

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
 v.) 1:13CR435-1
)
BRIAN DAVID HILL)

ORDER

This matter is before the court on the Defendant's motion to correct or modify the record pursuant to Federal Rule of Appellate Procedure 10(e). (Doc. 216.) The Government has not filed a response.

On September 12, 2019, the court held a hearing on a petition charging that the Defendant violated the terms and conditions of supervised release. A certified transcript from that hearing was prepared by the court reporter and filed on November 6, 2019. (Doc. 215.) The Defendant contends there are three omissions in the transcript:

First, that Assistant United States Attorney Anand Ramaswamy "had made a statement or asked witness Roberta Hill about 'Wikipedia' in response to her testimony about 'carbon monoxide' in regards to her testimony explaining her research into carbon monoxide, and as to why she thought Brian [Hill] had exhibited the weird behavior on September 21, 2018." (Doc. 216 at 5.)

Second, that "Attorney Renorda Pryor had asked Government's witness Sergeant Robert Jones of Martinsville Police Department a

particular question and his answer that was omitted for the transcript. Attorney Pryor had asked Robert Jones if Brian [Hill] was being obscene and he had answered no to that question, either 'no' or 'I don't think so' or that he didn't think that he was." (Id. at 7.)

Third, that "Officer Robert Jones had mentioned about Brian [Hill] having clothes in his backpack, a watch (or pocket watch), and flashlights." (Id.)

Rule 10(e) "vests authority in the district court to conform the record to what occurred in the district court either by supplying what has been omitted or correcting what has been erroneously transcribed." United States v. Greenwell, 418 F.2d 845, 846 (4th Cir. 1969) (per curiam).

IT IS THEREFORE ORDERED that within seven (7) days the court reporter shall review her stenographic and other materials from the September 12, 2019 hearing and determine if the allegedly omitted statements were made and if the transcript accurately reflects the proceedings before the court.

IT IS FURTHER ORDERED that within seven (7) days the court reporter shall either file a corrected transcript or file a memorandum reporting that the certified transcript (Doc. 215) accurately reflects the proceedings.

Any further request for relief in the pending motion will await the court's review of the determination from the court reporter.

/s/ Thomas D. Schroeder
United States District Judge

November 15, 2019