UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
V.)	NO. 2:05-CR-75
)	
MICHAEL VASSAR)	
)	
In Re: HERBERT S. MONCIER)	

NOTICE

It is hereby **ORDERED** that the trial of the criminal contempt charge against Herbert Moncier shall be held at 9:00 a.m. on Tuesday, April 24, 2007 at the James H. Quillen United States Courthouse in Greeneville, Tennessee, and that Assistant United States Attorney Robert M. Reeves is appointed, pursuant to the provisions of *Fed. R. Crim. P.* 42(a)(2), as the prosecutor in the case. This will allow the defendant a reasonable time to prepare a defense.

SPECIFICATION OF THE CHARGE:

Count 1- It is charged that Mr. Moncier's conduct in the course of a hearing held on November 17, 2006, in knowing violation of the clear and specific directions from the Court, interrupted the orderly process of the hearing. As set out in the transcript of that hearing, Mr. Moncier's disruptive conduct consisted of the

following:

THE COURT: MR. VASSAR, HERE'S THE COURT'S CONCERN. WHEN WE HAVE THIS SENTENCING HEARING I WANT YOUR LAWYER TO ASK WHATEVER QUESTIONS ARE NECESSARY TO ASK TO ADEQUATELY PRESENT YOUR CASE TO THIS COURT. I DON'T WANT YOU REPRESENTED BY A LAWYER WHO IS RELUCTANT TO ASK QUESTIONS FOR – OUT OF CONCERN ABOUT WHAT THE ANSWERS MIGHT BE AS THEY RELATE TO HAROLD GROOMS. I DON'T WANT YOUR LAWYER TO BE IN A POSITION TO WHERE HE IS RELUCTANT TO CALL A WITNESS FOR FEAR THAT THE GOVERNMENT MIGHT ASK ABOUT HAROLD GROOMS AND HE DOESN'T KNOW WHAT THE WITNESS IS GOING TO SAY. YOU UNDERSTAND WHAT I'M SAYING?

MR. VASSAR: YES, SIR.

THE COURT: I WANT YOUR LAWYER'S LOYALTY TO BE TO YOU –

MR. VASSAR: THAT'S WHAT I WANT.

THE COURT: NOW, YOU UNDERSTAND HOW THOSE CONFLICTS CAN
ARISE IN THE CONTEXT OF THIS CASE WITH MR. MONCIER REPRESENTING
HAROLD GROOMS AND REPRESENTING YOU AT THE SAME TIME?

MR. VASSAR: I UNDERSTAND.

THE COURT: OKAY. IT'S A VERY SIMPLE QUESTION THEN,
UNDERSTANDING HOW THOSE CONFLICTS CAN ARISE, DO YOU WANT MR.
MONCIER TO CONTINUE REPRESENTING YOU IN THIS CASE OR DO YOU WANT ME
TO SEE IF I CAN FIND SOMEBODY WHO HAS NO CONNECTION WITH ANY OTHER

CODEFENDANT OR POTENTIAL CODEFENDANT IN THIS CASE?

MR. MONCIER: ONCE AGAIN, YOUR HONOR –

THE COURT: MR. MONCIER –

MR. MONCIER: HE MAKES –

THE COURT: MR. MONCIER, YOU BE QUIET.

MR. MONCIER: MAY I APPROACH THE BENCH?

THE COURT: YOU MAY STAND THERE AND DO WHAT I TOLD YOU TO DO UNTIL MR. VASSAR ANSWERS THIS QUESTION.

MR. MONCIER: FOR THE RECORD, YOUR HONOR, I OBJECT WITHOUT

HIM HAVING -

THE COURT: MR. MONCIER, ONE MORE WORD AND YOU'RE GOING

TO JAIL.

MR. MONCIER: MAY I SPEAK TO MY –

THE COURT: OFFICERS, TAKE HIM INTO CUSTODY.

WE'LL BE IN RECESS.

(RECESS AT 12.47 P.M.)

SO ORDERED.

ENTER:

<u>s/J. RONNIE GREER</u> UNITED STATES DISTRICT JUDGE