I don't -- I mean, I wasn't around then, so
4 I don't know, but, you know, I just assume that since he was in
5 the military, he was around weapons.

6 Q Had access to weapons.

7 A His father did, yes --

8 Q Okay.

9 A -- I'm sure.

10 Q Do you think you know about every firearm that your
11 husband has? Have you seen every gun he has?

12 A I don't really -- I'm not that interested in guns as
13 a whole, but I do know, you know, all the weapons that we do
14 have at home are either stored in the safe, which he deems are
15 valuable and need to be locked away, and some others are locked
16 in the storage in our garage.

17 But if you ask me to name each specific gun and what type
18 of weapon it was, I couldn't do that.

19 Q Well, and I'm not going to ask you to do that. But I
20 am curious if you've think you've seen everything that he has.

21 A When you say, Have I seen everything, I mean when we
22 moved all the weapons, and, yes, I saw everything single one
23 being moved in, but it's not something that -- you know, I
24 don't go to the safe and look at each weapon as it sits there.

25 Q When was the last time you're aware of Dr. Mann

1 receiving a new firearm?

2 A I don't know. I mean, I don't --

3 Q Years ago?

4 A No, no.

5 Q How recent?

6 A Not years. Maybe last year or the year before.

7 Q Okay.

8 A I don't really know.

9 Q What kind of firearm would you say it was?

10 A Oh, I have -- would have no idea.

11 Q A handgun? A machine gun? Something that goes on a

12 tripod?

13 A I wouldn't know.

14 Q Okay. You talked about a storage room out in the

15 garage.

16 A Yes.

17 MR. GORDON: May I approach the witness, Your Honor?

18 THE COURT: Yes.

19 BY MR. GORDON:

20 Q I'm going to show you Government Exhibit 23.

21 A Yes.

22 Q Do you recognize that as part of your storage room?

23 A Yes.

24 Q All right. Do you know what's in all those boxes?

25 A I know that most of the boxes up on the higher

1 shelves are empty. And I would say the ones more towards the
2 bottom might contain ammo or clips, but I wouldn't know
3 specifically the contents of each box.

4 Q Do you know where those boxes came from?

5 A Which ones?

6 Q Any of them.

7 A I know the empties are probably the boxes that the
8 guns themselves would come in.

9 Q And I guess that's my question: Do you know who your
10 husband is getting these guns from?

11 A I don't know the specifics of each person, but I'm
12 sure they're gun dealers that he's dealing with.

13 Q You ever look at the boxes as they come in?

14 A Not specifically, no.

15 Q Have you ever asked him, Hey, where did you get that
16 gun?

17 A Not really. But I assume each box would have a
18 label; you know, an address label with the return address of
19 the shipper.

20 Q Are you aware of your husband receiving any firearms
21 from his dad?

22 A From his dad?

23 Q Yes.

24 A No.

25 MR. GORDON: May I approach the witness, Your Honor?

1 THE COURT: Yes.

2 BY MR. GORDON:

3 Q Let me show you what's been marked as Government
4 Exhibit 9.

5 A Yes.

6 Q Have you ever seen anything like that before?

7 A No, I have not.

8 Q Do you know it's in your house?

9 A No, I have not.

10 Q And just so we're clear, I'm talking about the things
11 with the gold tips and the things with the blue tips.

12 A No, I have not.

13 Q None of those?

14 A No.

15 MR. GORDON: May I approach the witness, Your Honor?

16 THE COURT: Yes.

17 BY MR. GORDON:

18 Q Let me show you what's been marked as Government
19 Exhibit 24 and 25, and ask you -- I guess since you've never
20 seen the items in Government Exhibit 9, you didn't know that
21 your husband had a box -- that box in your garage, did you?

22 A No, I did not.

23 Q Are you aware that your husband had grenade
24 launchers?

25 A I did find out, I think, when the -- the first

1 evening when a BATF agent and the Arkansas State Police came to
2 our house to talk to us on February -- early February.

3 Q February 4?

4 A Uh-huh. And my husband took them downstairs to show
5 them. They wanted to see his weapons, and I heard him say
6 something -- or they asked him about the grenade launchers.

7 Q Okay. And did you go down with them when he showed
8 them the grenade launchers?

9 A I was downstairs, but I was not in the weapons room.
10 Stacy Rhodes, who is the Arkansas State Policewoman, her and I
11 stood to the side and just were talking.

12 MR. GORDON: May I approach the witness again, Your
13 Honor?

14 THE COURT: Yes. And you don't have to ask
15 permission.

16 BY MR. GORDON:

17 Q Let me show you Government Exhibit 12. Do you
18 recognize that as part of the --

19 A The storage room, yes.

20 Q Off the garage?

21 A Yes.

22 Q And those green canisters there on the left, do you
23 recognize those?

24 A Yes, those are in that room.

25 Q You've seen those before?

- 1 A In that room.
- 2 Q Okay. Thank you. Ma'am, who has keys to your house?
- 3 A Excuse me?
- 4 Q Who has a key to your house?
- 5 A I have a key; my husband has a key.
- 6 Q Each of the kids?
- 7 A I don't think they have keys. We usually keep a key
8 in the garage so if they come home and we're not home, they're
9 able to get into the house.
- 10 Q Okay. What about other family members?
- 11 A No.
- 12 Q Any neighbors?
- 13 A No.
- 14 Q Do you have an alarm on your house?
- 15 A Yes, we do.
- 16 Q Who's your alarm monitored by?
- 17 A River Valley Alarm Company in Russellville.
- 18 Q How long have you had the alarm?
- 19 A Since we moved into the house -- or however long it
20 took them to hook it up. It might have been a few months after
21 we moved in.
- 22 Q Do you regularly arm the alarm when you're not home?
- 23 A If my in-laws are there, then we do not, but when
24 they are not and no one else is home, we do.
- 25 Q When was the last time your in-laws were here?

1 A They left -- I'm not sure if it was the end of August
2 or beginning of September of '08.

3 Q Do you have any storage sheds?

4 A Not attached to the house?

5 Q I'm sorry. Do you have any storage rooms that you
6 rent through other businesses, either for work or for home?

7 A No. No.

8 Q And when I say you, I mean the family.

9 A Well, I think -- and I'm pretty sure it's still
10 there -- when his brother was being deported, they gave him,
11 you know, a few weeks to get his affairs in order, and since
12 they had the house in Germantown, I think he moved some of his
13 belongings to a storage area in Russellville, and I think the
14 only thing we have in there -- we have some office supplies,
15 pens, things like that, but nothing personal is stored in
16 there.

17 Q What's the name of the business?

18 A Space World.

19 Q Space World?

20 A Space World.

21 Q In --

22 A In Russellville.

23 Q -- in Russellville. Do you know the address?

24 A I do not.

25 Q Dr. Mann's medical license, his DEA license to

1 prescribe medicine is currently suspended. Correct?

2 A Yes.

3 Q It is not temporarily suspended; it's suspended.

4 A Well, at the end of the last hearing when they did
5 suspend the license, I don't believe that a time frame was put
6 on that, so --

7 Q Correct.

8 A -- it might be.

9 Q It sounded like -- well, let's say the first time his
10 license was suspended, there was a time period attached to
11 that. Right?

12 A No, I think --

13 Q Wasn't it suspended --

14 A -- maybe --

15 Q -- for a year?

16 A I don't remember, but maybe, yes.

17 Q Okay. And right now there's no time limit on it.

18 A Right, but he is scheduled to meet with the Board on
19 their hearing of June 5 to discuss a possible reinstatement.

20 Q Well, and he's been approaching the Board, he being
21 Dr. Mann.

22 A Yes.

23 Q On several occasions he's approached the Board,
24 written them letters, trying to get --

25 A Yes.

1 Q -- his license back.

2 A Yes. Yes.

3 Q And he has been met with firm opposition and been
4 told, You're never getting it back. Correct?

5 A Well, I don't think he was told that; I don't think
6 they would say that without a hearing, but the last time he
7 spoke with somebody in authority at the Board, you know, he was
8 informed that he could come and speak to them in June, because
9 then it would have been three years since the last hearing.

10 Q And all of his requests thus far have been denied.
11 Correct?

12 A Yes. Yes.

13 Q And the reason his license was suspended was based on
14 allegations of overprescribing?

15 A Yes.

16 Q And how many of his patients have died under those
17 conditions?

18 A Their allegations were that 10 of his patients had
19 passed away on overdoses.

20 Q Between the two suspensions, how many people are we
21 talking about?

22 A I don't remember about the first one; I'm not exactly
23 sure, but this last one was 10. But out of those 10, seven of
24 the people who died didn't even have medication from him in
25 their system; they had medications in their system from other

1 physicians, or obtained illegally.

2 And the three that died that did have medications from Dr.
3 Mann, he was found not guilty by the Board's own pain
4 management expert.

5 Q When ATF was searching your house on --

6 A Yes.

7 Q -- March 4, where did you stay that night?

8 A We came back home.

9 Q Who's we?

10 A That very evening we had a relative visiting from
11 India. He was in business in the United States for a couple of
12 weeks and decided to come spend a day and a couple of nights
13 with us.

14 And I had actually gone to the airport that evening to
15 pick him up because my husband had to be -- had to go to the --
16 to our house with the -- for the search warrant. So after they
17 were finished, Stacy Rhodes called me and said we could come
18 back home, which we did.

19 Q Your bank accounts are with Bank of America. Is that
20 correct?

21 A We have Bank of America, Simmons Bank, and Arvest
22 Bank.

23 Q Are they all there in Russellville?

24 A Russellville, yes.

25 Q Okay. Thank you.

1 MR. GORDON: No further questions.

2 REDIRECT EXAMINATION

3 BY MR. HENDRIX:

4 Q Let me go back over Dr. Mann's father's --

5 A Yes.

6 Q -- medical condition.

7 MR. HENDRIX: If I can approach?

8 BY MR. HENDRIX:

9 Q And if you will -- I'm looking at medical records --
10 and his first name is Kuldip. Yes?

11 A Yes.

12 Q And I apologize for all this. I'm sure none of us
13 mean any disrespect in how we're handling people's names.
14 Dr. -- Kuldip Mann, his father-in-law -- let me see if you're
15 familiar with this -- is diagnosed with a multiple -- a
16 multitude of medical problems, including but not limited to
17 cancer of the prostate, Parkinson's disease, diabetes, COPD --

18 A That's -- oh, what does it stand for -- but it's
19 pulmonary disease.

20 Q Bronchial asthma, hypercholesterolemia. Yes?

21 A Yes.

22 Q Do you know what that is?

23 A High cholesterol.

24 Q Anyway, I'll have you assist me in this. What's
25 that?

1 A Erythrocytosis, leucocytosis, I don't know what they
2 mean. Arthritis, typhus, scoliosis, C-spondylosis, T-
3 spondylosis, L-spondylosis, sacrolilitis, edema, insomnia, and
4 depression.

5 Q The report indicates that his main problems has been
6 Parkinson's.

7 A Yes.

8 Q This has progressively worsened over the past few
9 years and has continued to show significant advancement.
10 Patient's ability to ambulate has been limited. His ability to
11 drive has ceased altogether.

12 A Yes.

13 Q Does that sound like a man who is smuggling aliens in
14 trucks?

15 A Not at all. When -- every time that they come here,
16 he has to use a wheelchair just from the airplane. You know,
17 as soon as he gets off the airplane, there's a wheelchair
18 waiting for him, and they wheel him to the next gate or the
19 baggage claim. He's not even able to walk for very long
20 periods of time. He's not able to stand for very long periods
21 of time.

22 Q The cash that's in the house, let me talk about you
23 all's life style, and there's -- we'll talk about the men in
24 the family. You've got Dr. Mann and two sons.

25 A Yes.

1 Q Right? That are grown up. And for lack of a better
2 word, there are boy toys around.

3 A Yes.

4 Q I see Sea-Doos at your house.

5 A Yes. Yes.

6 Q Cars.

7 A Yes.

8 Q The guys like to play with the cars?

9 A Yes.

10 Q They work on them and build them. Is that right?

11 A Well, they do a lot of the work on the cars
12 themselves.

13 Q There are car parts?

14 A Yes. I mean --

15 Q In one of the character letters that we've given to
16 Judge Young, I noticed that Dr. Mann and I guess the guys
17 involve themselves in the community in car shows and stuff?

18 A Yes. Yes.

19 Q So the cash goes to things like that?

20 A It's whatever is needed.

21 Q And those are kind of expensive toys. Right?

22 A Yes.

23 Q Let me show you what I'm marking as Defendant's 3.
24 (Defendant Exhibit 3 identified.)

25 BY MR. HENDRIX:

1 Q Can you tell us what that is?

2 A That's a withdrawal slip dated 9/29/05 from our Bank
3 of America account.

4 Q And it's a cash withdrawal for \$50,000.

5 A Yes.

6 Q Right?

7 A Yes. Yes.

8 Q And so it's documented -- lawfully documented,
9 traceable; that's a withdrawal slip showing the cash. Right?

10 A Yes.

11 Q No attempt to hide the cash or hide the source of the
12 cash?

13 A No. No.

14 Q I don't know if you're going to be able to see this,
15 but I'm showing you Government Exhibit 23 --

16 A Yes.

17 Q -- which is the storage room off the --

18 A The garage.

19 Q -- the garage --

20 A Yes.

21 Q -- with the ammo and stuff in it. And does that
22 appear to be a shipping label --

23 A Yes.

24 Q -- on one of them?

25 A Yes.

1 Q And you have been in there. Right?

2 A Yes.

3 Q When you see the shipping labels on where ammo,
4 guns --

5 A Yes.

6 Q -- come from --

7 A Yes.

8 Q -- and they're coming from dealers.

9 A Yes.

10 Q Correct?

11 A Yes.

12 Q And, in fact, Dr. Mann, as required by law, keeps
13 transfer records. Right?

14 A Yes.

15 Q And to your knowledge, there are transfer records to
16 support these --

17 A Yes.

18 Q -- his gun collection.

19 A Yes.

20 Q And they're from places like Racine, Wisconsin.

21 A Yes.

22 Q Correct? And he keeps gun magazines around the
23 house.

24 A Yes.

25 Q Correct?

1 A Yes.

2 Q And that's where you go and you find where
3 manufacturers are, where other dealers --

4 A Right.

5 Q -- are --

6 A Right.

7 Q Trade magazines. Right?

8 A Yes. Yes.

9 Q I mean, that's where he gets the weapons --

10 A Yes.

11 Q -- is through the trade magazines.

12 A Yes.

13 Q Right?

14 A Yes.

15 Q There's an implication here that these weapons are
16 coming from India. Is that a fair implication at all?

17 A Not at all.

18 Q You keep a spare key in the garage.

19 A Yes.

20 Q And the garage is where the ammo room is?

21 A No, the other -- we have a garage that's attached to
22 our house, and that's what we use to get in and out of our
23 house.

24 Q Okay. Finally, back on the border crossings, I think
25 the point that you were trying to make is we've heard that

1 Immigration and Customs Enforcement has some computer system
2 called TECS, T-E-C-S, and that computer system is telling us
3 that a man named Randeep Mann has crossed the border 121 times
4 in 24 months. I think the point you're trying to make is, if
5 it's 121 times, he'd be across the border. That odd --

6 A Right.

7 Q -- number will indicate that would be out. Right?
8 One, two, three --

9 A Right. Right.

10 Q Dr. Mann is sitting right here in the country.

11 A Yes. Yes.

12 Q So 121 border crossings is simply illogically and
13 factually incorrect.

14 A Yes. That's just --

15 Q It makes no sense.

16 A No, it doesn't.

17 Q It's sort of stupid.

18 A It doesn't.

19 MR. HENDRIX: I'll pass the witness.

20 RE-CROSS-EXAMINATION

21 BY MR. GORDON:

22 Q Is Randeep Singh Mann a common name?

23 A Yes, it is, especially in the northern parts of the
24 country. In fact, all their names, his brother's name, his
25 father's name, they are very common.

1 Q Okay. The \$35,000 that was found in the convertible
2 car that's blue with the white stripes --

3 A Yes.

4 Q -- you didn't know that money was in there, did you?

5 A No, I did not.

6 Q Do you all normally keep the money for the kids in
7 the trunk of the car?

8 A Normally, we don't, but maybe he had, you know, a
9 reason he was -- put it there, or maybe --

10 Q I agree.

11 A -- the kids were asking. I don't know.

12 MR. GORDON: No further questions.

13 THE COURT: You can stand down.

14 (Whereupon, the witness was excused.)

15 THE COURT: We'll take a recess of 15 minutes.

16 THE WITNESS: Do you need this back?

17 MR. HENDRIX: I'll take it. Thank you.

18 THE COURT: Do you want to offer that into evidence?

19 MR. HENDRIX: Yes, Your Honor.

20 THE COURT: Any objection to that, Mr. Gordon?

21 MR. GORDON: No, Your Honor.

22 THE COURT: It'll be received.

23 (Defendant Exhibit 3 received in evidence.)

24 (Whereupon, a short recess was taken.)

25 THE MARSHAL: All rise. This Honorable Court is once

1 again in session.

2 THE COURT: Please be seated.

3 Mr. Hendrix?

4 MR. HENDRIX: Judge, just as a final piece of
5 evidence, we don't have any more witnesses, but I'd move to
6 introduce Defendant's 4, 5, 6 and 7. I've shown them to the
7 Government; I don't think it has any objection.

8 (Defendant Exhibits 4 through 7 identified.)

9 MR. GORDON: No objection.

10 THE COURT: What are those? I don't --

11 MR. HENDRIX: Judge, what they are is, Defendant's 4
12 is an issue of *Gun Digest*; Exhibit 5, *Shotgun News*; 6, another
13 issue of *Shotgun News*; and 7, another issue of *Gun Digest*.
14 They all show that they were mailed to Randy Mann at 111
15 Skyline Drive. And, Judge, what they are, they're gun-
16 enthusiast magazines from which one can order, purchase, and
17 transfer firearms.

18 THE COURT: All right. And no objection. Is that
19 right, to 4, 5, and 6 --

20 MR. GORDON: That's correct, Your Honor.

21 THE COURT: All right. Received.

22 (Defendant Exhibits 4 through 7 received in evidence.)

23 MR. HENDRIX: Defense rests.

24 THE COURT: The Government have any other witnesses
25 to call?

1 MR. GORDON: Your Honor, we do have one rebuttal
2 witness.

3 THE COURT: All right.

4 MR. GORDON: However, before I call her, I do need to
5 advise the Court that this witness came in yesterday after the
6 rule was invoked. She did not know about the rule. She was
7 asked by the Marshals if she was going to be a witness, she
8 said she didn't know, and then she was seated in the courtroom.
9 At the time, the United States had no idea who she was, and we
10 did not speak to her until yesterday.

11 And based upon the testimony presented by the defense
12 today, we would like to call her as a rebuttal witness. I
13 don't believe any of the testimony that she would have heard --
14 and for the record she has not been in the courtroom at all
15 today, she's been in the hall, and I do not believe any of the
16 testimony she heard yesterday would alter her testimony at all.

17 THE COURT: All right. Call your witness.

18 Mr. Hendrix, did you --

19 MR. HENDRIX: Judge, so I can make my record, if you
20 don't mind --

21 Sorry, Mr. Gordon.

22 -- it's a Rule 615 issue, and I think the issues -- the
23 Court would need to resolve, one, what is the subject of
24 rebuttal; and, two, did the witness hear any evidence of that
25 when she was in the courtroom?

1 THE COURT: What is the subject of the rebuttal?

2 MR. GORDON: Your Honor, there's been evidence
3 presented by the defense of what a great doctor Dr. Mann is,
4 his standing in the community, and his reputation. She will
5 rebutting those issues.

6 THE COURT: Well, of course, I don't want to get into
7 a trial of his medical, you know, abilities and the testimony
8 about people's -- different people's opinions. We could line
9 people up and there's no telling how many we could line up to
10 do that. I don't know that that's helpful to me, Mr. Gordon.

11 MR. GORDON: Your Honor, she is the mother of one of
12 the patients; she was a -- her daughter was the patient of Dr.
13 Mann's, and she is one of the patients that died while being
14 treated by Dr. Mann. And --

15 THE COURT: How is that going to help me in making a
16 decision?

17 MR. GORDON: There's a lot of testimony about Dr.
18 Mann's standing within the community, and she has information
19 that will -- she's also the landlord of an apartment complex
20 where a lot of Dr. Mann's patients live, and she has
21 information -- received information from these tenants that
22 paint him in a much different standing within the community
23 than what has been portrayed by the defense today.

24 THE COURT: Well, I'm not going to allow that
25 witness. I don't think that -- that type of evidence, to me,

1 is so speculative. I mean, to hear that -- I know that the
2 standards in a detention hearing are much more relaxed in
3 receiving hearsay and that sort of thing, but just from the way
4 you're describing the testimony, it's going to be very
5 difficult for me to give that testimony any credit without
6 going into some detail, and then we're going to be trying a
7 particular individual, talking about her daughter being a
8 patient there and all. I don't see the value of that; I don't
9 see that that's going to be helpful, so I'm not going to allow
10 you to call her.

11 MR. GORDON: Very well.

12 THE COURT: All right. Anything else, any other
13 exhibits or witnesses?

14 MR. GORDON: Not from the United States, Your Honor.

15 THE COURT: All right. Do you desire to make an
16 argument? Mr. Gordon, does the Government desire to be heard
17 with an argument?

18 MR. HENDRIX: I'm so sorry for the interruption. I
19 just received one more character letter.

20 THE COURT: All right.

21 MR. HENDRIX: I don't know if you want it or not.

22 THE COURT: Does that sound consistent with the
23 notebook you've already submitted? And that wasn't offered as
24 an exhibit, by the way, your notebook.

25 MR. HENDRIX: Oh, and so I then offer it, Judge.

1 THE COURT: All right. I don't -- have you got a
2 copy to mark, or is this the only copy you got? All right.
3 That's just marked as the next Defendant's Exhibit.

4 Mr. Gordon, any objection to that?

5 MR. GORDON: No, Your Honor.

6 THE COURT: Exhibit --

7 MR. HENDRIX: By way of context, this was a witness
8 that showed up yesterday for us, but we went long, couldn't put
9 him on, and he couldn't be back today. He's a psychologist and
10 medical doctor in Russellville.

11 THE COURT: Do you have any objection to including
12 that in this notebook exhibit?

13 MR. GORDON: I have no objection, Your Honor.

14 THE COURT: All right. Let's just add that to the
15 exhibit we already got there. And what number exhibit would
16 that notebook be?

17 THE CLERK: Defendant's 8.

18 THE COURT: All right. And that's received without
19 objection. Is that correct?

20 MR. GORDON: That's correct, Your Honor.

21 THE COURT: All right.

22 (Defendant Exhibit 8 marked and received in evidence.)

23 MR. GORDON: Your Honor, however, I guess now that
24 these binders and these statements are now formally received by
25 the Court, I think, again, it makes the witness I'd like to

1 call in rebuttal much more relevant.

2 THE COURT: Well, the problem is, Mr. Gordon, if
3 we're going to get into all the circumstances surrounding her
4 particular -- the care she received, I mean, there's just -- it
5 sounds like this must be the subject of one of the civil
6 lawsuits that's been raised.

7 MR. GORDON: There is no lawsuit pending in that
8 case, Your Honor.

9 THE COURT: But is this a similar situation where
10 similar allegations are being made?

11 MR. GORDON: Yes, sir.

12 THE COURT: Well, I don't see the value of it. I
13 mean, it's like these letters; they have limited utility and
14 value to me. I mean, I'm happy you submitted them and all
15 that, but the value that I can ascribe to those is very
16 limited.

17 MR. GORDON: Well --

18 THE COURT: Those witnesses aren't here; you're not
19 entitled -- you haven't had an opportunity to cross-examine
20 them, so I can't give them very much weight.

21 So I'm not going to allow the witness.

22 MR. GORDON: Thank you.

23 THE COURT: Also for the purposes that she did
24 violate the rule. And I know that you didn't intentionally do
25 that, but she did violate the rule by being present in the

1 courtroom during yesterday's proceeding.

2 All right. Anything else before we take arguments?

3 MR. HENDRIX: No, Your Honor.

4 MR. GORDON: No, Your Honor.

5 THE COURT: Mr. Gordon?

6 MR. GORDON: Thank you, Your Honor.

7 CLOSING ARGUMENT ON BEHALF OF THE GOVERNMENT

8 MR. GORDON: Well, I guess there are two issues
9 before the Court, and it seems like it's been a long time since
10 we actually talked about why we're here, but we're actually
11 here because of 98 grenades that were found in a field.

12 And the first issue, I guess, presented before the Court
13 is is there probable cause to believe that those grenades,
14 those destructive devices and firearms, under Title 26, were
15 unregistered to Dr. Mann.

16 And I think it's clear from the evidence that, based upon
17 what the officers found at the scene, this green canister
18 buried in the ground in the same neighborhood 900 feet away
19 from Dr. Mann's house, buried in canister that matches the lot
20 number of a canister found in Dr. Mann's garage, wrapped in
21 black material that was found in Dr. Mann's garage, containing
22 98 grenades and a practice round that can be fired from two
23 grenade launchers found in Dr. Mann's house, along with 45
24 other practice grenades, it's clear that those are his.

25 And it's also clear from the testimony of Agent Oliver

1 these are implements of war. No one is allowed to possess
2 these. These are military items only. It's unlawful for
3 anyone to possess them.

4 And there's a system set up where if you want to possess
5 them, you have to request from ATF permission to possess them,
6 and that will be denied. That's how they keep track of these.
7 And so they're not registered to Dr. Mann. They're not
8 registered to anyone, because no one can lawfully possess them.
9 That's the offense.

10 Based on that offense, there's a state search warrant.
11 They go into Dr. Mann's house and within there we know of four
12 weapons under the NFA that are not registered to Dr. Mann; at
13 least four at this point; there's still more that are still
14 being determined.

15 So based upon that, is there probable cause? Absolutely.
16 Absolutely. And it's not beyond a reasonable doubt. They'll
17 get up here and argue we can't prove he did it. But it's just
18 probably cause at this hearing, and we've certainly met that
19 burden.

20 The next issue is should he be detained or not. I think
21 for part of that the answer is yes. Again, you have to look at
22 Dr. Mann has a federal firearms license. He should know better
23 than to take these implements of war and bury them out in a
24 field half a mile away from a nuclear reactor where anyone
25 could find them. Anyone could come across them and do whatever

1 they wanted with them. Luckily it was just two guys that had
2 to go to the bathroom that stumbled on them in the woods, and
3 they did the right thing and notified the police.

4 These are very dangerous weapons, and it's not just a
5 matter of carelessness; it's deliberate acts. He didn't just
6 misplace these grenades; he went and buried them in a field,
7 and obviously didn't bury them very well, because the guys
8 tripped over them. So that in itself is very dangerous.

9 The other issue here is risk of flight. There's been
10 testimony about lawsuits, his medical license, his practice.
11 All that evidence was presented to show the pressures that are
12 Dr. Mann. Since 2001 he's felt alienated by his community,
13 nonetheless. You heard that from his letter to the Board.

14 Now he's got civil lawsuits pending, at least two; he's
15 got -- his Board license has been suspended for the second
16 time, indefinitely at this point; he can ask for it back, but
17 it's denied repeatedly; his practice is not what it used to be.

18 He's got allegations of him dealing drugs, bringing drugs
19 in from the internet and selling them to his patients; there's
20 talk about him selling machine guns illegally; there's all
21 these pressures for him to get out of town, because his life
22 here is shutting down. And now he's got these allegations
23 against him, and when you run them through the guidelines, he's
24 looking at some pretty big numbers.

25 He has every reason in the world to leave. He's got no

1 contacts to the community. He's got his family here, his wife
2 and his kids. All the rest of his contacts are in India.
3 That's where he's from, was raised, educated, got married;
4 that's where his family is. He still goes there, and he has
5 the means to get there.

6 When you look at the cars, the weapons, the million-dollar
7 weapons, the money in his account -- he had \$35,000 in cash in
8 the trunk of his car, ready to go, for whatever reason. He's a
9 flight risk. He's a very large flight risk, and he's got every
10 reason in the world to leave.

11 And we would like him to be here when he's tried on this
12 case, so we ask that you detain him.

13 Thank you.

14 THE COURT: Mr. Hendrix?

15 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

16 MR. HENDRIX: Judge, I'll briefly dispose of the
17 preliminary hearing issue. It's is there probable cause to
18 believe that Dr. Mann has committed the crime of possession of
19 unregistered either devices or weapons, as I see it: the
20 grenades in the field and then four that have been identified,
21 four weapons in the house.

22 Simply, our argument is that the grenades, those devices,
23 were found in the field. Clearly they're connected to the
24 house by some proximity and by the materials used. The
25 question, it seems to me, would be one of access. We saw in

1 Government's 10 that those devices and/or similar devices is in
2 the ammo room, which is off the garage, and is a typical door.
3 Somebody testified today there's a garage door key in the
4 garage and so forth, so it's really a question of access, and
5 does that prove, at least by -- make it more probable than not
6 that it was actually Dr. Mann than someone else that might have
7 access.

8 On the weapons in the house, Judge, the challenge on the
9 probable cause would simply be this: The first analysis showed
10 17 unregistered weapons; the second time, four. And as you
11 know, that's at that point that we were saying, Why don't --
12 let's get the registration records and look at them now. That
13 rate of error is pretty astounding between those two analyses,
14 and who's to say it's not going to go down even further.
15 That's on the preliminary hearing.

16 The Bail Reform Act, Judge, our analysis, of course, is it
17 is the Government's burden to prove that there are no condition
18 or combination of conditions that are going to give you a
19 reasonable assurance that he is, one, not going to flee, and,
20 two, not a danger.

21 And I'll start with the danger component. The
22 Government's burden is to show, of course, by clear and
23 convincing evidence, that there is no condition or combination
24 of conditions that are going to give you a reasonable assurance
25 that he's not a danger to someone. Clearly there's been no

1 evidence that he is a danger to any specific person. As I
2 understand the Government's theory, it's based on the nature of
3 the weapons involved.

4 And, Judge, there's some case law that gives us guidance
5 on this. And with your indulgence, it's a little bit of an
6 analysis. There's a case out of the Third Circuit called
7 *Bowers*, B-O-W-E-R-S, that sets out a nice analysis of, in
8 firearms offenses, is the charge "conduct" a crime of violence?
9 And in this specific case, *Bowers*, it was a felon-in-possession
10 count, Judge, the Third Circuit -- as I know the Eighth Circuit
11 has, too -- ultimately held that felon in possession of a
12 firearm, a 922(g) offense, is not a crime of violence.

13 But it's the analysis. A crime of violence is actually
14 defined in the definition section of the Bail Reform Act, and I
15 think it's 3156, and it's, one, does the statute have as an
16 element the use -- threatened use or attempted use of violence.
17 There's a second component I want to skip over; I'll come back
18 to it.

19 But under that analysis we're charged with possession of
20 unregistered firearm or devices. That element in Title --
21 pardon me -- that statute in Title 28 does not contain an
22 element in the statute any form of violence, threatened,
23 attempted, or actual violence, so it doesn't meet component
24 number one.

25 The second definition of crime of violence is it's any

1 other offense that is a felony and that, by its nature,
2 involves a substantial risk that physical force against a
3 person or property would be used. And that's what's
4 interesting about the *Bowers* case, and why the Third Circuit
5 holds that felon in possession is not a crime of violence under
6 that formulation, because you have to look at the nature of the
7 possession.

8 In the *Bowers* case it was just sort of like this, going
9 into a home, I believe, on a search warrant, finding a gun in
10 the house; the guy happened to be a felon. And the Third
11 Circuit in its analysis said what's important here is the
12 manner in which *Bowers'* firearm was possessed. And since it
13 was not connected with any violent conduct, it found that felon
14 in possession is not a crime of violence.

15 And it was interesting, it says, "In contrast to crimes
16 such as arson, possession of a firearm can occur in an array of
17 nonviolent circumstances, further weakening the link between
18 possession and violence."

19 And it seems to me that's what we've got here. We've got
20 a man with a federal firearms license. The manner in which he
21 is possessing those weapons is nonviolent. We never heard --
22 you know, he's not out there shooting up the neighborhood or
23 going out everywhere. In fact, he's got these things
24 inventoried and itemized in highly secure safes, the way that
25 one with an FFL should.

1 So the nature of his possession of those weapons is not
2 violent, so that's argument number one as to why the Government
3 has not proved clearly and convincingly that he is a danger to
4 the community.

5 The Government's burden then is to prove by a
6 preponderance of the evidence that he's likely to flee or, to
7 be more specific, that there are no conditions that would give
8 you a reasonable assurance that he's not likely to flee.

9 And my assessment, Judge, of the evidence -- really it
10 just sort of breaks down into two things: there are the facts
11 and nonfacts. This was one of those detention hearings where
12 we heard large, sort of dramatic theatrical conclusions, but
13 when we scratched the surface of those conclusions on cross-
14 examination, we found absolutely no factual support for them.

15 The notion of international arms dealing: You scratch the
16 surface and there's nothing there; there's absolutely no proof.
17 And preponderance of the evidence is not a big standard, but
18 it's some standard. And there's just simply no evidence that
19 been presented. You just heard conclusory statements about
20 stuff.

21 What can give you the reasonable assurance is -- another
22 great example is the whole border crossing issue is -- it seems
23 to me can be disturbing. You hear about border crossings, you
24 go, Ooh, you know, what's the risk here? But factually you
25 look at that, and it sort of gets ridiculous. It's 121 border

1 crossings. That's an average of one border crossing every six
2 days. There's no evidence -- no physical evidence to support
3 that.

4 And then, of course, the illogical conclusion that we
5 pointed out: 121 border crossings. That 121st time means that
6 he is not in the country. He is not supposed to be here,
7 pursuant to those records. So the records themselves are
8 clearly and inherently erroneous. They just don't work, and
9 they just don't make sense.

10 The statutory maximum on this is just 10 years. There's
11 no big numbers involved. Unregistered firearm is not -- I
12 think it's the case of *Orta*, O-R-T-A, that I recollect that
13 says detention is reserved for the most violent and worst of
14 offenders.

15 And we've got an unregistered weapon offense here that
16 carries a maximum term of 10 years. That hardly, it seems to
17 me, puts it in the realm of this is the worst of the worst that
18 deserves to be locked up pretrial while the person is presumed
19 to be innocent.

20 What conditions will give you a reasonable assurance?
21 Obviously turning over passports. They've got the passports,
22 and I apologize for my stream-of-consciousness type of argument
23 here, but the Government didn't come up with the passports, and
24 they wouldn't give them to us in this hearing. And that -- I
25 don't know why, because that would sure help solve the problem

1 of the border crossings.

2 But, nevertheless, they've got his passport. The Indian
3 is expired and has not been functional, doesn't get you in and
4 out of any country; it's a dead document. The American
5 passport, they got, we give to you, they give to you, whatever.
6 Ms. Mann is willing to give up her passport so it doesn't
7 show -- doesn't give us any risk that she will go and then he
8 some time later try to come and follow her.

9 Obviously there's conditional -- conditions, Judge. Ankle
10 monitors do a world of good to give us a reasonable assurance
11 that the person's being kept track of. I would suggest home
12 detention, except here's the deal, he has -- it is a vibrant
13 medical practice. He has over a thousand patients right now,
14 and I thought this was important; he's got -- he's the only
15 doctor right now accepting new Medicaid patients; nobody else
16 is accepting them. So it's going to put a dent in the
17 healthcare of what's going on in Pope County. It would be, it
18 seems to me, in the best interest of the community to allow him
19 to get back to that practice and continue his care of these
20 folks.

21 So how do we do it? I'm assuming that you've got problems
22 with him being around guns, just because of the nature of the
23 offense, and that's more than understandable. I do note that
24 the Bail Reform Act says a condition of refraining from
25 possession of firearms is discretionary. I for some reason had

1 it in my mind that it was mandatory, but it's not.

2 But if you see fit that he shouldn't be around weapons,
3 here are the conditions that will give us some reasonable
4 assurance that it's going to work out. Get in an apartment --
5 let him get out, get into that apartment so he can get on the
6 phone and start dealing with some dealer and storage facilities
7 that he's aware of in Ft. Smith and in Fayetteville.

8 And it gives him two options, depending on how the Court
9 feels about it. He can stay there; you can confine him to that
10 apartment, except to go to the -- his medical practice, and/or
11 gives him time to dispose, or transfer I should say, lawfully
12 the weapons that are in the big house, and at that point we can
13 come back to you and say, Now we've got that problem
14 accomplished; can he go -- can they move back into their
15 residence?

16 So there seemed to me to be conditions here that will give
17 us the reasonable assurances that he's not likely to flee, and
18 I've addressed the dangerous component. Other than that,
19 Judge, if you have any questions, I'll be happy to try to
20 answer them for you.

21 THE COURT: Now, Mr. Gordon, did you have anything
22 else that you wanted to add in rebuttal?

23 MR. GORDON: Just briefly, Your Honor.

24 REBUTTAL ARGUMENT ON BEHALF OF THE GOVERNMENT

25 MR. GORDON: I think *Bowers* is totally

1 distinguishable from the case before you. This isn't a felon-
2 in-possession case; this is a guy with 98 implements of war.
3 And if -- defense counsel pointed at (g)(1) for the factors to
4 be considered, and he pointed out the nature and circumstances
5 of the offense charge, including whether the offense is a crime
6 of violence. And that's where he stopped and started talking
7 about *Bowers*. But if you continue reading on, it talks about
8 firearms, explosives, or destructive devices. That's this
9 case; it's not a felon-in-possession case.

10 The burden for risk of flight is just preponderance of the
11 evidence. I think we've clearly met that. I don't think
12 simply putting a leg monitor on Dr. Mann is going to -- given
13 his resources and the pressures on him to go, is going to be
14 sufficient.

15 There's nothing that keeps him on -- it tells you where
16 the bracelet is, but we all know that those things can be
17 removed, and people disappear all the time. And if anyone has
18 the motive to go, he does, and the means. So I can't
19 imagine --

20 THE COURT: What about the weight to give all that
21 testimony about the border crossings?

22 MR. GORDON: Your Honor?

23 THE COURT: What about the weight that you would
24 argue I give the testimony about the border crossings? The
25 defense is arguing about that.

1 MR. GORDON: Whether -- I mean, realistically were
2 all those -- can all those border crossings be attributed to
3 Dr. Mann? I don't think so. But the point is he has the
4 contacts in the India. He does travel there; his family comes
5 here. He's got the means to get there with little or not
6 effort, given the cash flow that he has.

7 And, again, he's got all the pressures to go. It's not
8 just about this case; it's the civil cases, it's his practice,
9 it's his fights with the Medical Board, it's these allegations
10 of back-dooring pills to his patients. So the pressure's
11 there, and he can do it if given the chance.

12 And I just cannot -- I can't think of any set of
13 conditions that will -- that you can place him under to assure
14 his attendance or reasonably assure his attendance. He's got
15 no contacts here, and I don't think putting him at home where
16 his wife can watch him is adequate, so we ask that he be
17 detained.

18 THE COURT: Anything -- did you want to respond to
19 anything he had to say on that?

20 MR. HENDRIX: I just -- he's got contacts, wife,
21 kids --

22 THE COURT: I understand that --

23 MR. HENDRIX: -- the whole thing.

24 THE COURT: -- he has family there.

25 I'm going to take a brief recess, and then we'll be back

1 and I'll make my decision.

2 THE MARSHAL: Please rise.

3 (Whereupon, a short recess was taken.)

4 THE MARSHAL: This Honorable Court is once again in
5 session. Please be seated.

6 THE COURT: All right. I'm prepared to make my
7 ruling, and the first issue I'll take up and I'll address will
8 be the issue of probable cause.

9 I had no difficulty in making that determination. I find
10 this more probably true than not that there's probable cause to
11 believe that Dr. Mann created -- committed the crime of which
12 he's charged. I don't believe that's really a difficult issue
13 in this case.

14 The more challenging issue has to do with the risk of
15 flight that the Government has asserted in order to detain you,
16 Dr. Mann. And I agree with Mr. Hendrix, in that there -- and
17 the Government conceded as much in some of the points, that
18 there is some evidence that's been introduced and there's been
19 some testimony that was fairly gray in, but how much weight to
20 place on that, it seems like very little.

21 And so what I wanted to really focus on in my mind and
22 take a break and organize my thoughts on, what do I really know
23 that I feel has been clearly proved by a preponderance of the
24 evidence.

25 And I look at the nature and the circumstances of the

1 offense as a substantial factor, and this is not -- and I know
2 that, for instance, the magazines you introduced kind of
3 suggesting that it was simply a gun collector and that this is
4 a situation where, you know, someone may have technically, you
5 know, overlooked something, you know, like maybe you'd say that
6 about those firearms found in the house.

7 But it's the circumstances surrounding the discovery of
8 those grenades and the way they were concealed. Those are
9 circumstances that I've got to take into consideration, Dr.
10 Mann. And as I said, I found probable cause linking you to
11 those instruments, the explosive devices.

12 And there are some facts that I can't ignore as far as
13 contributing to my assessment of your character and whether or
14 not you would obey the rules, obey any orders that I would
15 impose. And I don't -- I have -- I believe that the
16 Government's proved by a preponderance of the evidence that I
17 can't fashion a condition of release to allow you to be
18 released, so I'm going to order that you be detained.

19 And one of the factors is the way that those items were
20 concealed and hidden. As I said, that speaks to an individual
21 who'd be willing to escape if he felt like it was his -- to his
22 advantage, and that causes me a great deal of concern about
23 your willingness to abide by any conditions that I would
24 impose.

25 The financial evidence that was introduced also gives me

1 great pause. It's true that, you know, a lot of individuals
2 handle their finances different from one another, and so maybe
3 for one person having a lot of cash around the house, that
4 maybe that wouldn't be a great surprise in certain amounts.

5 But the amount of money that was found in your house when
6 the search was conducted, almost \$50,000, \$34,000 of which was
7 found in the trunk of a vehicle, is very unusual, in my
8 opinion, and particularly in light of the reduced income that
9 there was testimony about that you've received from your
10 medical practice over the last several years.

11 And when I look at the amount of money that's in your bank
12 accounts, those amounts don't suggest that an individual would
13 then have \$50,000 around just for expenses that might come up
14 as your wife described, and I appreciate her testimony and her
15 honesty in that regard, but I don't -- that just doesn't --
16 that causes me a great deal of concern.

17 It also gives me -- there's some confusion in my mind
18 about really your financial resources, which is a factor I have
19 to consider. You know, I've considered whether or not I could
20 come up with some sort of -- I've tried to consider whether
21 there was some sort of bond that I could set as one of the
22 factors to consider in allowing you to be released.

23 Mr. Hendrix brought up ankle bracelets, residences, things
24 like that, and I considered those sorts of things. An ankle
25 bracelet doesn't give me a lot of comfort in your situation,

1 and we use those in some cases, but I don't believe it's
2 appropriate in this case.

3 But back on the funds, the problem I've got with those is
4 I don't know that I have an accurate picture of your financial
5 wherewithal, your ability to use resources in order to flee. I
6 have to take that into consideration. If I looked at those
7 bank accounts, I might say, Well, there aren't a lot of
8 resources; I could set a bond.

9 When I see the cash, I have some concern, is do I really
10 have an accurate picture of the access you have to finances?
11 And I don't believe I do. I believe the only picture I've got
12 now is that you have access to a substantial amount of
13 resources, and those -- of which I don't quite know and would
14 be unable to fashion a bond in order to determine what would be
15 a bond that I could trust.

16 Now, you've got -- you do have -- and I have agree, I know
17 Mr. Gordon mentioned you didn't have any contacts in the
18 community. I agree with Mr. Hendrix you do have contacts in
19 the community. Of course your wife's there, your children are
20 in school, and those are substantial contacts.

21 But you also have contacts outside the country that, if
22 you were inclined to flee, would make it much easier for an
23 individual such as yourself to flee and remain gone than it
24 would be for a lot of other citizens. And so I think that's a
25 factor I'm taking into consideration as well.

1 Mr. Gordon made much of the fact that you are under
2 additional pressure with your medical practice, and there are
3 others that may arise. And I know your wife testified about,
4 you know, the challenge of I think it's 35 to 40 percent that
5 you were making in your medical practice now, and those are all
6 factors that I have to consider; you know, all the pressure
7 that you're under. And there's no doubt that this complaint
8 that's been filed against you and the charges that you face,
9 those contribute to that pressure, again, that I have to assess
10 as to whether or not there's a risk of flight.

11 And when I see the nature and circumstances of it, where
12 it involves concealing things, such as the grenades involved,
13 when it involves large amounts of money, that lead me to
14 believe that there are amounts of money that are unaccounted
15 for that I don't believe I could set a bond as one of the
16 factors.

17 And I don't believe I've got any other choice but to order
18 that you be detained, so I'll be entering an order to that
19 effect at the close of court.

20 Do you have any questions?

21 MR. HENDRIX: No, Your Honor.

22 MR. GORDON: No, Your Honor.

23 THE COURT: All right. Court's adjourned.

24 THE MARSHAL: All rise.

25 (Proceedings adjourned at 11:28 a.m.)

1 Electronic Sound Recording Certification

2 I, court-approved transcriber, certify that the foregoing is a
3 correct transcript from the electronic sound recording of the
4 proceedings in the above-entitled matter.

5
6 /s/ Terri Starkey
Terri Starkey, CET

March 16, 2009
Date

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