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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.)	
)	June 11, 2019
GLEN STOLL,)	
)	
Defendant.)	Portland, Oregon
)	

INITIAL APPEARANCE/PRETRIAL RELEASE VIOLATION/STATUS CONFERENCE
TRANSCRIPT OF FTR-RECORDED PROCEEDINGS
BEFORE THE HONORABLE JOLIE A. RUSSO
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

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APPEARANCES

FOR THE PLAINTIFF:

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FOR THE DEFENDANT:

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1 TRANSCRIPT OF FTR-RECORDED PROCEEDINGS

2 (June 11, 2019)

3 (In open court:)

4 DEPUTY COURTROOM CLERK: All rise. This United
5 States District Court for the District of Oregon is now in
6 session. The Honorable Jolie Russo presiding.

7 Be seated, please.

8 THE COURT: Good afternoon.

9 MS. MADDUX: Good afternoon, Your Honor. Donna
10 Maddux appearing on behalf of the United States. We're here in
11 the matter of United States v. Glen Stoll. It's case
12 No. 19-cr-00112. This case is assigned to Judge Jones.13 Defendant is present, out of custody. Appearing with him
14 today is his attorney, Noah Horst.15 We're here today on defendant's request for a status
16 regarding his release conditions, but both parties have also
17 just been notified by Pretrial Services that there appears to
18 also be a potential violation of release conditions.

19 We've just received those packets.

20 THE COURT: Thank you. Good afternoon, sir.

21 MR. HORST: Good afternoon, Judge. Noah Horst,
22 H-o-r-s-t.23 Ms. Maddux is correct. My understanding is that there's
24 some allegation. I'm not even sure what the recommendation is
25 here, but that Mr. Stoll has a website that is somehow not

1 complying with orders of release.

2 The reason that I set this hearing for Mr. Stoll is that
3 he had requested permission to travel as part of his ministry
4 from June 14th through June 22nd to assist somebody who has
5 Parkinson's disease, to visit his family, and to attend a
6 minister's conference.

7 In response to that request, he's being supervised out of
8 the Western District of Washington. His pretrial officer there
9 said, "Well, we need financial paperwork and to do a home
10 visit."

11 Mr. Stoll's position is that a home visit is not necessary
12 in this case. He is not a danger.

13 THE DEFENDANT: (Indiscernible.)

14 MR. HORST: Oh, okay. Well, right. Okay. I guess
15 the issue that Mr. Stoll has with the wording of this email is
16 that what's being requested is a home inspection rather than
17 just a verification of his address. He feels like, and it
18 sounds as if Ms. Combs, up in the Western District, intends to
19 walk through and inspect various items. We're not sure what
20 that -- what that is. We would like some clarification from
21 the Court.

22 The second thing that she asked for from Mr. Stoll was
23 financial paperwork. This is a financial fraud case, Judge,
24 and we're not inclined to provide those items that are
25 requested because we don't know, specifically, what she is

1 asking for in terms of financial paperwork. It could very well
2 relate to the allegations in this case, and we believe that
3 those should be kept private and between counsel and Mr. Stoll.

4 So that's why we requested this hearing.

5 About 30 seconds before you took the bench, I got this
6 thick packet here. I'm not quite sure the best way to deal
7 with this, other than to set another hearing to address this
8 issue, because it does seem complicated. I'm going to be in
9 trial, starting Monday, for at least five days, across the
10 street in Multnomah County, on a case that is not going to
11 move. That trial date won't change. So I'm not really
12 available until the following week to address this issue, and
13 that would be my preference.

14 Although, I would like to get some clarification today
15 regarding the home visit issue and the scope of the financial
16 paperwork that is authorized by the Court.

17 THE COURT: Okay. Thank you.

18 Ms. Maddux, do you have -- you, I assume, have not really
19 had an opportunity to review the violation notice either.

20 MS. MADDUX: Your Honor, I haven't had an opportunity
21 to review the violation notice. Although, I have had a chance
22 to look at some of the website information.

23 I also was unaware, until today, what the defendant's
24 objections were to the current pretrial release conditions. So
25 I would be prepared to talk a little bit about those today;

1 but, yes, I think it might be best if we set over the hearing
2 on the violation of release conditions.

3 I will say that it is clear to me, from a very, very brief
4 review of the website that has been brought to our attention,
5 churchcounsel.org, that it substantively mirrors the
6 information that was on the Remedies at Law site, and it is in
7 direct violation of the language of the preliminary injunction
8 that is issued out of the Western District of Washington.

9 That preliminary injunction is clear. On its face, it
10 specifically talks about the fact that the Court has found that
11 Mr. Stoll's position that he can assist people in nonpayment of
12 taxes, by use of corporation sole, or other ministerial trusts,
13 is false and frivolous and in violation of IRS rules.

14 Essentially, it's part and parcel of the reason that he is
15 before the Court for the charges of the -- the underlying
16 charges that bring him here. And the order itself is explicit
17 and says that he is enjoined and restrained from directly or
18 indirectly, by use of any means or instrumentalities,
19 organizing or promoting these so-called asset protection
20 devices or other similar arrangements and that he is precluded
21 from making false statements about the excludability of any
22 income and specifically excluded from promoting the false and
23 frivolous position that federal income taxes can be reduced or
24 eliminated by use of corporation sole, a ministerial trust to
25 shelter income.

1 Mr. Stoll's Church Counsel website appears to have a
2 specific link that is -- tells people that they can essentially
3 "click here to lawfully establish a church fellowship or other
4 nontaxable ministry."

5 THE COURT: Would it be helpful, instead of putting
6 this off a week and a half, to simply recess and give the
7 pretrial officer an opportunity to speak with counsel and
8 perhaps defendant to -- is that helpful or not?

9 THE DEFENDANT: I would like to have an opportunity
10 to clear this up myself, if I may.

11 MR. HORST: Judge, I would prefer the additional
12 time. This is a pretty thick packet. I understand that some
13 of this stuff may have been previously provided to me, and that
14 would include this order for permanent injunction. Some of the
15 issues in here that I think Mr. Stoll is interested in
16 addressing with the Court are things that he and I probably
17 need to spend some significant time talking about before I can
18 articulate a position with the Court and with Mr. Nischik.

19 Those issues most likely are going to be whether or not
20 whatever is on the website, which I don't know what's on the
21 website, except Ms. Maddux's representation that it is
22 substantially the same as the previous website, but I just
23 don't know. But I think the issue is going to be whether these
24 are truly false statements or whether they are true statements.
25 He's prohibited by this injunction from making false

1 statements. My guess is his position is those aren't false
2 statements. I don't know yet.

3 So I would appreciate the additional time.

4 I'm under a bit of a time crunch today. I -- the reason
5 that I requested this hearing today was that Mr. Stoll's home
6 inspection is set to take place tomorrow, and I really wanted
7 to get clarity on that release condition for Mr. Stoll and also
8 the financial documents issued.

9 I have a motion deadline of 4:00 p.m. That is just --
10 time is just ticking, and I would like to get back to the
11 motions that I'm required to file across the street in a timely
12 fashion.

13 So my preference, of course, is to do it after the trial.
14 Though, if the Court asked me to take a recess, I'll certainly
15 do -- do whatever the Court asks.

16 THE COURT: I'm happy to set the pretrial violation,
17 if that works for the government, on Monday, June 24th, at
18 1:30 p.m. It will come before me again as the duty criminal
19 judge.

20 Does that work for you, Ms. Maddux?

21 MS. MADDUX: That does work for the government,
22 Your Honor.

23 THE COURT: Okay. Thank you.

24 And Mr. Horst, that's fine?

25 MR. HORST: Judge, that should work. I suppose we

1 might spill into Monday, and if we did, in trial, I would just
2 contact the Court and Ms. Maddux and let -- let you both know.

3 THE COURT: Thank you.

4 Regarding the two special conditions allowing home visits
5 and completing financial paperwork before authorization to
6 travel 6/14 through 6/22, Officer, have you had contact with
7 Ms. Combs in the Western District of Washington, and can you
8 provide some information regarding those two conditions?

9 PRETRIAL SERVICES OFFICER NISCHIK: Sure, Your Honor.
10 Pretrial Services and Probation, in the Western District of
11 Washington, those offices are combined. So they are referred
12 to generally as "the probation office."

13 So the initial home visit, in fact, a home inspection,
14 where we walk through an entire residence, sort of get a lay of
15 the land, walk through outside, the residence, the property,
16 understand what's going on, that's an officer safety thing so
17 we know what is in the home.

18 The following home visits are less intrusive. It doesn't
19 always involve walking through every room of the house just to
20 see where everything is. Usually they're conducted in a living
21 room or a common space where we meet the defendant.

22 The reason that we go into the homes and conduct these
23 home visits is to make sure that defendants are, in fact, in
24 compliance with their release conditions. This particular
25 defendant has a number of financial release conditions, and

1 without access to the home, it's really not feasible to
2 supervise them, so -- and I also -- the request for getting the
3 financial documents is critical because the defendant is
4 charged with collecting income in an illegal manner. And so
5 understanding and getting a baseline of where this defendant is
6 now is important so that if we come and do a home visit in
7 two months and there's a new car in the driveway, there's a new
8 stereo system, a new TV, a new fine piece of furniture, if we
9 understand where the money is coming from, then we can
10 understand if it's a violation or not.

11 If the defendant is unable or unwilling to explain how he
12 came to be in possession of new things or, you know, checks
13 lying about the house, cash -- it's hard to say what you might
14 encounter, but that's -- that's sort of the purpose of the home
15 visit. And also getting the financial information baseline is
16 so that we can enforce the conditions of release so we can see
17 where he's at and we can help assure the community that the
18 defendant isn't using ill-gotten gains to continue a lifestyle
19 or do things that he shouldn't be doing, to make sure that he's
20 following the law.

21 So those are the reasons that we need to do the home
22 visits. The reason that Washington would not like to approve
23 or even really consider at this point the travel request is
24 because we don't understand where his money is coming from to
25 be traveling for a week or more at a time to another location.

1 Usually, those are very simple answers. However, if someone
2 refuses to provide those answers, it's left as an unknown and
3 it's unlikely to be approved.

4 I don't know if the Court has more questions. That's sort
5 of a long answer to a short question.

6 THE COURT: Are either of those conditions in any way
7 unusual? If you had another defendant charged similarly, would
8 those two conditions -- the home inspection and the review --
9 the financial questionnaire -- are those common?

10 PRETRIAL SERVICES OFFICER NISCHIK: They are. The
11 home inspection/home visit are derived out of the report to
12 Pretrial Services as a directed condition. The defendant then
13 signed a reporting instruction that indicated home visits would
14 be conducted throughout the period of the supervision.

15 The financial information -- occasionally, with defendants
16 charged with financial crimes, we have gone so far to request a
17 condition that they provide Pretrial Services with all
18 requested financial documents. The purpose of that is to avoid
19 this scenario.

20 That information isn't the prosecutor's information. So
21 we collect those things. We review it for compliance with the
22 release conditions. The government can't call us and ask us to
23 look for something or say, "Hey, check this out," or "We like
24 this particular thing." The file and those details are
25 actually the Court's file. So they could, you know, talk to

1 the Court and try to subpoena the records and the Court could
2 decide if those would be produced or not, but it's not
3 something that the government is allowed to ask for.

4 So I understand the defendant's concern that somehow we're
5 going to make the government's case for them, but our roles are
6 very, very different. Pretrial Services plays no role and does
7 not care if the defendant goes to trial and wins or goes to
8 trial and loses or changes his plea. It's irrelevant. We are
9 just here to enforce the Court's conditions.

10 THE COURT: So any responses by the defendant to the
11 financial questionnaire will not make its way from Pretrial or
12 Probation to the government?

13 PRETRIAL SERVICES OFFICER NISCHIK: The only avenue
14 that I see would be if the Court granted release of the file or
15 if, in the course of providing the details, there's a violation
16 of his release conditions in the financial documents that he
17 provides, so if -- if, in those financial documents, he has
18 been operating a website and doing exactly what he's told not
19 to do and he reports that income, then that would be a
20 violation, and we would reference whatever document or the
21 statement that provides the basis for the violation.

22 But those are the only two scenarios where that
23 information would be presented to the government.

24 THE COURT: And the home inspection is the first
25 thing that happens. And after the home inspection, there --

1 you then start with a series of home visits?

2 PRETRIAL SERVICES OFFICER NISCHIK: Correct.

3 THE COURT: And Mr. Stoll has not yet had the home
4 inspection?

5 PRETRIAL SERVICES OFFICER NISCHIK: He refused it.

6 THE COURT: Okay.

7 THE DEFENDANT: Objection. Can I object to this?

8 THE COURT: Yes, ma'am.

9 MS. MADDUX: Yes, Your Honor, as to the -- the
10 objection to the financial records. In my seven and a half
11 years of doing this job, I have never sought nor in any way
12 affirmatively requested financial documentation filled out by a
13 supervised defendant from Pretrial Services. It is simply just
14 not the practice of our office to do so. We, obviously, have a
15 historical case on the defendant, and that is the case that we
16 are proceeding under.

17 To the extent that Pretrial brings violations to our
18 attention or the Court's attention, we find it by those
19 mechanisms.

20 So that's what I would have to add on that.

21 THE COURT: Okay. Thank you.

22 Mr. Horst?

23 MR. HORST: Thank you, Judge.

24 Just, Mr. Stoll takes issue with the characterization of
25 refusing a home visit. I think, if my recollection is correct,

1 Mr. Stoll and I had an appointment to review discovery or to
2 discuss the case in my office. He lives about, what, a
3 five hours' drive from my office. So when he was leaving to
4 get in the car to meet me for that appointment, that was when
5 the pretrial officer came up and wanted to do the home
6 inspection.

7 He said, "I've got to go. I've got a meeting with my
8 lawyer."

9 I wasn't there. That's just my understanding of what
10 happened.

11 I don't doubt, again, that Ms. Maddux has not requested
12 this information -- financial information, but it does concern
13 me a little bit to think that this -- most of this document,
14 with the exception of the release conditions, was sent to
15 Ms. Maddux at some point prior to hearing, by email, which I
16 wasn't copied on.

17 MS. MADDUX: That's not correct. I received -- all I
18 received from the Pretrial Service's officer this morning was a
19 link to the website --

20 MR. HORST: Okay.

21 MS. MADDUX: -- asking if I had seen it previously.

22 MR. HORST: Okay. I didn't get that same link. So
23 there's some level of communication that occurs between the
24 Pretrial Service's officer and the government that I am not
25 privy to, and I think that is something that leaves Mr. Stoll

1 to be somewhat distrustful of the representations made here
2 today regarding whether any of his information that he hands
3 over is going to be shared through some channel that I don't
4 find out about until moments before court.

5 So what I -- what I think is appropriate here, Judge, is
6 that if a home visit is going to be authorized and/or
7 delineated what's going to happen during that home visit, that
8 that is very clearly laid out for Mr. Stoll.

9 Frankly, it doesn't seem unreasonable, to me, for officer
10 safety reasons, that the Pretrial Services officer is able to
11 make sure there's no weapons, for example, in the house or no
12 pit bulls or other dogs that may or may not be dangerous --
13 dachshunds, et cetera.

14 So I would just -- I -- I -- frankly, I think that's a
15 reasonable thing. What I don't think is reasonable is for
16 Pretrial Services to have this sort of carte blanche ability to
17 walk through and look for things and catalog what his furniture
18 looks like and whether he has a -- you know, a fleet of cars in
19 one place or another. That's not related to the goals of
20 supervision, in my opinion, or the officer safety issues.

21 So I would ask that that home inspection be limited to
22 making sure that the officer is going to be safe when she comes
23 to the house to check up on Mr. Stoll and make sure he's living
24 where he says he's living, which is the purpose of that release
25 condition. Right? That "We say you can live here. You better

1 be there when we show up." That makes sense to me.

2 Mr. Stoll has had no problem getting himself to court and
3 even attempting to schedule his own release hearings by
4 himself. So he certainly wants to be a part of this case. He
5 wants to go to trial. He wants to be heard. And I don't think
6 that his flight is any issue at all.

7 As far as protecting people from the alleged, you know,
8 ongoing criminal issues here, I don't see how asking Mr. Stoll
9 for his bank records, for example, is going to further the
10 government or the Court's interest in keeping the community
11 safe. That just seems highly intrusive, from -- from our
12 perspective, and we would ask that that not be ordered by this
13 Court.

14 THE COURT: Officer?

15 PRETRIAL SERVICES OFFICER NISCHIK: Your Honor, I
16 think defense counsel is incorrect about the home visit or the
17 home inspections. There are a number of things that are done
18 there. Most of it is observation. The idea that it's somehow
19 cataloged, that they're going to have a notebook when they're
20 looking at the production date, the value, is not the way that
21 it happens. It's just sort of baseline observation when you're
22 going through the home.

23 Trying to define exactly what an officer is going to do
24 when they go into a home is frankly not possible because we
25 have no idea what we will encounter.

1 If we go in there and we encounter third parties, animals,
2 firearms, a pile of cash, I have no idea what's in that home,
3 and we have defined what the officer can and cannot do before
4 they go in, then you're asking an officer to potentially walk
5 away or put themselves in danger from a bad situation or to not
6 follow up on what appears to be a clear violation. And so the
7 officer needs the ability to adapt to whatever happens during
8 that home visit. And so we would oppose some sort of defined
9 process for a home inspection or a home visit. In fact, I have
10 never heard of it. This is the first -- the first I have heard
11 of it in 11 years. So I would oppose that.

12 The purposes of the home visit are many, and they are all
13 related to the release conditions. One, we're trying to define
14 where this defendant lives. And that's been an issue in the
15 past. It started with the status hearing about a month ago,
16 and he struggled there. He decided to give us the new address,
17 and the address was originally reported to be the parsonage,
18 and then it turned out to be the address where his wife was
19 living, and then we learned that his wife had reported a false
20 or a different address when she was questioned during the
21 verification process. So there are a lot of questions about
22 the residence.

23 The -- the very next condition is a travel condition,
24 which might seem unrelated; however, if the defendant is
25 supposed to be back to his residence at a certain time and a

1 certain date, the officer may be stopping by to make sure that
2 they've returned to their residence from their travel as
3 required.

4 There are conditions about no direct or indirect contact
5 with particular people. And your home visits can address that
6 as well. When you stop by, is that person there? Are they
7 physically there? Is their car there in the driveway?

8 Again, home visits help us confirm what is going on for
9 the Court.

10 As you go down the list of conditions, being at the
11 defendant's residence can -- can help the probation office in
12 the Western District of Washington ensure that the defendant is
13 in compliance. So they're critical to the supervision process,
14 and it's -- it's essentially one of the foundations of
15 probation or pretrial services supervision.

16 And if -- I guess, if the magistrate that he had
17 originally been before thought that they weren't necessary,
18 they would have released the defendant without supervision.
19 But that was not what happened with these conditions, and so
20 we're just trying to enforce the conditions that the original
21 magistrate judge imposed.

22 THE COURT: What about -- could you address the --
23 the financial questionnaire?

24 PRETRIAL SERVICES OFFICER NISCHIK: The financial
25 questionnaire is, again, about a baseline. Frankly, it's

1 asking the defendant to be honest. He has a condition that
2 says "You may have one bank account." If he doesn't have any,
3 then he should report "I don't have any." If he has one, he
4 should report that. If he has more than one, he should report
5 that and be able to explain how he's trying to close them down
6 or struggling to close them down. It's a communication item
7 with -- with the office.

8 The -- the questions -- it's actually a fairly long
9 document. I don't know that all of it is going to be relevant.
10 He may have a number of answers that are simply "does not
11 apply," but we don't know until we ask the questions. And so
12 the questionnaire is to understand what this defendant has, to
13 help see if he's in compliance with the release conditions.

14 And I think, specifically, Washington is concerned that a
15 defendant charged with a financial crime be getting his
16 financing, his money, his resources, from a legitimate source.

17 To supervise someone in a financial case and to ask no
18 financial questions seems unusual. So I -- I'm in no way
19 surprised that the Western District of Washington wanted
20 financial information about the defendant.

21 THE COURT: Anything further?

22 MS. MADDUX: Just, Your Honor, I wanted to note that
23 in addition to the condition of release that was noted by
24 Mr. Nischik, the defendant also has a condition of release that
25 says he is not to open any new financial accounts or lines of

1 credit without prior approval; so, again, another reason to
2 have that information, the baseline of information, is to make
3 sure that he is in compliance with that condition.

4 THE COURT: Thank you.

5 I will order the defendant to comply with both conditions,
6 as mandated by the Western District of Washington, including an
7 initial home inspection for officer safety purposes, not for
8 the purpose of going through with a pad and pencil and
9 cataloging all your belongings but simply to make sure that
10 your home is a place where the officer is comfortable coming
11 to, and also to comply to complete honestly the financial
12 questionnaire.

13 It sounds like if you do that honestly, that the probation
14 officer will sign off on the travel. I agree that in a -- in a
15 financial case, it is a reasonable condition that
16 Judge Beckerman imposed last month on you in this case.

17 And one more thing, if -- just a reminder to you that
18 since you are well -- well represented by Mr. Horst, I will ask
19 you to please not contact the Court directly. That puts us in
20 a tricky position to respond to your questions when we know
21 that you're sitting there with a lawyer, so we're going to
22 direct you repeatedly to go to your counsel and get
23 clarification from him and don't -- don't come to the Court
24 again. That just puts us in a terrible position. And I'm sure
25 your lawyer would want you to come to him with your questions

1 and not come to us.

2 Anything further, Counsel?

3 THE DEFENDANT: Will I be given an opportunity to
4 speak before you make your decision?

5 THE COURT: My decision is made, sir.

6 THE DEFENDANT: Will I be able -- given an
7 opportunity to speak?

8 THE COURT: Briefly.

9 THE DEFENDANT: Thank you very much.

10 First, what I would like to say is I -- I don't want to
11 give anyone the impression that I'm whining or complaining
12 about what's going on here. I appreciate the concerns that
13 each one of you have, and -- and the only concern that I have
14 or the biggest concern I have -- I'm the one who requested this
15 hearing. One of the issues that I wanted to be heard here --
16 or very little of the issues I wanted to be heard here have
17 even been addressed, and my -- my biggest concern is that
18 I'm -- I'm being represented -- shown as being concerned that
19 they might come into the house and see things that might be
20 shared with the U.S. attorney. I have nothing that I'm
21 concerned about being shared with anybody. As a matter of
22 fact, the more that is seen of what I have and what I do, the
23 better it's going to make me look and the better the thing will
24 be.

25 What I am concerned about is the appearance of innocent

1 until proven guilty. What I am concerned about is due process
2 of law. What I'm concerned about is being given an opportunity
3 to state my concerns before judgments are made.

4 For example, at the arraignment, when I was first here, I
5 respected my counsel, and he asked me to defer to him because
6 he wasn't up on the case, and -- but I had things I wanted to
7 be heard. Instead, rather than me being heard, something was
8 just presented to the judge, and she signed it without any
9 argument, without any challenge. The issue of due process is
10 that -- that the accuser is to be rigorously challenged or
11 being given the opportunity to at least hear an argument and
12 make a responsive argument.

13 The very first thing that I would like to have done here
14 today is to have all of the additional conditions of release
15 stricken because they're punitive. They serve no lawful,
16 legitimate purpose, and they -- they violate 24 precepts of the
17 United States Constitution. I -- I have prepared a brief on
18 the subject that I was hoping that you would have an
19 opportunity to read before the hearing even began, much less
20 before you made your decision.

21 There are many other things and points of concerns that I
22 have about how things are going in this proceeding.

23 I believe that these -- all these conditions of release
24 should be stricken. And one other very important issue
25 regarding the injunction, I'm -- I -- I understand how to

1 handle this. The injunction that was referred to, I'm just
2 amazed at how, obviously, no one has ever read the
3 injunction -- at least in its entirety. The U.S. attorney read
4 a little portion and did not continue to the end of the
5 sentence, much less that the -- the full context of everything
6 that is in that injunction, and the concern is -- thank you.

7 The next question, one of the things that I was arguing
8 about here and wanted to bring to attention -- but we can -- as
9 indicated, we can do that at the hearing that is scheduled
10 later. So I apologize for bringing that up inappropriately
11 when that's scheduled for another time.

12 The -- maybe, then, the final thing, if I might, given the
13 opportunity to go over all my points -- at least I wanted to be
14 brief here, at your request -- would be that -- the issue about
15 home visits. There has been a home visit. I run a clean and
16 sober house. I do a mentoring program for young people. I run
17 a ministry. And at the clean and sober house, there are people
18 there who are on supervision, and they have home visits. They
19 have been convicted of a crime, and they're being supervised
20 because of the crime that they have committed.

21 The inspector -- the -- their probation officer comes up.
22 Calls them on the phone, says, "Come up. Come to the room and
23 I'll wave." They just -- they don't even get out of their car.
24 They drive on by. That's a home -- that's a home visit.

25 A home visit does not require an unreasonable search and

1 seizure as what is being requested here. An unreasonable
2 search and seizure is to come in and they -- she -- you can use
3 the word "yourself," an inspection, that's a search, and
4 that's -- there's been no search warrant. There's been no
5 probable cause or -- or affidavit or -- or anything to support
6 a search of any kind, much less even a -- come into the house
7 and look -- kind of look around.

8 And that -- it's just -- it is because of the religious
9 order of which I belong, which is to respect government, to
10 respect law and order, we believe that it is extremely
11 important that -- that a foreign entity, such as the state to
12 the church, not come into the sacred parcels of the church and
13 violate the sanctity of church property. And we believe that
14 this would set a -- sets a terrible precedent, and I'm
15 requesting a stay of the order pending an interlocutory appeal
16 on the issue of having all of these conditions be -- or all the
17 additional conditions, beyond what is always normally
18 requested, be totally stricken.

19 And I would like to say a word, but to respect you and in
20 the case of brevity for this moment, I -- I would like to ask
21 your consideration of what I have -- have to say.

22 THE COURT: Thank you. I really do appreciate what
23 you have to say, and I do appreciate it. I -- I think what I'm
24 going to do, since you are represented, is ask your counsel to
25 talk with you about the points that you have raised this

1 afternoon that you want all conditions -- all supervision
2 conditions stricken.

3 I think that that's what I -- I heard over and over from
4 you. I'm going to ask Mr. Horst to talk with you about that
5 and come up with a plan if -- and you wanted to file some
6 formal motion, I guess, you know, that's -- that's up to,
7 obviously, the two of you to decide. And we will -- we are
8 scheduled to meet again on the 24th, when we can take up the
9 current pretrial violation, as well as, perhaps, some of the
10 points that you have raised this afternoon.

11 THE DEFENDANT: Are you saying that that could be
12 heard at the same time as the hearing is scheduled or --

13 THE COURT: I --

14 THE DEFENDANT: -- or will that be another one?

15 THE COURT: I'm going to -- again, I'm going to
16 encourage you to talk with your lawyer. On the 24th, we will
17 take up the pretrial violation and the necessity for any
18 variation to the conditions, the special conditions that you
19 are challenging. I understand you -- you are not challenging
20 the routine conditions that are imposed on defendants, but you
21 are, in fact --

22 THE DEFENDANT: Correct.

23 THE COURT: -- challenging the special conditions.

24 THE DEFENDANT: Correct. I have prepared a proposed
25 order for today already that I would like you to see --

1 THE COURT: With your --

2 THE DEFENDANT: -- to consider.

3 THE COURT: With your attorney's permission, I'm
4 happy to do that; but, again, I'm just -- every single time,
5 I'm going to defer to him. He is your representative. I am
6 just going to keep looking at him, and I'm going to ask you to
7 consult with him and talk with him.

8 THE DEFENDANT: Sure. Sure.

9 Well, if I could just say the reason I have prepared this
10 proposed order is because it addresses every -- or this
11 proposed order, it addresses every point of concern and
12 confusion that I have that I believe exists in the current
13 conditions. This is why I called it a request for
14 clarification and modification of the conditions. And if each
15 one of these points are not addressed in some reasonable way,
16 it's going to just create -- there's just -- it is too
17 likelihood to be additional confusion, and we'll just have to
18 have another hearing to -- until we can finally get all these
19 things -- if there's a time we can have them all addressed so
20 that we know, without any question, that -- the conflicting
21 conditions and the confusing conditions so that it can be
22 cleared up. When they say "visit" and then it really amounts
23 to a search and -- but the order doesn't say "search," but they
24 said they want to search anyway, and then we have to come back,
25 and if we can just get my proposed order addressed, these

1 points on the proposed order addressed, there would very likely
2 never be another concern about this again.

3 THE COURT: Again, I'm going to ask your lawyer, if
4 he thinks it's appropriate to file, file it with the Court, but
5 I'm going to rely on his expertise and his counsel with you in
6 that regard.

7 THE DEFENDANT: Thank you.

8 THE COURT: One more thing. Officer?

9 PRETRIAL SERVICES OFFICER NISCHIK: Your Honor,
10 assuming that counsel wants to hold on to the violation report
11 so that they can prepare for the hearing on the 24th, if you
12 would authorize that to keep the violation packet, that would
13 allow them to let them have it and not collect it after court.

14 THE COURT: So authorized. Thank you, all.

15 Anything further, Mr. Horst?

16 MR. HORST: Nothing, Judge. Thank you. We'll see
17 you on the 24th.

18 THE DEFENDANT: I do have one other concern, if I
19 may, and that has to do with the order themselves. I have been
20 requesting to get a copy of the signed orders so that I can
21 have in my possession, with the judge's signature, everything
22 that I am required to provide so there is no question that
23 this is -- so extraneous information or this is actually what
24 is being ordered. Is that possible?

25 THE COURT: I think you can attain everything that

1 has been publicly filed -- yeah, those documents -- through
2 your lawyer. That shouldn't be a problem at all.

3 THE DEFENDANT: Could I have those provided to me
4 when we're having a hearing, or is that a fair request?

5 THE COURT: Again, I'm going to look at your lawyer.

6 THE DEFENDANT: Thank you so much. I appreciate your
7 courtesy.

8 THE COURT: Thank you.

9 MR. HORST: Thank you.

10 DEPUTY COURTROOM CLERK: Court is adjourned.

11 (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

INITIAL APPEARANCE/PRETRIAL RELEASE VIOLATION/STATUS CONFERENCE

June 11, 2019

I certify, by signing below, that the foregoing is a true and correct transcript of the record, taken by stenographic means, of the FTR-recorded proceedings in the above-entitled cause. Where (indiscernible) has been indicated, the audio file was unable to be heard due to simultaneous crosstalk, fast speaking, mumbling, or other room noises overriding what was being said. A transcript without an original signature, conformed signature, or digitally signed signature is not certified.

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

Transcriber/Official Court Reporter Signature Date: 7/29/19
Oregon CSR No. 98-0346 CSR Expiration Date: 9/30/20