

Exhibit T

April 19, 2010 Hearing Transcript

Capital Reporting Company
[REDACTED] v. Holder - DOJ CDOIL

1	C O N T E N T S		
2	E X H I B I T S		
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8 (retained)

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

2 THE COURT: Case Number [REDACTED], in
3 the matter of [REDACTED] (ph),
4 present in court without counsel. The Government
5 is represented by Mr. Tony Cacavio (ph). This
6 case was set down for hearing [REDACTED]
[REDACTED] request.

8 Now, sir, can you hear me?

9 MR. [REDACTED]: Yeah, I'm hearing you,
10 sir.

11 THE COURT: All right. Very good. Now,
12 we had an observer in the courtroom. Sorry?

13 MR. [REDACTED]: I'm sorry, sir.

14 THE COURT: That's all right. We had a
15 -- I realize that you are pro se. That means
16 without counsel. So I have to -- I have to
17 provide you with as much of an understanding as
18 the law -- of the law that I can. All right.

19 MR. [REDACTED]: Yes, sir.

20 THE COURT: Now, the cases normally --
21 with the exception -- few exceptions such as
22 asylum, are open hearings and the public can be

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4

1 here. However, the authority that's found at 8 CFR
2 1003.27(b) provides that for purpose of protecting
3 witnesses, parties, or in the public interest, an
4 immigration judge may limit attendance or hold a
5 closed hearing.

6 Now, since this is your hearing and no
7 one else's, if you would prefer to have this as a
8 closed hearing without the public sitting in, I
9 will certainly grant your request. This woman is
10 a professor and sometimes blogger on immigration
11 matters. As what she would write about your case
12 or not write about your case I could not tell you
13 but I have a duty and obligation to let you know.

14 If you'd prefer to have this hearing in
15 private, I will honor your request. If you wish
16 her to sit in during these hearings, I will
17 certainly allow her.

18 MR. [REDACTED]: Well, is this going to
19 happen right now? This hearing going to happen
20 right now?

21 THE COURT: Yes, sir. It will.

22 MR. [REDACTED]: Okay. I'd rather do it

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5

1 in private.

2 THE COURT: Okay. Very good. All
3 right. Do you have any claim of being a US
4 citizen?

5 MR. [REDACTED]: No, sir.

6 THE COURT: Are you a native and citizen
7 of [REDACTED]

8 MR. [REDACTED]: Yes, sir.

9 THE COURT: Okay. And you were granted
10 lawful permanent residence July 26th, 2006?

11 MR. [REDACTED]: Yes, sir.

12 THE COURT: And on November 13th, 2007,
13 in Superior Court, Gwinnett County, State of
14 Georgia, were you convicted of aggravated assault
15 and sentenced to ten years?

16 MR. [REDACTED]: Sentenced unto --

17 THE COURT: Ten years, to serve the
18 first two years in confinement; is that correct?

19 MR. [REDACTED]: Yeah, do two years in
20 prison but they got my papers wrong. They got my
21 papers wrong because the judge did give me, like,
22 two years' probation and two years of doing

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6

1 prison.

2 THE COURT: I see. I have the
3 conviction record before me, which I'll mark as
4 Exhibit 2. The sentence summary says the total
5 sentence of ten years to serve, the first two
6 years in confinement, and the remainder of the
7 sentence of confinement for eight years may be
8 served on probation; is that correct, sir?

9 MR. [REDACTED]: Basically correct.

10 THE COURT: Okay. Very good. Do you
11 have any claim of being a citizen of the United
12 States?

13 MR. [REDACTED]: No, sir.

14 THE COURT: Okay. Now, because of that
15 conviction, I'm limited in the relief that I can
16 provide you. Because of the -- that conviction,
17 the only form of relief that I believe that you're
18 eligible for is [REDACTED]

[REDACTED]. Now, under that [REDACTED]
[REDACTED], you would have to show [REDACTED]

[REDACTED]
[REDACTED]

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1 [REDACTED]

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7 MR. [REDACTED]: All right. Yes, sir. I

8 --

9 THE COURT: So it has to take a

10 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7 Now, do you have any witnesses that you
8 wish to bring?

9

MR. [REDACTED]: I [REDACTED]
[REDACTED]
[REDACTED]

12

THE COURT: Okay.

13

MR. [REDACTED]: -- what happened.

14

THE COURT: All right. Sir, I'm happy
15 to give you a further continuance so that you can
16 obtain those documents.

17

MR. [REDACTED]: I got them right here.

18

THE COURT: Okay. All right.
19 Government? What I'll ask the Government to do is
20 fax a copy to me so I can put it in your file and
21 make sure you get a copy back and the government
22 gets a copy. Okay, sir?

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1 MR. [REDACTED]: I already -- I already
2 made some copy. [REDACTED]

[REDACTED]
[REDACTED]
5 THE COURT: Okay. I'll be happy to put
6 any documents that you wish into the record.

7 MR. [REDACTED]: (Inaudible) papers.

8 THE COURT: Okay. All right. I'm going
9 to have them faxed to me and we'll go off record
10 while that's being done. Okay. We'll go off
11 record.

12 (Whereupon, a brief recess was taken.)

13 THE COURT: We're back on the record.

14 Sir, I'm in receipt of a letter from [REDACTED]

15 [REDACTED].

16 MR. [REDACTED]: Yes, sir.

17 THE COURT: I'm just going over what I
18 have. And receipt of letter from [REDACTED].

19 MR. [REDACTED]: That's my [REDACTED].

20 THE COURT: Okay. I have [REDACTED]
[REDACTED]
[REDACTED]

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10

1 MR. [REDACTED]: Yes, sir.

2 THE COURT: Okay. [REDACTED]

[REDACTED] What's -- I'm not --

4 MR. [REDACTED]: [REDACTED], that's --

5 THE COURT: [REDACTED]?

6 MR. [REDACTED]: Yeah, right.

7 THE COURT: Okay. Another one from --

8 of [REDACTED]. That's [REDACTED] -- it

9 looks like [REDACTED]. A [REDACTED]

[REDACTED]

[REDACTED] I have a letter -- I'm sorry, sir?

12 MR. [REDACTED]: [REDACTED]

[REDACTED] --

14 THE COURT: All I have is that it just

15 says your [REDACTED] and it says it's -- you

16 don't have to -- [REDACTED]

[REDACTED].

18 MR. [REDACTED]: Okay, sir.

19 THE COURT: Okay. I have a letter

20 signed by [REDACTED].

21 MR. [REDACTED]: Yes, sir.

22 THE COURT: I have a letter signed by

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1 [REDACTED]

2 MR. [REDACTED]: Yes, sir. That's my [REDACTED].

3 THE COURT: Okay. I have -- you also
4 submitted some [REDACTED]

[REDACTED]
[REDACTED]

7 Now, did I miss anything, sir?

8 MR. [REDACTED]: Not really, sir. You
9 didn't miss anything.

10 THE COURT: Okay. I'll mark this as
11 Group Exhibit 6. Okay. All right.

12 Sir, I'm going to begin by asking you
13 some questions. And then I'll be very open to --
14 so that you -- [REDACTED]. Okay?

15 [REDACTED]
[REDACTED]

17 MR. [REDACTED]: I think what'll happen, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

21 THE COURT: Okay. And who is -- who is
22 [REDACTED] sir?

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1 MR. [REDACTED]: A lot of [REDACTED]

[REDACTED]

3 THE COURT: Okay. And that happened in

4 [REDACTED]?

5 MR. [REDACTED]: Yeah. Yes, sir.

6 THE COURT: Okay. I'll try not to
7 interrupt you. I just want to make sure that I
8 have an understanding. Okay? Don't feel rushed.

9 MR. [REDACTED]: Okay, sir.

10 THE COURT: Okay. And why [REDACTED]
[REDACTED]?

12 MR. [REDACTED]: [REDACTED]
[REDACTED]

14 THE COURT: Okay. [REDACTED]
[REDACTED]?

16 MR. [REDACTED]: I did. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 THE COURT: [REDACTED]
[REDACTED]

22 MR. [REDACTED]: [REDACTED]

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1 [REDACTED]
[REDACTED]
[REDACTED]

4 THE COURT: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14 THE COURT: [REDACTED]
[REDACTED]

16 MR. [REDACTED]: [REDACTED].

17 (Brief pause.)

18 THE COURT: Okay. [REDACTED]
[REDACTED]

20 MR. [REDACTED]: [REDACTED].

21 THE COURT: [REDACTED]
[REDACTED] ?

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1 MR. [REDACTED]: [REDACTED].

2 THE COURT: Okay.

3 MR. [REDACTED]: Yes, sir.

4 THE COURT: [REDACTED]

5 [REDACTED]. [REDACTED]
[REDACTED]

7 MR. [REDACTED]: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 THE COURT: I see. [REDACTED]

[REDACTED]
[REDACTED]?

19 MR. [REDACTED]: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED]
[REDACTED]

3 THE COURT: Okay. Now --

4 MR. [REDACTED]: I know they said it was -
5 -

6 THE COURT: [REDACTED]
[REDACTED] ?

8 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]

11 THE COURT: [REDACTED] ?

12 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]

15 THE COURT: Okay. [REDACTED]
[REDACTED] ?

17 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

22 THE COURT: All right. Now, on your

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1 application it said, [REDACTED]

[REDACTED]

[REDACTED] ?

4 MR. [REDACTED] : [REDACTED] ?

5 THE COURT: I [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 MR. [REDACTED] : [REDACTED]

9 THE COURT: [REDACTED]

[REDACTED] ?

11 MR. [REDACTED] : I had -- yes, sir.

12 THE COURT: I see.

13 MR. [REDACTED] : [REDACTED]

[REDACTED]

15 THE COURT: Okay. W [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 MR. [REDACTED] : [REDACTED]

[REDACTED]

[REDACTED]

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1 THE COURT: Uh-huh.

2 MR. ██████████ : ██████████
██████████
██████████.

5 THE COURT: Okay. ██████████
██████████?

7 MR. ██████████ : ██████████
██████████.

9 THE COURT: ██████████
██████████?

11 MR. ██████████ : ██████████
██████████
██████████
██████████
██████████.

17 THE COURT: I'm sorry to hear that.

18 MR. ██████████ : Yes, sir.

19 THE COURT: Okay. ██████████
██████████
██████████
██████████.

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1 [REDACTED]

[REDACTED] ?

3 MR. [REDACTED] : [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 THE COURT: Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ?

12 MR. [REDACTED] : I [REDACTED]

[REDACTED]

[REDACTED]

15 THE COURT: [REDACTED]

[REDACTED]

[REDACTED]

18 MR. [REDACTED] : [REDACTED]

19 THE COURT: Okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6 Otherwise, we can continue today. Tell
7 me what you would prefer.

8 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]

11 THE COURT: [REDACTED]
[REDACTED]
[REDACTED]

14 MR. [REDACTED]: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 THE COURT: [REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED]

[REDACTED] ?

3 MR. [REDACTED] : [REDACTED]. Yes, sir.

4 THE COURT: Okay. Okay. Government, do
5 you have any objection to a brief continuance to
6 allow this individual to [REDACTED]

[REDACTED]

[REDACTED] ?

9 MR. CACAVIO: No, sir.

10 THE COURT: All right. Sir, I'll give
11 you another date. Okay. [REDACTED]

[REDACTED]

[REDACTED] ?

14 MR. [REDACTED] : Okay, sir.

15 THE COURT: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ?

20 MR. [REDACTED] : [REDACTED]

[REDACTED]

[REDACTED] ?

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21

1 THE COURT: Well, I'll give you the date
2 now. Okay. How about May 12th at 1:00?

3 MR. ██████████: Okay. That's good
4 enough.

5 THE COURT: Is that good?

6 MR. ██████████: Yes, sir.

7 THE COURT: Okay. Now, you can always
8 speak to an attorney and --

9 MR. ██████████: Dad trying to get -- my
10 dad tried to get me a lawyer.

11 THE COURT: Okay. Well, that might be
12 helpful. Have -- use this additional time so that
13 your dad can get you an attorney. Okay, sir?

14 MR. ██████████: He ain't -- because he
15 ain't really had the money. He tried to get me --
16 tried to go to Catholic Charities and they said
17 they don't want to take my case.

18 THE COURT: Well, that's because of your
19 conviction. They're limited in what they --
20 people they can represent. This is not a criminal
21 matter so I have no authority to appoint an
22 attorney for you. However, if your father does --

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22

1 can get counsel for you, I'm certainly -- will
2 allow you to have your representation. And if the
3 attorney needs additional time, I'll give you --
4 give you additional time.

5 All right?

6 MR. ██████████: Okay, sir.

7 THE COURT: All right. God bless.

8 (Whereupon, the hearing in ██████████ v.
9 HOLDER was adjourned.)

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Capital Reporting Company

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>_____</p> <p>\$</p> <p>\$250 9:22</p> <p>_____</p> <p>0</p> <p>055569629 1:3 3:2</p> <p>_____</p> <p>1</p> <p>1 2:3 8:2</p> <p>1:00 21:2</p> <p>10 2:6</p> <p>100 15:2</p> <p>1003.27(b 4:2</p> <p>12th 21:2</p> <p>13th 5:12</p> <p>180 1:8</p> <p>_____</p> <p>2</p> <p>2 2:3 6:4 8:2</p> <p>200 9:21</p> <p>██████████ 10:3</p> <p>██████████ 10:4,5,9 12:4</p> <p>14:5,18 15:8</p> <p>██████████ 5:10</p> <p>13:20,22 14:1</p> <p>16:19</p> <p>██████████ 5:12</p> <p>213 8:1,3</p> <p>21st 10:2,9</p> <p>26th 5:10 13:22</p> <p>_____</p> <p>3</p> <p>3 2:4 8:3</p> <p>30303 1:9</p> <p>_____</p> <p>4</p> <p>4 2:4 8:5</p> <p>421 1:9</p>	<p>_____</p> <p>5</p> <p>5 2:3,5 8:6</p> <p>_____</p> <p>6</p> <p>6 2:6 11:11</p> <p>_____</p> <p>7</p> <p>7 2:3,4,5</p> <p>_____</p> <p>8</p> <p>8 4:1</p> <p>_____</p> <p>9</p> <p>96 16:20</p> <p>_____</p> <p>A</p> <p>ability 17:22</p> <p>able 18:10</p> <p>above-captioned</p> <p>1:7</p> <p>██████████ 11:5</p> <p>accident 9:4</p> <p>acquiesce 7:6</p> <p>additional 21:12</p> <p>22:3,4</p> <p>adjourned 22:9</p> <p>admitted 15:13</p> <p>against 3:7</p> <p>6:18,19 8:5</p> <p>██████████ 5:14</p> <p>ain't 12:17 17:14</p> <p>21:14,15</p> <p>al 1:4</p> <p>albeit 8:4</p> <p>allow 4:17 20:6</p> <p>22:2</p>	<p>already 9:1 11:18</p> <p>am 23:2</p> <p>America 16:20</p> <p>██████████ 11:6</p> <p>anything 11:7,9</p> <p>appeal 19:1</p> <p>appear 8:3 10:16</p> <p>18:2,3 19:21,22</p> <p>20:12</p> <p>application 16:1</p> <p>appoint 21:21</p> <p>arguing 7:2</p> <p>██████████ 5:14</p> <p>██████████ 3:22</p> <p>Atlanta 1:5,9</p> <p>attendance 4:4</p> <p>attorney</p> <p>21:8,13,22 22:3</p> <p>Auntie's 14:9</p> <p>authority 4:1</p> <p>21:21</p> <p>aware 7:5</p> <p>away 17:15</p> <p>_____</p> <p>B</p> <p>background 11:4</p> <p>basically 6:9</p> <p>10:13</p> <p>██████████ 11:18</p> <p>begin 11:12</p> <p>behalf 7:22 20:13</p> <p>believe 6:17 19:2</p> <p>best 20:18</p> <p>better 19:4</p> <p>bless 22:7</p>	<p>blogger 4:10</p> <p>blowed 17:13</p> <p>blows 18:16</p> <p>brief 9:12 13:17</p> <p>20:5</p> <p>bring 8:8 20:6</p> <p>bushes 14:8</p> <p>_____</p> <p>C</p> <p>Cacavio 3:5 20:9</p> <p>Califam 10:8</p> <p>car 17:13,14</p> <p>18:16</p> <p>case 1:3 3:2,6</p> <p>4:11,12 19:1,3</p> <p>20:18 21:17</p> <p>cases 3:20</p> <p>CASSIDY 1:7</p> <p>██████████ 21:16</p> <p>caught 14:19,20</p> <p>certainly 4:9,17</p> <p>22:1</p> <p>██████████ 10:9</p> <p>11:6 23:1</p> <p>certify 23:2</p> <p>CFR 4:1</p> <p>Charities 21:16</p> <p>citizen 5:4,6 6:11</p> <p>Civil 1:1,8</p> <p>claim 5:3 6:11</p> <p>11:14 18:11</p> <p>closed 4:5,8</p> <p>coming 20:22</p> <p>complete 23:7</p> <p>concerns 19:4</p> <p>██████████ 5:18</p>
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