

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE MARIA A. AUDERO, U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 vs.) No. CR 20-0579-SVW-6
)
 ARMAN HAYRAPETYAN,)
)
 DEFENDANT.)
 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 25, 2021

2:10 P.M.

LOS ANGELES, CALIFORNIA

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10 FOR THE DEFENDANT:

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16 ALSO PRESENT:

17 ASBED POGARIAN, ARMENIAN INTERPRETER
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1 LOS ANGELES, CALIFORNIA; THURSDAY, MARCH 25, 2021

2 2:10 P.M.

3 - - -

4 THE CLERK: Calling CR 20-579, United States of
5 America versus Arman Hayrapetyan.

6 Appearances, please.

7 MR. FAERSTEIN: Good afternoon, Your Honor.
8 Brian Faerstein on behalf of the United States.

9 THE COURT: Good afternoon, Mr. Faerstein.

10 MR. TAHMAZIAN: Good afternoon, Your Honor.
11 Jilbert Tahmazian on behalf of Mr. Hayrapetyan.

12 THE COURT: Good afternoon, Mr. Tahmazian. For
13 some reason the documents that I have here say that he
14 was -- Mr. -- the defendant was going to be represented by
15 Jilbert Hayrapetyan. Is that not the case?

16 MR. TAHMAZIAN: They made a mistake, Your Honor.

17 THE COURT: Okay.

18 MR. TAHMAZIAN: They put his name with my last
19 name.

20 THE COURT: Okay. Got it. Well, thank you. Good
21 afternoon, Mr. Tahmazian, and good afternoon,
22 Mr. Hayrapetyan. Okay.

23 THE DEFENDANT: Good afternoon.

24 THE COURT: Do we have need for consular
25 notification? I see that he is an Armenian citizen.

1 MR. FAERSTEIN: We do, Your Honor, and the case
2 agent has notified the Armenian consulate.

3 THE COURT: Thank you.

4 Sir, is your true and correct name Arman
5 Hayrapetyan?

6 THE DEFENDANT: Yes.

7 THE COURT: Do we have an interpreter here?

8 THE INTERPRETER: Yes, Your Honor.

9 THE COURT: Perhaps we should get the interpreter
10 identified for the record.

11 THE INTERPRETER: Interpreter name is Asbed
12 Pogarian. Oath is on file.

13 THE COURT: Okay. I'm sorry, but I can hardly
14 hear you. Can you speak up a little bit or turn up the
15 volume or something.

16 THE INTERPRETER: How is it now? Can you hear me
17 now?

18 THE COURT: Barely, but just speak loud enough to
19 get your name on the record, and that's all we need.

20 THE INTERPRETER: Okay. Asbed Pogarian.

21 THE COURT: Okay.

22 THE INTERPRETER: Did you hear that?

23 THE COURT: I did.

24 THE INTERPRETER: Okay. Good.

25 THE COURT: Mr. Hayrapetyan, I see that you are

1 being assisted by an Armenian language interpreter. Is that
2 correct?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand the translation
5 that's being provided to you, sir?

6 THE DEFENDANT: At this moment, yes.

7 THE COURT: If at any point during our proceedings
8 you cease to either understand the translation or hear your
9 interpreter, would you please let me know right away? Do
10 you agree on that?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Thank you very much. So let me
13 start again.

14 Sir, is your true and correct name Arman
15 Hayrapetyan?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Mr. Hayrapetyan, I have here a
18 document through which you have waived your right to appear
19 in person in court and instead have consented to appearing
20 via video teleconference, which is what we are doing right
21 now. This document has been signed for you by perhaps your
22 attorney.

23 Did you authorize your attorney to sign this
24 document for you, sir?

25 THE DEFENDANT: I have spoken through the

1 interpreter, but I haven't directly spoken to the attorney.

2 THE COURT: Counsel, were you authorized to sign
3 this document on his behalf?

4 MR. TAHMAZIAN: We talked yesterday. Maybe he
5 forgets, Your Honor, about this process. I indicated I will
6 be signing documents on his behalf. Maybe he forgot.

7 THE COURT: Mr. Hayrapetyan, do you remember now
8 that you allowed -- you authorized your attorney to sign
9 this document on your behalf?

10 THE DEFENDANT: Yes. Yes.

11 THE COURT: All right. Before you did that, sir,
12 did you have an opportunity to speak with your attorney
13 about what it means to waive your right to be present in
14 person in court?

15 THE DEFENDANT: Yes. He explained.

16 THE COURT: Okay.

17 THE DEFENDANT: Because of Coronavirus.

18 THE COURT: Do you understand what it means to
19 waive these rights?

20 THE DEFENDANT: Of course, yes.

21 THE COURT: And with that understanding, do you
22 still wish to waive those rights, sir?

23 THE DEFENDANT: Yes. But if there is a need, then
24 I mean, I can be there.

25 THE COURT: No. Yes or no is good enough. Do you

1 still agree to waive those rights?

2 THE DEFENDANT: Yes. Yes, I agree.

3 THE COURT: Mr. Tahmazian, is this your signature
4 indicating that you concur with this waiver?

5 MR. TAHMAZIAN: That's correct, Your Honor.

6 THE COURT: All right. Thank you.

7 The Court finds the waiver to be knowing and
8 voluntary and accepts it as such.

9 Mr. Hayrapetyan, I have here a document entitled
10 Advisement of Defendant's Statutory and Constitutional
11 Rights. That has been signed for you.

12 Did you authorize your attorney to sign this
13 document on your behalf?

14 THE DEFENDANT: Yes.

15 THE COURT: Before you did that, was this document
16 translated to you into the Armenian language?

17 THE DEFENDANT: Yes, of course, yes.

18 THE COURT: And did you understand that
19 translation, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: And do you understand that this
22 document contains a list of your statutory and
23 constitutional rights?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand the --

1 [Sound on audio.]

2 THE DEFENDANT: Could you repeat that, Your Honor.

3 There was a sound.

4 THE COURT: Sure. And do you understand those
5 rights?

6 THE DEFENDANT: Yes, of course.

7 THE COURT: Okay.

8 And for the interpreter, did you translate this
9 document into the Armenian language for Mr. Hayrapetyan?

10 THE INTERPRETER: Yes, I did, Your Honor.

11 THE COURT: Thank you.

12 Counsel, Mr. Tahmazian, is this your signature
13 indicating that you satisfied yourself that your client
14 understands his rights?

15 MR. TAHMAZIAN: Yes, it is, Your Honor.

16 THE COURT: All right. Thank you.

17 Mr. Hayrapetyan, the government is proceeding
18 against you by way of a Superseding Indictment A. Have you
19 had an opportunity to review that charging document?

20 THE DEFENDANT: Yes. The interpreter read it for
21 me. However, I do not accept all the accusations.

22 THE COURT: Although -- what?

23 THE DEFENDANT: Although I do not accept all the
24 accusations.

25 THE COURT: Fair enough. Fair enough.

1 Without admitting or denying the allegations
2 contained in the Superseding Indictment A, do you understand
3 the nature of the charges that are being brought against
4 you, sir?

5 THE DEFENDANT: Yes, I understand.

6 THE COURT: Okay.

7 THE DEFENDANT: To some extent I understand.

8 THE COURT: Thank you. All right.

9 Let's proceed to a bond determination. What is
10 the government seeking, and what is the proffer?

11 MR. FAERSTEIN: The government is seeking
12 detention, and we're proffering the First Superseding
13 Indictment as well as the Pretrial Services report including
14 pretrial's recommendation of detention.

15 THE COURT: Is the government seeking detention on
16 the basis of both risk of nonappearance and danger to the
17 community?

18 MR. FAERSTEIN: We are primarily seeking detention
19 on the basis of risk of nonappearance as well as flight but,
20 yes, risk of nonappearance, Your Honor.

21 THE COURT: You are not seeking it based on danger
22 to the community?

23 MR. FAERSTEIN: I will make an abbreviated
24 argument with respect to danger to the community, but the
25 central focus of my argument will be based on risk of

1 nonappearance.

2 THE COURT: Does the defendant accept the
3 government's proffer?

4 MR. TAHMAZIAN: Are you asking me, Your Honor?

5 THE COURT: Yes.

6 MR. TAHMAZIAN: By accepting the proffer -- I
7 accept that, yes.

8 THE COURT: And what is the defendant's position,
9 and what does the defendant proffer?

10 MR. TAHMAZIAN: If I may, Your Honor --

11 THE COURT: I don't want argument.

12 MR. TAHMAZIAN: We are asking for the Court to
13 allow my client to sign a bond, appearance bond without
14 justification, by himself from 50- to \$75,000, surrender his
15 passport to the Pretrial Services, and to abide by any other
16 terms that is imposed by the Pretrial Services while he is
17 on release.

18 THE COURT: What does the defendant proffer?

19 MR. TAHMAZIAN: Same as mine.

20 THE COURT: Same as what?

21 MR. TAHMAZIAN: You mean proffering as to the
22 facts?

23 THE COURT: What evidence are you proffering?

24 MR. TAHMAZIAN: I am proffering my argument based
25 on the evidence in front of Your Honor if I may just --

1 THE COURT: The Pretrial Services report?

2 MR. TAHMAZIAN: Yes.

3 THE COURT: But not its recommendation?

4 MR. TAHMAZIAN: Not the recommendation, but I
5 would like to elaborate on that.

6 THE COURT: You will. You will get a chance. I
7 just want to know what you proffer to make sure that they
8 accept it.

9 MR. TAHMAZIAN: My proffer would be based on the
10 information contained within the report, Your Honor.

11 THE COURT: Okay. Thank you.

12 If I could hear from the government, please.

13 MR. FAERSTEIN: Yes, Your Honor.

14 I will note that this is the same case as what was
15 in front of Your Honor a couple of weeks ago following a --
16 the unsealing of the First Superseding Indictment in this
17 case and the arrests of three other new defendants on
18 March 11th. And on that date, agents also sought to arrest
19 the defendant, Mr. Hayrapetyan, and went to two separate
20 locations and were unable to find him.

21 We are -- the defendant -- this comes from the
22 Pretrial Services report -- he's not a U.S. citizen.
23 According to him, he's -- his visa expired. It's unclear
24 whether or not that is, in fact, the case.

25 But according to the Pretrial Services report, his

1 whole life is in Armenia. He emigrated here just two years
2 ago. His wife, his daughter, sister, his parents -- they
3 all live in Armenia. He just visited there last year for
4 four months. He's got no property to post here. He's got
5 no one that can co-sign the bond as a surety.

6 The government was informed that the defendant was
7 intending to surrender this past Monday, and here we are on
8 Thursday, and there is still no one that he can identify
9 that would be willing to vouch for him here in court on any
10 type of bond.

11 It's extremely concerning to the government in
12 connection with the charges in this case.

13 As I mentioned, the defendant was just in Armenia
14 last year from May to September. And the timing of that
15 trip is significant in the context of the charges in this
16 case.

17 As alleged in the First Superseding Indictment,
18 the defendant was engaged in a very extensive conspiracy to
19 use fake and stolen identities of both individuals and
20 businesses to apply for Payment Protection Program loans and
21 other COVID-19 related disaster relief loans last year.

22 And the defendant's alleged conduct, at least just
23 in the overt acts of the Indictment, involved allegedly
24 stealing the identities of two separate people as well as
25 their businesses and submitting fraudulent loan, PPP loan,

1 applications and reaping hundreds of thousands of dollars.

2 There are only two specific overt acts -- two
3 specific loan applications alleged in the overt acts, but
4 there are many others that are directly tied to the
5 defendant as noted in paragraph 32 of the First
6 Superseding Indictment which speaks to at least over 150
7 separate fraudulent loans.

8 He's not directly involved in all 150 but -- in
9 the significant number, and he is alleged as being involved
10 in the scheme from Day 1.

11 Now, the conduct that's alleged in the
12 Superseding Indictment as to the defendant took place
13 directly in April and May, and it preceded directly his trip
14 to Armenia for four months. And thus as alleged, at least,
15 in the overt acts, he obtained over \$300,000 in fraudulent
16 loan proceeds and then was off to Armenia; but, again, that
17 number is much larger.

18 The defendant as alleged also opened up numerous
19 bank accounts using the names of the stolen businesses and
20 individuals and used those bank accounts for purposes of
21 funneling the proceeds from the fraudulent loans. And these
22 are all -- this is -- these are all allegations, as the
23 government acknowledges, but they are serious.

24 Now, with respect to the consequences in this
25 case, the defendant is alleged or is charged with an

1 aggravated identity theft count which carries a 2-year
2 mandatory minimum as well as he is charged in all of the
3 other substantive counts: The conspiracy to commit bank and
4 wire fraud which carries a 30-year stat max, 8 counts of
5 bank fraud, 12 counts of wire fraud, money laundering
6 conspiracy; and by the government's rough guidelines
7 calculations, he is facing a very significant advisory
8 guidelines range in this case, just -- 135 to 168 months
9 just on the substantive counts not including the 24 months
10 that would run consecutive.

11 So given the complete lack of ties to this
12 jurisdiction and having no one or anything to provide
13 assurances that he will show up -- the government
14 acknowledges that he surrendered here today after indicating
15 he would on Monday; but that calculus, in our view, could
16 easily change tomorrow or anytime before he is facing the
17 music in this case. And we have significant concerns that
18 the calculus will change given everything is over in
19 Armenia.

20 And so we agree with Pretrial that detention -- at
21 this stage, detention is necessary in this case.

22 Now, with respect to the safety of the community,
23 I would just note that, as I have mentioned as alleged in
24 the Indictment, the defendant stole at least two different
25 peoples' identities and their businesses' identities for use

1 in loan applications as well as opening bank accounts. We
2 believe he does pose an economic danger to the community
3 particularly if there is nothing holding him accountable to
4 some type of conditions of release in this case.

5 Thus, the government on that basis, both flight
6 risk and nonappearance as well as economic danger, believes
7 that detention is necessary in this case and there is no
8 condition or combination of conditions that would assure the
9 safety of the community as well as his appearance in the
10 case.

11 THE COURT: Thank you, sir.

12 Mr. Tahmazian.

13 MR. TAHMAZIAN: Thank you, Your Honor.

14 In March 2019, the defendant left his country and
15 came to U.S. to start the process of establishing a better
16 life for his family -- his wife and child. He arrived here
17 legally. He applied for the appropriate visas, B1 and B2.
18 He received the approval of such visas.

19 And at that time because he hadn't seen his
20 parents, two elderly people who are ill, and the children
21 and child and wife for some time, he sought permission to be
22 able to leave the country for a few months to visit with
23 them and then come back again.

24 That's the reason why he left the country from May
25 until September, and he had permission to do so and come

1 back on his visa.

2 His visa is not about to expire. It's for ten
3 years. He's been granted that, and he's about to convert
4 that into a legal residency Green Card, Your Honor.

5 This is a man, Your Honor, who came here with the
6 intentions to build a life for his family. In fact, last
7 November, when he was given permission to allow -- to apply
8 for the bringing up his wife and child to this country,
9 that's exactly what he did.

10 And at that time he was living with a friend at a
11 different address. So in order to get prepared for this
12 event, because he's expecting the approval for his wife and
13 child to come here, he rented a location at 706 on Fischer
14 and started living there and paying for that.

15 He's got two jobs, Your Honor. He is working day
16 and night. He's making about \$4,400 a month, amount of
17 money that he couldn't even nearly make if he was in Armenia
18 right now based on the condition. He would be lucky to make
19 \$200 a month living in Armenia, and he doesn't want to go
20 back there.

21 The specific indication and the strongest argument
22 that I have to Your Honor about this man's intentions seeing
23 this case through and with the intention that he is going to
24 stay in this country is the following: That when he was
25 given information about a visit by the agent to the previous

1 location that they're looking for him, he contacted and
2 retained the services of my offices. And on Monday I
3 contacted the U.S. attorney to advise them that I am
4 prepared, I am retained, I am arranging for full retainment
5 so I can bring him in.

6 It is very accurate and correct the government
7 insisted that I bring him in the next day, and I told him,
8 based on my trial schedule and hearings, I would like to
9 bring him in on Thursday morning, and the government was
10 gracious enough to allow me to do that. And I met that
11 commitment, Your Honor, and he met that commitment,
12 Your Honor. He was here this morning at 8:00 o'clock sharp
13 and surrendered himself.

14 He's told everyone around him, some of his
15 friends, his employer who was interviewed by the
16 Pretrial Services of this problem, and he intends to fight
17 this thing all the way to the end and see this case through,
18 Your Honor.

19 I cannot be any more certain, any more positive
20 about my argument to Your Honor that his conduct clearly
21 indicates that he intends on seeing this case through and he
22 has no intention of going back to the country.

23 He is willing to surrender his passport. He is
24 willing to be on house arrest. He is willing to be on GPS
25 monitoring, and he is going to continue to pursue his legal

1 rights by way of immigration to continue to bring his wife
2 and child to this country.

3 I wish that he had already done that and approved
4 and his wife was here. I would be able to present his wife
5 as a second surety to sign for a bond for him just like all
6 the other defendants have done, Your Honor.

7 Some of the defendants have had bonds of \$50,000
8 without surety, but they are lucky enough to be able to have
9 a third party sign for them because they have family members
10 here and they have lived here for a long time.

11 As far as the other defendants are concerned,
12 Your Honor, the Court can see and the government knows that
13 the other defendants, most of them, have applied for
14 purchasing expensive homes, for applying for expensive loans
15 and living a lavish life, but my client is not in that
16 nature.

17 In fact, he is a military man as stated in the
18 report. And if I were to address the Indictment right now
19 and try to oppose it, I will be failing very miserably
20 because I have not seen the discovery that the government
21 has.

22 However, Your Honor, the fact of the matter is
23 that, in the report that was prepared by the
24 Pretrial Services, is a clear indication that there is a
25 clear rebuttal to his risk of nonappearance, Your Honor.

1 The Pretrial Services indicates that he has an
2 Armenian passport and foreign travel history. Well, the
3 Court can take the passport away from him and hold on to it
4 until this case is over.

5 Foreign travel. I have already explained to
6 Your Honor the reason he traveled because the first time he
7 had permission to go and come back because his visa and his
8 residency was approved in this country, but he went and came
9 back, Your Honor.

10 He has no bail resources. He can't help that. He
11 is new here, Your Honor, and all he can do is vouch for
12 himself.

13 Partially verified background information. I
14 provided that information through his employer [beeping
15 noise] Miss Yakarian (phonetic) who is a very pleasant lady.
16 She's indicated that his job will be available upon release
17 and he will continue to work for her for so long as this
18 case is pending and beyond that.

19 Family ties to Armenia and no family ties to
20 the -- directly in this district, Your Honor. Well, the
21 only family he's got he's applied for and [beeping nose]
22 here.

23 All the indications, Your Honor, is this defendant
24 is working his way into staying here, not to leave this
25 country -- the job, the money he is making, the financial

1 support he is providing to his family members in Armenia
2 from here, sending money to his sister's children, sending
3 money for family members and yet continuing to work two jobs
4 here to survive.

5 And then when he hears about the Indictment, he
6 comes to an attorney. I went through the Indictment with
7 him completely, Your Honor. I explained to him what he is
8 facing.

9 I told him what the overt acts are, and I told him
10 what could happen if he ends up losing this case, which is
11 jail, Your Honor.

12 And after all that discussion, he still
13 self-surrendered, Your Honor, an act that clearly should not
14 be unseen or forgotten as an indication that he is not in
15 any form or shape a flight risk, Your Honor.

16 Your Honor, the government used the word that now
17 that he is facing the music and he is released things could
18 change. He's already faced the music, Your Honor.

19 He was contacted by a federal agent. He read the
20 Indictment. He saw the people that were arrested. He saw
21 what happened to other people who were arrested at least on
22 bond. He realized that he is facing a very serious charge,
23 and he still kept his promise to come in on Thursday morning
24 and surrender himself.

25 I would ask the Court to please consider allowing

1 this defendant to be released on conditions that the Court
2 will be satisfied by allowing him to sign a surety bond
3 without justification for himself of 50- to \$75,000 and give
4 me -- send the passport to the Court and continue with his
5 livelihood, with his work to be able to support his family
6 in Armenia financially while he is here until this case is
7 resolved, Your Honor.

8 Submitted.

9 THE COURT: Okay. Does the government have
10 final -- any last very brief words?

11 MR. FAERSTEIN: Yes, Your Honor, one thing I
12 alluded to which I should just state.

13 With respect to the allegations regarding the
14 stealing of identities, that also feeds into the
15 government's significant concerns about potential flight in
16 this case and being able to use that or evade law
17 enforcement and get back to Armenia where his whole life is.

18 Just in terms of Mr. Tahmazian mentions that
19 defendant contacted us through Mr. Tahmazian on Monday, we
20 mentioned or said he needs to turn himself in immediately,
21 the only reason we agreed to Thursday is because we thought
22 we had had some agreement as to a bond package and that --
23 we understand it's not something that he can come up with,
24 and we have great concerns, as I have mentioned, without any
25 type of assurances from a bond package.

1 To the extent there is any delay in our getting
2 him into court, it was because we had a different
3 understanding as to what today would be.

4 But with that, I submit, Your Honor.

5 MR. TAHMAZIAN: If I may very briefly respond to
6 that, Your Honor.

7 THE COURT: Very briefly, please.

8 MR. TAHMAZIAN: The request to turn him on
9 Thursday was my request because of my timing and my
10 hearings.

11 The government did send me a proposed bail
12 recommendation. The only condition that I couldn't meet --
13 and I tried -- was the request for the \$125,000 bond by a
14 third party secured by a property after that.

15 Unfortunately -- I tried, and I couldn't meet that
16 because of the fact that my client's family members are not
17 here.

18 Otherwise, I am -- the only other concern I have
19 was because his involvement with his conspiracy, in my
20 opinion, is in a lower grade and the government was asking
21 for a higher bond than set by most of these people who were
22 actually arrested but who did not surrender on their own.
23 They were picked up and brought to court, Your Honor.

24 Submitted.

25 THE COURT: Well, I share the government's concern

1 about risk of flight, especially with the nature of the
2 allegations being the assumption of other people's
3 identities.

4 So with that, I do agree there is a possibility
5 that that could be used to skirt the -- any limitations on
6 my -- the Court's retention of the passport, et cetera.
7 So -- and I just don't see any way around that.

8 And an unsecured appearance bond by someone who
9 you are telling me really is here just starting his life, I
10 don't know if he has any resources at all.

11 So I am going to -- the Court finds that there is
12 a risk of nonappearance for the following reasons as stated
13 in the Pretrial Services report as well as is argued by the
14 parties: He has an Armenian passport; foreign travel
15 history, recent; no bail resources; partially verified
16 background information; all of his family is in Armenia; and
17 he has got no family ties to this district.

18 So for those reasons the Court finds there is no
19 condition or combination of conditions that reasonably will
20 assure the appearance of the defendant at future
21 proceedings; and, on that basis, the Court orders the
22 defendant detained and remanded to the custody of the
23 U.S. Marshal.

24 MR. TAHMAZIAN: May I inquire as to one thing?

25 THE COURT: I'm sorry?

1 MR. TAHMAZIAN: May I inquire as to one issue?

2 If the defendant was able to secure a third party
3 to sign for a bond that's without justification, would that
4 alleviate some of the concerns the Court has? That being
5 the case, I would ask for brief continuance to try to
6 accomplish that task.

7 THE COURT: Why don't we do this. This is all
8 without prejudice. You can always come back. This case has
9 already been assigned to a district judge; so you can take
10 it up with the district judge.

11 If he sends it back it to me, I am happy to deal
12 with it. But for now he is detained. And we'll revisit it
13 whenever you need. This is completely without prejudice.

14 Okay. This case has been assigned to
15 The Honorable Stephen V. Wilson who sits in Courtroom 10A
16 which is on the tenth floor of the First Street courthouse
17 located at 350 West First Street, Los Angeles, California.

18 Judge Wilson has requested that we take the
19 defendant's not guilty plea.

20 Counsel, how does your client intend to plead?

21 MR. TAHMAZIAN: Not guilty, Your Honor.

22 THE COURT: Thank you very much.

23 Mr. Munoz, if you could please take the
24 defendant's plea.

25 THE CLERK: Arman Hayrapetyan, how do you plead to

1 the charges?

2 THE DEFENDANT: I don't -- I have no idea what has
3 happened. I am just a military man. I -- I am against such
4 activities. So if someone doesn't know the language, how
5 can he be involved in such actions?

6 THE COURT: Mr. Hayrapetyan, let me stop you
7 there. The only thing that we are asking here is for you to
8 plead. And so the question is do you plead guilty or not
9 guilty?

10 THE DEFENDANT: Not guilty.

11 THE COURT: Okay. All right. This case has been
12 assigned to a jury trial on May 18, 2021, at 9:00 A.M. The
13 parties are referred to Judge Wilson's procedures and
14 schedules to obtain a copy of the judge's discovery order
15 located on the court's Website.

16 MR. FAERSTEIN: May I interject for a moment?
17 With respect to the trial date, there are seven other
18 defendants in this case, and they all have now a
19 May 4th trial date.

20 And I don't know whether just because of the dates
21 at this point it's not possible to set the same trial date
22 which may or may not get moved given what's going on with
23 COVID. But to the extent that there isn't any restriction
24 on the same trial date being set, that may make things
25 easier for all of the parties.

1 THE COURT: Okay. Well, thank you for that
2 information, but this is all I have. So I am putting it on
3 the record, and you folks can work it out as needed.

4 MR. FAERSTEIN: Okay. Thank you, Your Honor.

5 THE COURT: All right. So in compliance with
6 Rule 5, the prosecution is reminded that in all criminal
7 proceedings the prosecutor is ordered to comply with the
8 disclosure obligations under Brady V. Maryland 373 U.S. 83,
9 1963, and its progeny and is reminded of the possible
10 consequences of not doing so including exclusion of
11 evidence, adverse jury instructions, dismissal of charges,
12 contempt, referral to a disciplinary authority, and
13 sanctions.

14 Anything else for the parties?

15 MR. TAHMAZIAN: Thank you, Your Honor.

16 MR. FAERSTEIN: One final thing, Your Honor, if I
17 could just inquire of Mr. Tahmazian whether he will be
18 seeking discovery under Rule 16 because we can produce --
19 start producing discovery later today if he will be making
20 that request.

21 MR. TAHMAZIAN: I am making that request.

22 MR. FAERSTEIN: Thank you.

23 THE COURT: Okay. Anything else?

24 Have I missed anything, Mr. Munoz?

25 THE CLERK: No, Judge.

1 THE COURT: Thank you, folks.

2 MR. TAHMAZIAN: Thank you, Your Honor. Thank you
3 for the Court's time.

4 THE COURT: Thank you.

5 (Proceedings concluded at 2:43 p.m.)

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CERTIFICATE

I hereby certify that pursuant to Section 753,
Title 28, United States Code, the foregoing is a true and
correct transcript of the stenographically reported
proceedings held in the above-entitled matter and that the
transcript page format is in conformance with the
regulations of the Judicial Conference of the United States.

Date: April 8, 2021.

/S/ CHIA MEI JUI _____

Chia Mei Jui, CSR No. 3287