

1 today's hearing we sought to get all of the e-mails
2 between Humphrey and Krenz and there exists one and Mr.
3 Sommers has a copy of it already.

4 MR. SOMMERS: I don't believe I do have a copy of
5 it. I guess if she's willing to give it, I would ask that
6 the court order that they provide me with all of the
7 e-mails. Is that what she's willing to say?

8 MR. SCHWAEMLE: Yes, one exists and I'm fairly
9 confident it was already sent to him but I will be happy
10 to send it again.

11 THE COURT: Okay, you will have those.

12 MR. SOMMERS: I think his own affidavit disputes
13 that there's only one e-mail.

14 THE COURT: This is a case that we need to get
15 tried and I sense now that having these decisions made,
16 for better or for worse depending on where you sit, it is
17 incumbent upon everyone sitting at the table to open book
18 this case wherever possible, absolutely, because let's
19 just get the facts before the jury.

20 MR. SOMMERS: Your Honor, I guess what -- I have
21 never seen this e-mail before and I tell you I know what I
22 know because 'this e-mail -- and I know we can do it now.
23 Even in the very first paragraph of this e-mail I see why
24 they never gave it to me. It's a bombshell and I don't
25 know -- can I raise it now?

1 THE COURT: You got motion time and I hear these
2 exchanges about what McCoy said. That's what
3 cross-examination is about and the jury gets to hear the
4 whole thing laid out, both sides get a chance to ask him
5 why he said what he did, when he said what he did, to whom
6 he may have said it, all these things. Presumably they
7 can come out in cross-examination and, you know, we have
8 opportunities to destroy the credibility of a witness. It
9 may work, I don't know.

10 MR. SOMMERS: Your Honor, is it okay if I just
11 read this e-mail then into the record?

12 THE COURT: I don't think now is the appropriate
13 time to do it.

14 MR. SOMMERS: To add to the record I think, Your
15 Honor, this is -- this is the biggest --

16 THE COURT: It should come in in some fashion as
17 part of a motion. It's not coming in now. This reporter
18 is exhausted and gave up her time and she reports
19 elsewhere this afternoon. We are off the record now.
20 Thank you very much.

21 MR. SOMMERS: Your Honor, it's -- my client's
22 condition for bail, I asked to have one condition changed.
23 My client right now's been very good, as you know, on
24 conditions of bail. His employment has changed. There's
25 been a rule that he can't --