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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 3:19-cr-00112-JO
)	
v.)	
)	April 19, 2019
GLEN STOLL,)	
)	
Defendant.)	Portland, Oregon
)	

FIRST APPEARANCE AND ARRAIGNMENT
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE STACIE F. BECKERMAN
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

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APPEARANCES

FOR THE PLAINTIFF:

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TRANSCRIPT OF PROCEEDINGS

(April 19, 2019)

(In open court:)

MR. HORST: We need just a moment, Your Honor.

Judge, thank you for the time.

Noah Horst, H-o-r-s-t. My bar number is 076089. I'm with Mr. Stoll. He just needed to review the release conditions that Pretrial Services was recommending. We're ready to proceed.

THE COURT: Okay. Thank you.

MR. BRADFORD: The next case before the Court is United States of America v. Glen Stoll. Case No. 19-cr-00112. This case is assigned to Judge Jones. The defendant is present, in custody, and accompanied by counsel, Mr. Noah Horst, who I think is going to be seeking panel appointment.

MR. HORST: Right.

MR. BRADFORD: Now is the time set for an arraignment on a six-count indictment alleging conspiracy, tax fraud violations, or criminal tax violations, bank fraud, and making false statements to financial institutions.

The case is under seal, and I would move at this time to unseal the case.

THE COURT: Mr. Horst, any objection to unsealing the case?

MR. HORST: No, Judge.

1 THE COURT: Okay. I will grant the government's
2 motion to unseal the case in its entirety.

3 MR. HORST: Thank you.

4 THE COURT: Mr. Horst, are you seeking appointment
5 today?

6 MR. HORST: I am, Judge.

7 THE COURT: Okay. Have you had a chance to determine
8 whether Mr. Stoll qualifies for court-appointed counsel?

9 MR. HORST: Judge, I have not done that, but my
10 understanding is that the federal public defender in Washington
11 made a determination, or at least had Mr. Stoll fill out a
12 financial affidavit, and the case was routed to me. So I
13 believe that he has been previously determined to qualify, and
14 I would ask for appointment on this case.

15 THE COURT: Okay. Thank you. Does our Federal
16 Public Defender's Office have a conflict?

17 MR. BRADFORD: Yes, Your Honor.

18 THE COURT: Okay. Thank you.

19 Good afternoon, Mr. Stoll. You have the right to be
20 represented by a lawyer in this case. If you want to hire a
21 private lawyer at your own cost, you can do that. But if you
22 cannot afford to pay a lawyer right now, I'll appoint
23 Mr. Horst, who is an experienced federal criminal defense
24 lawyer on our Criminal Justice Act panel of lawyers, to serve
25 as your lawyer.

1 Is that what you would like me to do?

2 THE DEFENDANT: Yes. I have agreed to defer to my
3 counsel. Thank you very much.

4 THE COURT: Okay. Thank you.

5 I will make a finding that Mr. Stoll qualifies for
6 court-appointed counsel, and I'll enter an order appointing
7 Mr. Horst to serve as his counsel.

8 Mr. Horst, has Mr. Stoll had a chance to review a copy of
9 the indictment?

10 MR. HORST: Judge, he has. We reviewed it together
11 this morning in my office before he turned himself in to the
12 marshals.

13 THE COURT: Okay. Thank you.

14 Is it his wish to enter not guilty pleas at this time?

15 MR. HORST: It is, Judge. We'll proceed as named and
16 we'll waive further reading and advice of rights and request a
17 jury trial.

18 THE COURT: Okay. Thank you.

19 Mr. Stoll, you do have the right to review a copy of the
20 indictment in this case. I understand you've had a chance to
21 take a look at that. I also want to remind you that you have
22 the right to remain silent. What that means is you're not
23 required to speak to anybody from the government about these
24 allegations. And if you do talk to anybody other than your
25 lawyer, your statements can be used as evidence against you.

1 That also applies to jail calls, so if you are ever in custody
2 and you're talking on the phone, those calls are monitored and
3 statements that you make to friends or family could be used as
4 evidence against you.

5 I will enter not guilty pleas to the seven-count
6 indictment.

7 Mr. Bradford, how many days do you anticipate for trial?

8 MR. BRADFORD: The government's case-in-chief would
9 take approximately one week.

10 THE COURT: Okay. For today's purposes, I'll set it
11 for a five-day jury trial to begin on June 18, 2019, at
12 9:00 a.m. before Judge Jones. Discovery is due in 14 days.

13 Mr. Bradford, is the government seeking pretrial detention
14 in this case?

15 MR. BRADFORD: We are not.

16 We agree with Pretrial's assessment and proposed
17 conditions, but I would like to raise a few issues with the
18 Court aside from those conditions at the appropriate time
19 today.

20 THE COURT: Go ahead.

21 MR. BRADFORD: Thank you. I would note,
22 specifically, that Mr. Stoll has had an injunction, a permanent
23 injunction, issued against him by a court. I've tendered a
24 copy of that injunction to the courtroom deputy for the Court's
25 review. That was issued in the Western District of Washington

1 in 2005. Mr. Stoll has been in violation of that injunction
2 and the conditions outlined on page 14 of that injunction since
3 2005. He's also held himself out in the community as a lawyer
4 and has engaged in the unauthorized practice of law. It's
5 unclear whether he has any official government identification,
6 like a state-issued driver's license. So those are additional
7 issues the government is concerned about.

8 Mr. Stoll does subscribe to some sovereign citizen beliefs
9 and is associated with some sovereign citizen groups.

10 To that point, I would advise him, here in open court,
11 that if he files any documents, liens, et cetera, against the
12 Court or any government official, that is a separate crime
13 under 18 United States Code § 1521, and the government will
14 pursue charges if he does or has someone do that on his behalf.

15 I note that Pretrial has incorporated the conditions of
16 the injunction and its proposed conditions of release, but he
17 will be in violation of that immediately if the Court releases
18 him with these conditions. So I would give him 24 hours to
19 take down the website, as required by the injunction.

20 If he does not do so, then the government will likely seek
21 a warrant, or something, for him being in violation of his
22 proposed conditions of release.

23 Again, he's had plenty of time to take that down and
24 follow the injunction.

25 THE COURT: Mr. Bradford, let me ask you. The

1 injunction is covered in the proposed release conditions, and I
2 believe the -- the state ID issue is somewhat addressed in the
3 sense that a defendant shall not operate a motor vehicle
4 without a government-issued driver's license.

5 Do you need a separate condition relating to unauthorized
6 practice of law, or is that covered in the release condition
7 that prohibits Mr. Stoll from violating any state or federal or
8 local law?

9 MR. BRADFORD: I believe it's covered in the general
10 condition, but I want it to be specific on the record today and
11 articulate that that issue is covered, if the Court agrees, to
12 put the defendant on notice that he cannot do that, given these
13 release conditions; that we don't get hyper-technical or
14 wordsmith with the proposed conditions of release.

15 THE COURT: Okay. Thank you.

16 Mr. Horst?

17 MR. HORST: Thank you, Judge.

18 I've had a chance to briefly -- when Mr. Stoll came out
19 and reviewed the conditions of release with Pretrial Services,
20 I've requested that he sign this document in open court, which
21 he has done, and he's prepared to abide by those conditions.

22 I did receive a copy of this injunction. As far as I
23 know, it's not going to be a problem. If it is, I will come
24 back to court to address any issues that we might have with it.

25 I don't know -- is it the Remedies of Law website? Is

1 that what you're talking about that needs to come down?

2 MR. BRADFORD: Yes. That's the one, Your Honor.

3 THE COURT: Okay. Thank you. Mr. Stoll, I will go
4 ahead and sign the release order. That means you will not be
5 placed in custody pending trial. Trial can sometimes be set
6 out for quite some time, so pretrial detention is a pretty big
7 deal. I believe that you at this point do not pose a risk of
8 danger to the community or a risk of nonappearance, so I'll
9 sign the release order. But I agree with Mr. Bradford's
10 concern with whether or not what you're doing in your daily
11 life may violate some of these release conditions. You have
12 heard him say if you don't take down or cause to be taken down
13 the Remedies at Law website, that that would be a violation of
14 these rules that we're handing over to you.

15 I'm not going to prejudge that, but I think that's
16 probably likely true because that does arguably violate this
17 permanent injunction, and so that's a very serious matter. If
18 you break any of these rules, you will likely be arrested on a
19 warrant from the Court and be right back here and likely be
20 detained pending trial and be put in custody until trial, and
21 sometimes that can be up until a year. So that's a really big
22 deal.

23 And so it's very important that you follow all of these
24 conditions of release, including abiding by this permanent
25 injunction; including if you're driving, you're driving with a

1 valid driver's license. You are not allowed to practice law if
2 you don't have a law degree. All of those things, if you do
3 them, will be a violation of the conditions of your release,
4 and that would cause your release to be revoked, and you would
5 be sitting in custody pending your trial.

6 So nobody wants that to happen to you. So we'll have to
7 be very clear, if you have any questions about what you're
8 allowed to do and what you're not allowed to do while you're on
9 release, please ask Mr. Horst, please ask your Pretrial
10 Services officer, because we don't want to trip you up on a
11 technicality, but all these rules are very important.

12 Do you have a question for your lawyer?

13 Go ahead.

14 MR. HORST: Judge, Mr. Stoll is just concerned about
15 inadvertently violating one of the Court's orders, which makes
16 sense to me, and it's just requesting that he receive notice if
17 he's in violation. I mean, clearly some of these orders, like
18 if you drive, you have to have a valid license, that seems
19 pretty clear to me and hard to be -- not to be in compliance,
20 but some of these -- the other orders I frankly don't -- I'm
21 not fully familiar with this injunction, so I would ask that
22 if -- if the parties think that he is violating something, that
23 I be allowed to intervene. I think we have a pretty good
24 relationship, and I can help Mr. Stoll comply with those
25 conditions, and I think that that good relationship is

1 demonstrated by his behavior in court today and also him
2 turning himself in.

3 THE COURT: Mr. Bradford?

4 MR. BRADFORD: I appreciate Mr. Horst's concerns and
5 his desire to intervene on his client's behalf, but that would
6 be inappropriate and improper for us to give prior notice of a
7 violation where it would require his arrest. There's a safety
8 risk, a harm to the community, those types of thing. So we
9 can't agree that we would always give prior notice that he's in
10 violation.

11 THE COURT: Sure.

12 MR. BRADFORD: I think Pretrial probably has similar
13 feelings. I know there's some times where we do give prior
14 notice to sort things out, but to make that a blanket
15 requirement, the government would object.

16 MR. HORST: Judge, I'm not asking -- just to be
17 clear, I mean, obviously, if there's a safety risk, there's
18 nothing I can do. But if there's another website or some other
19 issue that we haven't addressed here today in court, that it
20 becomes apparent that Mr. Stoll has not been able to comply
21 with, I would just like a heads-up from Pretrial so I can work
22 with Mr. Stoll to come into compliance.

23 THE COURT: Okay. And, certainly, everybody in this
24 system acts reasonably, and so oftentimes there will be a
25 concern that you're doing something you're not supposed to do,

1 and Pretrial will have a conversation with you about it.
2 Sometimes the government's involved with that; sometimes it's
3 not. If it's a major violation that's putting people at risk,
4 there's the risk that you would have a warrant issued without
5 knowledge of that. That happens.

6 But, usually, Pretrial is going to work with you to make
7 sure you understand what you're allowed to do, what you're not
8 allowed to do, and you'll have conversations about that. And I
9 would invite Mr. Horst to have a conversation with Mr. Bradford
10 about his -- his view of what would constitute a violation and
11 what wouldn't because he's obviously been working with these
12 facts, the situation for longer than you have, and so for him
13 to share his views on what these possible pitfalls are would be
14 helpful.

15 So we don't want to -- nobody wants to trip Mr. Stoll into
16 a violation or set up a trap, but we do need him to follow the
17 law while he's out on release, and some of the things that are
18 alleged here, some of Mr. Bradford's concerns, are violations
19 of the law that have been happening up until today. So the
20 concerns are that those things stop and so that while you're on
21 pretrial release, you're abiding by the law a hundred percent
22 of the time.

23 Mr. Stoll, the other concern is you need to be in court
24 when you're ordered to be in court. So if you fail to appear
25 for a sentencing or a -- a hearing, that could be a whole other

1 criminal offense you could be charged with. And any time on
2 that offense would be added to the time for this case.

3 And so it's really important to keep in touch with your
4 lawyer. He needs to know how to reach you so he can keep
5 apprised of any future court dates.

6 If you do have any questions about the conditions of your
7 release, certainly always reach out to your Pretrial Services
8 officer. They can answer those questions. And Mr. Horst will
9 be there for you as well.

10 Mr. Horst, anything further that we need to discuss this
11 afternoon?

12 MR. HORST: Judge, I know that usually these cases
13 get set over past their initial appearance. I just wanted to
14 let the Court know I'm scheduled in trial in Multnomah County
15 already on the 18th.

16 THE COURT: On?

17 MR. HORST: On June 18th.

18 THE COURT: Certainly, I would be surprised if the
19 trial went forward on June 18th, but if there's some concern or
20 there's no waiver of the Speedy Trial Act and you think that
21 that is a date certain that is going to play out, I'd urge you
22 to contact Judge Jones' chambers and try to find a different
23 trial date.

24 MR. HORST: I will. Thank you, Judge.

25 MR. BRADFORD: Thank you.

1 THE COURT: Thank you. Thank you, Mr. Stoll.

2 I'll go ahead and sign the release order.

3 MR. HORST: Thank you.

4 (Hearing concluded.)

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C E R T I F I C A T E

United States of America v. Glen Stoll

3:19-cr-00112-JO

FIRST APPEARANCE and ARRAIGNMENT

April 19, 2019

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the proceedings in the above-entitled cause. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

/s/Jill L. Jessup, CSR, RMR, RDR, CRR, CRC

Official Court Reporter
Oregon CSR No. 98-0346

Signature Date: 7/29/19
CSR Expiration Date: 9/30/20