

**DECLARATION OF LORI DOREEN LEE**

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2 I, Lori Doreen Lee, hereby declare as follows:

3 1. On August 29, 2008, after the verdict was reached by the jury, I contacted Ms. Patricia  
4 Glaser and told her that she could contact me regarding the case and Mr. Christensen. I had not  
5 received any prior contact from Ms. Glaser and I contacted her on my own initiative. On September 7,  
6 2008, I met with Ms. Glaser and Mary Carter Andruess. I understood from the trial that Ms. Glaser and  
7 Ms. Andruess represented Mr. Christensen. At this meeting, Ms. Glaser told me that I did not have to  
8 speak with her and Ms. Andruess. I voluntarily chose to talk with Ms. Glaser and Ms. Andruess.

9 2. On August 27, 2008, when the trial concluded and the jury went into the jury room to  
10 deliberate, Jurors 1, 2, 3 and 5 immediately wanted to vote guilty and go home without reviewing the  
11 instructions or considering the evidence. Juror 7 and I told the other jurors that we did not want to  
12 proceed in this manner. Juror 7 and I stated that we wanted to discuss the evidence and review the  
13 instructions before taking any vote. I wrote several questions on the board so that we could begin to  
14 discuss the evidence. Jurors 1, 2 and 3 started yelling at both me and Juror 7, called us names, and  
15 created an extremely hostile environment in the jury room. My attempts to write questions on the  
16 board were shouted down by these three jurors.

17 3. Juror 7 stated to the other members of the jury that he was concerned about the  
18 wiretapping law and with the government's use of circumstantial evidence. In the presence of the  
19 other members of the jury, I asked Juror 7 if he had the opportunity to review the evidence and found  
20 that there was evidence of wiretapping as indicated in the jury instructions, could he vote guilty even if  
21 he did not agree with the law. Juror 7 responded 'yes.' I had this conversation with Juror 7 before the  
22 Judge brought the jury out into the courtroom where she read the instruction about following the law.

23 4. When the jury returned to the jury room after the Judge read the instruction, I again  
24 asked Juror 7 in the presence of the other jurors if he could vote guilty if there was sufficient evidence  
25 of wiretapping and again Juror 7 said 'yes.' At no time during our deliberations did Juror 7 refuse to  
26 deliberate or refuse to follow the law as provided by the Judge.

1 5. I did not know that any jury notes about Juror 7 were sent to the Judge during our  
2 deliberations until after they had already been sent. I was not told about these notes by the foreperson  
3 or anyone else on the jury and I was never shown the notes. I saw the notes for the first time during  
4 my meeting with Ms. Glaser and Ms. Andruets.

5 6. I do not agree with the statements in the first two jury notes sent on August 27, 2008.  
6 Juror 7 did not refuse to deliberate. Rather, he did not want to immediately vote guilty. Juror 7  
7 expressed his willingness to discuss the evidence and the law, but he was being shouted down by  
8 Jurors 1, 2, 3 and 5. The comment that Juror 7 had made up his mind when the jury started  
9 deliberating was incorrect. Juror 7 was attempting to discuss the evidence, but Jurors 1, 2, 3 and 5  
10 refused to let him talk and had already made up their minds that the defendants were guilty.

11 7. After reviewing the first two notes, both dated August 27, 2008, I do not recall who  
12 made the remark about witnesses never telling the truth, but I believe that the comment came up in the  
13 context of the fact that the government called several witnesses who had immunity agreements. I think  
14 that I may have expressed distrust about some of the witnesses who had made deals with the  
15 government and said that I wanted to review their testimonies. I recall a discussion about the fact that  
16 Ray Turner did not testify, but comments also were made about Lisa Bonder and Stan Ornellas not  
17 testifying. I was sitting one person away from Juror 7 and I did not hear him say that Ray Turner was  
18 in prison. I heard Juror 7 say something about taxes, but did not get the impression that he was a tax  
19 protester and I did not hear him say any words to the effect that he did not have to pay federal taxes. I  
20 did not hear Juror 7 make the comments attributed to him on the handwritten note titled "Stans  
21 Quotes." I do recall hearing Juror 5 state that Anthony Pellicano was in jail for wiretapping.

22 8. After reading the jury notes, I am particularly concerned about the "ANTI-  
23 government" statement made about Juror 7 in the second jury note, dated August 27, 2008, with a time  
24 of 1335. At the end of deliberations on August 27, 2008, I heard Juror 1 state to the Court Clerk,  
25 Debra, that Juror 7 was a "commie." I heard Debra respond to Juror 1 that this was an inappropriate  
26 comment. I do not know if Debra told the Judge about Juror 1's comment.

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1 9. I was told by Ms. Andruess that Juror 1 told the Judge during the questioning that there  
2 was a unanimous vote by all the jurors requesting an alternate juror to replace Juror 7. No such vote  
3 was ever taken and I never voted to replace Juror 7 with an alternate juror.

4 10. When we returned to the jury room to deliberate on August 28, 2008, Juror 7 and  
5 several other jurors were taken into the courtroom and asked questions. I was not one of the jurors  
6 who was called into the courtroom and asked questions by the Judge. Had I been called in for  
7 questioning, I would have explained the situation to the Judge, including the fact that Juror 7 was not  
8 refusing to deliberate and that he had told me twice that he could and would follow the law. I was  
9 surprised when Juror 7 was removed from the jury and I did not know why he was removed until I was  
10 shown the jury notes by Ms. Glaser and Ms. Andruess.

11 11. I also recall the day after Frank Castellucio testified, Juror 1 brought in a book  
12 containing dog photographs, showed it to the jury and stated "I wonder what kind of dog Miguel was?"

13 I declare under the penalty of perjury under the laws of the United States, that the foregoing is  
14 true and correct to the best of my belief and knowledge.

15 Dated this 19<sup>th</sup> day of September, 2008, in Santa Maria, California.

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17 Lori D Lee  
18 Lori Doreen Lee

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