

**DECLARATION OF STANISLAV VAGNER**

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3 I, STANISLAV VAGNER, declare as follows:

4 1. Terree Bowers and Adam Dawson met with me on September 4, 2008. Mr. Bowers  
5 told me he represented Terry Christensen, although I already knew that to be true. Mr. Bowers also  
6 told me that I did not have to speak with him or Mr. Dawson if I did not want to. I voluntarily chose to  
7 talk with Mr. Bowers and Mr. Dawson.

8 2. I was born in St. Petersburg, Russia and came to the United States 11 years ago.  
9 English is my second language, and I did not speak English until I came to this country.

10 3. I remember that before the Pellicano trial began, the judge asked all of us some  
11 questions about whether we could follow the law in reaching our decision in the case. I truthfully  
12 believed, and still do believe, that I could have and would have followed the law. I truthfully believe  
13 that I did follow the law while serving as a juror.

14 4. When the trial concluded, I believe many of the other jurors were in a hurry to reach a  
15 verdict. When I did not quickly agree with them, some of them became angry with me.

16 5. I told some of the other jurors that I did not think the case was a serious case and that I  
17 did not think the evidence was sufficient. I read the jury instruction on circumstantial evidence and  
18 told some of the other jurors that I did not have to rely on circumstantial evidence if I did not believe it.  
19 I explained that I thought many of the government witnesses just offered their opinions and that was  
20 not enough for me to convict someone.

21 6. Even though I was willing to keep discussing the case, some of the jurors became very  
22 impatient and angry with me. Often people were talking over each other when they were arguing with  
23 me. Sometimes I talked to the entire group and sometimes I talked to one or two of the jurors when I  
24 tried to explain why I did not like the case and why I thought the circumstantial evidence was not good  
25 enough.

26 7. I am not anti-government as some jurors claimed. I am proud to be an American  
27 citizen. I even have applied for some state and federal jobs.

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1 8. After the judge had all of us return to the courtroom and she read the instruction about  
2 following the law, I was ready to continue to discuss the case. At no time was I against following the  
3 law or unwilling to follow the law. My problem was with the circumstantial evidence which was not  
4 enough for me to agree with the others. I was always willing to continue to talk about the evidence,  
5 but many of the other jurors did not want to discuss anything because in my opinion it appeared that  
6 some jurors had already made up their minds.

7 9. When we returned to the jury room after the judge read the instruction on following the  
8 law, the foreperson confronted me and asked if the phrase about following the law rang a bell. He said  
9 something like it's only because of you that we had to go through the humiliation of having to be told  
10 that we had to follow the law.

11 10. The foreperson, who was angry with me, said that I was holding everyone up and  
12 keeping everyone here. I saw the foreperson and Juror Number 9 writing something at the other end of  
13 the table. I saw the foreperson stand up and go towards the Bailiff to give him the piece of paper. I  
14 thought the paper was about me so I went over and took the note from the foreperson before he gave it  
15 to the Bailiff. I read the notes on the form and told the foreperson that I disagreed with what was  
16 written on the form about what I had supposedly said. He said he was going to send it to the judge and  
17 because he was the foreperson, he could write anything he wanted. He then sent the official form to  
18 the judge. At the time, I only knew about one official form.

19 11. The judge questioned me by myself in the courtroom. I was nervous and surprised by  
20 the way the foreperson had cut and pasted my comments.

21 12. I have reviewed a transcript of the judge's questions and my answers. At the time, it  
22 was very confusing and intimidating, and I wish to explain what I thought the judge asked me and why  
23 I answered the way I did.

24 13. The judge asked me if I knew she had received a couple of notes from the jury. I  
25 answered, "no," because I did not know there were a couple of notes because I thought the foreperson  
26 had sent in only the one piece of paper. I did not write any of the notes, myself. I told the truth when  
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1 the judge asked me if I knew there were a couple of notes from the jury because I did not know exactly  
2 what the other jurors had done.

3 14. The transcript shows that before the judge started to question me, I said something like,  
4 “the notes.” I do not recall whether I said “note” or “notes,” but I was referring to everything the  
5 foreperson had written down on the one official form I looked at in the jury room. I did not know that  
6 the judge had received more than one note from the jury.

7 15. The judge also asked me if I said, “If it’s okay for the government to wiretap, then it’s  
8 okay for him.” I told the judge that some of the jurors had cut and pasted my comments, which is true.  
9 Jurors were talking over me, and I was trying to explain myself. I believe I actually asked a question,  
10 “If the government can wiretap, can he?” or something like that. I never told anyone that I refused to  
11 follow the law. I tried to explain to the judge that I told the jurors that the circumstantial evidence was  
12 not enough to base our decision on. The judge did not let me explain.

13 16. The judge also asked me if someone asked me, “If you knew someone was wiretapping  
14 and the law said it was illegal, do you believe it’s illegal?” The judge also asked me if I had said  
15 something like, “In the law we don’t have to pay federal taxes, just state taxes.” I told the judge that I  
16 didn’t recall that comment because the response about taxes did not make sense as an answer to the  
17 question. I remember that one of the jurors asked me something like, “If you knew someone was  
18 wiretapping and the law said it was illegal, do you believe it is illegal?” I also remember that I  
19 answered, “yes.” I then went on to explain how the law can change over the years and talked about  
20 how before World War I, except for a period around the Civil War, Americans did not pay federal  
21 taxes until about 1913. I never said we do not have to pay our federal taxes now. I pay my federal  
22 taxes like everyone else. I believe a few jurors who were angry with me misused my words in order to  
23 remove me from the jury, and I do not think it was fair.

24 17. After the judge questioned me, while I was waiting and the judge was questioning other  
25 jurors, the foreperson told me that he now understood “my culture” and how it was important for me to  
26 defend my “face.” The foreperson also told me that he should have thought more about it before  
27 sending the notes to the judge.

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1 18. I never lied to the judge. I was always willing to follow the law. I never refused to talk  
2 to the other jurors. I just did not agree with them about the circumstantial evidence. I would have  
3 continued to discuss the evidence in the case if the judge had not removed me from the jury.

4 19. I also recall that the day after Frank Catellucio's testimony, Juror Number 1, who later  
5 became the foreperson, brought in a book containing dog photographs and showed it to the jury. He  
6 asked the other jurors which picture they thought most looked like "Miguel."

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8 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
9 knowledge.

10 Executed on September 16, 2008, at Los Angeles, California.

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13 STANISLAV VAGNER

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