

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL TRIAL MINUTES
The Honorable WILLIAM ALSUP

Date: November 19, 2009

Case No. CR 00-00505 WHA

Case Name: UNITED STATES OF AMERICA v. CHARLES MCCALL & JAY LAPINE

Counsel for Government: David Anderson & Adam Reeves

Counsel for Defendant(s): Mark Topel; Lyn Agre; Ted Wells; Farrah Berse; Michael Shepard
Michael Gertzman

Clerk: Dawn Toland

Court Reporter: Debra Pas

Trial Began October 26, 2009

Trial Ended November 19, 2009

Trial Motions:

Disposition

- | | | |
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| 1. | | |
| 2. | | |

Proceedings:

Jury deliberations continued. Jury reached a verdict. Verdict read. Defendant Charles McCall found guilty on Counts 1-4, 6 and not guilty on Count Five. Defendant Jay Lapine found not guilty on Counts 1, and 5-6. Court thanked and discharged the jury.

Outside the presence of the jury: Defendant Charles McCall's sentencing is set for 3/2/10 at 2:00 pm. Post Trial Motions, Rule 29 Motions and Bail Hearing shall be held on 12/22/09 at 2:00 pm. All motions shall be filed by 12/10/09, and responses filed by 12/17/09. Defendant is referred to Pretrial Services for preparation of a bail report and to US Probation for a presentence report.

E-filing

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

No. CR 00-0505 WHA

v.

SPECIAL VERDICT FORM

CHARLES W. McCALL and JAY M.
LAPINE,
Defendants.

YOU MAY APPROACH THE FOLLOWING QUESTIONS IN ANY ORDER YOU
WISH, BUT YOUR ANSWERS MUST BE **UNANIMOUS**.

1(a). Has the government proven beyond a
reasonable doubt that defendant
Charles W. McCall is guilty of
securities fraud as charged in Count
One?

1(b). Has the government proven beyond a
reasonable doubt that defendant Jay
M. Lapine is guilty of securities fraud
as charged in Count One?

Yes, Guilty X
No, Not Guilty

Yes, Guilty
No, Not Guilty X

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2. Has the government proven beyond a reasonable doubt that defendant Charles W. McCall is guilty of securities fraud in connection with a false SEC filing for the quarter ended June 30, 1998, as charged in Count Two?

Yes, Guilty X
No, Not Guilty

3. Has the government proven beyond a reasonable doubt that defendant Charles W. McCall is guilty of securities fraud in connection with a false SEC filing for the quarter ended September 30, 1998, as charged in Count Three?

Yes, Guilty X
No, Not Guilty

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4. Has the government proven beyond a reasonable doubt that defendant Charles W. McCall is guilty of securities fraud in connection with a false registration statement as charged in Count Four?

Yes, Guilty X

No, Not Guilty

5(a). Has the government proven beyond a reasonable doubt that defendant Charles W. McCall is guilty of falsifying books, records and accounts as charged in Count Five?

Yes, Guilty

No, Not Guilty X

5(b). Has the government proven beyond a reasonable doubt that defendant Jay M. Lapine is guilty of falsifying books, records and accounts as charged in Count Five?

Yes, Guilty

No, Not Guilty X

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6(a). Has the government proven beyond a reasonable doubt that defendant Charles W. McCall is guilty of circumventing internal accounting controls as charged in Count Six?

6(b). Has the government proven beyond a reasonable doubt that defendant Jay M. Lapine is guilty of circumventing internal accounting controls as charged in Count Six?


Yes, Guilty X
No, Not Guilty

Yes, Guilty
No, Not Guilty X

CONCLUSION

ONCE YOU HAVE FINISHED ANSWERING ALL QUESTIONS UNANIMOUSLY, PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM, THEN CONTACT THE DEPUTY OR MARSHAL TO INFORM HIM OR HER THAT YOU HAVE COMPLETED YOUR DELIBERATIONS.

Dated: 11/19/09


Foreperson