

CR 1827-72
US V GEORGE GORDAN LIDDY ET AL
~~EX~~ 3

(3)

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TO furnish to MR. Maravio - RLB

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JAMES F. DAVEY, Clerk

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to you before that Mr. Hunt, upon the request of his doctor, is presently in Florida with his four children.

Mr. Silbert has indicated to me that he feels it is imperative that the Government doctors have an opportunity to examine Mr. Hunt. You will recall, Your Honor, I showed a letter to you at the first pretrial.

THE COURT: I didn't even read the letter but you showed it to me.

MR. BITTMAN: I have given a copy to the Government. Obviously, I have no objection if the Government Physician wants to examine Mr. Hunt with respect to whether Mr. Hunt can effectively assist counsel and participate in his trial. Apparently, Mr. Hunt is not scheduled to return until December 29th. He can come back a day or two earlier but would have to leave his four children down there with relatives and the youngest boy is 9 years old. I am just wondering if it would not be possible to permit Mr. Hunt to be examined on or about the 29th rather than the day after Christmas because he would have to leave his four children in Florida. And I believe some kind of outpatient examination is possible, based on my discussion with Mr. Silbert.

THE COURT: I don't know what arrangements the doctors for the Government can make.

MR. SILBERT: First of all, what we would propose to do is submit an order to the Court under Rule 28. So, in effect, it would be a court ordered examination. The doctors that we have in mind are a psychiatrist and neurologist well known to the Judges of this Court, having appeared and testified in many cases in behalf of the defense and the Government. We would assume the doctor would be a court-appointed expert in this matter.

THE COURT: How many doctors are you going to have?

MR. SILBERT: We have now presently available for the Court two doctors, one an expert in the combined field of psychology and neurology and another who is an internist. Now, I have been talking to them only in terms of examination on the 26th and 27th because I have been advised that was the date the Court had in mind. I have not discussed with them their availability as to the 28th or later dates.

THE COURT: Here is how I feel about this. (1) What was the substance of the letter from your doctor?

MR. BITTMAN: I don't have a copy.

THE COURT: Was it an emotional problem at all?

MR. BITTMAN: I don't have a copy with me.

THE COURT: I can understand he must have been very emotional and shocked because of this unfortunate accident. I can understand that. I was emotionally upset

when my mother and father passed away. But I went back to work very soon, before a month went by, and I don't think anybody could be any closer to a person than a mother and father, and that includes wives sometimes. I am not saying anymore about that. The point is this. This man, apparently, is now saying he is not able to go to trial, which is going to cause a lot of inconvenience to other defendants in the case. If he is serious and sincere about putting on some evidence as to his physical condition we have already gotten doctors lined up for the 26th.

MR. SILBERT: And 27th.

THE COURT: I indicated to Mr. Silbert over the phone before he got in touch with Mr. Bittman we may have to get him into a hospital and give him a good examination. If he is just emotionally upset, that, in my opinion, is not a valid excuse. We have a very fine first aid setup downstairs with two trained nurses. Mr. Hunt will be given every advantage. If he gets tired during the day I will arrange for him to go down and take a rest for two or three hours if he wishes. A lot of things can be done to make him comfortable and I am not going to continue this case unless I have to in connection with strong medical testimony.

MR. BITTMAN: Let me address myself very briefly to that. And I am just as concerned about the effective

assistance of counsel and to be able to communicate with Mr. Hunt as I am with respect to Mr. Hunt physically in being able to sit there in the course of the trial. I am not asking for a hearing on this and I will make a statement right now to Your Honor because I don't want to play any games or be accused of playing games, assuming that the doctors Mr. Silbert has in mind are qualified -- and I assume they are -- and I will accept their findings with respect to whether or not my client can effectively communicate with me in his defense and participate in this trial. I am not going to ask for a hearing and put on a lot of contradictory testimony. I think that is being fair to the Court. I would only ask that the examination be conducted the 28th or 29th and the findings of the physicians be promptly forwarded to me for my examination.

THE COURT: What do you say? I don't know whether you can get your doctors. Maybe they are going on vacation. Arrangements have already been made.

MR. SILBERT: I can certainly call and notify the Court.

THE COURT: Where is he in Florida?

MR. BITTMAN: Largo, Florida. He is with some relatives.

THE COURT: He has relatives down there. They

certainly can take care of the children. The children are probably out of school on vacation. This is holiday time. I would like to get him back as soon as we can and get this thing settled. I don't want anything to happen to prevent this case from going to trial.

MR. BITTMAN: The only problem we have is, of course, he does have

So there are other unique circumstances that exist because of the wife's death.

THE COURT: Why don't you get in touch with the government doctors and find out what there schedule is and what their commitments are? I don't think the 29th is a realistic date. I don't think you should go beyond the 28th because you are running into a Saturday after the 28th, you see. It is up to him to come back in time.

MR. BITTMAN: This is something we can work out. I just wanted to know if the 26th had to be the date.

THE COURT: Has anybody else got any problems with defendants along those lines? If you do it is time to say it. If a defendant doesn't show up I will forfeit the bond and issue a bench warrant.

MR. GLANZER: May I suggest, consistent with