

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action
	)	No. 13-10200-GAO
	)	
DZHOKHAR A. TSARNAEV, also	)	
known as Jahar Tsarni,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE MARIANNE B. BOWLER  
UNITED STATES MAGISTRATE JUDGE

**ARRAIGNMENT**

John J. Moakley United States Courthouse  
Courtroom No. 10  
One Courthouse Way  
Boston, Massachusetts 02210  
Wednesday, July 10, 2013  
3:28 p.m.

Marcia G. Patrisso, RMR, CRR  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 3510  
Boston, Massachusetts 02210  
(617) 737-8728

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APPEARANCES:

OFFICE OF THE UNITED STATES ATTORNEY  
By: William D. Weinreb, Alope Chakravarty and  
Nadine Pellegrini, Assistant U.S. Attorneys  
John Joseph Moakley Federal Courthouse  
Suite 9200  
Boston, Massachusetts 02210  
On Behalf of the Government

FEDERAL PUBLIC DEFENDER OFFICE  
By: Miriam Conrad, Esq.  
51 Sleeper Street  
Fifth Floor  
Boston, Massachusetts 02210  
- and -

CLARKE & RICE, APC  
By: Judy Clarke, Esq.  
1010 Second Avenue  
Suite 1800  
San Diego, California 92101  
On Behalf of the Defendant

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

2 THE CLERK: All rise.

3 (The Court enters the courtroom at 3:28 p.m.)

4 THE COURT: Please be seated.

5 THE CLERK: The United States District Court for the  
6 District of Massachusetts is now in session, the Honorable  
7 Marianne B. Bowler attending.

8 Today is Wednesday, July 10th, 2013. The case of  
9 U.S. v. Tsarnaev, Criminal Action No. 13-10200, will now be  
10 heard. Will counsel please identify themselves for the record.

11 MR. WEINREB: Good afternoon, your Honor. William  
12 Weinreb for the United States.

13 MR. CHAKRAVARTY: Aloke Chakravarty for the United  
14 States, your Honor.

15 THE COURT: Thank you.

16 MS. PELLEGRINI: Good afternoon, your Honor. Nadine  
17 Pellegrini for the United States.

18 THE COURT: Thank you.

19 MS. CLARKE: Judy Clarke and Miriam Conrad with  
20 Mr. Tsarnaev, your Honor.

21 THE COURT: Thank you very much.

22 At the outset of the proceeding I would like to  
23 acknowledge and note for the record that there are 30 victims  
24 and family members here in the courtroom today, and they have  
25 the statutory right to be present at this proceeding pursuant

1 to 18 United States Code, Section 3771.

2 We're here at this time for the purposes of  
3 arraignment.

4 Ms. Clarke, Ms. Conrad, have you reviewed the  
5 indictment with your client?

6 MS. CLARKE: We have.

7 THE COURT: And have you explained the nature of it to  
8 him?

9 MS. CLARKE: We have.

10 THE COURT: And does he understand it?

11 MS. CLARKE: Yes.

12 THE COURT: And is he prepared to be arraigned here  
13 today?

14 MS. CLARKE: He is.

15 THE COURT: And does he waive the reading of the  
16 indictment in its entirety?

17 MS. CLARKE: He does.

18 THE COURT: And what are the maximum penalties?

19 MR. WEINREB: Your Honor, on Counts 1, 2, 4, 6, 7, 9,  
20 13 and 15 of the indictment, the maximum penalty is up to life  
21 imprisonment or the death penalty, five years of supervised  
22 release, and a \$250,000 fine.

23 On Counts 3, 5, 8, 10, 12 and 14, there is a maximum  
24 penalty of life imprisonment or the death penalty, and a  
25 minimum mandatory term of imprisonment of life, except on Count

1 3, on which there is a minimum mandatory term of imprisonment  
2 of 30 years. The defendant would also be subject to a fine of  
3 up to \$250,000 and five years of supervised release.

4 On Count 11, the maximum term of imprisonment is life,  
5 followed by five years of supervised release and a \$250,000  
6 fine.

7 On Counts 16, 17 and 18, there is a maximum term of  
8 life imprisonment or the death penalty, a minimum mandatory  
9 term of imprisonment of 25 years, up to five years of  
10 supervised release, and a \$250,000 fine.

11 On Count 19, a maximum term of imprisonment of 25  
12 years followed by five years of supervised release and a  
13 \$250,000 fine.

14 On Count 21, a maximum term of imprisonment of up to  
15 20 years, followed by three years of supervised release and a  
16 \$250,000 fine.

17 On Counts 23, 25, 27 and 29, a maximum term of  
18 imprisonment of life followed by five years of supervised  
19 release and a \$250,000 fine.

20 And finally, on Counts 24, 26, 28 and 30, there's a  
21 maximum term of life imprisonment, a minimum mandatory term of  
22 life imprisonment, a five-year term of supervised release, and  
23 up to a \$250,000 fine.

24 THE COURT: Are you ready to proceed?

25 MS. CLARKE: Yes.

1 THE COURT: Will the defendant please stand.

2 (The defendant complies.)

3 THE COURT: Mr. Garvin, will you please proceed.

4 THE CLERK: Mr. Tsarnaev, as to Counts 1, 2, 4, 23,  
5 25, 27, 29 of the indictment, charging you with use of a weapon  
6 of mass destruction resulting in death and conspiracy to use a  
7 weapon of mass destruction resulting in death, a violation of  
8 Title 18, United States Code, Section 2332a, how do you plead,  
9 guilty or not guilty?

10 MS. CLARKE: Your Honor, as to all counts we've  
11 advised Mr. Tsarnaev that today it's appropriate to enter not  
12 guilty pleas, and we would ask the Court to enter not guilty  
13 pleas.

14 THE COURT: Well, I would ask him to answer.

15 MS. CLARKE: Thank you, your Honor.

16 THE DEFENDANT: Not guilty.

17 THE COURT: Go through them all, please.

18 THE CLERK: Counts 6, 7 and 9 of the indictment,  
19 charging you with bombing of a place of public use resulting in  
20 death and conspiracy to bomb a place of public use resulting in  
21 death in violation of Title 18, United States Code, Section  
22 2332f, how do you plead?

23 THE DEFENDANT: Not guilty.

24 THE CLERK: As to Counts 11, 12 and 14 charging you  
25 with malicious destruction of property resulting in death and

1 conspiracy to maliciously destruct property resulting in death  
2 in violation of Title 18, United States Code, Section 844(i)  
3 and (n), how do you plead?

4 THE DEFENDANT: Not guilty.

5 THE CLERK: As to Counts 3, 5, 8, 10, 13, 15, 16, 17  
6 and 18, charging you with use and carrying of a firearm during  
7 and in relation to a crime of violence resulting in death in  
8 violation of Title 18, United States Code, Section 924(j), how  
9 do you plead?

10 THE DEFENDANT: Not guilty.

11 THE CLERK: As to Count 19 of the indictment charging  
12 you with carjacking resulting in serious bodily injury in  
13 violation of Title 18, United States Code, Section 2119, how do  
14 you plead, guilty or not guilty?

15 THE DEFENDANT: Not guilty.

16 THE CLERK: As to Counts 20, 22, 24, 26, 28 and 30,  
17 charging you with use and carrying of a firearm during and in  
18 relation to a crime of violence in violation of Title 18,  
19 United States Code, Section 924(c), how do you plead?

20 THE DEFENDANT: Not guilty.

21 THE CLERK: And as to Count 21 charging you with  
22 interference with commerce by threats and violence in violation  
23 of Title 18, United States Code, Section 1951, how do you  
24 plead?

25 THE DEFENDANT: Not guilty.

1 THE COURT: Thank you. You may be seated.

2 How many witnesses does the government intend to call  
3 and what's the probable length of trial?

4 MR. WEINREB: Your Honor, we anticipate the government  
5 would call 80 to 100 witnesses and that the trial would last  
6 approximately three to four months.

7 THE COURT: And, Mr. Garvin, do we have a date for an  
8 initial status conference?

9 THE CLERK: We do. It will be Monday, the 23th of  
10 September, at 10 a.m.

11 THE COURT: So noted by counsel?

12 MS. CLARKE: That's a good date. Yes, thank you.

13 THE COURT: Mindful of the potential cost of these  
14 proceedings, I direct counsel for the defendant at this time to  
15 consider sooner rather than later preparing a proposed  
16 litigation budget for the trial judge. And I note that the  
17 provisions of the Guide to Judiciary Policies and Procedure,  
18 Volume 7, Part A, Chapter 6, Section 640, encourages the budget  
19 to be filed as early as possible.

20 Ms. Clarke, I know you have experience with this. So  
21 I would suggest, particularly in this time of sequester, the  
22 sooner you can get to this, the better.

23 MS. CLARKE: Thank you, your Honor.

24 THE COURT: All right.

25 I'd also like to remind counsel of the presumption of



1 public access to judicial documents, and that this Court frowns  
2 upon the sealing of judicial documents unless it's absolutely  
3 necessary. To date, many of the filings in this case have been  
4 sealed, and the Court will look carefully in the future because  
5 the public has a right to know about the nature of the  
6 proceedings.

7 Are there other matters that counsel wish to bring to  
8 my attention at this time?

9 MR. WEINREB: None from the government, your Honor.

10 MS. CLARKE: No, your Honor. Thank you.

11 THE COURT: All right. In which case the defendant is  
12 remanded to the custody of the United States marshals.

13 THE CLERK: All rise.

14 MS. CLARKE: Thank you, your Honor.

15 (The Court exits the courtroom and the proceedings  
16 concluded at 3:37 p.m.)

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C E R T I F I C A T E

I, Marcia G. Patrisso, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSO, RMR, CRR  
Official Court Reporter

Date: July 15, 2013