

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,	)	Fort Myers, Florida
	)	
	)	Case 2:21-CR-74-JLB-MRM
Plaintiff	)	
	)	Wednesday, March 16, 2022
vs.	)	
	)	10:09 a.m. to 11:05 a.m.
AMBER REWIS BRUEY,	)	
	)	
Defendant.	)	
_____	)	

TRANSCRIPT OF CHANGE OF PLEA
HELD BEFORE THE HONORABLE MAC R. MCCOY,
United States Magistrate Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
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Fort Myers, FL 33901
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(Proceedings recorded by Digital Recording Equipment.
Transcript produced using computer-aided transcription.)

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* * * P R O C E E D I N G S * * *

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THE COURT: Good morning.

Madam Deputy, please call the case.

COURTROOM DEPUTY: Good morning, Your Honor.

Calling Case 2:21-CR-74-TPB-MRM, United States of
America versus Amber Rewis Bruey.

THE COURT: Good morning, counsel. Please state your
appearances, starting with counsel for the United States.

MR. REICHLING: Good morning, Your Honor. Trent
Reichling on behalf of the United States.

THE COURT: Good morning. And for the defense?

MR. SUMMERS: Good morning, Your Honor. Jim Lappan
for Amber Bruey. Your Honor, Amber Bruey appears by video
teleconference from her residence in North Carolina.

THE COURT: Good morning.

Good morning Miss Bruey.

THE DEFENDANT: Good morning, sir.

THE COURT: We're here for a change of plea hearing.

As I understand it, Ms. Bruey intends to plead
straight up to Counts 1, 2 through 11, 14, and 15 through 18 of
the indictment. Do I have the posture correct, Mr. Reichling,
from the United States?

MR. REICHLING: Yes, Your Honor.

THE COURT: Mr. Lappan, from the defense?

1 MR. SUMMERS: Yes, Your Honor.

2 THE COURT: Mr. Lappan, before we go any further, did
3 you discuss with Miss Bruey her right to have this hearing in
4 person, given that we're proceeding by video conference today?

5 MR. LAPPAN: Yes, Your Honor.

6 THE COURT: I note for the record that you filed a
7 notice of consent to proceed by video conference, at Docket
8 Entry Number 65, on behalf of Ms. Bruey. For the record, does
9 she, in fact, consent to proceed by video today?

10 MR. LAPPAN: Yes, Your Honor.

11 THE COURT: Thank you.

12 Ms. Bruey, at this time I need to address you
13 directly. Ma'am, it's important that you understand that you
14 have the right to have this hearing in person, physically in
15 the courtroom, in front of me, with your lawyer present and
16 with the prosecutor present.

17 Mr. Lappan has just told me that he discussed that
18 with you, and, after that conversation, you agreed to proceed
19 by video today; but I want to make sure that you understand
20 that, by agreeing to proceed BY video today, you will waive and
21 give up your right to attend this hearing in person.

22 I also want to make sure that you understand that, if
23 you want to speak to Mr. Lappan at any time, you're more than
24 welcome to do so, and you can feel free to interrupt me and let
25 me know. I would then pause the proceeding and give you as

1 much time as you need to speak directly to Mr. Lappan,
2 privately, using the video conferencing system.

3 Also, Ms. Bruey, if you encounter any technical
4 difficulties on your end that prevent you from seeing or
5 hearing any part of today's proceeding, you should interrupt me
6 and let me know right away, so that we can pause the proceeding
7 and repeat everything you may have missed.

8 Ma'am, do you understand these things?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And, after hearing all of these things,
11 and discussing them with your attorney, do you agree to proceed
12 by video today?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: The Court finds that Ms. Bruey, after
15 conferring with counsel, has knowingly and voluntarily
16 consented to proceed by video with this change of plea hearing,
17 and waived her right to appear in person for the hearing.

18 Additionally, pursuant to the Court's administrative
19 order supplementing the CARES Act, the Court finds that the
20 plea in this case could not be further delayed without serious
21 harm to the interests of justice, because delaying the
22 proceedings further to accommodate an in-person plea hearing is
23 not practicable given that there is no ascertainable end to the
24 national emergency stemming from the COVID 19 virus, and the
25 interests of justice will be seriously harmed by prolonged

1 indefinite delays of the plea hearing in light of Ms. Bruey's
2 stated desire to plead guilty.

3 I also find that proceeding with the plea hearing by
4 video conferencing at this time reduces the potential that any
5 necessary participant in the hearing, including specifically
6 Ms. Bruey, her counsel, the lead Assistant United States
7 Attorney, and others, may become unavailable or unable to
8 attend the plea hearing in person due to illness.

9 Mr. Reichling, does the government wish to state
10 anything for the record concerning the Court's findings under
11 the CARES Act?

12 MR. REICHLING: No, Your Honor.

13 THE COURT: Mr. Lappan, same question for the
14 defense, sir.

15 MR. LAPPAN: No, Your Honor.

16 THE COURT: Having satisfied the requirements of the
17 Court's administrative order supplementing the CARES Act, I
18 find that the Court can proceed with this felony plea hearing
19 by video conference. However, I remind all hearing
20 participants of the general prohibition against photographing,
21 recording, or rebroadcasting of court proceedings. Any
22 violation of these prohibitions may result in sanctions,
23 including removal of court issued media credentials, restricted
24 entry to future hearings, denial of entry to future hearings,
25 and any other sanctions deemed necessary by the Court.

1 Ms. Bruey, ma'am, in a moment my Courtroom Deputy
2 Clerk is going to place you under oath. I tell you this
3 because it's very important that you understand the
4 consequences of taking the oath this morning.

5 If, in responding to any of my questions today, you
6 should provide any false or misleading information or answers,
7 you could be charged with additional crimes, such as perjury or
8 obstruction of justice. Those crimes would carry additional
9 penalties beyond any of the penalties you are facing in this
10 case.

11 Ma'am, do you understand these things?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Madam Deputy, please administer the oath.

14 COURTROOM DEPUTY: Yes, Your Honor.

15 Please raise your right hand.

16 Do you solemnly swear or affirm that the testimony
17 you give will be the truth, the whole truth, and nothing but
18 the truth?

19 THE DEFENDANT: Yes, ma'am.

20 COURTROOM DEPUTY: Thank you.

21 THE COURT: Thank you, Ms. Bruey. At this time,
22 would you state your full and complete name for the record?

23 THE DEFENDANT: Amber Rewis Bruey.

24 THE COURT: Ma'am, it's my understanding that you
25 wish to plead guilty to Counts 1, 2 through 11, 14, and 15

1 through 18 of the indictment against you without the benefit of
2 a plea agreement. Is that correct?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Ms. Bruey, the purpose of this hearing
5 this morning is to allow me to ask you questions about your
6 decision to plead guilty so that I can ensure that your
7 decision is being made knowingly and voluntarily, and that
8 there's a factual basis for your plea. So I'm going to have a
9 number of questions for you, but also some questions for your
10 attorney and for the government's attorney.

11 Ma'am, it's very important that you understand
12 everything we're going to discuss this morning. If you do not
13 understand something, you should feel free to interrupt me and
14 let me know so that either I or your lawyer can explain it to
15 you.

16 Additionally, as I mentioned earlier, you can speak
17 to Mr. Lappan privately at any point during today's hearing.
18 Feel free to interrupt me and let me know if that's what you
19 want to do. We'll then pause the formal hearing and let you
20 use the video conferencing system to speak to your lawyer.

21 Ma'am, do you understand these things?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Mr. Reichling, for the record, does the
24 Crime Victims' Rights Act apply, and if so, has the government
25 complied with it?

1 MR. REICHLING: Yes, Your Honor, it does, and we have
2 complied with it.

3 THE COURT: Thank you.

4 Ms. Bruey, ma'am, before we go any further, I need to
5 explain to you that if, at the end of this hearing, you do
6 decide to enter a plea of guilt, and your plea is accepted by
7 the Court, it will become very difficult, if not impossible,
8 for you to later change your mind. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Ms. Bruey, at this time I need to ask you
11 some questions that you may consider to be personal in nature.
12 I'd like you to understand the reason I'm asking you these
13 questions is to ensure for the record that you are competent to
14 enter a plea of guilt today. Do you understand what I mean by
15 that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. Let's start with this. How old
18 are you, ma'am?

19 THE DEFENDANT: Thirty five.

20 THE COURT: How far did you go in school?

21 THE DEFENDANT: College.

22 THE COURT: Did you obtain a college degree?

23 THE DEFENDANT: Yes, sir. Bachelor's.

24 THE COURT: I assume you can read, write, and
25 understand the English language; is that correct?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Are you under the influence of any drugs,
3 alcohol, medication, or other intoxicant?

4 THE DEFENDANT: I take medications.

5 THE COURT: In the past 24 hours, what drugs or
6 medications have you taken?

7 THE DEFENDANT: Zolpidea. It's like Ambien. For
8 sleep.

9 THE COURT: When did you take it?

10 THE DEFENDANT: Last night. I take it every night.
11 And then Wellbutrin this morning.

12 THE COURT: And for what condition do you take the
13 Wellbutrin?

14 THE DEFENDANT: Depression and anxiety.

15 THE COURT: Are those medications prescribed to you
16 by a licensed medical practitioner?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you currently under treatment for
19 depression and anxiety?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: How long have you been under treatment
22 for those conditions?

23 THE DEFENDANT: About seven years.

24 THE COURT: Other than the two medications you've
25 mentioned, have you taken any other drugs or medication of any

1 kind in the last 24 hours?

2 THE DEFENDANT: Only Ibuprofen.

3 THE COURT: When did you take that?

4 THE DEFENDANT: Last night.

5 THE COURT: For what condition did you take that?

6 THE DEFENDANT: I've got scoliosis in my spine and
7 arthritis in my spine.

8 THE COURT: Any other medications in the past
9 24 hours?

10 THE DEFENDANT: No, sir.

11 THE COURT: Ma'am, is there anything about the
12 medications you've mentioned to me or the underlying conditions
13 for which you're taking those medication that would prevent you
14 from thinking clearly, from concentrating, or from
15 understanding these proceedings here today?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you know where you're at right now,
18 what you're here to do, and the importance of this proceeding
19 for your case?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Other than the conditions of depression
22 and anxiety that you mentioned, ma'am, have you been treated
23 for or suffered from any other mental or emotional diseases or
24 illnesses?

25 THE DEFENDANT: No, sir.

1 THE COURT: Other than those conditions, to your
2 knowledge, are you now suffering from any other mental or
3 emotional diseases or illnesses?

4 THE DEFENDANT: No, sir.

5 THE COURT: Mr. Lappan, do you have any concerns
6 regarding your client's competency to enter a plea at this
7 time?

8 MR. LAPPAN: No, Your Honor.

9 THE COURT: Mr. Reichling, does the government have
10 any additional questions it would like me to ask on the issue
11 of competency?

12 MR. REICHLING: No, Your Honor.

13 THE COURT: The Court finds Ms. Bruey competent to
14 enter a plea of guilt today if she chooses to do so.

15 Ms. Bruey, if at any point in this hearing you need
16 take a break in order to regain your composure, please freely
17 free to let me know, and I'll be happy to accommodate that
18 request. Do you understand?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Bruey, it's important that you
21 understand that I am a United States Magistrate Judge. Your
22 case is assigned to District Judge Thomas P. Barber. You have
23 the right to have your guilty plea heard directly by the
24 District Judge, or you can agree to allow me to take your
25 guilty plea, today, as the assigned Magistrate Judge in your

1 case.

2 If you agree to allow me to take your guilty plea
3 today, the District Judge will still be the one who decides
4 whether to accept your guilty plea; and, if he accepts your
5 guilty plea, he would be the one who imposes the sentence
6 against you in this case. I will not be the judge who imposes
7 a sentence against in you in this case. Ma'am, if you agree to
8 allow me to take your guilty plea today, you will be waiving
9 and giving up your right to have your guilty plea taken
10 directly by the District Judge.

11 Your attorney has filed a statement in your case, at
12 Docket Entry Number 65, which states that, after consultation
13 with your attorney, you agree to proceed with this change of
14 plea hearing before me, as the Magistrate Judge, in lieu of the
15 District Judge.

16 Ma'am, did you discuss these matters with your
17 attorney?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And do you consent to proceed before a
20 magistrate judge today for your guilty plea hearing?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Did anyone force you, threaten you,
23 coerce you, intimidate you, or promise you anything to get you
24 to agree to proceed before a magistrate judge today?

25 THE DEFENDANT: No, sir.

1 THE COURT: Is it your independent decision to
2 consent to proceed before a magistrate judge today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: I find Ms. Bruey's waiver and consent are
5 made knowingly, freely, intelligently, and voluntarily, and I
6 will therefore go forward with the plea colloquy.

7 Mr. Lappan, I want to pause at this point to ask you,
8 in the future, if you would please use the Court's promulgated
9 form for both consent to the magistrate judge and the waiver of
10 the 14 day objection period in lieu of the filing you made in
11 this case if you're able to obtain your client's signature
12 prior to the hearing.

13 MR. LAPPAN: Yes, Your Honor. We'll do so. Thank
14 you.

15 THE COURT: Thank you.

16 Ms. Bruey, the Court must advise you that you have
17 certain rights in connection with this case.

18 You have the right to have the assistance of an
19 attorney at the trial and every stage of these criminal
20 proceedings whether or not you can afford one. That right
21 continues whether you plead guilty or not guilty.

22 You have the right to plead not guilty, and to
23 maintain that plea. If you maintain a plea of not guilty, you
24 would have the following rights under the Constitution and the
25 laws of the United States.

1 You would have the right to a speedy and public
2 trial, and to be tried by a jury of 12 persons, or by the
3 District Judge if you waive a jury trial. If you are tried by
4 a jury, all 12 of the jurors would have to unanimously agree on
5 your guilt before you could be convicted.

6 Ma'am, you are presumed innocent, and before you
7 could be found guilty, the burden of proof is on the United
8 States to prove your guilt by competent and sufficient evidence
9 beyond a reasonable doubt. You do not have to prove that you
10 are innocent.

11 At your trial, the witnesses for the United States
12 would have to come to court and testify in front of you. You
13 would have the right to confront those witnesses against you.
14 That means you have the right to see, hear, question, and
15 cross-examine them.

16 Ma'am, you have a right to present evidence and
17 present witnesses of your own. If any witness were to refuse
18 to appear voluntarily, the Court could enter orders to make
19 them appear. That means the Court could compel their
20 attendance.

21 You have a right to testify at your trial, Ms. Bruey,
22 but you also have a right not to testify. That is, you have a
23 right to remain silent. No one could force you to incriminate
24 yourself. The choice to testify would be entirely up to you.

25 Ms. Bruey, do you understand your rights as the Court

1 explained them to you?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you have any questions about anything
4 I've explained so far?

5 THE DEFENDANT: No, sir.

6 THE COURT: Now, Ms. Bruey, if you plead guilty to
7 Counts 1, 2 through 11, 14, and 15 through 18 of the indictment
8 against you without the benefit of a plea agreement, you will
9 waive and give up those rights I just told you about, there
10 will not be a trial; and, on your guilty plea, the District
11 Judge will find you guilty of each of those offenses, and will
12 convict you of each of those offenses.

13 Ma'am, a plea of guilty admits the truth of the
14 charges against you, but a plea of not guilty denies the
15 charges.

16 Has your attorney explained that difference to you,
17 and do you understand the difference between a plea of guilty
18 and not guilty?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Bruey, if you choose to plead guilty,
21 you must give up the right not to incriminate yourself, because
22 I have to ask you questions about the crimes to which you're
23 pleading guilty to satisfy myself that there's a factual basis
24 for your plea as to each count charged.

25 By pleading guilty, you also waive and give up your

1 right to trial, to confrontation and cross-examination of
2 government witnesses, and to compulsory process for attendance
3 of defense witnesses at trial. Ma'am, because there would be
4 no trial in your case, the next proceeding would be the
5 sentencing hearing before the District Judge.

6 Ms. Bruey, you may have defenses to the charges
7 against you; but, if you plead guilty, you will waive and give
8 up your right to assert any defenses.

9 Had as your attorney explained to you the defenses
10 that you might have?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: By pleading guilt, you also waive and
13 give up your right to challenge the way in which the government
14 has obtained any evidence, statement, or confession in your
15 case. In addition, by pleading guilty, you may lose the right
16 to challenge on appeal any rulings that this Court has made in
17 your case.

18 Ma'am, do you fully understand all the rights that
19 you have, and the rights that you waive by pleading guilty?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you have any questions about anything
22 I've explained so far?

23 THE DEFENDANT: No, sir.

24 THE COURT: By pleading guilty to these felonies,
25 ma'am, you may lose certain civil rights, such as the right to

1 vote, to hold public office, to serve on juries, and to own and
2 possess firearms. A felony conviction may also prevent you
3 from obtaining or keeping certain occupational licenses.

4 Ma'am, do you fully understand these consequences of
5 pleading guilty?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Did you receive a copy of the indictment?
8 That's the written document setting forth the charges against
9 you in this case.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Has your attorney explained the charges
12 to you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you discussed the charges, and the
15 case in general, with your attorney?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Did your attorney answer all of your
18 questions?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Did you explain everything you know about
21 your case to your lawyer?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Ma'am, the charges against you are as
24 follows:

25 Charge one -- I'm sorry -- Count 1 charges you with

1 conspiracy to commit wire fraud, in violation of Title 18,
2 United States Code, Section 1349.

3 Counts 2 through 11 charge you with wire fraud, in
4 violation of Title 18, United States Code, Section 1343.

5 Count 14 charges you with conspiracy to commit money
6 laundering, in violation of Title 18, United States Code,
7 Section 1956(h).

8 Counts 15 through 18 charge you with illegal monetary
9 transaction, in violation of Title 18, United States Code,
10 Section 1957.

11 Ma'am, do you understand the charges to which you
12 intend to plead guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have any questions about the
15 charges?

16 THE DEFENDANT: No, sir.

17 THE COURT: Ma'am, the necessary elements that the
18 government must prove beyond a reasonable doubt for you to be
19 convicted of those offenses are as follows, and at this time
20 I'm going to read from the government's Notice of Maximum
21 Penalties, Elements of Offense, Personalization of Elements,
22 and Factual Basis, which is found at Docket Entry Number 68 in
23 your case.

24 Ma'am, do you have a copy of that document with you?

25 THE DEFENDANT: No, sir.

1 THE COURT: Bear with me one moment.

2 What I'm going to do, Ms. Bruey, is show you the
3 document on your screen. It appears to me that you're using
4 some form of mobile device. Is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. I'm going to try to show the
7 document to you, and you'll need to let me know whether it's
8 legible, because I think it would be helpful for you to read
9 along in that document as we refer it to now and later in the
10 hearing. Just one moment.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Ma'am, are you able to see in front of
13 you a document titled Notice of Maximum Penalties, Elements of
14 Offense, Personalization of Elements, and Factual Basis, with
15 blue text at the top that says Document 68?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: This is the document I was referencing,
18 ma'am, filed by the United States in your case.

19 THE DEFENDANT: Okay.

20 THE COURT: At this time I would like to review with
21 you, as set forth in this document, the essential elements of
22 each of the counts to which you intend to plead guilty. Again,
23 these are the elements of the offenses that the United States
24 would have to prove beyond a reasonable doubt for you to be
25 convicted in this case. If, at any point, you need me to slow

1 down, or increase the size of the text on the screen, please
2 feel free to interrupt me and let me know.

3 THE DEFENDANT: Okay.

4 THE COURT: Are you able to see the text under the
5 heading Essential Elements?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Very well. Again, I'll be reading this
8 section to you.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The essential elements of a violation of
11 Title 18, United States Code, Section 1349, conspiracy to
12 commit wire fraud, wire fraud, charged in Count 1, are as
13 follows:

14 First, two or more persons, in some way or manner,
15 agreed to try accomplish a common and unlawful plan to commit
16 wire fraud, as charged in the indictment;

17 And second, the defendant knew the unlawful purpose
18 of the plan and willfully joined in it.

19 Ms. Bruey, are you able to see the text at the top of
20 the next page?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Continuing reading.

23 The essential elements of a violation of Title 18,
24 United States Code, Section 1343, wire fraud, charged in
25 Counts 2 through Number 11, are as follows:

1 First, the defendant knowingly devised or
2 participated in a scheme to defraud, or to obtain money or
3 property by using false pretenses, representations, or
4 promises;

5 Second, the false pretenses, representations or
6 promises were about a material fact;

7 Third, the defendant acted with the intent to
8 defraud;

9 And fourth, the defendant transmitted or caused to be
10 transmitted by wire some communication in interstate commerce
11 to help carry out the scheme to defraud.

12 The essential elements of a violation of Title 18,
13 United States Code, Section 1956(h), conspiracy to commit money
14 laundering, charged in Count 14, are as follows:

15 First, two or more people agreed to try to accomplish
16 a common and unlawful plan to violate Title 18, United States
17 Code, Section 1956;

18 And second, the defendant knew about the plan's
19 unlawful purpose, and voluntarily joined in it.

20 I'm scrolling to the next page, Ms. Bruey. Are you
21 able to see the text at the top of the page?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: For the record, I'm continuing to read
24 from Page 3 of the government's notice.

25 The essential elements of a violation of Title 18,

1 United States Code, Section 1957, illegal monetary transaction,
2 charged in Counts 15 through 18, are as follows:

3 First, the defendant knowingly engaged in or had
4 attempted to engage in a monetary transaction;

5 Second, the defendant knew the transaction involved
6 property or funds that were the proceeds of some criminal
7 activity;

8 Third, the property had a value of more than \$10,000;

9 Fourth, the property was, in fact, proceeds of wire
10 fraud;

11 And fifth, the transaction took place in the United
12 States.

13 Ms. Bruey, I'm going to stop reading from that
14 document at this time.

15 Ma'am, do you fully understand the elements of the
16 charges that the United States would have to prove beyond a
17 reasonable doubt for you to be convicted?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you have any questions about those
20 elements?

21 THE DEFENDANT: No, sir.

22 THE COURT: Ms. Bruey, the crimes with which you have
23 been charged and to which you intend to plead guilty are
24 punishable as follows, and at this time I'm going to read again
25 from the government's notice filed at Docket Entry Number 68 in

1 your case, which is being displayed on the screen, but this
2 time I'm reading from Page 2 -- I'm sorry, 3, under the heading
3 Penalty, if you want to follow along with me on the screen.

4 Are you able to see the screen still?

5 THE DEFENDANT: Yes, I am. Thank you.

6 THE COURT: The penalties for the offenses charged in
7 Counts 1 through 11 of the indictment are a term of
8 imprisonment of not more than 30 years, a fine of up to
9 \$1 million, a term of supervised release of up to five years,
10 and a \$100 special assessment for each count.

11 The penalties for the offenses charged in Counts 14
12 through 18 of the indictment are a maximum of ten years
13 imprisonment, a fine of up to \$250,000, or alternate fine of
14 twice the amount of the criminally derived property, a term of
15 supervised release of up to three years, and a \$100 special
16 assessment for each count.

17 Continuing over to Page 4, additionally, the
18 defendant must forfeit property pursuant to Title 18, United
19 States Code, Sections 981(a)(1)(C) and 982(a)(1), and Title 28,
20 United States Code, Section 2461(c), as outlined in the
21 indictment.

22 In addition, Ms. Bruey, the Court may assess and
23 require that you to pay the cost of your imprisonment, the cost
24 of your supervised release, and the cost of your probation, if
25 any. The Court is obligated to impose the special assessments

1 I just described for each felony count to which you plead
2 guilty.

3 Ma'am, if you violated any supervised release
4 condition, you would face additional prison time and supervised
5 release. If applicable, the District Judge may order you to
6 pay restitution to any victim of the crime; and, as I just
7 described, the District Judge may require you to forfeit
8 certain property to the United States. If the crimes involved
9 fraud, deceit, or other intentionally deceptive practice, the
10 District Judge may also order you to provide notice of your
11 conviction to the victims of the crimes.

12 Mr. Reichling, for the record, have I accurately
13 stated the maximum penalties associated with each of the counts
14 in the indictment to which the defendant is pleading guilty?

15 MR. REICHLING: Yes, Your Honor.

16 THE COURT: Mr. Lappan, same question for the
17 defense, sir.

18 MR. LAPPAN: Yes, Your Honor.

19 THE COURT: Ms. Bruey, do you understand the maximum
20 penalties that apply in each of the counts to which you intend
21 to plead guilty?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Ma'am, do you understand that, because
24 there is more than one count, in some circumstances the Court
25 can sentence you consecutively for these charges?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Ma'am, do you understand that these
3 penalties are the logical consequence of your guilty plea?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any questions about anything
6 I've explained so far?

7 THE DEFENDANT: No, sir.

8 THE COURT: Ms. Bruey, the United States Sentencing
9 Guidelines apply in your case. Have you discussed the
10 guidelines with your attorney, and how they might apply?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I'm going to pause here. I'm going to
13 stop screen sharing. We'll refer to this document again later,
14 but I would like to have the benefit of the larger video image
15 of Ms. Bruey for this part of the hearing.

16 Ms. Bruey, I want to make sure that you understand
17 certain things about how the sentencing process works. To
18 begin with, as I mentioned earlier, I am not the judge who will
19 preside over your sentencing here. The judge who will preside
20 over your sentencing hearing is District Judge Thomas P.
21 Barber.

22 Judge Barber will not be able to determine your
23 guideline sentence until after the United States Probation
24 Office finishes preparing a presentence investigation report
25 for your case.

1 After the District Judge determines what guidelines
2 apply to your case, ma'am, he has the authority to impose a
3 sentence that is more severe or less severe than the sentence
4 that the guidelines recommend. In fact, he has the authority
5 to impose any sentence up to the maximum allowed by law.

6 In other words, Ms. Bruey, the District Judge is not
7 bound by the sentencing guidelines, because the guidelines are
8 only advisory.

9 Ma'am, has your attorney explained to you the various
10 factors the Court can consider in determining a guidelines
11 range in this case, which would include your criminal history,
12 whether there were victims, the role you played in the offense,
13 the amount of any monetary loss, and whether you've accepted
14 responsibility for your acts?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Ma'am, the United States may appeal a
17 sentence that the District Judge imposes in your case. That
18 means the United States may ask the Court of appeals to reverse
19 your sentence as being too low or as being based on a
20 guidelines miscalculation.

21 Parole has been abolished, and if the District Judge
22 sentences you to prison, you will not be released on parole.

23 Ma'am, the sentence that the District Judge imposes
24 in your case may be different than any estimated sentence that
25 your attorney or anyone else has given you. In fact, it might

1 be higher than you expect. If that happens, you will still be
2 bound by your guilty plea, and you will not have the right to
3 withdraw it.

4 Ms. Bruey, do you understand all these things that I
5 just explained to you about the sentencing process?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Do you have any questions?

8 THE DEFENDANT: No, sir.

9 THE COURT: Mr. Reichling, has your office extended
10 any prior formal plea offers to Ms. Bruey?

11 MR. REICHLING: No, Your Honor.

12 THE COURT: Mr. Lappan, do you agree with that
13 representation?

14 MR. LAPPAN: Yes, Your Honor.

15 THE COURT: To summarize, Ms. Bruey, do you
16 understand everything we've discussed up to this point,
17 including your rights, the rights that you give up by pleading
18 guilty, the charges against you, the potential penalties, the
19 potential consequences, and the sentencing guidelines?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Let me ask you directly, then, ma'am, how
22 do you plead, guilty or not guilty, to Counts 1, 2 through 11,
23 14, and 15 through 18 of the indictment?

24 THE DEFENDANT: Guilty, Your Honor.

25 THE COURT: Do you plead guilty to each and every

1 count? Is that correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: At this time, Ms. Bruey, the Court will
4 hear from the prosecutor a proffer of facts that the United
5 States would have to prove beyond a reasonable doubt for you to
6 be convicted in this case as to each of those counts. I have
7 to ask you to listen very carefully to everything the
8 prosecutor is about to say, because, when he's done speaking,
9 I'll ask you if you admit that those facts are true, and
10 whether you admit to doing the things he says you've done.

11 I anticipate that the prosecutor will be reading from
12 that document we referenced earlier. That's the government's
13 notice at Docket Entry Number 68, and the factual basis section
14 appearing on Page 4. So, before the prosecutor begins
15 speaking, what I'm going to do is share my screen again, show
16 you the page where that section starts, and then I'll endeavor
17 to scroll through it as the prosecutor reads allowed. However,
18 he may add facts or not mention certain facts that are in that
19 document, so we'll do our best to stay in the same place.

20 If you have any questions, or cannot read the text at
21 any point, interrupt us both, and we'll be happy to pause and
22 fix the situation. Do you understand that?

23 THE DEFENDANT: Yes, sir. Thank you.

24 THE COURT: All right.

25 Mr. Reichling, one moment while I share my screen.

1 Once the document is on the screen, you may feel free to begin.

2 Ms. Bruey, can you see the document, with the title
3 Document 68 at the top, and the title Factual Basis?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Very well, Mr. Reichling, when you're
6 ready.

7 MR. REICHLING: Thank you, Your Honor.

8 Had this case proceeded to trial, the government
9 would prove or establish the following facts beyond a
10 reasonable doubt, and the government is reading from the
11 factual basis section of its notice filed under Document--
12 Docket Entry Number 68, beginning on Page 4, under the section
13 titled Factual Basis.

14 Background on PPP and EIDL. In March of 2020, the
15 Coronavirus Aid, Relief, and Economic Security Act, also called
16 the CARES Act, was enacted as a federal law designed to provide
17 emergency financial assistance to the millions of American who
18 were suffering the economic effects caused by the COVID-19
19 pandemic.

20 One source of relief provided by the CARES Act was
21 the authorization of forgivable loans to small businesses for
22 job retention and certain other expenses through a program
23 referred to as the Paycheck Protection Program, or PPP.

24 Another source of relief was the Economic Injury Disaster
25 Program, or EIDL Program, which was a Small Business

1 Administration (SBA) program that provided low interest
2 financing to small businesses affected by declared disasters.

3 The CARES Act authorized the SBA to provide EIDLs of
4 up to \$2 million to eligible businesses experiencing
5 substantial financial disruption due to the COVID-19 pandemic.
6 Additionally, eligible business could apply for an EIDL advance
7 of up to \$10,000, which was determined by the number of
8 employees the applicant certified having, and did not have to
9 be repaid.

10 To obtain a PPP loan, qualifying businesses were
11 required to submit a PPP loan application which contained
12 numerous certifications to a participating PPP lender. In the
13 PPP application, the small business, through its authorized
14 representative, was required to state and certify, among other
15 things, its average monthly payroll expense; and, B, number of
16 employees. These figures were used to calculate the amount of
17 money the small business was eligible to receive under the PPP.
18 Furthermore, businesses applying for a PPP loan were required
19 to provide documentation showing their payroll expenses.

20 Individuals who operated as sole proprietorship,
21 independent contractor, or eligible self-employed individual,
22 were also eligible to apply for a PPP loan. All PPP applicants
23 were required to disclose whether the applicant, if the loan
24 was for an individual or an owner of the applicant business,
25 had been convicted of a felony or had served a term of

1 probation within the last five years.

2 The PPP loan applications were processed, approved,
3 and funded by participating lenders. The PPP loan funds were a
4 hundred percent guaranteed by the SBA. PPP loan proceeds were
5 required to be used for certain permissible expenses, including
6 payroll costs, mortgage interest, rent, and utilities.

7 To obtain an EIDL in advance, a qualifying business
8 had to submit an application directly to the SBA and provide
9 information about its operation, such as the number of
10 employees, gross revenues for the 12-month period preceding the
11 disaster, and cost of goods sold in the 12-month period
12 preceding the disaster. These figures were used by the SBA to
13 calculate the EIDL and advance amount.

14 For COVID-19 relief EIDLs, the 12-month period was
15 that preceding January 31st, 2020, and the EIDL applicant was
16 also required to disclose whether the applicant had been
17 convicted of a felony or had served a term of probation within
18 the last five years.

19 EIDL funds could be used for payroll expenses, sick
20 leave, production costs, and business obligations such as
21 debts, rent, and mortgage payments. If the applicant had also
22 obtained a loan under the PPP, the EIDL funds could not be used
23 for the same purpose as the PPP funds.

24 Conspiracy to commit wire fraud. Beginning on an
25 unknown date, but no later than in or around April, 2020, the

1 defendant, Amber Rewis Bruey, and her husband and
2 coconspirator, Anthony James Bruey, hereinafter referred to as,
3 "The Brueys," conspired to defraud PPP lenders and the SBA by
4 submitting false and fraudulent PPP and EIDL applications.

5 In total, the Brueys submitted approximately 26
6 fraudulent PPP and EIDL applications between April, 2020, and
7 June, 2020. The false and fraudulent applications were
8 electronically submitted from the Middle District of Florida to
9 SBA approved lenders, loan processing companies, and the SBA,
10 all located outside the State of Florida.

11 The fraudulent applications contained numerous and
12 fraudulent misrepresentations concerning the applicants' state
13 of operation, payroll, gross revenue, total number of
14 employees, and the criminal history of the applicant or
15 business owner.

16 The Brueys' false and fraudulent misrepresentations
17 caused PPP lenders and the SBA to approve approximately 12
18 loans and issue a total of \$881,058.35 in PPP and EIDL funds.
19 The PPP and EIDL funds were deposited into bank accounts that
20 were controlled and maintained by the Brueys. The defendant
21 then used these fraudulently obtained funds for her own
22 personal enrichment, which included financial transactions of
23 more than \$10,000, discussed in detail below.

24 Wire fraud. The defendant electronically submitted
25 or caused the electronic submission of approximately five

1 fraudulent EIDL applications to the SBA that were funded and
2 approved. In each application, the defendant falsely
3 represented that she had not been placed on probation in the
4 last five years. Additionally, in each EIDL application, the
5 defendant misrepresented the number of employees, gross
6 revenue, and cost of goods sold for businesses that did not
7 exist. The defendant also submitted fraudulent tax returns,
8 income statements, and profit and loss statements to the SBA in
9 furtherance of the program.

10 As specified in the indictment, each of the five
11 fraudulent EIDL applications were submitted by the defendant
12 electronically from MDFL to the SBA located outside of the
13 State of Florida: On April 2nd, 2020, which is charged in
14 Count 2 of the indictment; April 3rd, 2020, which is charged in
15 Count 3 of the indictment; May 18, 2020, which is charged in
16 Count 9 of the indictment; June 16, 2020, which is charged in
17 Count 10 of the indictment; and June 24th, 2020, which is
18 charged in Count 11 of the indictment.

19 In all, the defendant's false and fraudulent
20 representations caused the SBA to approve and fund a total of
21 \$660,900 in EIDL funds and \$15,000 in EIDL advance funds. The
22 EIDLs and advance funds were deposited into bank accounts that
23 the defendant controlled and maintained.

24 The defendant also electronically submitted or caused
25 the electronic submission of approximately five fraudulent PPP

1 loan applications to PPP loan servicers and lenders. In each
2 PPP loan application, the defendant falsely represented that
3 she had not been placed on probation in the last five years.
4 Additionally, in each PPP application, the defendant falsely
5 represented the average monthly payroll for each business that
6 did not exist. To further the fraud, the defendant submitted
7 fraudulent tax documents and an income statement.

8 Each of the five fraudulent PPP applications were
9 submitted by the defendant electronically from MDFL to PPP loan
10 servicers and lenders located outside the State of Florida: On
11 April 12th, 2020, which is charged in Count 4 of the
12 indictment; May 4th, 2020, which is charged in Count 5 of the
13 indictment; May 5th, 2020, which is charged in Count 6 of the
14 indictment; May 6th, 2020, which is charged in Count 7 of the
15 indictment, and May 15, 2020, which is charged in Count 8 of
16 the indictment.

17 In all, the defendant's false and fraudulent
18 representations caused PPP loan servicers and lenders to
19 approved and fund a total of \$97,775.01 in PPP funds. The PPP
20 funds were deposited into bank accounts the defendant
21 controlled and maintained.

22 Conspiracy to commit money laundering.

23 Beginning on an unknown date, but no later than in or
24 around April, 2020, the Brueys conspired to use and attempted
25 to use fraudulently obtained PPP and EIDL funds for financial

1 transactions in a value greater than \$10,000. Specifically,
2 after unlawfully obtaining PPP and EIDL funds -- excuse me.
3 After unlawfully obtained PPP and EIDL funds were deposited
4 into accounts controlled and maintained by the Brueys,
5 including an account with Stride Bank/Chime ending in 3607, the
6 funds were used to purchase a 2019 GMC Yukon SUV, a 20 --

7 THE COURT: Mr. Reichling, I'm sorry, I lost pace.
8 Would you tell me where you're at?

9 MR. REICHLING: My apologies, Judge. You're actually
10 on the correct page, at least according to what I see in front
11 of me on my computer screen. I'm reading from the conspiracy
12 to commit money laundering section. I'm about one, two, three,
13 four, five, seven lines down. I just read including an account
14 with Stride Bank/Chime ending in 3607, the funds were used to
15 purchase a 2019 GMC Yukon SUV, a 2020 Honda Talon side-by-side
16 UTV, and a residence in North Carolina. These transactions
17 affected interstate and foreign commerce.

18 Additionally, the Brueys used fraudulently obtained
19 loan proceeds to purchase a 2021 Chevrolet Spark LS and a 2020
20 Polaris RZR side-by-side UTV.

21 Moving on to Page 10. Illegal monetary transactions.

22 On June 5th, 2020, a \$29,214.93 check charged in
23 Count 15 of the indictment was issued from a bank account
24 controlled and maintained by the Brueys to Sunsport Cycle,
25 located in Fort Myers, Florida, for the purchase of a Honda

1 Talon and Yamaha dirt bike. Sales records from Sunsport cycle
2 revealed that defendant's husband, Anthony James Bruey, was the
3 registered owner and purchaser of the Honda Talon and Yamaha
4 dirt bike. The funds used for the purchases were proceeds from
5 the Brueys' PPP and EIDL fraud scheme.

6 On July 22nd, 2020, the defendant had her bank issue
7 a \$23,566 cashier's check to Jakepay, charged in Count 17 of
8 the indictment, for the payment of restitution in a case, which
9 was Case Number 2018-CF-000164 the defendant was on probation
10 for in the State of Florida. The funds used for the cashier's
11 check were the proceeds from the Brueys' PPP and EIDL fraud
12 scheme.

13 On August 11, 2020, the defendant submitted a
14 \$49,688.55 ACH payment which is charged in Count 18 of the
15 indictment to Carvanna for the purchase of a 2019 GMC Yukon XL.
16 The funds used for the purchase of the GMC Yukon were proceeds
17 from the Brueys' PPP and EIDL fraud scheme.

18 And turning to Page 11, on August 27, 2020,
19 \$211,457.57 was wired, which is charged in Count 16 of the
20 indictment, from a bank account controlled and maintained by
21 the defendant to a law firm for the purchase of a residence
22 located at 114 Kemp Lane, Hertford, North Carolina. A review
23 of the property's purchase records and deed revealed the
24 defendant was the co-purchaser and owner of the property. The
25 funds used for the property's purchase were proceeds from the

1 Brueys' PPP and EIDL fraud scheme.

2 THE COURT: Mr. Reichling, that concludes the factual
3 basis; is that correct?

4 MR. REICHLING: That is correct, Your Honor.

5 THE COURT: Mr. Lappan, are there any objections to
6 the facts summarized by the prosecutor here today or as set
7 forth in the factual basis section of the government's notice
8 at Docket Entry Number 68?

9 MR. LAPPAN: No, Your Honor.

10 THE COURT: Ms. Bruey, ma'am, did you hear everything
11 the prosecutor just said?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Were you reading along in the factual
14 basis section of Document 68 as we were scrolling through it?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Ma'am, do you admit that all the facts
17 the prosecutor just said are true?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you admit to doing the things he says
20 you've done?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you admit the truth of the factual
23 basis?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Do you also admit that the factual basis

1 satisfies all the essential elements of the offenses to which
2 you're pleading guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: As I mentioned earlier, ma'am, in order
5 for the Court to accept your guilty plea, I have to ask you
6 questions about the crimes to which you're pleading guilty to
7 satisfy myself that there's factual basis for your plea. I'm
8 going to end the screen share now and ask you some more
9 specific questions regarding each of the offenses to which
10 you're pleading guilty are logically based on the nature of the
11 offenses charged.

12 Ms. Bruey, do you admit that, as to the offense
13 charged in Count 1, conspiracy to commit wire fraud, no later
14 than April, 2020, as alleged in the indictment, you agreed with
15 your husband, Anthony James Bruey, in some way or manner, to
16 try to accomplish a common and unlawful plan to commit wire
17 from, as charged in the indictment and described in the
18 government's factual basis?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you admit that you knew the unlawful
21 purpose of the plan, and you willfully joined in it?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Ma'am, do you admit that you did these
24 things in the Middle District of Florida?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: As to the offenses charged in Counts 2
2 through 11 of the indictment, which each charge wire fraud,
3 ma'am, do you admit that, on or about the dates alleged in the
4 indictment and described in the government's factual basis, you
5 knowingly devised or participated in a scheme to defraud or to
6 obtain money or property by using false pretenses,
7 representations, or promises?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Do you admit that the false pretenses,
10 representations, or promises were about the material fact for
11 the reasons described in the government's factual basis?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Ma'am, do you admit that, as to each of
14 those counts, you acted with the intent to defraud?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And do you admit that you transmitted or
17 caused to be transmitted by wire some communication in
18 interstate commerce to help carry out the scheme to defraud, as
19 alleged in the indictment and described in the government's
20 factual basis?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you also admit that you did these
23 things in the Middle District of Florida?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: As to the offense charged in Count 14,

1 Ms. Bruey, which charges you with conspiracy to commit money
2 laundering, do you admit that, beginning no later than in or
3 around April, 2020, you agreed with your husband, Anthony James
4 Bruey, to try to accomplish a common and unlawful plan to
5 violate Title 18, United States Code, Section 1956 -- I'm
6 sorry -- 1957?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Ma'am, do you also admit that you knew
9 about the plan's unlawful purpose, and you voluntarily joined
10 in it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you admit that you did these things in
13 the Middle District of Florida?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Ms. Bruey, as to the offenses charged in
16 Counts 15 through 18 of the indictment, which charge you with
17 illegal monetary transaction, do you admit that, on or about
18 the dates alleged in the indictment and in the government's
19 factual basis, you knowingly engaged in or attempted to engage
20 in the monetary transactions described?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you admit that you knew the
23 transactions involved property or funds that were the proceeds
24 of some criminal activity?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you admit that the property had a
2 value of more than \$10,000, as alleged in the indictment and
3 described in the government's factual basis?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Ma'am, do you admit that the property as
6 to each count was, in fact, proceeds of wire fraud?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Do you admit that the transactions
9 described in each count took place in the United States?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And did you engage in conduct in the
12 Middle District of Florida?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Reichling, is the United States
15 satisfied with the sufficiency of the Court's colloquy with
16 Ms. Bruey as to the factual basis for the essential elements of
17 each count charged?

18 MR. REICHLING: Yes, Your Honor.

19 THE COURT: Mr. Lappan, same question for the
20 defense.

21 MR. LAPPAN: Yes, Your Honor.

22 THE COURT: Ms. Bruey, do you need a moment, or are
23 you okay to proceed?

24 THE DEFENDANT: Can I have just a minute?

25 THE COURT: We'll pause at this time. We'll remain

1 on the record. Ms. Bruey, please let me know when you're ready
2 to move forward.

3 (There was a short pause in the proceedings.)

4 THE DEFENDANT: I'm ready.

5 THE COURT: For the record, based on the un-objected
6 to facts summarized by the prosecutor here today, the
7 un-objected to facts set forth in the factual basis section of
8 the government's notice at Docket Entry Number 68, and
9 Ms. Bruey's responses to the Court's direct questions on the
10 record under oath today, I find that there's an independent
11 basis in fact for a finding of guilt as to each count to which
12 Ms. Bruey is pleading guilty. That includes Counts 1, 2
13 through 11, 14, and 15 through 18.

14 Ms. Bruey, are you pleading guilty freely and
15 voluntarily, and because you believe it is in your best
16 interest to do so?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Are you pleading guilty because you are
19 guilty of each of the offenses charged?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Has anyone threatened you, forced you,
22 coerced you, or intimidated you, in any way, regarding your
23 decision to plead guilty?

24 THE DEFENDANT: No, sir.

25 THE COURT: Has anyone made any promises or

1 assurances to you, of any kind, to induce you to plead guilty?

2 THE DEFENDANT: No, sir.

3 THE COURT: Are you relying on any agreement,
4 discussion, promise, or understanding with anyone about what
5 sentence will be imposed if you plead guilty?

6 THE DEFENDANT: No, sir.

7 THE COURT: At this time, ma'am, do you believe you
8 know what sentence you will receive?

9 THE DEFENDANT: No, sir.

10 THE COURT: Has anyone promised you that you will
11 receive a light sentence or otherwise be rewarded for pleading
12 guilty?

13 THE DEFENDANT: No, sir.

14 THE COURT: Counsel, do you each assure the Court
15 that, as far as you know, no assurances, promises, or
16 understandings have been given to Ms. Bruey as to the
17 disposition of her case?

18 Mr. Reichling?

19 MR. REICHLING: Yes, Your Honor.

20 MR. LAPPAN: Yes, Your Honor.

21 THE COURT: Ms. Bruey, you are represented by
22 Mr. Lappan of the Office of the Federal Public Defender. Have
23 you discussed your case fully with him and explained everything
24 you know about your case to him?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Have you had enough time to talk with
2 your attorney?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Is there anyone else you want to talk to
5 before you enter a guilty plea today?

6 THE DEFENDANT: No, sir.

7 THE COURT: Has your attorney done everything you've
8 asked him to do for your case before your decision to enter a
9 guilty plea today?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you satisfied with your attorney and
12 the way he has represented you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have any complaints about the way
15 your attorney has represented you?

16 THE DEFENDANT: No, sir.

17 THE COURT: Do you have any complaints about the way
18 you have been treated by the Court or anyone else?

19 THE DEFENDANT: No, sir.

20 THE COURT: Has anyone coached you or suggested that
21 you answer untruthfully to any of the questions I've asked you
22 today?

23 THE DEFENDANT: No, sir.

24 THE COURT: Have you told the truth today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Ma'am, do you fully understand all of the
2 rights and procedures that you waive by pleading guilty?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Having heard everything I've said, is it
5 your final desire to plead guilty to Counts 1, 2 through 11,
6 14, and 15 through 18 of the indictment?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And you wish to plead guilty without the
9 benefit of a plea agreement; is that correct?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Ms. Bruey, now is your last chance to
12 speak up, or to ask any questions you may have, before I make
13 my recommendation. Is there anything you'd like to say, or
14 anything you'd like to ask?

15 THE DEFENDANT: No, sir.

16 THE COURT: Mr. Reichling, is the United States
17 satisfied with the colloquy?

18 MR. REICHLING: Yes, Your Honor.

19 THE COURT: Mr. Lappan, is the defense satisfied with
20 the colloquy?

21 MR. LAPPAN: Yes, Your Honor.

22 THE COURT: Mr. Lappan, are you also satisfied that
23 your client knows what she's charged with, that you have had
24 sufficient time to counsel with your client, and that she is
25 pleading guilty freely and voluntarily, with full knowledge of

1 the consequences of her plea?

2 MR. LAPPAN: Yes, Your Honor.

3 THE COURT: Counsel, are you both satisfied with the
4 result of conducting this hearing by video conferencing?

5 Mr. Reichling?

6 MR. REICHLING: Yes, Your Honor.

7 THE COURT: Mr. Lappan?

8 MR. LAPPAN: Yes, Your Honor.

9 THE COURT: Ms. Bruey, ma'am, please listen very
10 carefully to my findings, because, when I'm done speaking, I'll
11 ask you if you agree with everything that I've said.

12 I find that you, Amber Rewis Bruey, are now alert and
13 intelligent, that you understand the nature of the charges
14 against you and the possible penalties, and that you appreciate
15 the consequences of pleading guilty.

16 I also find that the facts that the United States is
17 prepared to prove, and which, by your guilty plea, you admit,
18 based on the un-objected to facts summarized by the prosecutor
19 here today and the un-objected to facts set forth in the
20 factual basis section of the government's notice at Docket
21 Entry Number 68, as well as your responses to the Court's
22 direct questions on the record under oath today, all state the
23 essential elements of the offenses to which you have pled
24 guilty in Counts 1, 2 through 11, is, and 15 through 18.

25 I further find that your decision to plead guilty is

1 freely, voluntarily, knowingly, and intelligently made, and
2 that you have had the advice and counsel of a competent
3 attorney with whom you say you are satisfied.

4 Ms. Bruey, do you agree with all those findings?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Ma'am, I will make a written report to
7 the District Judge recommending that he accept your guilty
8 plea.

9 For the record, I have a waiver of the 14-day
10 objection period from the United States at Docket Entry
11 Number 67. Mr. Lappan has also filed a waiver of the 14-day
12 objection period at Docket Entry Number 65.

13 Mr. Lappan, before making that filing, did you
14 discuss the objection period with Ms. Bruey?

15 MR. LAPPAN: I did, Your Honor.

16 THE COURT: Ms. Bruey, under the law, you have the
17 right to make an objection to my recommendation to the District
18 Judge within 14 days. Your attorney and the attorney for the
19 United States have both filed waivers of the 14-day period; but
20 you didn't sign the waiver that your attorney filed, so I'm
21 going to ask you directly, do you want to waive the 14-day
22 objection period now?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: As I indicated earlier, Ms. Bruey, the
25 United States Probation Office will prepare a presentence

1 investigation report to help the District Judge determine a
2 reasonable sentence in your case. Ma'am, you will be required
3 to provide information for that report. Your attorney may be
4 present during your presentence investigation report interview
5 by the probation office.

6 Your attorney will also represent you in the
7 preparation of that report at sentencing. You and your
8 attorney will be given an opportunity to speak on your behalf
9 at the sentencing hearing. You and your attorney will also be
10 permitted to read the presentence investigation report before
11 the sentencing hearing, and to make objections to it if you
12 have any objections.

13 Your sentencing will be set in approximately 75 to
14 90 days, and will be set by separate notice from the District
15 Judge.

16 I have a standing request from the presiding District
17 Judge to inquire whether any defendant pleading guilty will
18 consent to proceed with sentencing by video conferencing; but,
19 mindful of today's date, Mr. Lappan, I believe the Court's
20 present authority to do so will expire by the sentencing date
21 in this case.

22 Mr. Lappan, should I advise the District Judge to set
23 a sentencing to occur in person?

24 MR. LAPPAN: Yes, Your Honor, in person, please.

25 THE COURT: Very well. My report and recommendation

1 to the District Judge will reflect that Ms. Bruey has requested
2 an in-person sentencing hearing.

3 I see I'm reminded that Ms. Bruey is currently on
4 conditions of pretrial release. Counsel, is there any basis
5 for revisiting that issue at this time?

6 Mr. Reichling?

7 MR. REICHLING: No, Your Honor.

8 THE COURT: Mr. Lappan?

9 MR. LAPPAN: No, Your Honor.

10 THE COURT: Ms. Bruey, I'll remind you of your
11 obligation to continue to comply with any conditions this Court
12 set for your pretrial release. It's especially important
13 between now and the date of your sentencing.

14 Do you understand that, ma'am?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Counsel, unless there's anything further,
17 we'll be in recess.

18 Anything further from the United States?

19 MR. REICHLING: No, Your Honor. Thank you.

20 THE COURT: Thank you.

21 Anything further from the defense?

22 MR. LAPPAN: No, Your Honor.

23 THE COURT: Thank you. We're in recess.

24 -- -- -- -- -- -- -- --

25 (Thereupon, at 11:05 a.m., the above-entitled matter

1 was concluded.)

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3 CERTIFICATE

4 I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND
5 ACCURATE TRANSCRIPT FROM THE ORIGINAL DIGITAL RECORDING CREATED
6 DURING THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER.

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8 Dated this 17th day of August, 2022.

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12 JEFFREY G. THOMAS, RPR, CRR
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