



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>
<u>WITNESSES FOR THE</u>			
<u>GOVERNMENT:</u>			
Bo Bartel	7	12	24
Ray Laviolet	25	30	40
<u>WITNESSES FOR THE</u>			
<u>DEFENSE:</u>			
Paul Grant	42	47	

P R O C E E D I N G S

1 THE COURT: Are we ready with the next matter?

2 MR. REGAN: The Government is ready, Your Honor.

3 Lewis and Richard, would y'all be ready to go  
4 forward, now?

5 MR. UNGLESBY: Oh, it's our turn? Sure. Sure.

6 MR. REGAN: You want to try to make an appearance?

7 THE COURT: Okay. This is 03-MG-2100-01, United  
8 States v. Gregory James Caton.

9 MR. REGAN: Yes, Your Honor.

10 THE COURT: It's on for a hearing, a preliminary exam  
11 and a detention hearing, is that correct?

12 MR. REGAN: Yes, Your Honor.

13 THE COURT: Are the parties ready to proceed?

14 MR. REGAN: The Government's ready.

15 MR. UNGLESBY: Yes, sir, Judge.

16 THE COURT: Okay. If you'd identify yourself for the  
17 record, please.

18 MR. MORENO: Richard Moreno for Gregory James Caton.

19 MR. UNGLESBY: Lewis Unglesby for Mr. Caton.

20 THE COURT: Counsel, have you had an opportunity to  
21 review the Pretrial Services report?

22 MR. UNGLESBY: Just did, Your Honor.

23 THE COURT: Do you have any corrections or errors to  
24 note?  
25

1 MR. UNGLESBY: No. I know of no corrections or  
2 errors, Your Honor. I don't know, however, if Mr. Caton has  
3 seen it.

4 Do you know if he has --

5 PRETRIAL SERVICES OFFICER: No, sir, I really don't.

6 MR. UNGLESBY: So I don't want to hold up the  
7 hearing, but, if you don't mind, I'd like to give him a copy  
8 in the event that there is some.

9 THE COURT: We'll take a brief recess and let you go  
10 over that with him so you can let me know whether or not there  
11 are any corrections that need to be made. Because I'm going  
12 to, subject to those corrections, I'm going to consider that  
13 as part of the evidence on the detention hearing and so we  
14 don't have to go back over that.

15 We'll be in recess. Just let me know when you're  
16 through.

17 (Recess from 2:43 p.m., until 3:02 p.m.)

18 THE COURT: Thank you. Be seated.

19 Mr. Unglesby, are there any corrections to note?

20 MR. UNGLESBY: Several minor, Your Honor, that, I  
21 don't think, will create any question.

22 The actual maiden name of his wife, Katherine, is  
23 Nichols, not Manning. And they've been married ten years, not  
24 nine.

25 THE COURT: All right.



1 MR. UNGLESBY: That's on the bottom of page 2.

2 THE COURT: Okay.

3 MR. UNGLESBY: On the second page, Judge, on the  
4 fourth line, it reflects that he could not provide the  
5 probation officer with a title. Mr. Caton says that he did or  
6 that he is known as the Administrator of the business at Lumen  
7 Foods.

8 THE COURT: All right.

9 MR. UNGLESBY: And then, in the bottom of that same  
10 page, next-to-last line, it reflects he took bankruptcy in  
11 1983 and then again in '85. It was '95.

12 THE COURT: All right.

13 MR. UNGLESBY: The other issues, I suppose, are for  
14 the purpose of the hearing as it relates to the accuracy or  
15 inaccuracy of the conclusions that he's a risk of flight at  
16 this time.

17 THE COURT: All right.

18 MR. REGAN: Your Honor, it may be another typo or  
19 misinformation that I just noticed. On page 2:

20 "Defendant advised he enlisted in the Army in  
21 September 1975. His highest rank was a Second Class  
22 Petty Officer, E-5. He received an Honorable  
23 Discharge in September 1978."

24 Of note, the Army does not have a class of Chief  
25 Petty Officer or a Second Class Petty Officer, though. That

1 is a Navy rank. The Army would have a Sergeant E-5, but  
2 Second Class Petty Officer is a naval rank, not an Army rank.

3 MR. UNGLESBY: Your Honor, Mr. Caton says that that's  
4 -- we didn't catch that mistake. He was -- he was in the  
5 Navy.

6 THE COURT: Navy.

7 MR. UNGLESBY: He wasn't in the Army.

8 THE COURT: All right. Well, I'm going to consider  
9 the information as correct contained in the Pretrial Services  
10 report as part of the evidence in the detention hearing, and I  
11 order that the report be kept in the custody of the Probation  
12 Office unless it's needed for review at which time it'll be  
13 filed in the record under seal.

14 Is there any objection to hearing the evidence on  
15 both the preliminary exam and the detention hearing at the  
16 same time?

17 MR. REGAN: Not from the Government. In fact, I'd  
18 recommend it, Your Honor, to save duplication.

19 MR. UNGLESBY: We agree, Your Honor.

20 THE COURT: All right.

21 Mr. Regan, call your first witness.

22 MR. REGAN: We call Deputy U. S. Marshal Bo Bartel.

23 BO BARTEL, GOVERNMENT'S WITNESS, SWORN

24 DIRECT EXAMINATION

25 BY MR. REGAN:

1 Q Please state your full name for the record.

2 A My name's Bo John Bartel.

3 Q Occupation and profession, sir?

4 A I'm a criminal investigator with the United States  
5 Marshals Service.

6 Q And which office are you assigned to, sir?

7 A The Lake Charles office out of the western District of  
8 Louisiana.

9 Q Calling your attention, sir, to the date of September 17th  
10 of this year, did you have occasion to receive a call for  
11 assistance at a residence located at 1139 Hodges Street?

12 A Yes, sir.

13 Q And did you travel there?

14 A Yes, sir.

15 Q And what were your actions when you first got there?

16 A When I first arrived there, I seen -- it was -- the call  
17 came in to our Task Force, our Joint Task Force that we have  
18 here in Lake Charles.

19 When we first arrived on scene, you know, we noticed all  
20 the cars and some media outside and I went around the back  
21 side of the house and just met with some individuals inside to  
22 see exactly what the situation was and what they needed  
23 assistance with.

24 Q All right. And did -- were you shown anything in the  
25 house or were you taken to a particular location in the house?

1 A Yes, sir.

2 The first place I was taken to was an upstairs room and a  
3 closet where a hidden compartment was made inside the closet  
4 which stored numerous weapons, ammunition.

5 Q Were there ballistic vests?

6 A Yes, sir. There was two ballistic PointBlank vests.  
7 There was, also, ballistic armor, full body armor, like, from  
8 where it was laying, it's looks like leg pieces and, possibly,  
9 maybe a cod piece. I couldn't really tell from the way it was  
10 laying. Thousands of rounds of ammunition. I think  
11 approximately seven rifles and one loaded pistol.

12 Q And were you made aware, or were you aware before you went  
13 out there that Mr. Caton had a prior felony conviction?

14 A Yes, sir. That's what alerted our response to the, to a  
15 scene, was when he had -- he had the prior felony conviction.  
16 The weapons were discovered. The investigation, or whatever,  
17 that was going on at the time was halted and we were called to  
18 the scene.

19 Q Were the weapons seized?

20 A Yes, sir.

21 Q Was Lt. Ray Laviolet with the Lake Charles Police  
22 Department called to the scene, also?

23 A Yes, sir. I arrived -- we rode together to the scene.

24 Q And ultimately, did an agent of the ATF appear and come to  
25 Lake Charles?

1 A Yes, sir.

2 Q All right. Since that date, have you had occasion to work  
3 with other agencies and check indices and records to determine  
4 Mr. Caton's various activities and so on?

5 A Yes, sir, I was.

6 Q Able to determine whether or not he has a pilot's license,  
7 or a log?

8 A I did not determine whether he had a pilot's license. All  
9 I saw in the house in my view and search is that he had  
10 numerous flight books and how to books on flying and that he  
11 had a flight log, a datasheet of his flights that was out in  
12 the open by his computer.

13 Q Did you have a chance to query the U. S. Marshals' indices  
14 to determine, through the State Department, to determine  
15 whether or not he had passports?

16 A Yes, sir, I was. And they came up with two. I found an  
17 expired passport. I forgot what year it was. It was an older  
18 passport. And then he actually had two other passport numbers  
19 the State Department came up with and they didn't -- they  
20 weren't -- they were still trying to find out how he had those  
21 two passports because they both seemed to be active through  
22 the State Department.

23 Q All right. And were you able to determine through your  
24 research that he, in fact, had used the passports to travel to  
25 various countries throughout the world?

1 A Yes, sir, on numerous occasions. And we found ticket  
2 stubs and everything else. Went through the State Department  
3 as well as U. S. Customs that had numerous entries and exits  
4 into the United States from various countries all over the  
5 world, as well as -- well, that's really all we found. We had  
6 -- the foreign driver's licenses, we really didn't find. We  
7 just -- just the --

8 Q Did you find any documents or have you had a chance to  
9 review any documents which would indicate that he was in  
10 possession of kits and stamps and so on and material as to how  
11 to obtain a new identity and how to obtain driver's license,  
12 or make driver's license for foreign countries?

13 A Yes, sir. In our search, when we found the weapons, we  
14 asked him, "Is that all the weapons in the house?" And he had  
15 said, "No, there's another .45, another pistol." So we  
16 started searching for that pistol.

17 In searching for that pistol, we came over, there was a  
18 box, a kit of, I believe it was how to make foreign driver's  
19 licenses. Then there was a manual on how to obtain foreign  
20 passports and survive on your own, something to the gist of  
21 that, those manuals. Just numerous survival-type manuals and  
22 books around the house.

23 Q Did you have occasion to talk with the defendant at all?

24 A Just briefly, not real detail. I asked him -- just -- it  
25 was, you know, real cordial as far as where is this -- I just



1 wanted to find the weapon.

2 That's just something I do when I go into anybody's else.  
3 Usually, our job is looking for fugitives, but we always  
4 locate the weapons because I don't want somebody stumbling on  
5 something. I don't want somebody, you know, somebody to run  
6 in and grab a weapon and store it somewhere.

7 Q Right.

8 A I like to get them secured out in the open so we know  
9 where they're at and --

10 Q Right. I didn't mean did you interrogate him. I mean,  
11 did you have occasion to talk to him --

12 A Sure.

13 Q -- about the weapons?

14 A Sure. I asked him about them and all he said was, "Oh,  
15 they're not my -- I oversee the weapons. They're not mine.  
16 They're in my wife's name." I was like, "well, that's fine.  
17 That's neither here nor there. I just -- where is the other  
18 .45?" And I think he told -- I believe he told me that it was  
19 -- "It's my wife's. She keeps it by her bed." I remember we  
20 looked all around the bed area. Couldn't find it.

21 I questioned the wife about it, "where is the -- we're  
22 missing one .45 pistol. Where is that at?" And she -- I  
23 mean, the only thing she would tell me is, "I don't know  
24 anything about the guns." I was like, "well, he had stated  
25 they're in your name." She goes, "They're in my name, but I

1 don't know anything about them. "That's," you know,  
2 basically, like, "That's not, you know, not my forte, or my  
3 department," or whatever.

4 Q Okay.

5 MR. REGAN: I have no further questions of the  
6 witness at this time.

7 MR. UNGLESBY: My turn?

8 CROSS EXAMINATION

9 BY MR. UNGLESBY:

10 Q Officer, we're on two different issues here and I'm going  
11 to focus, first, on the detention question, okay?

12 In the course of your finding evidence that my client had  
13 traveled out of the United States, did you uncover any  
14 evidence that any of those travels were illegal?

15 A No.

16 Q Did you uncover any evidence that anything he did in those  
17 travels was illegal?

18 A No.

19 Q Any evidence that he made any effort to transport any  
20 contraband into or out of the United States, or any legal  
21 weapons into or out of the United States?

22 A No, sir.

23 Q All right.

24 Now you said that he had pilot flight books and a flight  
25 log. Did you ever determine whether he knows how to or did



1 fly an airplane, at any time?

2 A No.

3 Q Did you ever determine that he had an airplane or access  
4 to one?

5 A No.

6 Q You also reflected that you've talked to the State  
7 Department about his passports. Have you seen the passports?

8 A No, sir.

9 Q Is there another police officer or agent that may have  
10 seen those passports?

11 A The two passports we were looking for were never found. I  
12 never found them, and they were supposed to be in a wallet  
13 portfolio that he carried everywhere and he told me and she  
14 told, his wife told me and an employee of theirs told me that,  
15 "He keeps it in that portfolio. It's his passport." I just  
16 never found out.

17 I found an expired passport. I think I got a 1965, or --  
18 I can't remember what the year on it was.

19 Q So, actually, your evidence that he has passports isn't  
20 derived from him?

21 A Well, right. Well, I found that one and then I checked  
22 with the State Department to see if he had any actives and  
23 they gave me the list of the new passport numbers.

24 Q So you called them right there from the house?

25 A No. I called them the next day.

1 Q All right. Well, at the scene, though, was the direction  
2 to look in the, the reference you made, provided to you by Mr.  
3 Caton?

4 A Correct. He told me to look in his top underwear drawer,  
5 I think is what he told me --

6 A All right.

7 Q -- and that's where I found the expired passport.

8 Q All right. And so as we sit here even now, you don't  
9 actually know if he has or doesn't have a passport?

10 A Well, I know that he has passports.

11 Q How do you know?

12 A Because the United States Department of State has record  
13 of his actual passports.

14 Q Okay. All right.

15 Well, let's deal with the fact that he had, they say, that  
16 he had two. Do you happen to know, if you had them both in  
17 front of you, one of them would say "Void"?

18 A No, I wouldn't know that. They just have the two numbers.  
19 That's all they have.

20 Q Okay. Do you happen to know if when you apply for a  
21 passport, if you already have one, or if it's expired, they do  
22 that, or if you've lost your passport, they do that, they  
23 write "Void" on it, I mean, "Void" in their records at the  
24 State Department and you get a new passport?

25 A Well, that's how it's supposed to happen, but I know that

1 there's glitches in the system as of --

2 Q I know. But do you have any information Mr. Caton created  
3 or caused any glitches in his system?

4 A Oh, no.

5 Q Okay. Now you also discussed the concept that he had  
6 another book of some kind about how to get an international  
7 driver's license?

8 A It wasn't a book. It looked like it was a kit. It came  
9 in a box and had some stamp material. It was like how to make  
10 foreign passports, or making foreign ID's, or something of  
11 that effect.

12 Q Okay. well, did you ever find one?

13 A No.

14 Q Did you notice how old the kit was?

15 A I did not.

16 Q Do you know if it was his?

17 A I do not.

18 Q Do you have any evidence that he, himself, ever used it in  
19 any fashion?

20 A I have no evidence.

21 Q All right. Is it a legal thing to possess?

22 A I have no idea if it is, or it isn't.

23 Q All right. You also said that there was some various  
24 manuals and books there that involved foreign travel and  
25 foreign countries.

1 Are those all legal?

2 A As far as I know.

3 Q All right. And in your investigation of Mr. Caton, did  
4 you determine, sir, that he has, in fact, traveled over the  
5 last years throughout the United States and parts of the world  
6 on business trips?

7 A I don't know if it's business or pleasure, but I have a  
8 record of his travel.

9 Q All right. And any indication that in any of those  
10 travels he failed to follow the laws of that country?

11 A I didn't check for that, but I have no indication of it.

12 Q All right. Now you referred to -- I'm going to move, if I  
13 may, here to the probable cause issue.

14 You said you were called out and when you got there you  
15 began to secure the closet area. Had the guns already been  
16 found?

17 A Yes, sir.

18 Q Okay. And who was it, if you know, who did that?

19 A I don't know the names of the individuals that actually  
20 found the weapons. There was numerous people inside.

21 Q Well, do you know what they may have been assigned to,  
22 know whether they were federal officers, ATF agents, Lake  
23 Charles police?

24 A Yeah. There was a combination of both. It was federal  
25 and state, local law enforcement.

1 Q All right. Do you recollect who it was that showed you  
2 where the guns were?

3 A I believe it was Lake Charles police officers.

4 Q Okay. You don't know their names, huh?

5 A I remember one, Billy Toten (phonetic), just because he's  
6 on our Task Force. He's part of our fugitive --

7 Q All right.

8 A -- team.

9 Q Now you said when you got there you saw cars in the front  
10 and the media?

11 A The media. There was some news personnel out on the,  
12 sitting out on the curb of the street.

13 Q Do you know how that happened to be?

14 A I have absolutely no idea. I avoid the media like the  
15 plague, so I walked right by them.

16 Q But, in any event, they were there ahead of you?

17 A Yes, sir.

18 Q As were other police officers?

19 A Yes, sir.

20 Q In fact, sir -- and if I'm wrong, you tell me -- the  
21 initial search of this gentleman's home had nothing to do with  
22 any violent crimes, contraband or illegality that you normally  
23 investigate, did it?

24 A Not to my knowledge, no.

25 Q In fact, sir, wasn't it a federal Department of

1 Agriculture search regarding his sale of certain diet or --

2 MR. REGAN: Your Honor, may I --

3 BY MR. UNGLESBY:

4 Q -- herbal supplements?

5 MR. REGAN: -- object and approach the bench, please?

6 We're getting into something that is not --

7 THE COURT: All right. Come up.

8 MR. REGAN: -- public record.

9 MR. UNGLESBY: Oh, really?

10 (Bench conference off the record)

11 (End of bench conference)

12 (Open Court)

13 BY MR. UNGLESBY:

14 Q At the time you did arrive, there was no indication that  
15 Mr. Caton, nor his wife, or anyone associated with him had  
16 taken any actions adverse to the officers that were involved,  
17 was there?

18 A No, not to my knowledge.

19 Q All right. Now the actual place that you found these  
20 weapons, the ammunition and the armor, did you ever find out,  
21 or do you know if there are any fingerprints of Mr. Caton  
22 having ever touched those weapons?

23 A First of all, I didn't find the weapons and the weapons  
24 that I was showed, I have no evidence of that. The evidence  
25 collection team collected them and I haven't seen them, since.

1 Q All right. Did you have any information that any of them  
2 were loaded?

3 A I thought the pistol was loaded and I thought he had told  
4 me the .45 was loaded. Because I had asked him, asked was it  
5 loaded or it's not loaded. That's, you know, significant.  
6 But I don't know for sure.

7 Q All right. And did you ever find the .45?

8 A Never found it.

9 Q All right. Did Mr. or Mrs. Caton do anything to prevent  
10 you from trying to find whatever you wanted to look for?

11 A No.

12 Q All right. Now at that time when you went there you knew  
13 that this gentleman had a prior felony?

14 A Right.

15 Q Did you know that it was a non-violent felony,  
16 counterfeiting?

17 A Yes.

18 Q All right. Did you know that he had been on probation for  
19 three years here in Lake Charles?

20 A I knew that.

21 Q And that he had done whatever the requirements were and  
22 had been discharged satisfactorily?

23 A As far as I knew.

24 Q All right. Tell the Judge, if you can, sir, if you know,  
25 how this closet worked.



1 A The closet, it was just another hallway closet. You go  
2 into the bedroom on to your right. Open the closet up. Had  
3 numerous boxes on the floor that contained papers and some  
4 helmets and just, Army helmets, and numerous things.

5 Q Bank records, did it not?

6 A I'm not sure. I didn't dig through the bank records.

7 Q All right.

8 A It's not, really, in mind what I was looking for.

9 But I believe -- when I was out there, I think there was a  
10 clothes rack hanging up covering the shelves. It was like  
11 somebody made some custom made shelves coming out of the wall  
12 on the back wall. That was already taken out.

13 So, when I came in there, it was just the flat shelves on  
14 the wall, which it was hinged at the top, and you would lift  
15 it from the bottom. It was pretty large. You'd lift it all  
16 the way from the bottom and inside there, he had the two  
17 PointBlank body armors on the wall. He had six rifles loaded  
18 on the wall. The AK-47 SKS-type weapon was already out. The  
19 police sniper rifle with a scope was inside leaning up  
20 against, I'd say, tens of thousands of rounds of ammunition  
21 inside and then the ballistic body armor, as you'd see, like  
22 the L.A. bank robbery-type armor was in the floor of that  
23 part. It was just all behind that shelf in a place where  
24 somebody had made or he had made, himself, just a little  
25 weapons cache there.



1 Q The point is that, in fairness, short of knocking the  
2 walls down, you'd have never found that unless he told you,  
3 would you?

4 A I never would have found it.

5 Q Okay. Now in that same context, sir, at this home, did  
6 you see some other things that were out of the norm?

7 A It's out of my norm.

8 Q All right. For example, in the backyard, is there a large  
9 radio tower?

10 A Yeah, there was a large radio tower.

11 Q Is there a water well?

12 A I didn't -- I didn't pay attention to the water well.

13 Q All right. Has the home got solar panels?

14 A It has solar panels.

15 Q Did you notice if, in the house, itself, and the  
16 surrounding area, there were large sacks of beans and oats and  
17 other types of food?

18 A I didn't pay attention to that.

19 Q Okay. Did you, in your investigation, find out whether or  
20 not Mr. Caton and his wife had been, or whether his -- let me  
21 ask a better question.

22 Did you find out whether Mr. Caton's wife had, in fact,  
23 purchased these guns?

24 A I did not find that out. All that information was turned  
25 over to the ATF, once they were on scene.

1 Q All right. Well, as you sit here now, do you know?

2 A I do not know. Well, I know that there was a sales  
3 receipt for some handguns that had his name on it. That's as  
4 far as I know.

5 Q Had his name on it?

6 A We just stumbled across that looking for the other gun.

7 Q All right. Do you know if it's any of the guns you saw?

8 A I believe it was the -- I believe it was the SKS because  
9 it had all the magazines listed on there. I believe that's  
10 what it was.

11 Q All right. Did you find out if the other guns were  
12 purchased by his wife?

13 A No, I didn't find any of that out.

14 Q You didn't see any -- you haven't had a chance to  
15 investigate that at all?

16 A I haven't. That was all turned over to the ATF. I mean,  
17 that's --

18 Q All right. So you don't do that. That's not your job?

19 A No. That's beyond my -- we just -- we have the Task Force  
20 here that kind of assists in everything.

21 Q Okay.

22 A But, once we get it, we turn it over.

23 Q Have you determined in the course of your investigation if  
24 Mr. Caton at any time made any effort to ever use any of these  
25 weapons?

1 A Not to my knowledge.

2 Q All right. Have you made any, determined in your  
3 investigation whether Mr. Caton at any time issued any --  
4 well, I'll defer that.

5 I don't want to go -- one other question. I'm trying -- I  
6 have some criteria and I've got to change my thinking because  
7 of the ruling.

8 Did you learn, or do you know, whether the Catons were  
9 people that had gotten very involved in Y2K panic that people  
10 went through at the end of 1999?

11 A I kind of gathered something of that sort, just on some  
12 letters that were written back and forth, I think, from his  
13 mother, maybe, and just what you see standard, you know, the  
14 different tapes and a lot of government conspiracy-type stuff,  
15 a lot of tapes about waco and the government conspiracy, you  
16 know, that kind of thing.

17 That's what, you know, that's what really alerted us, to  
18 me, anyway, and you see all the different sorts of weapons and  
19 you see that kind of stuff around, especially today. Being  
20 our jobs as U. S. Marshals, you know, we're sworn to protect  
21 the U. S. Attorneys and Federal Judges and everything else.  
22 That sends up a big flag with us.

23 But -- so, yeah, I guess it's kind of like a -- I didn't  
24 see specifically Y2K stuff, but it was just like an overall  
25 survivalist type, I guess, mindset.

1 Q But if you went to a writer's house in rural Texas who was  
2 studying waco, and also liked to hunt, you might find every  
3 single thing you found there, couldn't you?

4 A Not every single thing, but a lot of the same things.

5 Q Okay. Thank you, sir.

6 A No problem.

7 MR. REGAN: I have only one other question.

8 REDIRECT EXAMINATION

9 BY MR. REGAN:

10 Q The layout of the house, was there an escape route in the  
11 house?

12 A Excuse me?

13 Q Escape route in the house?

14 A From what I was told. I did not -- I didn't see it.  
15 Members of the police department said that up in the attic he  
16 had something, some kind of a route to get up in the attic and  
17 then get out another way. I didn't see it. There wasn't --  
18 because I asked him, "Is there any weapons or anything else up  
19 there that I need to look for?" There's no reason for me to  
20 go up there, so I just didn't see it.

21 Q Thank you.

22 MR. REGAN: I have no further questions.

23 THE COURT: All right. You may step down. Thank  
24 you.

25 Call your next witness.

1 MR. REGAN: The Government calls Lt. Ray Laviolet.

2 RAY LAVIOLET, GOVERNMENT'S WITNESS, SWORN

3 DIRECT EXAMINATION

4 BY MR. REGAN:

5 Q Please state your name for the record and spell your last  
6 name.

7 A Ray Laviolet, Lieutenant, Lake Charles City Police,  
8 Detective Division PFC and Coordinator. L-A-V-I-O-L-E-T.  
9 Twenty-four year veteran.

10 Q Calling your attention to the date of September 17th, did  
11 you have occasion to travel to a residence located at 1139  
12 Hodges Street, Lake Charles, Louisiana?

13 A Yes, sir.

14 Q And were you summons there?

15 A Yes, sir. I was summoned there by one of our officers  
16 that was at the location.

17 Q All right. And prior to going that location, did you, or  
18 once you arrived there, did you confirm that Mr. Greg Caton  
19 had previously been convicted, pled guilty in Federal Court to  
20 a counterfeiting charge?

21 A Yes, sir. I was advised that, whenever I was summoned,  
22 that they had located a stash of weapons and that he was a  
23 convicted felon, and I confirmed that prior to my going to the  
24 scene --

25 Q All right.

1 A -- that he was a convicted felon.

2 Q All right. Did you, in fact, have an opportunity to view  
3 and take into custody, along with other officers of the Lake  
4 Charles Police Department, the numerous firearms and the  
5 ammunition?

6 A Yes, sir.

7 Q All right. would you just basically state the actual  
8 firearms he had?

9 A Yes, sir. There were several assault weapons. There was  
10 a range of a total of eight weapons that were seized, one  
11 being a handgun, the rest being long barrel weapons.

12 Q All right. Do you recall, approximately, how many total  
13 rounds of ammunition were seized?

14 A Yes, sir. Our evidence technicians counted up the  
15 assortment of different rounds. There was 10,260 assortment  
16 rounds of shells recovered.

17 Q Okay. And you've heard that there was ballistic armor and  
18 helmets and so on recovered?

19 A Yes, sir. There was kevlar helmets, ballistic vests,  
20 being PointBlank vests. There was also ballistic leggings, is  
21 what I'm presuming it to be.

22 Q All right. Now after this took place, at some point in  
23 time ATF was notified, is that correct?

24 A Yes, sir. ATF is immediately notified to respond.

25 Q Okay. And at some point in time, an ATF agent did travel



1 from Baton Rouge to Lake Charles?

2 A Correct, sir.

3 Q And basically, prepared the criminal complaint and the  
4 arrest warrant in this matter?

5 A Correct.

6 Q And viewed the weapons, also?

7 A Correct.

8 Q All right. During the course or period of time since  
9 September 17th, have you, in coordination with other federal  
10 or state law enforcement agencies, had an opportunity to  
11 continue your investigation into the activities of the  
12 defendant?

13 A Yes, sir. I'm the Coordinator for the PFC and Project and  
14 I work with the ATF in tracing the firearms that are  
15 recovered.

16 Q All right. The Project Safe Neighborhood?

17 A Correct.

18 Q All right.

19 A At this point, I have not gotten any response back from  
20 the trace unit as far as the weapons, but I have other  
21 investigation measures that I have concluded on.

22 Q Okay. During the course of your investigation, did you  
23 determine or did you find out that a MAC-9 or MAC-10 weapon, a  
24 receipt for the weapon with the name Greg on the receipt had  
25 been purchased over the phone from a gun dealer in Austin,

1 Texas?

2 A That is correct, sir. Inside the box that the MAC-10 was  
3 in, there was a receipt on there and it had the name Greg on  
4 it. It had on there written, "Over the phone."

5 Also, there was a credit card receipt with a credit card  
6 number on it that I have not confirmed who it is for.  
7 Evidently, it was used as payment and it was from a company  
8 out of Austin, Texas.

9 Q Now the MAC-90 Sporter, what's referred to as a Sporter?

10 A Yes, sir.

11 Q Norinco?

12 A Correct.

13 Q All right. During the course of your investigation, did  
14 you have an opportunity to talk to a local gun dealer or  
15 receive information from a local gun dealer regarding Mr.  
16 Caton's activity, both he and his wife, in the past regarding  
17 the purchase of guns?

18 A Yes, sir. I was approached by a local gun dealer, who is  
19 out of business at this time. He advised me that he knew both  
20 Mr. and Mrs. Caton, that on numerous occasions he had dealt  
21 with them, but, every time a weapon was purchased, it was  
22 purchased under the wife's name.

23 Q All right. But Mr. Caton had, in fact, gone in and  
24 discussed --

25 A Discussed different type of weapons and what type he was



1 looking for, and his wife would purchase them.

2 Q So he was present during that time?

3 A Yes, sir.

4 Q And he was aware the weapons were being purchased?

5 A Correct.

6 Q Come across any documents which indicate that Mr. Caton  
7 basically ordered and received, for a total of \$454.95, an  
8 advanced Taser weapon with a laser light?

9 A Yes, sir. There was a receipt that was found.

10 Q All right. Did you have an opportunity, also, to view  
11 documents, which were signed by Mr. Caton, which would  
12 indicate that he logged a total of 49 hours flight time?

13 A Yes, sir. There was a pilot's logbook with the name Greg  
14 Caton in it that showed that the last flight, if I recall  
15 correctly, was 8/15 of '03.

16 Q Was it a signature or a stamped name?

17 A That, I don't recall.

18 Q All right. But you're not absolutely positive it was in  
19 '03, are you, this year?

20 A I believe it was 8/15/03, the last flight record.

21 Q Okay.

22 A Like -- it was like he was in the process of learning.

23 Q All right. Did you also come across any pamphlets which  
24 indicated or which would give one a means of legally obtaining  
25 citizenship in other countries and reason why they would want

1 to do that?

2 A Yes, sir. There was a box that we found that had his name  
3 on it shipped to Lumen Foods, if I recall correctly. Inside  
4 of that box there was documents on how to obtain driver's  
5 permits for foreign countries and, also, there was some type  
6 of stamp.

7 Q Now have you also had occasion to speak with a former  
8 employee of Mr. Caton's who worked for him in, roughly, 1999?

9 A Yes, sir. The following day, I had a subject come up to  
10 me and advise me she had worked for him for approximately  
11 three months back in 1999. And he would order stuff over the  
12 Internet and he was stockpiling fuel at his warehouses and he  
13 had made the comment to her the reason being it was for Y2K  
14 and that he was prepared in case the Government came for him.

15 MR. REGAN: I have no further questions at this time,  
16 Your Honor. Tender.

17 CROSS EXAMINATION

18 BY MR. UNGLESBY:

19 Q How do you say your name?

20 A Laviolet.

21 Q Laviolet?

22 A Yes, sir.

23 Q All right, sir.

24 officer Laviolet, you just testified that somebody, who  
25 you didn't identify, told you that in 1999 Greg was

1 stockpiling fuel?

2 A Yes, sir.

3 Q There's nothing illegal about that, is there?

4 A No, sir.

5 Q All right. Do you have any evidence at all that any of  
6 that fuel was ever used to make any kind of incendiary device?

7 A Not that I'm aware of.

8 Q All right. Now are you aware of the fact that there were  
9 people in 1999 stockpiling all kinds of goods because they  
10 thought that the millennium might cause some kind of  
11 cataclysmic event in the United States?

12 A I heard about it, but I have no idea if it was true, or  
13 not.

14 Q All right. But you knew people were doing that?

15 A I heard people were probably doing it.

16 Q All right. Now -- and there's nothing illegal about him  
17 stockpiling fuel?

18 A Not that I'm aware of, sir.

19 Q Well, now you said that this person -- who is this lady?

20 A It's a lady that is employed by the Department at this  
21 time, a Ms. Broussard.

22 Q Department. By your department?

23 A Lake Charles City Police Department, yes, sir.

24 Q Okay. Ms. Broussard.

25 She said that he told her he was prepared in case the

1 Government came for him?

2 A Yes, sir.

3 Q All right. Well, now, on September 17th, the Government  
4 came for him, did they not?

5 A 2003.

6 Q Did they come there on that day, September 17th, 2003?

7 A Yes, sir.

8 Q Did Mr. Caton do anything to resist or attempt to flee?

9 A Not under the circumstances, no, sir.

10 Q Did Mr. Caton make any threats to anybody?

11 A None that I'm aware of, sir.

12 Q All right. Now you said that you found a box that had  
13 some information about how you could go about getting a  
14 foreign driver's license or identification, is that right?

15 A Yes, sir.

16 Q Did you ever determine if Mr. Caton had taken any steps to  
17 do whatever the instructions were within that box?

18 A I don't have that capability, sir.

19 Q All right. Well, has anyone on your behalf done that?

20 A That is in the process of being investigated.

21 Q Okay. Did you ever determine if he had, in fact, created  
22 a single piece of paper in the world that gave him the  
23 opportunity to travel under a fake name or claim to be a  
24 citizen of any country, other than the United States?

25 A None that I am aware of at this time.

1 Q Okay. Now your counsel brought out a point I want to ask  
2 you, again, on.

3 You said that on August 15th -- you thought that it said,  
4 his learning log of piloting, was August 15, '03. Do you have  
5 that with you?

6 A No, sir, I don't. It's in evidence.

7 Q Does anybody in here have that?

8 A It's in evidence.

9 Q I understand that, but do you know if anyone has it here  
10 in court?

11 A As far as the book?

12 Q Uh-huh. (Indicating an affirmative response)

13 A It's in evidence at the police department.

14 Q Do you happen to know, now that you've had a chance to  
15 think about it, if, in fact, what it says is August 15th,  
16 2001?

17 A If I recall, when I looked at it that day, I thought it  
18 had been turned to '03 for the year.

19 Q All right.

20 MR. UNGLESBY: Your Honor, I think that the U. S.  
21 Attorney will agree what it says.

22 THE WITNESS: I may be mistaken as far as the date.

23 MR. REGAN: It could be either way. I think he said  
24 that's the best of his memory. It could be 2001, Your Honor.

25 MR. UNGLESBY: All right.

1 BY MR. UNGLESBY:

2 Q Now you also referenced that there was a Taser gun. What  
3 is that?

4 A That is a non-lethal weapon that is used to bring subjects  
5 down to control them. It puts you out of commission, totally.

6 Q And where was it located?

7 A I have no idea. It was just paperwork that I was made  
8 aware of that he had purchased one.

9 Q All right. Do you know -- you may not know this, of  
10 course -- do you know whether or not a Taser gun is covered by  
11 federal law in terms of possession by a convicted felon?

12 A I have no idea, sir.

13 Q All right. You also said that he had some kevlar helmets,  
14 ballistic leggings and bulletproof vests, is that fair?

15 A Yes, sir.

16 Q Can you buy those in Lake Charles?

17 A Well, my understanding of it -- and I may be wrong on that  
18 particular law -- but for you to purchase ballistic vests or  
19 kevlar vests, rather, most of our places around here, you have  
20 to present them with a letterhead from your Chief or the  
21 Sheriff showing you're in law enforcement.

22 Q Do you know if you can buy them over the Internet?

23 A I presume you can. I have no idea, sir.

24 Q All right. You're not suggesting that they were stolen by  
25 Mr. Caton?

1 A No, sir, I'm not.

2 Q Okay. And where were these things all kept?

3 A It was in a hidden, I call it hidden, closet-type  
4 contraption.

5 Q Upstairs?

6 A Upstairs, second floor, in a hallway closet.

7 Q Behind boxes and clothes?

8 A I don't know about clothes. When I got there, there was a  
9 few boxes on the floor and everything else was cleared.

10 Q All right. In other words, by the time you arrived, the  
11 search had been conducted?

12 A Yes, sir.

13 Q Okay. All right. Do you know who conducted the search?

14 A I have no idea, sir.

15 Q All right. Did you make any inquiry while you were there?

16 A I told them we're all going to get together and get  
17 statements from them.

18 Q And you don't know what's happened since then?

19 A No, sir.

20 Q Okay. Your gun dealer friend, what's his name?

21 A Keith Holland.

22 Q Did that gentleman tell you that all of these guns were  
23 bought in Mrs. Caton's name?

24 A There was a few weapons that were purchased from him in  
25 her name.



1 Q All right. Do you happen to know if he's also the person  
2 who sold the body armor?

3 A I have no idea, sir.

4 Q Well, did he used to be a policeman?

5 A Yes, sir.

6 Q Okay. Would it be legal for him to sell body armor?

7 A Whatever the law is on that particular point, sir.

8 Q All right. Well, do you know if he would have access to  
9 the capability, that being Mr. Holland, is that correct?

10 A Yes, sir.

11 Q That Mr. Holland had had the capability of possessing or  
12 obtaining body armor?

13 A Yes, sir. He was a licensed FFL dealer. I'm presuming --

14 Q All right.

15 A -- with that type license you can purchase it.

16 Q So he was a licensed dealer to sell body armor and an ex-  
17 policeman, is that fair?

18 A Yes, sir.

19 Q And to the best of your knowledge, it's not illegal --

20 A He's not an ex-policeman.

21 Q He's a current policeman?

22 A Yes, sir.

23 Q Or he is a policeman?

24 A Yes, sir.

25 Q Okay. And was he a policeman back during this time when



1 he was selling body armor?

2 A Yes, sir.

3 Q well --

4 A well, I don't know if he was selling body armor. I know  
5 he was selling weapons.

6 Q Did you ever ask him if he's the person who sold the body  
7 armor to Mr. or Mrs. Caton?

8 A I didn't bring up the body armor. He made mention of the  
9 weapons.

10 Q Uh-huh. (Indicating an affirmative response) Okay. All  
11 right. Now you also said that there was a gun of some kind, a  
12 MAC-9, is that right, or MAC-10?

13 A It's a MAC-10.

14 Q A MAC-10. what is that?

15 A It's a Sporter 9. It's a resemblance of, like an AK-47,  
16 or SKS. They're the same -- it's an assault-type rifle.

17 Q All right. And you said that was bought over the phone?

18 A That's what was written on the receipt.

19 Q Do you know if you can buy a gun like that over the phone?

20 A Legally, you're not supposed to be able to.

21 Q well --

22 A Of course, that business is out of business, so I don't  
23 know.

24 Q Okay. All right. Did you check the credit card that you  
25 said you found on the receipt to determine who the credit card

1 may have belonged to?

2 A I hadn't had time to yet, sir.

3 Q Huh?

4 A I hadn't had time, yet.

5 Q Okay. All right.

6 Thank you, sir. Oh, wait. I have one more question, if  
7 you know.

8 Is there anything that, when you were there, is there  
9 anything that Mr. Caton did to -- let me start over.

10 while you were there, did Mr. Caton appear polite and  
11 cooperative?

12 A He was on the phone.

13 Q Okay. But he did nothing to cause you any unpleasantness  
14 at all?

15 A I didn't talk to him, whatsoever. He was on the phone  
16 talking to whomever.

17 Q Okay. Do you remember whether or not a guy named Dixon  
18 was out there?

19 A Yes, sir. That is my Chief.

20 Q Was he there before or after you?

21 A He arrived shortly thereafter me.

22 Q Okay. Do you know how long the news media had been there?

23 A They were there when we got there.

24 Q Okay. Do you know if they went in with the original, or  
25 if they arrived there with whomever the original searchers

1 were?

2 A I have no idea.

3 Q Okay. From your perspective as a police officer and your  
4 training, if you were going into a search where you thought  
5 there was a potential for violence, whether you do your best  
6 not to alert news media or other civilians?

7 A I would not alert them, but I know from past experiences  
8 how news media operates with their scanners and they  
9 automatically show up un, you know, without us contacting  
10 them.

11 Q The scanners tell people where search warrants are being  
12 executed?

13 A They listen to our communications.

14 Q Uh-huh. (Indicating an affirmative response) All right.  
15 Do you know how long other policemen or representatives of  
16 law enforcement had been at the house before you arrived?

17 A I have no idea.

18 Q Did you have any personal communication with Mr. Caton?

19 A No, sir.

20 Q All right. Thank you.

21 A I only spoke briefly to his wife and she said she wanted a  
22 lawyer and that was the end of that.

23 Q Okay. Thank you.

24 MR. REGAN: I need to clear up only two questions.

25 REDIRECT EXAMINATION

1 BY MR. REGAN:

2 Q One, the weapon in question was not a MAC-90 instead of a  
3 MAC-10. There was a MAC-9, too, right?

4 A Okay.

5 Q All right.

6 A I'd have to look at my evidence sheet to see what we  
7 turned in.

8 It's a MAC-90, 7.62x39.

9 Q All right. And that was the weapon that was, at least the  
10 records indicated --

11 A Right. The one that had the receipt inside of it, in the  
12 box.

13 Q With his name on it?

14 A Correct.

15 Q All right. To be completely fair about this, we're not  
16 trying to insinuate as to the Taser weapon, itself, that that  
17 is considered a firearm which a convicted felon might not  
18 possess, is that correct?

19 A As far as I --

20 Q It may be that it's not?

21 A As far as I'm aware, it's not a firearm, but it is a  
22 disabling tool --

23 Q Okay.

24 A --non-lethal.

25 Q Okay. Thank you. Those were the only two questions

1 I had.

2 THE COURT: All right. You can step down. Thank  
3 you.

4 Call your next witness.

5 MR. REGAN: I have no further witnesses, Your Honor.

6 THE COURT: Mr. Unglesby?

7 (Pause)

8 MR. UNGLESBY: Mr. Grant. My witness left.

9 (Pause)

10 MR. UNGLESBY: Mr. Grant will be a witness, Your  
11 Honor. Before he's sworn, we have a stipulation that the  
12 other witnesses, including Mr. Caton's wife and neighbors,  
13 will testify that he has a reputation in their area for lawful  
14 behavior and they have no indication that he's ever made any  
15 threats or taken any violent or physical action against  
16 anyone.

17 MR. REGAN: I've stipulated to that, Your Honor.

18 THE COURT: All right.

19 MR. REGAN: In order to save cumulative time and  
20 cumulative testimony.

21 THE COURT: Let the stipulation be entered in the  
22 record.

23 MR. UNGLESBY: Mr. Grant.

24 PAUL GRANT, DEFENSE WITNESS, SWORN

25 DIRECT EXAMINATION

1 BY MR. UNGLESBY:

2 Q Sir, would you give your name and address to the Judge?

3 A My name is Paul Grant, G-R-A-N-T, 6425 Village Point  
4 Drive, Bethany, Alabama 36526.

5 Q And how old are you, Mr. Grant?

6 A I'm 61.

7 Q And have you ever been in any trouble with the law?

8 A No, sir.

9 Q Okay. And what is your occupation?

10 A I've been in the food business and the bakery business my  
11 entire lifetime.

12 Q And when you say you're in the bakery business, are you  
13 like a baker or do you make doughnuts, or what do you mean?

14 A I've been a consultant and sold to some of the largest  
15 wholesale bakeries in the United States and Puerto Rico.

16 Q Why are -- what is your interest in the freedom of Mr.  
17 Caton?

18 A We've been involved and I, personally, have been involved  
19 in a project for approximately seven years working on extended  
20 shelf life for all types of food products, not only bakery  
21 products, but all types of food and beverage. We have spent a  
22 considerable amount of money researching this with some of the  
23 largest food firms in the world and for the last year and a  
24 half, we have been working on a project here in Lake Charles  
25 with Mr. Caton in a facility that should be up and operational

1 in the last, in the next two weeks to be able to produce a  
2 food preservative.

3 Q where is that manufacturing plant?

4 A It's on Hodges. It used to be a dairy on Hodges Street,  
5 and I think they called it Guth Dairy (phonetic), but I'm not  
6 sure about that name.

7 Q All right. Do you know the name of the business that's  
8 going to operate out of the old Guth Dairy?

9 A It was -- our agreement is with Herbologics. We have a  
10 company, Williams Food Group, of which I'm the president, and  
11 they were manufacturing under a private label products,  
12 Forever Fresh.

13 Q Approximately, how much money do you have invested in  
14 this, Mr. Grant?

15 A Well, right now, we have about three years and \$35,000.  
16 We were here last Monday, my partner and I, and we were fixing  
17 to invest another \$300,000 in this project.

18 Q All right. And are you still willing to do that if Mr.  
19 Caton is available to --

20 A Yes, we are.

21 Q -- work at the plant?

22 A Yes.

23 Q And why is that?

24 A The ability and the technology that he has shown us. And  
25 we've sent this to outside labs. We've had some very large



1 food companies test this product, outside tests, and it has  
2 outperformed anything that anybody is using at, probably, the  
3 cheapest price the industry's ever seen.

4 Q And is food preservative big business?

5 A Yes. It is an enormous business.

6 Q All right. And the ability to keep your bread or other  
7 bakery goods fresh would give you a large market?

8 A We've had one company tell us if this works the way their  
9 outside test has shown, it could save them \$200 million a  
10 year.

11 Q Are you familiar with whether or not your competitors have  
12 attempted to use the arrest of Mr. Caton and subsequent  
13 publicity to undermine your efforts?

14 A I had a phone call yesterday from Pinehurst, North  
15 Carolina and there was a gentleman in a meeting there who had  
16 an article from the Lake Charles newspaper showing about Mr.  
17 Caton's arrest and trying to create problems for us with a  
18 major customer.

19 Q Now is Mr. Caton a central or a necessary figure to the  
20 success of this business and, if so, why?

21 A His technology and his knowledge of being able to  
22 manufacture this product.

23 I was, probably, the most shocked person in the world last  
24 Wednesday when I had a phone call from Greg's wife, but Greg  
25 has worked on this. He's used it in his Lumen Foods in a beef

1 jerky that he manufactures and it has worked better than  
2 anything else we have seen and we've tried everything from  
3 everybody over the last several years.

4 Q Would Mr. Caton stand to benefit from the success of this  
5 venture?

6 A Enormously, yes, he would. Yes, sir.

7 Q All right. So from a financial perspective, independent  
8 of any other reason, from your experience, from your personal  
9 knowledge, would Mr. Caton have a large incentive to stay here  
10 and work in Lake Charles and follow the law and not violate  
11 any conditions the Court may put on him?

12 A The plant -- we've had two major customers come in and  
13 view the plant. As it is set up right now, at the end of this  
14 week, it should be able to produce 750,000 pounds of product a  
15 week and we've looked at being able to double that capacity in  
16 the next six months. And, I mean, you're talking about some  
17 enormous dollars in this project.

18 Q Okay. And Mr. Caton would share in those?

19 A Yes.

20 Q Now you, sir, now know that he's been arrested and that he  
21 is a prior felon --

22 A I knew that --

23 Q -- by basis of the charges?

24 A I knew that before, yes, sir.

25 Q Okay. Are you still willing to stand by Mr. Caton and

1 make your investment under those circumstances, assuming he's  
2 available to do the work?

3 A I have a partner, but, yes. I mean, we're here,  
4 hopefully, to be able to resolve the problems and help in any  
5 way we can for this project to go forward.

6 Q All right.

7 MR. UNGLESBY: I have nothing further, Your Honor.

8 EXAMINATION

9 BY THE COURT:

10 Q Let me ask you something: You said that Mr. Caton would  
11 stand to benefit. Is the agreement that he, personally, would  
12 benefit or Lumen Foods Company would benefit?

13 A Herbologics would benefit. We have an agreement with  
14 Herbologics and they're actually the manufacturer of the  
15 product and they're private labeling the product for us, and  
16 we have an exclusive for the food and beverage industry in the  
17 United States.

18 Q So what is Mr. Caton's personal stake in that company?

19 A Well, I mean, he owns the building. He's put in the  
20 equipment and all. He has the knowledge and he is the --

21 Q Do you know what he gets out, what his stake in the  
22 company is, what share of the company he owns?

23 A No, sir. I know what we're paying per pound for product,  
24 presently and --

25 Q But you don't know if he owns one share, a hundred

1 percent, or ten percent, or no percent?

2 A No, sir. I mean -- no, sir, I do not. No, sir, I do not.

3 Our agreement -- he is the operating officer of the  
4 company, as I understand it, and I believe his wife owns the  
5 company.

6 Q And what about the building? You said he owns it, or his  
7 wife owns it?

8 A I know that the Catons own it and I cannot honestly tell  
9 you who is the actual owner of the building.

10 THE COURT: Go ahead, Mr. Regan.

11 CROSS EXAMINATION

12 BY MR. REGAN:

13 Q These products that you're getting ready to sell are FDA  
14 approved, sir?

15 A They're all grass products and we've sent them out to  
16 outside labs and we've had some major companies look at them  
17 and all the ingredients in them. Yes, they're standard  
18 products that the food industry is using today as  
19 preservatives.

20 Q Would you mind mentioning some of the food companies that  
21 have come down to take a look at this, customers?

22 A I would prefer not. I mean, you know --

23 Q All right.

24 A If I have to, I will, but, I mean --

25 Q I withdraw the question.

1 A I mean, I hate to get somebody involved in something that  
2 would scare them to death, if they thought I was sitting up  
3 here mentioning their name.

4 MR. REGAN: I have no further questions.

5 THE COURT: Mr. Unglesby, do you have any other?

6 MR. UNGLESBY: No, sir.

7 THE COURT: You can step down. Thank you.

8 THE WITNESS: Thank you.

9 THE COURT: Call your next witness.

10 MR. UNGLESBY: Given the testimony and the prior  
11 stipulations, Your Honor, we have nothing else to present.

12 THE COURT: All right. Do y'all want to argue?

13 MR. REGAN: Your Honor, I'll submit on the pre-trial  
14 report and the testimony of the two witnesses, Your Honor.

15 THE COURT: Mr. Unglesby?

16 MR. UNGLESBY: Your Honor, I heard nothing to  
17 indicate, from an evidentiary standpoint, that Mr. Caton is a  
18 threat to anyone in the community, nor did any witness --

19 THE COURT: What's he got all those assault weapons  
20 and about 10,000 rounds of ammo hidden in a compartment in his  
21 closet for when it's illegal for him to have a weapon at all?

22 MR. UNGLESBY: Well, you first require me to concede  
23 that they're his, which I'm not willing to do, Judge. But to  
24 answer your --

25 THE COURT: It's in his closet. I assume that was

1 his house.

2 MR. UNGLESBY: No, it's his wife's house. But --

3 THE COURT: Oh.

4 MR. UNGLESBY: But not to put too fine a point on it,  
5 I'll give you an answer. I'm not ducking you. I'm just not  
6 conceding your hypothesis.

7 THE COURT: Well, I'm not trying to get you committed  
8 for all future purposes, but I'm just letting you know, I  
9 mean, that's an obvious concern that I have --

10 MR. UNGLESBY: Well --

11 THE COURT: -- why is it there?

12 MR. UNGLESBY: I suggest this, Your Honor: There are  
13 in the world eccentric people and many of those eccentric  
14 people did some very eccentric and, perhaps, more rational  
15 thinkers would say, "crazy" things back during the Y2K scare.  
16 I don't know if you know any of those people, but I do, and it  
17 was bizarre. But they're, otherwise, thoughtful, intelligent,  
18 reasonable human beings.

19 THE COURT: Okay. Why is this still there 2003?

20 MR. UNGLESBY: As you heard the testimony from the  
21 police officers, Judge, this is in a -- and if you could see  
22 it, which maybe you will one day -- this is, if you could  
23 imagine that behind that United States eagle and the wall is  
24 some hidden compartment full of gold that you put there or  
25 somebody put there years ago. Nobody's even paying any



1 attention to it, anymore. I mean, it takes, as they said, it  
2 doesn't take just finding this. It takes a lot of physical  
3 effort to get to where it was.

4 I mean, if there was ever a storage building where  
5 people store things and forget about them, this was it. And  
6 the closet was in full use, you know. I mean, the closet was  
7 not private. As the police officer said, it was full of boxes  
8 and clothes and shelves with things on the shelves.

9 There's no indication that that closet has been  
10 opened at any time since these were stored there, nor is there  
11 any evidence -- and the reason there isn't any is because  
12 there is none -- that Mr. Caton, personally, put those there,  
13 transferred them there, kept them there or paid any attention  
14 to them. But that's the gravamen of the offense, whether he's  
15 guilty or not. It's not, as I appreciate it, the sole  
16 criteria you have for pre-trial release.

17 On the rest of the issues, danger to the community or  
18 of flight, or likely risk of flight, it seems to me that  
19 there's been no evidence to support such a finding. And I'm  
20 sure that he can meet whatever pre-trial detention services  
21 are available in terms of monitoring his whereabouts and his  
22 conduct.

23 And he does, as you can hear from Mr. Grant, have a  
24 significant incentive.

25 THE COURT: What is that incentive?



1 MR. UNGLESBY: That he can make a lot of money, you  
2 know.

3 THE COURT: From what I've seen, he's very carefully  
4 crafted his business dealings so that he has no personal stake  
5 in any of them. Now I don't doubt that he, somehow, benefits  
6 from them, but he's carefully placed the assets in his wife's  
7 name, where he has a very modest salary that he pays himself  
8 and the only witness I heard didn't, couldn't say whether he  
9 had any personal stake in this enterprise, or not. I mean, I  
10 don't know whether he couldn't just go off somewhere and still  
11 -- his wife would go ahead and run the company and she would  
12 get all of the company and would derive all the benefit from  
13 it and he could go wherever he wanted to.

14 MR. UNGLESBY: Well -- and, perhaps, I didn't make  
15 this clear, Judge. I thought I did, but maybe I didn't.

16 The expertise required to do it, you know. This is  
17 kind of like an invention, except it's food, and it requires  
18 somebody who knows -- it's like chemistry. You got to know  
19 how to do it, how to make it, how to test it, how to make sure  
20 that the product is properly --

21 THE COURT: Has he taught his wife --

22 MR. UNGLESBY: No.

23 THE COURT: -- how to do it?

24 MR. UNGLESBY: No.

25 THE COURT: How do I know?

1 MR. UNGLESBY: Well, I'll call her, if you wish. Or  
2 -- she's here -- you could ask her. I mean, nobody --

3 THE COURT: Well, I know, but my point is he has  
4 taken it upon himself to carefully structure his finances so  
5 he has no stake, financial stake in anything. I don't see  
6 that I necessarily know that he's got a lot to lose by  
7 leaving.

8 MR. UNGLESBY: Well, the other thing would be this,  
9 Your Honor: He's got very little to gain or nothing by  
10 leaving. You can't -- Mr. Caton was convicted and his record  
11 reflects that he served properly his entire probation. He was  
12 convicted of a non-violent crime. He was only given, as you  
13 see, a six-month sentence. Because of the nature of the  
14 crime, Mr. Regan prosecuted it. He pled guilty. There's  
15 nothing in his background or the record to indicate that he  
16 would flee the country or flee this area.

17 Now it seems to me that --

18 THE COURT: Except this material that was there,  
19 obviously geared towards that type of activity. Now it may  
20 have been there for two years, or three years from when he  
21 had, whatever, the Y2K scare, or maybe he just has a lot of  
22 reasons for wanting to be prepared to take off and leave. I  
23 don't know.

24 MR. UNGLESBY: Well, this --

25 THE COURT: I'm not -- I'm, frankly, not used to

1 seeing somebody that has this combination of hidden  
2 compartments and weapons, particularly for a convicted felon,  
3 but I believe, even if he wasn't a convicted felon, two  
4 passports that we can't seem to find at this point,  
5 structuring his financial dealings so that he has, virtually,  
6 no stake in any of the businesses that he, apparently, was one  
7 of the, or, not one of, the principal talent involved in them.

8 MR. UNGLESBY: Well, that's --

9 THE COURT: I mean, it creates a fairly, when you  
10 take it altogether, a fairly troubling picture of something  
11 isn't right here.

12 MR. UNGLESBY: It may not be, Your Honor. That's  
13 probably why they had a search warrant to go out to his house.  
14 But there's nothing to indicate that he meets the criteria of  
15 risk of flight and danger to the community.

16 Now if you want to break it down to the things that  
17 seemed to trouble you --

18 THE COURT: I think that it's dangerous for a  
19 convicted felon to have a hidden compartment with assault  
20 weapons and 10,000 rounds of ammunition and a complete, and a  
21 couple of sets of body armor. I think that presents a danger.  
22 That suggests somebody that has a disregard for the law that  
23 is prepared to do something not generally accepted by society  
24 that could result in harm for a lot of people.

25 MR. UNGLESBY: But there's no indication, Your Honor,

1 that, first, that he ever did and, second, that he can now. I  
2 mean, you know, we're dealing, again, with what is Mr. Caton's  
3 situation today and there's no evidence, nor could there ever  
4 be that he has access now to any weapons, or other types of  
5 material that would be detrimental to anyone.

6 So I'm staying, you know, on the pre-trial detention  
7 issue, not whether it looks bad. As we sit here, there's no  
8 evidence that Mr. Caton has the capacity to harm anybody, nor  
9 that he ever has.

10 Now you make the point that it looks very suspicious  
11 that, perhaps, he wanted to be able to and accepting that --

12 THE COURT: Not wanted to be, he had equipped himself  
13 to be able to, potentially.

14 MR. UNGLESBY: But accepting that as a fact, it no  
15 longer exists, you know? I mean, he can't do that anymore.

16 THE COURT: Because they've taken this set of weapons  
17 from him?

18 MR. UNGLESBY: They've -- yeah. I think they are  
19 satisfied that they took all of the materials, Your Honor. I  
20 don't think there's --

21 THE COURT: What's going to keep him from getting  
22 more weapons?

23 MR. REGAN: We can't find some of them.

24 MR. UNGLESBY: What's to keep him from getting more  
25 weapons? Well, first, the fact that, if he's granted pre-

1 trial detention, he's got to check in with the probation  
2 officer however often you tell him. Secondly, if he were to  
3 get another weapon, he would be, from the legal standpoint at  
4 least, committing suicide. Third, that while we don't have  
5 the records, I'll represent to you -- and I don't know that  
6 Mr. Regan would deny this -- if you had the records of all the  
7 purchases of the weapons, you would see that there are none,  
8 they have nothing, the ammunition, nothing, that post dates  
9 1999.

10           Now I'm not saying that means, well, if you got  
11 enough in 1999, that makes it okay for you to not buy any  
12 more, but my point is that there's no indication that Mr.  
13 Caton would be able to, or willing to make, has made any  
14 effort to add to the collection, if you want to assume that  
15 it's his.

16           You asked about the passports. I don't think it's  
17 fair to use that against him. As the police said, they found  
18 one. They found evidence that he had another one. They don't  
19 know if the two overlap, or don't overlap.

20           I've lost my passport before, Judge, and found it and  
21 had in my house two passports at the same time. And I don't  
22 think that anybody suggests that that means I was trying to  
23 commit a felony or in danger of leaving the country, you know.

24           THE COURT: No, but if anybody was concerned about  
25 you leaving the country, I think they'd take some comfort in



1 being able to locate those passports.

2 MR. UNGLESBY: well, but at the same time -- and I  
3 guess I should have asked the officer this, but I think Mr.  
4 Regan can confirm this -- as we sit here, particularly in this  
5 stage of our country, the capacity to revoke the passports is  
6 a click of a button, you know. It's not just -- in the old  
7 days, we'd turn in the passports and if Mr. Caton had the  
8 passports, he'd turn them in. But in the absence of owning  
9 them, he doesn't have any objection to it and I know the State  
10 Department can immediately revoke them. I mean, revoke them,  
11 you know, in 15 minutes from now. And if you wanted to make  
12 that a condition and that he couldn't be released until you  
13 were satisfied that that had taken place, you know, I  
14 certainly wouldn't argue with that.

15 Now the other thing is you made reference, Judge, to  
16 his carefully structured financial circumstances and I can't  
17 argue with that, except to say that my proposal or solution  
18 would be this: whatever bond Your Honor sets and conditions  
19 of bond Your Honor sets, should you do so, Mrs. Caton will be  
20 happy to put up as property all of these hard assets.

21 Now they have a child. They live in the same house.  
22 It's unlikely that Mr. Caton would put in jeopardy everything  
23 his wife has, although I guess it's possible, but I would  
24 suggest to you the evidence so far is that that's highly  
25 unlikely and that would solve your concern of whether he has

1 something to lose, you know, that they have something to lose,  
2 if you will, in his inability to continue to work and live  
3 here in the community while he's pending trial.

4 So, you know, I think we can solve legitimately,  
5 Judge, all of your concerns when we're talking about pre-trial  
6 detention.

7 THE COURT: Mr. Regan?

8 MR. REGAN: Your Honor, my concern, and I suppose the  
9 Government can go through the process of trying to call the  
10 State Department and getting passports canceled, but the one  
11 they found was a canceled passport, or one that was void  
12 because the time had elapsed. The two passports that the  
13 U. S. Marshal testified about are still active passports and  
14 there are two of them with two separate numbers and despite  
15 the fact that Mr. Caton tried to tell us where they were at,  
16 none of the individuals were able to find those passports.

17 And it does concern me that he structured everything,  
18 as the Court has pointed out, because it's in a pre-trial  
19 interview, structured all these financial arrangements. He  
20 has flown this year to Paris. He's flown --

21 THE COURT: This year?

22 MR. REGAN: This year, January of this year.

23 THE COURT: Let me ask y'all: when I've travel with  
24 a passport, I don't remember anybody doing anything, other  
25 than looking at it. Even if they canceled it on their



1 records, what would stop him at the border, so to speak?

2 MR. UNGLESBY: Can I ask Mr. Regan a question, Judge?

3 MR. REGAN: Sure.

4 THE COURT: Go ahead.

5 (Pause)

6 MR. REGAN: Ms. Caton's stating that she gave it to  
7 one of our agents and so on. I would have to check that out,  
8 Your Honor. But, I mean, I'm not saying it didn't happen.  
9 I'm just saying I'm not aware of that.

10 Did it happen?

11 MR. MORENO: Yes. Mr. Caton took them to his wallet,  
12 where he said it was, and she pulled it out and handed to the  
13 agent.

14 MR. REGAN: Two or one?

15 MR. MORENO: I never -- one.

16 MR. REGAN: Was that the one that's void?

17 MR. MORENO: I don't know.

18 MR. REGAN: Okay. We still got two.

19 We had three passports, Your Honor: One's void; two  
20 are active. They discovered -- the Deputy U.S. Marshal  
21 testified that they were able to locate the passport that was  
22 void, but we are not able to find the other two.

23 MR. LAVIOLET: We had one. That's the expired one.

24 MR. REGAN: Yeah. We found the expired one.

25 MR. LAVIOLET: Yeah.

1 MR. REGAN: We didn't find the other two.

2 MR. LAVIOLET: No.

3 THE COURT: Mr. Regan, move on with the -- in  
4 addition to the passport, what else were you saying?

5 MR. REGAN: I don't necessarily let law enforcement  
6 agents dictate what the Government's position is, Your Honor,  
7 but, in talking to the agents and the officers involved in  
8 this, I have to take into account their experience in dealing  
9 with people and their collective experience in dealing with  
10 people and they are concerned that not necessarily and not  
11 only because of the current charges, but potential charges  
12 down the road, that Mr. Caton may feel that he needs to leave  
13 the country. We are satisfied --

14 THE COURT: What kind of potential charges?

15 MR. REGAN: The result of what we talked about being  
16 sealed, Your Honor. We're not, you know, obviously, I have a  
17 problem with being branded by something I can't explain, which  
18 I think is innocuous, Judge, you know.

19 But in order to satisfy that it's not about,  
20 necessarily, about, I'm not saying it was cocaine or heroin.  
21 I'm not saying it's a crime of violence, Your Honor, but,  
22 potentially, there are other charges that will be coming. And  
23 the only reason why I bring --

24 THE COURT: Will it affect his business interest, is  
25 that --

1 MR. REGAN: Yes. Yes, Your Honor.

2 And the reason I say this is only because Mr. Caton's  
3 aware of those. He's aware of why it took place. He's aware  
4 of why the people that showed up at his house showed up.

5 THE COURT: These receipts that were mentioned, is it  
6 true that all of them were for weapons he purchased before  
7 '99?

8 MR. REGAN: I think at least the MAC-90 and maybe not  
9 all the others. I have not reviewed the exact dates of  
10 purchase. I know the MAC-90 was purchased in 1999, Your  
11 Honor. And it may be that the other weapons -- I'm not going  
12 to sit here and argue because I don't know and we don't know  
13 at this time the exact dates of purchase of these weapons.

14 I just want to reiterate my agents feel collectively,  
15 or the people involved in this case from at least two local  
16 agencies and at least three or four federal agencies, are  
17 extremely concerned about this situation.

18 THE COURT: All right. Anything else?

19 MR. REGAN: Nothing else, Your Honor.

20 THE COURT: Mr. Unglesby?

21 MR. UNGLESBY: No, Your Honor.

22 THE COURT: All right.

23 First, I find that there is probable cause to believe  
24 that an offense has been committed as charged and that the  
25 defendant committed it and, therefore, order that he be

1 required to appear for further proceedings in connection with  
2 this charge.

3           The more difficult issue is the question of  
4 detention. Typically, with a charge, although I'm not  
5 belittling the nature of the charge -- it's a fairly serious  
6 charge -- but it, generally, is not the kind of charge that we  
7 worry about somebody leaving the country to avoid having to  
8 face it. With a maximum penalty of ten years, I think that  
9 this case presents a troubling combination of circumstances  
10 that include the fact that we've got these two regular or two  
11 active passports that we can't find, the discovery of numerous  
12 assault weapons and over 10,000 rounds of ammo and body armor  
13 in a hidden compartment in his closet after he has been  
14 convicted of a felony, all of which would be illegal, none of  
15 which serves any legitimate purpose, that I can discern.

16           He has a history of traveling extensively worldwide  
17 and, yes, that's not illegal, but it concerns me that he's an  
18 experienced world traveler that wouldn't have as much trouble  
19 as somebody who had never left the state from absconding from  
20 the country.

21           He has carefully crafted his affairs so that he has a  
22 lack of financial ties to this District.

23           He has only his immediate family as far as family  
24 ties. I didn't recall any other family ties to this District.

25           The nature of the charges is of concern because he's

1 a convicted felon who is in possession of a weapon, which he,  
2 no doubt, knew was illegal. And the explanation is that he  
3 was, what I consider, was bizarre combination of behavior, is  
4 related to his concern for Y2K, which concern would have  
5 expired, I assume, two or three years ago.

6 It's my conclusion that he presents a danger to the  
7 community and is a risk of flight in the event that he is  
8 released and, therefore, I am going to order him detained.

9 Is there anything further?

10 MR. REGAN: Not from the Government, Your Honor.

11 THE COURT: Mr. Unglesby?

12 MR. UNGLESBY: No, Your Honor.

13 THE COURT: All right.

14 Court's adjourned.

15 THE COURTROOM DEPUTY: All rise.

16 MR. UNGLESBY: Well --

17 THE COURT: Me or is it Mr. Regan?

18 MR. UNGLESBY: Both of you.

19 THE COURT: Okay.

20 MR. UNGLESBY: And I'm not asking for any commitment  
21 on anyone, but, if it turns out that we're right on this  
22 passport issue, would Your Honor reconsider that?

23 THE COURT: You can produce the passports. I will  
24 look at it, again. I'm not saying I'll change my decision --

25 MR. UNGLESBY: I understand.

1 THE COURT: -- but that is a factor I considered, so.

2 MR. UNGLESBY: Okay. Thank you.

3 THE COURT: All right.

4 Court's adjourned.

5 (Court adjourned at 4:19 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

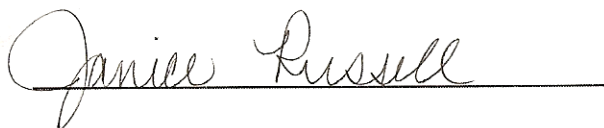
24

25

CERTIFICATE

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

Dated this 9th day of March, 2005.

A handwritten signature in cursive script, reading "Janice Russell", is written over a horizontal line.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25