

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HEATHER ANN TUCCI-JARRAF,)
)
Defendant.)

No. 3:17-CR-82-TAV-CCS

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case came before the Court on August 29, 2017, for a motion hearing and status conference on the matter of the Defendant's representation. Assistant United States Attorneys Cynthia F. Davidson and Anne-Marie Svolto appeared on behalf of the Government. Attorney Francis L. Lloyd, Jr., appeared in an advisory capacity for Defendant Tucci-Jarraf, who was also present. During the course of the hearing, the undersigned found that Defendant Tucci-Jarraf knowingly and voluntarily waived her right to counsel and chose to represent herself. The Court permitted Defendant Tucci-Jarraf to represent herself and appointed Attorney Lloyd to serve as her elbow counsel.

On the day before the August 29 hearing, Mr. Lloyd filed two motions¹ on behalf of Defendant Tucci-Jarraf: Motion of Defendant Heather Ann Tucci-Jarraf to Correct Minutes [Doc.

¹ The Court addresses a third motion [Doc. 30] to continue the trial and all deadlines in a separate Memorandum and Order.

29] and Motion of the Defendant Heather Ann Tucci-Jarraf for Leave to Have Present a Court Reporter and Videographer [Doc. 31]. At the August 29 hearing, Mr. Lloyd stated that Defendant Tucci-Jarraf adopts these motions, which he filed on her behalf. Both of these motions [**Docs. 29 & 31**] are **DENIED** for the reasons stated below.

The Court finds that the Defendant's allegations [Doc. 29] of error in the minutes of the August 24, 2017 hearing are either incorrect or insignificant. The minutes [Doc. 26] state that the Defendant did not want the Court to appoint counsel at that time and wanted to represent herself.² Although the minutes do not state that the Defendant reserved her decision to accept appointed counsel until the status conference on August 29, the Court finds the Defendant's reservation of the decision to accept appointed counsel is implied in the statement that she did not want to be appointed counsel at that time. Moreover, the issue is now moot, because Magistrate Judge H. Bruce Guyton allowed the Defendant to reserve her decision on the appointment of counsel until the August 29 hearing, and the Defendant then informed the Court of her decision at the August 29 hearing. Finally, the Court the minutes accurately reflect that the Defendant entered a plea of not guilty at the August 24 hearing. The Court also finds that the Defendant again entered a plea of not guilty at the August 29 hearing, making the issue moot. The Court finds that its minutes are not intended to be a transcript of a hearing and that the minutes speak for themselves.

The Defendant requests [Doc. 31] the Court to allow her to have a court reporter and a videographer of her choosing present for every hearing in this case. This request is **DENIED**. First, the Court will either provide a court reporter or will record all proceedings. The Defendant

² The Court finds that the Defendant's contention that she was appearing specially and "presenting as self" at the August 24 hearing has no legal relevance, except perhaps to indicate that the Defendant wanted to represent herself at that hearing.

may request that a transcript be made of any proceeding at her own expense. Second, photography or video recording of any criminal hearing by a defendant or other individual not employed by the Court is expressly prohibited by both the Federal Rules of Criminal Procedure and the Local Rules of this Court. Fed. R. Crim. P. 53; E.D. Tenn. L.R. 83.1(d).

The Motion of Defendant Heather Ann Tucci-Jarraf to Correct Minutes [Doc. 29] and the Motion of the Defendant Heather Ann Tucci-Jarraf for Leave to Have Present a Court Reporter and Videographer [Doc. 31] are **DENIED**. The Clerk of Court is **DIRECTED** to mail a copy of this Memorandum and Order to Defendant Tucci-Jarraf.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge