

1 to consider any matter relevant to sentencing, and for that
2 reason we discussed in the government's brief the issues that
3 the defense raised as they are relevant to sentencing.

4 And the court can consider those issues to
14:12 5 determine whether the sentence should be the same or higher
6 or lower.

7 Those issues are fair game to be considered for
8 that purpose.

9 But that's a different issue from whether the court
14:13 10 can now proceed to decide whether the convictions themselves
11 should stand or not, which is very different and is not a
12 part of sentencing, and that's the part that the court lacks
13 jurisdiction on.

14 Mr. Bennett is correct that we, in the government's
14:13 15 brief, discussed this issue of the trial Indictment, but I
16 would point out that I think -- oh, and I think it's also
17 correct that the trial Indictment was used with the jury. In
18 fact, that was the purpose for it.

19 But it -- still it's not right to say that the jury
14:13 20 got 25 counts.

21 I mean "count" means something. "Count" is a
22 charge in an Indictment or some type of charging instrument.

23 And here, as explained in our brief, there were
24 originally 12 counts and then 11 that actually went to the
14:13 25 jury.