

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA,	)	Fort Myers, Florida
	)	
	)	Case 2:20-CR-114-FtM-66MRM
Plaintiff	)	
	)	Monday, March 22, 2021
vs.	)	
	)	8:35 a.m. to 9:09 a.m.
CASEY DAVID CROWTHER,	)	
	)	Courtroom 5D
Defendant	)	
_____	)	

TRANSCRIPT OF CHANGE OF PLEA TO COUNTS 5 AND 6

HELD BEFORE THE HONORABLE JOHN E. STEELE,

United States District Court Judge

Official Court Reporter:
Jeffrey G. Thomas, RPR, CRR
2110 First Street, Suite 2-194
Fort Myers, FL 33901
Telephone: (239) 461-2033

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

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THE COURT: Good morning, everyone. This is the case of United States versus Casey David Crowther. It's Case 2:20 Criminal 114.

Counsel if you'd identify yourselves and your respective clients, beginning first with the government?

MR. REICHLING: Good morning, Your Honor. Trent Reichling and Michael Leeman on behalf of the United States. Beside us at counsel table is United States Secret Service Agent Brian Kirby.

THE COURT: Good morning.

Miss Waid?

MS. WAID: Good morning, Your Honor. Nicole Waid and Brian Dickerson on behalf of our client, Casey Crowther; and we also have our legal assistant, Julie Bryan and Julie Camponini.

THE COURT: All right. Good morning everyone.

A couple things. I did receive the prepared summary of the indictment that I had requested. I'll have you know I spent some time, on Sunday, writing my own, and I liked yours much better, so we'll go with yours.

The one thing I did not ask at our last hearing was your positions on jurors taking notes.

MR. REICHLING: Your Honor, the government has no position. We'd be fine with the jurors taking notices.

1 MS. WAID: It's fine with the defense, Your Honor.

2 THE COURT: All right. At some point I'll tell them
3 they are allowed to take notes if they wish.

4 All right. With that, anything else before we
5 proceed?

6 MS. WAID: Your Honor, we notified the Court last
7 night that Mr. Crowther is wanting to enter a plea to Counts 5
8 and 6 of the indictment on the mortgage fraud charges.

9 THE COURT: All right. And is -- what happens to
10 Count 7? That's the third related count?

11 MS. WAID: The government had dismissed Count 7, the
12 money laundering count, last week.

13 THE COURT: Oh, is that right?

14 MR. REICHLING: Your Honor, we hadn't filed a formal
15 motion to dismiss yet, but what we would do is move to dismiss
16 Count 7. For various reasons, but the government would be
17 moving dismiss Counts 7.

18 THE COURT: Any objection?

19 MS. WAID: No objection.

20 THE COURT: That oral motion is granted. Count 7
21 will be dismissed.

22 I gather, then, that the defendant's plea to Counts 5
23 and 6 are without the benefit of a plea agreement?

24 MS. WAID: Yes, sir.

25 THE COURT: And the idea being we try the first four

1 counts, then, starting today?

2 MS. WAID: Yes, Your Honor, that's the request of the
3 defendant.

4 THE COURT: All right.

5 Is that how the government sees it, as well?

6 MR. REICHLING: Yes, Your Honor.

7 THE COURT: Does the government have the elements and
8 facts prepared?

9 MR. REICHLING: Yes, Your Honor. And my apologies to
10 the Court, we actually filed a notice of maximum penalties this
11 morning just before we came to court.

12 THE COURT: I did not look.

13 MR. REICHLING: I wouldn't have expected you to catch
14 it. But I do have it here, so I do have the penalties, and the
15 factual basis as well.

16 THE COURT: Do you have a copy that I can have?

17 MR. REICHLING: Yes, of course, Your Honor.

18 (Mr. Reichling provides a document to the Court.)

19 THE COURT: Thank you.

20 All right, counsel, any reason we should not proceed
21 with the change of plea right now?

22 MS. WAID: No, Your Honor.

23 MR. REICHLING: No, Your Honor.

24 THE COURT: All right.

25 Mr. Crowther, if you and one or both of your lawyers

1 would come on up to the podium for me, please?

2 Mr. Crowther, I've not met you before, so if you'd
3 start by stating your full name for me, please?

4 THE DEFENDANT: My name is Casey David Crowther.

5 THE COURT: And, Mr. Crowther, you've heard your
6 attorneys indicate that you wish to plead guilty to Counts 5
7 and 6 of the second superseding indictment, and then proceed to
8 trial on that same indictment. Is that what you wish to?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: You certainly from the right to plead
11 guilty. Before the Court accepts the plea, however, I need to
12 ask you some questions, both in terms of the voluntariness of
13 the plea and the conduct that you did or didn't do that puts
14 you in violation of the statutes involved in those counts. I'm
15 therefore going to have you placed under oath and proceed to
16 asking you some questions.

17 If, at any point, you wish to confer with your
18 attorney privately, just tell me that, and we'll take a recess
19 or let you confer with your lawyers for as long as you need do
20 so.

21 Do you understand that?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Would you have Mr. Crowther placed under
24 oath, please?

25 COURTROOM DEPUTY: Please raise your right hand.

1 Do you solemnly swear or affirm that the answers you
2 give during this proceeding will be the truth, the whole truth,
3 and nothing but the truth?

4 THE DEFENDANT: Yes, I do.

5 COURTROOM DEPUTY: Thank you.

6 THE COURT: Mr. Crowther, you've just taken an
7 oath -- you can lower your hand. Thank you. You've just taken
8 an oath to tell the truth. If you should knowingly and
9 intentionally make any material false statements or omissions,
10 your testimony could be used against you in a prosecution for
11 perjury, or for making a false statement. Further your
12 testimony may also be used against you in any proceedings if
13 you challenge the taking of the plea, the judgment, the
14 conviction, or the sentence. And, of course, it can be used
15 against you at the time of sentence in this case.

16 Do you understand those things?

17 THE DEFENDANT: I understand, Your Honor.

18 THE COURT: You've already told me your full name.
19 Would you tell me your date of birth, please?

20 THE DEFENDANT: September 2nd, 1980.

21 THE COURT: And makes you how old?

22 THE DEFENDANT: Thirty-five years old.

23 THE COURT: And where were you born?

24 THE DEFENDANT: Fort Myers.

25 THE COURT: How much schooling or other education

1 have you completed?

2 THE DEFENDANT: I have attended high school here,
3 locally, and I have a year of college.

4 THE COURT: And I assume you can read, write, and
5 understand English?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Are you currently under the influence of
8 any drugs, alcohol, medications, or intoxicants?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Have you used any of those kinds of
11 things in the last 48 hours?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Are you currently under the care of a
14 physician or a psychiatrist?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Have you ever been treated for any mental
17 illness?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Do you now suffer from any mental or
20 motional disability?

21 THE DEFENDANT: No, Your Honor.

22 THE COURT: Bottom line is, do you clearly understand
23 where you are, what you're doing, and the importance of this
24 proceeding?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Crowther, I would advise you that,
2 with reference to the charges in the case, particularly
3 Counts 5 and 6 that we're talking about right now, you are
4 presumed to be innocent; and, before you can be found guilty,
5 the burden of proof is upon the United States to prove your
6 guilt beyond a reasonable doubt.

7 You have the right to plead not guilty, and to
8 persist in a plea of not guilty. You have the right to a
9 speedy and a public trial, and to be tried by a jury of 12
10 people, or by a judge if you waive a jury trial.

11 You have the right to be represented by an attorney
12 and have an attorney present with you at all proceedings,
13 including, obviously, this change of plea proceeding.

14 You have the right to confront witnesses against you
15 and cross-examine witnesses called by the government; that is,
16 to see, hear, question, and cross-examine any of the
17 government's witnesses.

18 You may also present witnesses in your own defense,
19 and if those witnesses will not appear voluntarily, you have
20 the right to secure their presence by compulsory process, which
21 the Court will issue, requiring their appearance. This
22 includes having them physically arrested and brought into court
23 so that they may appear as a witness in your case.

24 You need not make any statement about the charges,
25 and you may not be compelled to incriminate yourself or to

1 testify at a trial. On the other hand, if you wish to testify
2 at your trial, you may do so. That choice is yours, and yours
3 alone.

4 If you are tried by a jury, all 12 of the jurors must
5 unanimously agree on your guilt before you could be convicted.

6 Mr. Crowther, do you understand those rights?

7 THE DEFENDANT: I understand, Your Honor.

8 THE COURT: Do you have any questions about any of
9 those rights?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: If you plead guilty, there will be no
12 further trial of any kind, and, on your plea, the Court will
13 find you guilty, and will convict you.

14 It's my duty to advise you that a plea of guilty
15 admits the truth of the charge, but a plea of not guilty denies
16 the truth of the charge.

17 Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: By pleading guilty, you waive and give up
20 your rights to trial, to confront and cross-examine witnesses,
21 to compulsory process for the attendance of defense witnesses,
22 and against self-incrimination. In other words, by pleading
23 guilty, you'll be giving up all the rights that I told you you
24 have in this case.

25 Do you understand that?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Now, both of the counts that you intend
3 to plead guilty to are felony offenses. If you are convicted
4 of a felony offense, you may lose certain civil rights, such as
5 your right to vote, to hold public office, to serve on juries,
6 and to own and possess firearms. A felony conviction may also
7 prevent you from obtaining or keeping certain types of
8 occupational licenses or government benefits.

9 Do you understand that?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Now, you may have defenses to the charge,
12 or charges; but, if you plead guilty, you waive and give up
13 those defenses.

14 You have the right, for example, to challenge the
15 legality of any statement or confession you may have made, or
16 any other evidence obtained or seized from you.

17 By pleading guilty, you waive and give up your right
18 to challenge the way the government obtained any evidence in
19 your case, including any statement or confession that you may
20 have made.

21 In addition, by pleading guilty, you may lose the
22 right to challenge on appeal rulings that the Court has already
23 made in your case.

24 Do you understand those things?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Do you have any questions about those
2 matters?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Now, you've been represented by Ms. Waid
5 and Mr. Dickerson, I suspect from the beginning of the case.
6 Have you had enough time to meet your attorneys and discuss the
7 case with them?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Are you satisfied with the way they have
10 represented you in this matter?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you have any complaints about either
13 what they have done or haven't done in your case?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Do you have any complaints about the way
16 you've been treated by anyone that you think has done something
17 wrong that's causing or inducing you to plead guilty?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Do you have a copy of the second
20 superseding indictment there?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: I'd like to focus on Counts 5 and 6,
23 since those are the only counts that you're pleading guilty to.
24 Have you read those counts, first of all?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And I know you've had a court proceeding
2 and arraignment on those counts, so I gather the magistrate
3 judge explained those counts to you?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you want me to read those two counts,
6 or do you think you understand them well enough to waive the
7 full reading of them?

8 THE DEFENDANT: I understand them, Your Honor.

9 THE COURT: Count 5 charges bank fraud, and . . . it
10 essentially alleges that you committed the bank fraud between
11 on or about May, 2020, and on or about the date of the second
12 superseding indictment, which was February the 10th of 2021.

13 Specifically, Count 5 charges that you entered into a
14 scheme to defraud Angel Oak Mortgage Solutions, LLC, which is a
15 financial institution, by submitting a mortgage loan
16 application and supporting bank statements which knowingly
17 contained false and fraudulent information concerning the
18 source of your down payment and the liquid assets in a certain
19 bank account in order to obtain a mortgage on a residence or a
20 house.

21 That's, in sum, what Count 5 alleges. Do you
22 understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Now, Count 6 alleges that you committed
25 the federal offense of making a false statement. Again, this

1 was to Angel Oak Mortgage Solution, LLC. It's alleged to have
2 occurred on or about July the 31st of 2020.

3 Specifically, Count 6 alleges that you knowingly made
4 false statements in connection with a mortgage application by
5 falsely stating that you had approximately \$1,071,696 in liquid
6 assets in a certain account in order to influence the actions
7 of the Angel Oak Mortgage Solutions, LLC.

8 Do you understand what that count is all about?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you have any questions about the
11 substance of the charges against you in either one of those
12 counts?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Also, have you received the government's
15 notice of maximum penalties, elements of offense, and
16 personalization of elements and factual basis?

17 MS. WAID: We have not received that, Your Honor, as
18 of yet.

19 THE COURT: Okay. Let me have the government give
20 that to you.

21 MR. REICHLING: That is my only copy. I'm sorry
22 about that.

23 MS. WAID: No worries.

24 THE COURT: Ms. Waid, would you like some time to
25 read that?

1 MS. WAID: Yes, just briefly, Your Honor. Thank you.

2 THE COURT: Sure.

3 MS. WAID: Thank you, Your Honor. We've read it.

4 THE COURT: All right.

5 Mr. Crowther, I'm going to go through some of the
6 information that's contained in that notice. I understand that
7 you've just received it, but you can follow along and both
8 listen and read. It may be helpful.

9 First of all, the elements set forth the elements of
10 the essential offense to which you intend to plead guilty. I
11 just summarized the two counts of the indictment.

12 For the bank fraud in Count 5, the government sets
13 forth the essential elements as follows: First, that you
14 knowingly carried out or attempted to carry out a scheme to
15 defraud a financial institution or a scheme to get money,
16 assets, or other property from a financial institution by using
17 false or fraudulent pretenses, representations, or promises
18 about a material fact; second, that the false or fraudulent
19 pretenses, representations, or promises were material; third,
20 that you intended to defraud the financial institution; and
21 fourth, that the financial institution was a mortgage lending
22 business.

23 The government would have to prove each and every one
24 of those elements before you could be convicted of bank fraud.

25 In Count 6, the government would have to prove the

1 following elements: First, that you made a false statement or
2 report; second, that you did so knowingly and with intent to
3 influence the action of the institution described in the second
4 superseding indictment regarding an application, advance
5 commitment, or loan, or a change or extension to any of those;
6 and third, that the institution was a mortgage lending
7 business.

8 Do you understand those elements?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: I guess the bottom-line question is do
11 you understand the two charges that are set forth in the second
12 superseding indictment?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Let's go over the penalties the
15 government has also set forth the penalties on Page 2 of their
16 notice. The government asserts that the penalties are as
17 follows:

18 For Count 5 of the second superseding indictment, the
19 penalty is a term of imprisonment up to 30 years, a fine of up
20 to \$1 million or twice the amount of the gross gain or loss,
21 whichever is greater, a term of supervised release of up to
22 five years, and a mandatory special assessment of \$100.

23 For Count 6, the government asserts that the maximum
24 penalty is a term of imprisonment of up to 30 years, a fine of
25 up to \$1 million or twice the amount of the gross gain or loss,

1 whichever is greater, a term of supervised release of up to
2 five years, and a mandatory special assessment.

3 Those two sentences could be run concurrent or
4 consecutive. If they run consecutive, that just means that you
5 double the first one, and that's your maximum exposure.

6 Do you understand what -- I'm sorry, that's not --
7 there's more here.

8 The government also sets forth that, pursuant to
9 Title 18, United States Code, Section 982(a)(2)(A), and as set
10 forth in the second superseding indictment in the bill of
11 particulars, you shall forfeit to the United States any
12 property constituting or derived from proceeds obtained
13 directly or indirectly from the offenses, including
14 approximately \$630,482.37 in proceeds obtained from the sale of
15 the real property located at 3653 San Carlos Drive, Saint James
16 City, Florida, 33956.

17 Mr. Crowther, do you understand the maximum penalties
18 which could be imposed?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Including the forfeiture provision?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you have any questions about those
23 maximum penalties?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Now, in determining your sentence, the

1 Court is obligated to calculate the applicable sentencing
2 guideline range, and to consider the guideline range, as well
3 as any possible departures under the sentencing guidelines, and
4 other sentencing factors that are set forth in Title 18, United
5 States Code, Section 3553(a). The Court will consider all
6 those things, as I said, including the calculation of the
7 guideline range, in determining what sentence is appropriate.
8 The guidelines are not mandatory, so it's simply one factor the
9 Court considers; but the Court will consider that.

10 Do you understand that?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Have you talked to your attorneys about
13 the sentencing guidelines, and how they might apply to you?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: It is important to understand that no
16 one, including your attorney, knows for sure how the guidelines
17 will apply to you, and that includes me. Until the presentence
18 report is prepared, none of us have any idea -- may have an
19 idea, but we don't know for sure how the guidelines will apply.

20 So I'm sure your attorneys have done their best to
21 calculate the guidelines, and I need you to understand that
22 that's just their best educated guess, so to speak. It's not a
23 promise. No one can tell what you the guidelines are,
24 including me, and we'll have to see what the guidelines are in
25 the presentence report. If the guidelines turn out to be

1 higher than you think they are, nothing you can do about it.
2 I'm not going to allow you to withdraw your plea. The
3 guidelines are what are in the presentence report.

4 Do you understand that?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Now, Mr. Crowther, it's my understanding
7 you're pleading guilty to Counts 5 and 6 without the benefit of
8 a plea agreement; that is, there's no promises that have been
9 made to you by the government of any kind. Is my understanding
10 correct?

11 THE DEFENDANT: That is correct, Your Honor.

12 THE COURT: And has the government made you any
13 promises of any kind in order to induce you to plead guilty?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Has anyone made any promise, or done
16 anything to threaten, or force you, coerce you to plead guilty?

17 THE DEFENDANT: No, Your Honor.

18 THE COURT: Is it your own independent decision to
19 plead guilty?

20 THE DEFENDANT: Yes, it is, Your Honor.

21 THE COURT: It's because that's what you think is
22 best for you?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Crowther, do you have any questions
25 about anything I've said so far?

1 THE DEFENDANT: I do not have any questions,
2 Your Honor.

3 THE COURT: You understood it all?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: With regard to Count 5 of the second
6 superseding indictment, how do you plead, guilty or not guilty?

7 THE DEFENDANT: I'm sorry, could you repeat the
8 question?

9 THE COURT: Sure. With regard to Count 5 of the
10 second superseding indictment, how do you plead, guilty or not
11 guilty?

12 THE DEFENDANT: Guilty, Your Honor.

13 THE COURT: With regard to Count 6 of the second
14 superseding indictment, how do you plead, guilty or not guilty?

15 THE DEFENDANT: Guilty, Your Honor.

16 THE COURT: Are you pleading guilty because you are
17 guilty of each of those two offenses?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Do you now admit that you committed the
20 acts set forth in those counts?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Do you understand that a plea of guilty
23 admits the truth of those charges?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Is your guilty plea entered with an

1 understanding of what it is you're doing today?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Mr. Crowther, I'm going to ask the
4 government to make what's called a proffer of facts that they
5 would anticipate proving if your case were to go to trial. I
6 believe they would be reading or summarizing from the notice
7 that you were just given this morning. I would ask that you
8 listen closely as the government makes the proffer. When they
9 finish, I'm going to ask if you agree with that, and I may ask
10 you a some specific questions as well.

11 Counsel?

12 MR. REICHLING: Thank you, Your Honor.

13 Had the government proceeded to trial on Counts 5
14 and 6, they would prove the following beyond a reasonable
15 doubt. Apologize, Your Honor, I'll try to speak up as best as
16 I can.

17 THE COURT: That's better.

18 MR. REICHLING: And the government is relying on the
19 facts contained within the factual basis section of its notice
20 filed under Docket Entry Number 112, beginning on Page 3.

21 In May of 2020, defendant Casey David Crowther
22 entered into a contract to purchase a home located at 3653 San
23 Carlos Drive, Saint James City, Florida, Zip Code 33956.
24 Crowther eventually closed on and purchased the home on or
25 about July 31st, 2020. To purchase the home, Crowther obtained

1 a loan for a portion of the purchase price from the mortgage
2 lender Angel Oak Mortgage Solutions, LLC, which we'll refer to
3 as Angel Oak.

4 During the application process for the loan, Angel
5 Oak required Crowther to provide bank statements showing the
6 source of funds he intended to use to make the down payment on
7 the property. Angel Oak required those statements from
8 Crowther because, amongst other things, they permitted Angel
9 Oak to evaluate the risk of making a loan to him. The
10 documents also permitted Angel Oak to ensure that Crowther had
11 sufficient money on hand to meet certain payment obligations
12 that would arise during the first year of the loan, e.g. taxes
13 and insurance.

14 Crowther represented to Angel Oak that he would be
15 using money contained in a bank account associated with his
16 single-asset real estate company, 3801 Jade Avenue, LLC,
17 hereinafter referred to as the Jade Avenue account, to make the
18 down payment. In furtherance of that representation, Crowther
19 created three false bank statements with inflated balances for
20 the Jade Avenue account. The bank account statement covered
21 the months of April, May, and June, 2020.

22 Crowther also created a screenshot of a web page
23 which falsely showed an inflated balance for that account as of
24 on or about July 17th, 2020. Crowther provided all four
25 falsified documents to an intermediary mortgage broker whose

1 job it was to gather documents from the borrower and provide
2 them to Angel Oak. The mortgage broker, in turn, provided the
3 falsified May and June bank statements in July 17th's
4 screenshot to Angel Oak.

5 Angel Oak relied on those documents to determine
6 Crowther's qualification for in terms of the loan it ultimately
7 provided to him on or about July 31st, 2020.

8 Shortly before the loan closed, and on July 31st,
9 2020, Crowther signed and submitted to Angel Oak a document
10 which falsely stated that the Jade Avenue account contained
11 approximately \$1,071,696 when, in fact, the account contained
12 no more than approximately \$404,000 -- \$404,114.79, an amount
13 insufficient to make the required down payment.

14 To make the down payment, Crowther relied on, amongst
15 other things, previously undisclosed money, including a draw on
16 a line of credit associated with another business he owned.

17 At all times during the above described events, Angel
18 Oak was a mortgage lending business that financed and
19 refinanced debts secured by interest in real estate, and whose
20 activities affected interstate commerce.

21 THE COURT: Thank you.

22 Mr. Crowther, do you understand and agree with the
23 facts that the government has just read?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Why don't you tell me, in your own words,

1 what you did that makes you guilty of these two offenses.

2 THE DEFENDANT: I doctored the bank statements to
3 obtain a mortgage.

4 THE COURT: All right. Let me go -- walk you through
5 it in a little bit more detail.

6 You were buying a house?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And you needed a mortgage to buy the
9 house?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: And you made an application for a
12 mortgage?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: With whom?

15 THE DEFENDANT: Angel Oak.

16 THE COURT: All right. And was there false
17 information that you ended up conveying to Angel Oak?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Tell me how that came about.

20 THE DEFENDANT: At that time, I needed to make a down
21 payment on the property, and I did not have sufficient funds in
22 that bank account, and so I needed to get sufficient funds in
23 that bank account, so bank statements were altered.

24 THE COURT: How did you go about altering bank
25 statements?

1 THE DEFENDANT: On the computer.

2 THE COURT: All right. So, literally, you just sat
3 down in your home or office and made changes to a bank
4 statement, or made new bank statements, or what?

5 THE DEFENDANT: Yes, Your Honor. Yes.

6 THE COURT: Did you make new statements? Is that the
7 idea?

8 THE DEFENDANT: Yes. I changed the available balance
9 at that day and time.

10 THE COURT: Okay. And, once you changed it, I assume
11 you changed it upwards, so it showed you had more money?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: What did you do with the statements then?

14 THE DEFENDANT: I put them in the mortgage company's
15 portal, I believe.

16 THE COURT: Okay. And what did you understand was
17 going to happen because you did that?

18 THE DEFENDANT: That I would obtain the loan or the
19 mortgage for the property.

20 THE COURT: All right. The statements that you
21 changed may be pretty obvious, but the effect of it was you
22 made false statements? Is that true?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And did you, indeed, get the mortgage?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: And you used the mortgage to purchase the
2 house?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: The dollar figures that the government
5 mentioned, are those approximately correct?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Counsel, any other factual inquiry anyone
8 wants me to make?

9 MR. REICHLING: Nothing from the government, Judge.

10 THE COURT: Miss Waid?

11 MS. WAID: Nothing from the defense, Your Honor.

12 THE COURT: Mr. Crowther, is your plea entered freely
13 and voluntarily?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Mr. Crowther, I didn't ask you this, but
16 is there anything else you want to tell me about the facts that
17 I didn't ask?

18 (Ms. Waid confers with the defendant privately.)

19 THE DEFENDANT: Your Honor, I did sell the house at
20 that time, after, and the mortgage company was paid in full.
21 And the other -- I put 50 percent down, and the other
22 50 percent is sitting in escrow at this time.

23 THE COURT: All right. Thank you.

24 Mr. Crowther, has anyone coached you or told you to
25 testify differently than the truth today?

1 THE DEFENDANT: No, Your Honor.

2 THE COURT: Have you told me the truth?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Having heard everything I've said, do you
5 still wish to plead guilty to Count 5 and Count 6?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Miss Waid, are you satisfied that your
8 client understands what it is he's doing this morning by
9 pleading guilty?

10 MS. WAID: Yes, Judge.

11 THE COURT: And that his plea is entered freely,
12 voluntarily, intelligently, and knowingly?

13 MS. WAID: Yes, Your Honor.

14 THE COURT: Mr. Crowther, I would find that you are
15 now alert and intelligent, that you understand the nature of
16 the charges against you and the possible penalties, and that
17 you appreciate the consequences of pleading guilty. I also
18 find that the facts which the government is prepared to prove,
19 and which you admit are true, set forth all the elements of the
20 offenses in Count 5 and Count 6. I further find that your
21 decision to plead guilty is made freely, voluntarily,
22 knowingly, and intelligently, and that you've received the
23 advice and assistance of a competent attorney.

24 Do you agree with those finding?

25 THE DEFENDANT: Yes, Your Honor.

1 THE COURT: Mr. Crowther, the Court will accept your
2 plea of guilty to Count 5 and your plea of guilty to you
3 Count 6. The Court adjudicates you guilty of Count 5 and
4 Count 6.

5 I will order a presentence report be prepared, and I
6 will give you and your attorneys the date for the sentencing,
7 hopefully, later on today. We'll check and see what is
8 available.

9 I assume there's no need to do anything about a -- to
10 change the bond?

11 MR. REICHLING: No, Your Honor.

12 THE COURT: All right. Anything further, then, in
13 terms of this portion of the proceedings?

14 MS. WAID: Not in terms of this portion for the
15 defense, Your Honor.

16 MR. REICHLING: Same for the government, Your Honor.

17 THE COURT: All right. Why don't we take
18 five minutes and -- well, first of all, let me ask, anything
19 else before we bring the jury in?

20 -- -- -- -- --

21 (Thereupon, at 9:09 a.m., the above-entitled matter was
22 concluded.)

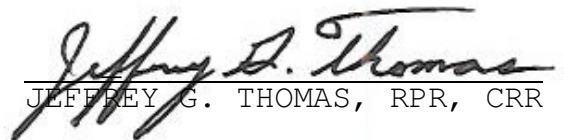
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CERTIFICATE

I CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND
ACCURATE TRANSCRIPT FROM THE ORIGINAL STENOGRAPHIC RECORD IN
THE ABOVE-ENTITLED MATTER.

Dated this 16th day of September, 2021.


JEFFREY G. THOMAS, RPR, CRR