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'This Has Been a True Experience': California Lawyer Reflects on Trying Case in Kentucky Amid Pandemic

"I think this trial gives them all something to do every day," says Oakland criminal defense lawyer Randy Sue Pollock of the Lexington, Kentucky, jury she's been trying a case in front of since February.

By Ross Todd | April 10, 2020



Randy Sue Pollock. (Photo: Hillary Jones-Mixon)

While many lawyers in the Bay Area have been sheltering in place over the past month, Oakland criminal defense attorney Randy Sue Pollock has been half a country away in Lexington, Kentucky, trying a case on behalf of her client Nader Sarkhosh, an owner of a California charter flight company charged with conspiracy to transport drugs and money laundering. The Recorder caught up with Pollock Friday after she finished up some work on jury instructions to find out what it's like trying a case in the midst of a global pandemic. Her answers below have been edited for length and clarity.

So what's the story of this trial that has you in Lexington, Kentucky? Who do you represent and what has he been charged with?

I came to Lexington on Feb. 20 for a trial set for five-to-six weeks beginning Feb. 24. My client is charged with conspiracy to commit money laundering. There are a total of four defendants. The case deals with a plane that landed in Lexington on April 21, 2017, with 80 pounds of coke and 40 pounds of meth. People on the plane pled guilty. The main defendant, a scumbag named Robert Carlson, flipped on everyone. He has been sentenced and received 17 years. He is hoping for a reduction but cross-examination showed him to be a liar, crook, and thief. He's defrauded and lied to people all his life. He took the 5th Amendment 64 times during my cross.

How have the "shelter in place" orders that were put in place in Kentucky affected the way that the trial has proceeded?

Shelter in place occurred maybe a month ago ... or shortly after California. I'm not sure because we were going to court and back to our "home" without focusing on the news. We suddenly became aware of the news around March 16.

The judge immediately gave jurors a questionnaire to complete and voir dired everyone individually. They all wanted to continue. The judge then proceeded to give them a five-question questionnaire to complete every morning to see how they were doing to make sure they could continue to focus.

After shelter-in-place orders were in place by the governor we resumed. We had a break because one defendant was ill.

How is the courtroom set up now? Are jurors or the parties wearing masks?

The judge reconfigured the jury so that there is a third row in front of the box and jurors in the box have an empty chair between them. The alternates are seated in different rows of the gallery. One juror, a retired RN, wanted to wear a mask. There are [hand sanitizer dispensers] all over the courtroom. Lunch is brought in for the jurors. No one is allowed into the courthouse unless they are attorneys or witnesses in this case. No cellphones are permitted except for counsel. The courthouse is sanitized every day.

Where are you and your paralegal staying during the trial? What do you do for food?

My paralegal and I are living in an old, wonderful Airbnb that is large and separates us except when in the kitchen. It's on a cul de sac five minutes from the courthouse that has been designated a historical location ... beautiful old homes with breathtaking trees in bloom. (Allergies are big here, and I have a cough from these blooming trees.)

The Trader Joe's here is very careful in regards to the number of people in the store, but we are also very careful now. My paralegal wore a mask the other day, and we are reluctant to shop any more. I felt uncomfortable at Kroger, [which is like the local equivalent of] Safeway two weeks ago, because families were in the store. Now the governor is limiting households to one person in the store at a time.

When is this potentially going to wrap up?

A juror had the stomach flu today, and we had to recess. We don't want deliberations to start on Tuesday with just 12 people. Closings are set for Monday.

What are your plans once you get back to the Bay Area? Are you looking forward to being home? Nervous about conditions on the ground back here? Worried about how you'll keep yourself busy after all this?

We want to go home! We have been living in a cocoon where we go from court to home every day. The jurors are doing the same thing. We try not to listen to the news and focus on the work we have to do. During our one-week break I had to get up early, get dressed and focus on work as I was afraid I'd lose my adrenaline.

My paralegal and I are exhausted, but the end is in sight. Things in Kentucky seem much better than California, so we are concerned about being quarantined at home, but it's time to return to the world. Our isolation has to come to an end.

This jury has been incredibly committed. We had court last Saturday to get witnesses done. They are attentive, which is unusual for such a long trial during this pandemic. I think this trial gives them all something to do every day.

Is there anything else I should be asking about?

While we want to come home, my paralegal and I are concerned about the condition in California. Will we be quarantined? Will we be OK on the plane? We hear the planes are basically empty.

All in all, we have survived well because of a great judge and an equally great governor here in Kentucky. I now consider him "my governor." He is proactive, thoughtful and so attentive to his constituents.

The blue-coat security officers have been the nicest I have ever met in ANY courthouse. I will definitely miss them. Everyone has been welcoming to us and concerned about us.

We're sorry we weren't able to enjoy the great restaurants, horse racing, and sights in Lexington, but it means we will have to return. We were able to go to the first University of Kentucky basketball game and that was a thrill. I am now going to be following their games when they start again next year.

This has been a true experience. Staying focused in a serious federal trial, probably the only one ongoing during the pandemic! I never thought this would happen.