

Exhibit Q

October 7, 2009 Hearing #1 Transcript

Stevens v. Holder, et al, 12-1352 (N.D. Ga.)
FEDERAL DEFENDANTS' RENEWED MOTION FOR SUMMARY JUDGMENT

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[REDACTED] v. Holder - DOJ CDOIL 10-07-2009

DEPARTMENT OF JUSTICE, CIVIL DIVISION, OFFICE OF
IMMIGRATION LITIGATION

----- :
[REDACTED] :

v. :
ERIC HOLDER, et al., :
Respondent. :

Case No. [REDACTED]

----- :

Atlanta, Georgia
Wednesday, October 7, 2009

The following pages constitute the proceedings held in the above-captioned matter before the HONORABLE WILLIAM A. CASSIDY, held at the Department of Justice, Civil Division, Office of Immigration Litigation, 180 Spring Street, SW, Suite 421, Atlanta, GA 30303.

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1 P R O C E E D I N G S

2 THE COURT: Case Number ██████████, in
3 the matter of ██████████, present
4 in court with counsel, Mr. Mercer Collie (ph).
5 The Government is represented by Mr. Tony Cacavio.

6 Sir, would you come down, please?

7 ██████████?

8 MR. ██████████: Yeah.

9 THE COURT: Thank you.

10 MR. ██████████: I'm sorry.

11 THE COURT: Don't be sorry. Did you
12 have an opportunity to speak with your attorney?

13 MR. ██████████: Yeah, I already
14 did.

15 THE COURT: All right. And you were
16 given an opportunity to speak to your wife; is
17 that correct?

18 MR. ██████████: Yeah, thank you.

19 THE COURT: All right. Well, that's all
20 right. Don't -- we're making use of the Spanish --
21 -- do you need the Spanish interpreter, sir?

22 MR. ██████████: Please.

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1 THE COURT: All right. We're going to
2 swear in the Spanish interpreter.

3 Do you promise to faithfully translate
4 from English to Spanish in all matters before this
5 court?

6 INTERPRETER: I do.

7 THE COURT: All right. Very good. All
8 right. At a previous master calendar hearing, we
9 see that a notice to appear was acknowledged, the
10 allegations contained therein admitted, and
11 removability was conceded. Do wish to stand by
12 those previous admissions, confessions and
13 acknowledgements? Counsel?

14 MR. COLLIE: Yes.

15 THE COURT: All right. Is there any
16 form of relief that's being requested?

17 MR. COLLIE: At this point we're not.
18 We're just asking (inaudible).

19 THE COURT: On the basis of Respondent's
20 admissions through counsel, the Court finds
21 removability has been established by clear,
22 convincing, unequivocal evidence. Respondent's

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1 not a native or citizen of the United States, but
2 a native and citizen of Nicaragua who entered the
3 United States as a visitor and remained beyond his
4 authorized stay.

5 On [REDACTED], in Mecklenburg
6 County, he was convicted of sexual battery. It
7 appears to be of a -- it was a Class A
8 misdemeanor; however, this did involve a minor.
9 The Respondent has requested an order of removal
10 to Nicaragua. Accordingly, he's hereby ordered to
11 remove -- return to Nicaragua, country of nativity
12 and citizenship, on the charges contained in the
13 notice to appear.

14 Sir, I just issued you an order
15 returning you to your home country.

16 MR. [REDACTED]: Okay.

17 THE COURT: Do you understand this
18 decision and accept it as final?

19 MR. [REDACTED]: It's okay.

20 THE COURT: All right. Thank you. Good
21 luck to you. Why don't you -- you can take some
22 additional time off of you with the Respondent.

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1 Okay.

2 (Whereupon, the hearing in [REDACTED]
3 [REDACTED] v. HOLDER was adjourned.)

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1 CERTIFICATE OF TRANSCRIPTION

2 I, MIRANDA PENNACHI, hereby certify that I am
3 not the Court Reporter who reported the following
4 proceeding and that I have typed the transcript of
5 this proceeding using the Court Reporter's notes
6 and recordings. The foregoing/attached transcript
7 is a true, correct, and complete transcription of
8 said proceeding.

9

10

11

1/16/2014
Date

Miranda Pennachi
MIRANDA PENNACHI
Transcriptionist

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<p><u>0</u> 094363041 1:3 2:2</p> <p><u>1</u> 180 1:9</p> <p><u>2</u> 2009 1:6 4:5</p> <p><u>3</u> 30303 1:10</p> <p><u>4</u> 421 1:10</p> <p><u>6</u> 6th 4:5</p> <p><u>7</u> 7 1:6</p> <p><u>A</u> above-captioned 1:8 accept 4:18 Accordingly 4:10 acknowledged 3:9 acknowledgements 3:13 additional 4:22 adjourned 5:3 admissions 3:12,20 admitted 3:10 al 1:4 allegations 3:10 already 2:13 am 6:2</p>	<p>[REDACTED] 5:2 [REDACTED] 1:2 2:3,8,10,13,18,2 2 4:16,19 appear 3:9 4:13 appears 4:7 Atlanta 1:6,10 attorney 2:12 authorized 4:4</p> <p><u>B</u> basis 3:19 battery 4:6 beyond 4:3</p> <p><u>C</u> Cacavio 2:5 calendar 3:8 Case 1:3 2:2 CASSIDY 1:8 CERTIFICATE 6:1 certify 6:2 charges 4:12 citizen 4:1,2 citizenship 4:12 Civil 1:1,9 Class 4:7 clear 3:21 Collie 2:4 3:14,17 complete 6:7 conceded 3:11 confessions 3:12 constitute 1:7</p>	<p>contained 3:10 4:12 convicted 4:6 convincing 3:22 correct 2:17 6:7 counsel 2:4 3:13,20 country 4:11,15 County 4:6 court 2:2,4,9,11,15,19 3:1,5,7,15,19,20 4:17,20 6:3,5</p> <p><u>D</u> Date 6:9 decision 4:18 Department 1:1,9 Division 1:1,9</p> <p><u>E</u> English 3:4 entered 4:2 ERIC 1:4 established 3:21 et 1:4 evidence 3:22</p> <p><u>F</u> faithfully 3:3 final 4:18 finds 3:20 foregoing/ attached 6:6 form 3:16 Franklin 2:3,7</p>	<p>FREDERICK 1:2</p> <p><u>G</u> GA 1:10 Georgia 1:6 given 2:16 Government 2:5</p> <p><u>H</u> hearing 3:8 5:2 held 1:8 hereby 4:10 6:2 he's 4:10 HOLDER 1:4 5:3 home 4:15 HONORABLE 1:8</p> <p><u>I</u> I'm 2:10 Immigration 1:1,9 inaudible 3:18 interpreter 2:21 3:2,6 involve 4:8 issued 4:14 It's 4:19</p> <p><u>J</u> January 4:5 Justice 1:1,9</p> <p><u>L</u> Litigation 1:1,9 luck 4:21</p>
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