

EXHIBIT 3

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR DADE COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION
CASE NO. F08-42459B

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6 THE STATE OF FLORIDA,
7 vs.
8 ANNETTE VADI,
9 Defendant.

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14 The above-entitled case came on for hearing before
15 the Honorable Nushin G. Sayfie, judge of the above-styled
16 Court, at the Richard E. Gerstein Justice Building, 1351
17 N.W. 12th Street, Miami, Florida, on Thursday, the 5th day
18 of March, 2009, commencing at or about 10:00 a.m.
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1 APPEARANCES:

2 KATHERINE FERNANDEZ RUNDLE, STATE ATTORNEY

BY: TOM SADLER, ASSISTANT STATE ATTORNEY

3 State Attorney's Office

Miami, Florida

4 On behalf of the State of Florida

5 BENNETT H. BRUMMER, PUBLIC DEFENDER

BY: JOEANNE INGALLS, ASSISTANT PUBLIC DEFENDER

6 Public Defender's Office

Miami, Florida

7 On behalf of the Defendant

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1 (Thereupon, the following proceedings were had:)

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3 THE COURT: Page 17 Antonio Rafael Rodriguez.

4 MISS AMARO: Miss Amaro on his behalf.

5 THE COURT: Report re trial date and status.

6 MISS AMARO: Yes.

7 MR. SADLER: Tom Sadler on behalf of the State of
8 Florida.

9 MR. HERNANDEZ: Mr. Hernandez appearing on behalf of
10 Hilda Figueroa.

11 THE COURT: Miss Foster you are on Mr. Rodriguez.

12 Miss Ingalls you are on the B defendant.

13 MISS INGALLS: Can I talk to you sidebar?

14 THE COURT: Yes.

15 MR. SADLER: If you want to work through some of the
16 other issues as far as Antonio Rafael Rodriguez, that's
17 Miss Amaro's client. I think she has something to report
18 on that.

19 THE COURT: What are we doing?

20 MISS AMARO: We had spoken regarding getting a joint
21 continuance on that case. I haven't set any depositions
22 because I was waiting to see.

23 THE COURT: Arraignment set for 2-11.

24 MISS AMARO. That's a different case.

25 3-11 or 3-12.

1 THE COURT: Are these going to work out or are we
2 going to trial?

3 MR. SADLER: We discussed a joint continuance. I have
4 no objection to doing that at this point. There is a lot
5 going on with these cases.

6 THE COURT: When do you want me to set it for trial?

7 MR. SADLER: Good question as far as counsel goes.

8 THE COURT: Is that a trial date that's good for
9 everybody?

10 MISS AMARO: Everybody.

11 THE COURT: How much time between now and trial? How
12 much time do you need?

13 MISS AMARO: I think if we set it for June that
14 everybody who is going to resolve is going to be resolved.

15 THE COURT: Trial date in June.

16 MR. SADLER: I might suggest a status between now and
17 then.

18 CALENDAR PERSON: June 22nd.

19 THE COURT: June 22nd.

20 MISS AMARO: That's fine.

21 THE COURT: Mr. Rodriguez is a joint continuance set
22 for trial June 22nd. You want a status date maybe May?

23 MISS AMARO: May.

24 MR. SADLER: I think that will work.

25 THE COURT: Status date in May.

1 MR. HERNANDEZ: She is on fourteen.

2 THE COURT: Same case number?

3 MR. SADLER: She has three cases.

4 MR. HERNANDEZ: She has three cases. I respectfully
5 request a continuance as well, but also put this on for
6 Monday.

7 THE COURT: Joint continuance?

8 CALENDAR PERSON: 3-9.

9 THE COURT: Monday I can't start calendar until ten.
10 That's Miss Figueroa on 14, 15 and 16.

11 I need a trial date on her or set it for trial Monday.

12 MR. HERNANDEZ: Set it for trial Monday. On Monday we
13 will discuss a trial date.

14 THE COURT: Okay.

15 Miss Ingalls can I speak to you at sidebar?

16 [Thereupon, counsel for the respective parties
17 approached the Bench and conferred with the Court outside
18 the hearing of the court reporter and the following
19 proceeding was held:]

20 THE COURT: Miss Vadi present, Annette Vadi?

21 THE CLERK: Raise your right hand.

22 (Thereupon, Defendant Vadi, was duly sworn.)

23 THE COURT: Miss Vadi, can you state your full name
24 for the record.

25 DEFENDANT VADI: Annette Vadi.

1 THE COURT: Date of birth?

2 DEFENDANT VADI: 10-12-87.

3 THE COURT: Miss Vadi I have information from Miss
4 Ingalls who is an attorney for the Public Defender's Office
5 appointed to represent you that you received a letter from
6 the Public Defender's Office regarding what their case
7 loads are right now and what her position is on 3rd degree
8 felonies, people that are in custody.

9 Tell me what your position is on that?

10 DEFENDANT VADI: I know that she can't defend me. I
11 would rather if you guys can get me another lawyer.

12 THE COURT: You feel right now she is not doing what
13 you need her to be doing on this case?

14 DEFENDANT VADI: Yes.

15 THE COURT: Do you feel that you are able to get, I
16 guess good enough advise to make any decisions on this case
17 at this time?

18 DEFENDANT VADI: Yes.

19 THE COURT: From Miss Ingalls?

20 DEFENDANT VADI: No.

21 THE COURT: Miss Ingalls and just so we are clear what
22 is your position; I guess your office's position at this
23 time on this case?

24 MISS INGALLS: Well just that due to excessive work
25 load pursuant to Judge Blake's findings that there are

1 certain 3rd degree felonies that we just --out of custody
2 clients that we cannot properly do any work on.

3 If she wanted to stay with me, I would have to take a
4 defense continuance.

5 THE COURT: Until such time.

6 MISS INGALLS: Until such time as I could handle the
7 case. She would prefer that she get counsel immediately on
8 this case.

9 THE COURT: She was one of the clients you did file a
10 letter.

11 MISS INGALLS: One of the clients I did in fact file a
12 letter.

13 THE COURT: I am going to make a finding at this time
14 based on Judge Blake's rulings that while this imminently
15 competent counsel due to constraints she is rendered
16 ineffective.

17 MR. SADLER: State would object. We did receive a
18 notice. I don't know if there's a motion to withdraw. I
19 imagine they are making a motion to withdraw.

20 MISS INGALLS: Would I be moving to withdraw or you
21 are making a finding. I don't know what the status is,
22 Your Honor.

23 THE COURT: I can rule. Discharge the public defender
24 based on testimony here today and based on findings of
25 Judge Blake and appoint counsel for Miss Vadi.

1 Miss Ingalls do you know, can you give me an estimate
2 of anytime how long it's going to take before you are able
3 to start doing work on this case?

4 MISS INGALLS: No, Your Honor, part of the reason why
5 I personally filed on this case specially the economic
6 crimes cases more so than any case for C attorney because
7 of middle codefendants scheduling depositions, extensive
8 recovery require more time than any other case.

9 MR. SADLER: I would note for the record the State
10 would have concern about that.

11 We have a lot of cases we work with the public
12 defender on. I don't know that this case is less complex
13 than any other case.

14 I don't know if she established the fact that she is
15 not competent because I worked with her on a number of
16 cases and she is imminently ---

17 THE COURT: I'm finding at this time that based on an
18 excess case load and based on Judge Blake's findings at
19 this time she is not able to render adequate counsel to
20 Miss Vadi.

21 She is not able to tell me when if ever in the near
22 future she will be able to do that.

23 MR. SADLER: That will be over State's objection.

24 THE COURT: At this time I'll discharge the public
25 defender. Do I appoint PCAC.

1 All right, Miss Vadi, what I want you to do is have a
2 seat. I'm going to have my judicial assistant call. Wy
3 don't you have a seat.

4 Mr. Sadler, you don't have to stay for that. Soon as
5 I give her the information I'm just going to set it for the
6 same two dates, the May date and June date.

7 MR. SADLER: Ask for appointment of PCAC.

8 THE COURT: In a perfect world if I get the response
9 back from PCAC the judicial assistant will call. I'm going
10 to give it the same date as Mr. Rodriguez' case, 5-14 for
11 status and June 22nd for trial.

12 MR. SADLER: I'll also file a written motion in there
13 as well.

14 THE COURT: Thank you.

15 (Thereupon, this proceeding was passed after which the
16 following proceeding was held:)

17 THE COURT: Annette Vadi, Page 17.

18 Miss Vadi the next day you come back to court May 14th
19 that would be for status update and thereafter June 22nd
20 for trial.

21 Your attorney's name is Yale Freedman.

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23 (Thereupon, the proceedings were concluded at

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CERTIFICATE

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STATE OF FLORIDA)

: SS

COUNTY OF DADE)

I, KAREN CULMER-THOMAS, certify that I was authorized to and did stenographically report the foregoing proceedings and that the foregoing transcript is a true record of my stenographic notes.

Dated this 1st day of April, 2009.

Karen Culmer-Thomas

KAREN CULMER-THOMAS,
Court Reporter