

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) Case No. 24 CR 00424
)
vs.)
)
FRANCESCO DISTEFANO,) Chicago, Illinois
) July 23, 2025
Defendants.) 2:00 p.m.

TRANSCRIPT OF PROCEEDINGS - HEARING
BEFORE THE HONORABLE JEREMY C. DANIEL

APPEARANCES:

For the Government: MR. ANDREW S. BOUTROS
UNITED STATES ATTORNEY
BY: MR. JEFFREY S. SNELL
219 S. Dearborn Street, 5th Floor
Chicago, Illinois 60604

For Defendant: FISHER LEVINE LAW GROUP, LLP
BY: MR. ROBERT A. FISHER
20 S. Clark Street, Suite 700
Chicago, Illinois 60603

Court Reporter: KRISTA BURGESSON, CSR, RMR, CRR
219 S. Dearborn Street
Chicago, Illinois 60604
312-435-5567
krista_burgesson@ilnd.uscourts.gov

* * * * *

PROCEEDINGS REPORTED BY STENOTYPE
TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1 (Proceedings heard in open court:)

2 THE CLERK: 24 CR 424, USA versus DiStefano for
3 revocation hearing.

4 MR. SNELL: Good afternoon, Your Honor. Jeff Snell
5 for the United States.

6 THE COURT: Good afternoon.

7 MR. FISHER: Good afternoon. Robert Fisher for
8 Francesco DiStefano.

9 THE COURT: Good afternoon.

10 Good afternoon, Mr. DiStefano.

11 THE DEFENDANT: Good afternoon, Your Honor.

12 THE COURT: I issued an arrest warrant based on an ex
13 parte motion from the government to revoke pre-trial release
14 for Mr. DiStefano based on allegations that he has committed
15 offenses while on pre-trial release.

16 Have you received a copy of the motion since
17 Mr. DiStefano's arrest, Mr. Fisher?

18 MR. FISHER: I have.

19 THE COURT: Have you had an opportunity to review it?

20 MR. FISHER: I read it. I had to drive down here to
21 get here.

22 THE COURT: Do you need a moment to talk to your
23 client?

24 MR. FISHER: No, I met with him on the 24th floor.

25 THE COURT: So I will hear from you, Mr. Snell,

1 concerning the government's motion.

2 MR. SNELL: Yes, Your Honor.

3 The government is moving to revoke the defendant's --

4 PRE-TRIAL SERVICES OFFICER: Nicole Gibson on behalf
5 of pre-trial.

6 THE COURT: Good afternoon.

7 All right.

8 MR. SNELL: The government is moving for revocation of
9 the defendant's pre-trial release based on two different
10 violations of the pre-trial conditions of release.

11 Specifically the first violation being the defendant
12 was prohibited from committing a State, Federal, or local law
13 while on pre-trial release and the government alleges that
14 there is probable cause to believe the defendant committed a
15 violation of 18 USC 875(c) by transmitting into foreign
16 commerce a threat to an individual in calling a person who is
17 in St. Tropez, France, at the time and threatening to, quote,
18 shoot them. The individual's name is Muneeb, M-u-n-e-e-b,
19 Khurshid, K-h-u-r-s-h-i-d, who apparently is somebody who
20 operates a business that had the consignment of two of
21 Mr. DiStefano's vehicles, and he had some -- he was upset about
22 something with respect to those vehicles.

23 From the interview of Mr. Khurshid, it is the
24 government's understanding that he was threatened with being
25 shot over the phone among other threats transmitted by phone

1 and also threats not to his person but other threats
2 transmitted by text.

3 The second violation that the government alleges is
4 the defendant violated the condition of the pre-trial release
5 order that specifically required the Court's permission for any
6 current or future employment and that he did this by opening a
7 new company called All In One Swipe LLC through a nominee named
8 Nichole Napoli, N-a-p-o-l-i, with whom he opened it in her name
9 because of his own prohibition, and then that being the
10 violation.

11 But then the context also was that Mr. DiStefano took
12 Ms. Napoli's phone number from -- over her phone when he tried
13 to withdraw from the company and otherwise resisted and she
14 provided the government text messages showing this.

15 So those are the two bases that the government alleges
16 or the two conditions that the government alleges Mr. DiStefano
17 violated in the order setting conditions of pre-trial release.

18 THE COURT: Okay.

19 Aside from the documents attached to your motion, do
20 you intend to introduce any evidence into the record?

21 MR. SNELL: Not at this point, Your Honor.

22 I have tendered to counsel more voluminous discovery
23 on the matter but the government's primary support is the
24 documents attached.

25 THE COURT: Okay.

1 Mr. Fisher do you oppose the motion to revoke
2 supervised release?

3 MR. FISHER: Yes, sir.

4 THE COURT: What is the basis?

5 MR. FISHER: The basis is proofs, Judge.

6 I believe that the first allegation will require
7 proofs since the allegation is a threat to shoot somebody who
8 is in France coming from Addison, Illinois, and in terms of the
9 context that this statement was made, if it was made, and the
10 proofs that this was made, and I assume that is probably the
11 reason that the FBI came out this morning, aside from the fact
12 that the Court issued the warrant it was the concern over the
13 allegation that Mr. DiStefano has no weapons, is not and has
14 never been a gun owner, has no weapons, and there was no
15 capability of even carrying this out.

16 And the second allegation, Judge, it involves -- that
17 is his business, which is -- it is credit card processing, and
18 the new company that -- I have seen that the government alleges
19 that he was attempting to form with a third party is what his
20]business is of credit card processing, and of course pre-trial
21 was well aware of what it was he was doing, and I am not so
22 sure that although including a third party might be suspicious,
23 Judge, it is not proof that he violated by being involved in a
24 business that was outside the scope of what it was that he did
25 that the government knew and the Court knew and what he was --

1 that is his business, credit card processing for restaurants,
2 mostly.

3 So I believe an evidentiary hearing -- I recognize in
4 my quick reviews that the standard here is probable cause, but
5 I think an evidentiary hearing is going to be required to
6 actually consider that probable cause standard satisfied.

7 THE COURT: Okay. And what about -- I recall reading
8 allegations of forging 302s and threatening to involve the IRS
9 on an individual.

10 Do you think those are relevant to any of the claims
11 the government is making today?

12 MR. FISHER: I don't know if that is a violation or a
13 crime, but I -- but I also recall seeing it briefly, I haven't
14 reviewed it closely, but I am not sure that that in itself,
15 telling somebody who was a --

16 THE COURT: Impersonating a Federal officer.

17 MR. FISHER: Is that the allegation?

18 THE COURT: Not an official allegation but that would
19 be an offense.

20 MR. FISHER: Impersonating, absolutely.

21 THE COURT: We have to remember the context in which
22 this is coming up.

23 The government is seeking revocation based on two
24 alleged offenses committed by Mr. DiStefano, but I have got to
25 believe that in my discretion in evaluating the propriety of

1 pre-trial release I can consider all conduct that goes into my
2 consideration of whether there is any set of conditions that
3 will insure the safety of the public or Mr. DiStefano's
4 appearance, correct?

5 MR. FISHER: I do not disagree with that at all.

6 THE COURT: I am going to go to pre-trial and hear
7 your views, if any.

8 PRE-TRIAL SERVICES OFFICER: Yes, Your Honor.

9 I am also covering for the officer, so from what I
10 have gathered, we would also just ask for him to be detained.

11 THE COURT: Okay.

12 MR. FISHER: I do have a couple of extra conditions
13 that I would suggest that might be protective of the public and
14 certainly we haven't had a risk of flight issue, with a
15 third-party custodian and no Internet usage at all.

16 May I step back for a moment with my client?

17 THE COURT: Certainly.

18 MR. FISHER: Thank you.

19 THE DEFENDANT: Thank you, your Honor.

20 (Discussion held off the record.)

21 MR. FISHER: Thank you.

22 THE COURT: Give me one second.

23 So Mr. Fisher, you referenced that the credit card
24 processing is Mr. DiStefano's business. Is that a business
25 that was opened while on pre-trial release?

1 MR. FISHER: No, Judge. That has been in existence
2 for many years.

3 THE COURT: Mr. Snell, do you agree?

4 MR. SNELL: Not this business, Your Honor. This
5 business was opened in May of 2024, according to the New Mexico
6 Secretary of State website.

7 And Your Honor, on the point of the business, I do --
8 just to address an argument that was made, the conditions of
9 release provide that current and future employment must be
10 approved by the Court to mitigate third-party risk, and it was
11 not brought before the Court to be approved by the Court.

12 And I don't know if -- from my conversations with
13 Officer Green from Pre-Trial, who is out this week, my
14 understanding is that this business was not known, and this
15 employment was not known, and the circumstances arose, that
16 includes the fake FBI reports and other representations to Ms.
17 Napoli that are untrue, are a part of that, but she was the
18 front for Mr. DiStefano's business. It was a direct violation
19 of the Court's conditions of release.

20 I'm sorry, I think I may have misspoke. 2025, I may
21 have said 2024, it was May of 2025 it was formed.

22 THE COURT: Okay. I understand Mr. Fisher is asking
23 for an evidentiary hearing. I am available to have one. Are
24 you folks around -- or Mr. Snell, if I had an evidentiary
25 hearing, what witnesses do you anticipate calling?

1 MR. SNELL: Your Honor, we are reaching out, I don't
2 know if we have made contact with the individual who was
3 threatened. He was due to come back in the United States
4 Monday, and I -- I'm seeing if Special Agent Gill has heard
5 back. No, he has not heard back. We anticipate calling him.
6 And also calling Ms. Napoli. And also more evidence than is
7 attached to the motion but just with different text messages
8 coming from Mr. DiStefano and other records.

9 THE COURT: Evidentiary hearing, it is a probable
10 cause hearing essentially, in which case, correct me if I am
11 wrong, but I can receive hearsay evidence. So would the agent
12 who spoke to the individual who is out of the country be able
13 to testify as to his conversations?

14 MR. SNELL: I believe so, Your Honor, yes.

15 THE COURT: And is that agent available tomorrow?

16 MR. SNELL: He is.

17 Special Agent Gill, he is in the courtroom.

18 THE COURT: Mr. Fisher, are you ready to question
19 Special Agent Gill now?

20 MR. FISHER: No, Judge.

21 There are volumes of material that was sent, and I
22 would need to review it.

23 THE COURT: Nonetheless, I will call Special Agent
24 Gill now and we will hear from him to flesh out the 302; and
25 Mr. Fisher, if you need more time, I am happy to continue the

1 hearing, but we will get it started now.

2 So Special Agent Gill, take the stand.

3 MR. FISHER: May we be seated?

4 THE COURT: Yes.

5 Raise your right hand.

6 (The witness was sworn.)

7 MR. SNELL: Your Honor may I approach the witness to
8 provide Exhibit 1A from the motion which is the 302?

9 THE COURT: Yes.

10 - - -

11 SPECIAL AGENT Gill, DIRECT EXAMINATION

12 BY MR. SNELL:

13 Q. Good afternoon, Special Agent Gill.

14 A. Hello.

15 Q. Special Agent Gill, I have tendered to you what is marked
16 in the lower center section Exhibit 1A.

17 Are you familiar with this document?

18 A. Yes.

19 Q. How are you familiar with it?

20 A. That is a phone interview I had with Mickey Khurshid.

21 Q. What led you to have the phone call with Mr. Khurshid?

22 A. There was a police report that I had received earlier and
23 had spoken with the police officer and he had mentioned that
24 Mickey had been threatened over the phone and via text message.
25 So then I reached out as a follow-up phone call to interview

1 him.

2 Q. And was this an officer from the Lake County Sheriff's
3 Office?

4 A. Yes.

5 Q. Did Mr. Khurshid provide you pictures of text messages or
6 pictures of screen shots of his phone that he said he received
7 from Mr. DiStefano?

8 A. He did and I attached them to this report. I didn't see
9 them on here but they should be 1A items as part of this
10 report.

11 Q. And, sir, did you write this report after you spoke to
12 Mr. Khurshid?

13 A. Yes.

14 Q. And in this report did you attempt to capture what
15 Mr. Khurshid had told you?

16 A. Yes.

17 Q. And so in this report where it says -- and I am on Page 2
18 of 2, it says, DiStefano also told Khurshid that, quote, I will
19 come shoot you, end quote, was that a quote Mr. Khurshid had
20 provided to you?

21 A. Yes.

22 Q. And at any point did Mr. Khurshid provide you any other
23 information that he felt was relevant to this report, such as
24 his perception of whether Mr. DiStefano was kidding or being
25 anything other than serious?

1 A. He thought he was serious because it seemed -- and I
2 mentioned maybe the sentence prior, DiStefano, Mr. DiStefano,
3 looked up that he had family and had a daughter and he
4 mentioned that he knew where they lived or knew where they
5 were, to that effect.

6 Q. And was there any particular vulnerability of Mr. Kurshid's
7 daughter that you are aware of?

8 A. No.

9 Q. Like being in the hospital?

10 MR. FISHER: Objection.

11 THE COURT: Sustained.

12 A. I think he made a reference to seeing a photo of her in a
13 hospital. I don't know those circumstances.

14 BY MR. SNELL:

15 Q. Did Mr. Khurshid also indicate that Mr. DiStefano made any
16 threats regarding taxes?

17 A. Yes.

18 Q. And did Mr. Khurshid provide pictures of text messages to
19 you involving taxes?

20 A. He did. And so the tax forms had a lots of his identifying
21 information, a correct Social Security number, and also
22 included the business card of Mark Piemonte, who is actually a
23 TFO from the IRS, a Special Agent who had helped us with this
24 investigation.

25 Q. And then are you also familiar with Nichole Napoli?

1 A. Yes.

2 Q. And did you interview Nichole Napoli?

3 A. Yes.

4 Q. And who do you understand Nichole Napoli to be from your
5 interview with Nichole Napoli?

6 A. A previous business partner and relationship. I think they
7 had met way back just on Facebook or social media, then may
8 have had some mutual friends and they continued to talk over
9 the years, until recently when he was released from prison.

10 MR. SNELL: Your Honor, may I approach the witness to
11 tender what has previously been marked as the exhibit to the
12 government's motion, Exhibit 2C?

13 THE COURT: Yes.

14 BY MR. SNELL:

15 Q. Special Agent Gill, are you familiar with the document I
16 have just tendered to you?

17 A. Yes.

18 Q. What is the basis of your familiarity?

19 A. So it was an interview I had with Nichole Napoli, and her
20 father was also present, Joseph Napoli. And I talked to him
21 the day before this.

22 Q. And in that memorandum of interview did you record the
23 contents of what Ms. Napoli said to the best of your ability?

24 A. Yes.

25 Q. And during that interview then did Ms. Napoli -- can you

1 describe what Ms. Napoli told you about this business that was
2 opened?

3 A. Yes.

4 So she was looking for a job, and Francesco said he
5 could help her with that by creating a company called All In
6 One Swipe, as long as he could use her name and identity to
7 create the business. He told her that he would do pretty much
8 everything, and all she had to do is collect the checks or make
9 some phone calls and they would split everything 50/50 in the
10 end.

11 She had also mentioned that he seemed to have a crush
12 on her in some respect and so she was going through a custody
13 battle with her ex-boyfriend at the time and he offered to help
14 her by saying that he was an FBI informant or an agent and was
15 working with me, and I was doing surveillance for him at some
16 point in time and sent her a picture of some surveillance that
17 I had apparently done when she was in the driveway of her
18 ex-boyfriend, and he was wondering why she was in that
19 driveway, or something along those lines.

20 She provided those texts and pictures, and again,
21 those are part of 1A evidence that should be a part of this
22 report.

23 Q. And after you interviewed her or contemporaneous with the
24 interview did she send you in the neighborhood of approximately
25 17 emails containing text messages attached to the emails?

1 A. Yes.

2 Q. And as part of those emails did you see a 302 report that
3 had been modified?

4 A. Yeah, there was a modified 302 talking about an
5 investigation into Ms. Napoli's ex-boyfriend. It appeared to
6 be fake to me. It looked like one of our reports that was
7 altered. It had the wrong case number, a Bates stamp on it,
8 and spoke a language that we typically don't speak of on that
9 report, on an FD 302.

10 Q. And then was there a text message with a picture of what I
11 believe you referenced as Ms. Napoli's ex-boyfriend's house
12 that was represented to be a text message sent from Francesco
13 DiStefano to --

14 A. That was represented to me. I don't know if that was the
15 house, but the way it was set up and what Ms. Napoli told me,
16 that is what I was told.

17 Q. And the text of that text message represented to be from
18 Mr. DiStefano to Ms. Napoli, did it say that you Special Agent
19 Gill had been following her or whatnot?

20 A. Yes, correct.

21 Q. And on -- I am on Page 2 of 4 in Exhibit 2C, and it says
22 here, DiStefano told Napoli that he would do all the work and
23 she needed to be the face of the business?

24 A. Yes.

25 Q. And so is that one of the things then that you understood

1 from your interview with Ms. Napoli?

2 A. Yes.

3 And then in our further checks of that company it is
4 Ms. Napoli's name and Francesco's name is nowhere a part of
5 that.

6 She also made the phone calls to the credit card
7 processors and it is in her name, it wouldn't be in
8 Mr. DiStefano's name, because the credit card processors are
9 the ones that would actually pay out the two to three percent
10 fees to really conduct this business.

11 Q. And then at the time that you interviewed Ms. Napoli, did
12 she have a phone at that point, her own phone?

13 A. She did not. I had no phone to contact her on because her
14 phone number had been ported over to an account that she told
15 me belonged to Mr. DiStefano. It was no longer part of her
16 family's plan with Joseph Napoli, her dad, it was her dad, her
17 mother, and her, on one plan, and her phone number had been
18 removed.

19 Q. And then did Ms. Napoli also accuse Mr. DiStefano of taking
20 her logins to social media?

21 A. Yes, or changing the passwords, because it is two-factor
22 authentication and it would prompt her phone, and since he had
23 her phone number he was able to change passwords that way, and
24 apparently get into her phone and some of the social media
25 accounts and had allegedly sent messages to people in her

1 contacts list pretending to be her.

2 MR. FISHER: I am going to object, Judge, just because
3 of lack of foundation. Hearsay doesn't allow us to never the
4 less admit evidence without foundation.

5 The COURT: This is a probable cause hearing and so
6 hearsay is allowable.

7 MR. FISHER: I agree, hearsay is allowable, but
8 evidence that is being testified to by hearsay still needs a
9 foundation in order to be considered.

10 THE COURT: Beyond, I talked to this person and they
11 told me this?

12 MR. FISHER: Well, it is more -- there is no certainty
13 to it, it is beliefs. There is no testimony regarding whether
14 or not any of this was verified in terms of porting over
15 numbers, in terms of changing passwords, in terms of how this
16 was accomplished.

17 THE COURT: Right, and so that would be corroboration
18 that goes to the weight of the evidence, not necessarily
19 whether I can hear it in the first instance, correct?

20 MR. FISHER: I don't necessarily agree.

21 THE COURT: I want to make sure I understand your
22 objection and am addressing your concerns.

23 MR. FISHER: I do not believe that the agent surmising
24 what was done in terms of phone numbers, passwords, and what
25 not, although it can be testified to through hearsay if that is

1 what the witness, Ms. Napoli, told him. There is no
2 corroboration to borrow your term whatsoever to determine how
3 or if this actually happened.

4 THE COURT: Okay.

5 MR. FISHER: No, Francesco.

6 MR. SNELL: If I may approach the witness with one
7 last exhibit, 2B from the government's motion.

8 THE COURT: Yes.

9 BY MR. SNELL:

10 Q. Special Agent Gill, the four pages that are Exhibit 2B, do
11 you recognize these to be pictures of the text messages that
12 Ms. Napoli sent to you, some of the text messages that Ms.
13 Napoli had provided to you?

14 A. Yes.

15 Q. Okay.

16 If we turn to the second page, the -- do you see the
17 statement where it says, you take -- you are 50 percent every
18 month, and STFU.

19 A. Yes.

20 Q. And did you understand that to be with respect to the
21 agreement that it would be in her name and she would get 50
22 percent of the profits?

23 A. Yes.

24 Q. And continuing on where it reads, I don't want to hear
25 shit, I am signing over Hard Rock Vegas in Atlantic City RN,

1 you are going to STFU, got it, are we in agreement or no.

2 Was it your understanding from what Ms. Napoli
3 provided you that that was Francesco DiStefano speaking with
4 her?

5 A. Yes.

6 Q. Via text?

7 A. Yes, yes.

8 Q. Then if we turn to Page 3, the text where it says -- do you
9 see that there is a file, 2596?

10 A. Yes.

11 Q. References an attachment?

12 A. Yes.

13 Q. And then below the text message it reads, here you go, sign
14 it and you are on payroll at \$125K a year and your name is off
15 the company, you get paid every two weeks, \$125K a year with
16 your benefits including the medical, or I will give you choice
17 to keep your 50 percent but you STFU about everything?

18 A. Yes.

19 Q. And again, did you understand that to be in reference to
20 the business arrangement with All In One Swipe LLC?

21 A. Yes.

22 Q. And then the document that is Page 4 of 4, is this -- is
23 this also a document Ms. Napoli had sent you?

24 A. Yes.

25 Q. At the top it says, file 2596, do you see that?

1 A. Yes.

2 Q. And it refers to in the first paragraph, I, Nichole R.
3 Napoli, relinquish my control and responsibilities for the bank
4 account to the named treasurer of All In One Swipe LLC, and
5 then it goes on.

6 A. Yes.

7 MR. SNELL: Your Honor, those are my questions for
8 Special Agent Gill at this time.

9 THE COURT: Okay.

10 Mr. Fisher, any cross today?

11 MR. FISHER: Judge, if I do some minimal cross today
12 would I then be prohibited from coming back at another time?

13 THE COURT: No.

14 MR. FISHER: Thank you.

15 - - -

16 FRANCESCO DISTEFANO, CROSS EXAMINATION

17 BY MR. FISHER:

18 Q. Agent Gill, I know you have been involved in an
19 investigation of Mr. DiStefano for quite a period of time?

20 A. That is correct.

21 Q. Years?

22 A. Yes.

23 Q. DiStefano Enterprises, is it fair to say it is a credit
24 card processing company?

25 A. Yes.

1 Q. And that is a company that through your investigation and
2 conversations with Mr. DiStefano and examination of documents
3 know that to be his business since I think around 2015?

4 A. Probably, yeah, right around then.

5 Q. Okay. And this business that you say Ms. Napoli spoke to
6 you about, what business was that?

7 A. A credit card processing business.

8 Q. So --

9 A. Point of sales is what they usually say, POS.

10 Q. Right.

11 And so that is very close if not exactly the same as
12 Mr. DiStefano's company, DiStefano Enterprises.

13 A. Correct.

14 Q. The gentleman who was vacationing in France, I forgot his
15 last name, Mr. --

16 A. Khurshid, I think.

17 Q. He showed you a bunch of texts and emails?

18 A. Correct.

19 Q. Did any text and/or email contain any actual threats to
20 shoot him?

21 A. No, not in those texts or emails.

22 Q. Do you know Mr. DiStefano to own a weapon?

23 A. No.

24 Q. Are you aware that his house has been searched during
25 pre-trial visits or at least looked at?

1 A. I wasn't aware of that.

2 Q. There is no evidence suggesting that Mr. DiStefano owned a
3 weapon?

4 A. No.

5 Q. He didn't have a FOID card, concealed carry, or any
6 authority to have a weapon?

7 A. No.

8 Q. And you never knew of him to have a weapon as part of your
9 investigation?

10 A. Correct.

11 Q. And the gentleman told you that this threat to shoot him
12 was during an argument on the phone or a dispute or a
13 discussion regarding the handling of Mr. DiStefano's mother's
14 vehicles, correct?

15 A. Correct.

16 Q. And do you know the context --

17 If that statement was in fact made, do you have any
18 proof that statement was made aside from the witness's
19 statement?

20 A. No.

21 Q. Do you have any proof of any threats to carry it out?

22 A. No.

23 Q. Do you have any evidence of Mr. DiStefano inquiring of when
24 this gentleman would be returning to the United States?

25 A. No.

1 Q. You say he told the gentleman in text messages or emails
2 about reporting Mr. DiStefano, telling him he is going to
3 report him to the IRS?

4 A. I don't know specifically in those words. He may have also
5 told him and then the follow-up text -- I would need those to
6 refresh my memory.

7 Q. Sure, me too.

8 A. It had the picture of the IRS forms and all of his
9 information, all of his identifiers.

10 Q. Is that a crime?

11 A. I don't know.

12 Q. Is sending a picture of an IRS agent's business card a
13 crime?

14 MR. SNELL: Objection, Your Honor. Calls for a legal
15 conclusion.

16 THE COURT: The objection is noted.

17 You may answer. I am taking it as your understanding,
18 Agent Gill.

19 MR. FISHER: Yes, thank you.

20 A. It could be. I don't think he is impersonating
21 Mr. Piemonte at that time, just saying he is working with him
22 and going to give the information to him. That may not be a
23 crime, I don't know.

24 BY MR. FISHER:

25 Q. Understood.

1 In fact, the part about working with him is in part
2 true, correct, to an extent?

3 A. To an extent.

4 Q. Agent Piemonte gave business cards to Mr. DiStefano, and
5 they were together at proffers and speaking to each other?

6 | A. Yes.

7	Q. Okay.
---	----------

8 MR. FISHER: Judge, at this point I would need to
9 review all of these exhibits, none of which are attached right
10 now, but I am understanding they are waiting for me to review.

11 THE COURT: Okay.

12 Any redirect on any of that?

13 MR. SNELL: A couple items briefly, Your Honor.

14 - - -

15 || FRANCESCO DISTEFANO, REDIRECT EXAMINATION

16 BY MR. SNELL:

17 Q. Just to clarify the extent to which Special Agent Piemonte
18 is working with Francesco DiStefano, is that just in the sense
19 that Mr. DiStefano came in and proffered at the United States
20 Attorney's Office?

21 | A. Yes.

22 And many times when we give out cards, it is usually
23 for the attorneys and not necessarily for the subjects to use
24 in their personal time. I don't recall him giving Francesco
25 specifically that card.

1 MR. SNELL: I think that is all my questions at this
2 time, Your Honor.

3 THE COURT: Okay.

4 So the basis for the government's motion is twofold.

5 First, that there is probable cause to believe that
6 Mr. DiStefano has committed a federal, state, or local crime
7 while on release. The crime here is a threat communicated by
8 telephone to an individual who was out of the country. The
9 evidence, as I understand it, are text messages between
10 Mr. DiStefano and the allegedly threatened individual, and
11 statements by the allegedly threatened individual to an FBI
12 agent who reported that Mr. DiStefano threatened to shoot him.

13 Mr. Fisher's points about corroboration are well-taken
14 in the sense that while I don't doubt that the individual
15 relayed this information to Special Agent Gill, without seeing
16 the individual who was threatened, I have no basis to evaluate
17 his credibility as to whether it happened or when it happened,
18 and I also have no independent record, such as telephone
19 records showing that the call happened. So I am left with
20 these text messages. But the text messages are concerning.

21 Looking at Government Exhibit 1B, Page 1 of 2,
22 approximately 1:28 a.m., it looks as though Mr. DiStefano sent
23 a text saying, answer immediately, immediately, three
24 exclamation marks, I will have IRS by you, then a picture of
25 the card, I do -- understand I will have IRS by you, as some

1 type of threat of legal, possibly criminal enforcement
2 activity, that the business card is presumably there -- not
3 presumably, but is there to bolster or support the threat that
4 he has -- or to convey to the recipient that Mr. DiStefano has
5 the ability to actually sic the IRS on someone. So that is
6 concerning.

7 The second basis -- that is concerning, but with
8 respect to probable cause as to whether he committed an
9 offense, that is -- I am unable to find probable cause based on
10 information relayed from an unknown, uncorroborated, though
11 identified, informant for lack of a better term. While we can
12 reach out and find Mr. Khurshid, he is not here to testify, and
13 without independent records to corroborate one, that he was out
14 of the country, and two, that the call was actually made, I
15 won't make a probable cause finding at this point based on the
16 record. I am making a probable cause finding and I am not
17 finding probable cause based on the record in front of me
18 today.

19 With respect to the second aspect of the government's
20 motion that requires clear and convincing evidence that the
21 person has violated any other condition of release, this
22 concerns a point of sale card processing, or transaction
23 processing business, which I understand Mr. Fisher's argument
24 that DiStefano Enterprises, I believe, was a similar type
25 business, and that Mr. DiStefano had been in that line of work

1 since 2015. But the real question is, was that line of work
2 reported to Pre-Trial Services while Mr. DiStefano has been on
3 pre-trial release, and I don't know the answer to that.

4 Mr. Fisher, do you have a view?

5 THE DEFENDANT: Your Honor, can I -- Judge?

6 THE COURT: Mr. DiStefano, I would advise you to
7 consult with your attorney.

8 THE DEFENDANT: Your Honor, can I --

9 MR. FISHER: Don't say any more.

10 THE DEFENDANT: Thank you, Your Honor.

11 THE COURT: And pre-trial, do you know if
12 Mr. DiStefano reported any employment? That would be helpful
13 to know.

14 PRE-TRIAL SERVICES OFFICER: Your Honor, I will
15 actually look right now and let you know.

16 THE COURT: Thank you.

17 THE DEFENDANT: Thank you, Your Honor.

18 THE COURT: One second before I pick back up.

19 Even if he had reported work in this point of sale
20 type work, the circumstances of this All In One Swipe company
21 is concerning in that it seems designed to mask Mr. DiStefano's
22 involvement in the entity, and when you couple that with not
23 revealing this particular business to the Court, and the police
24 report that Ms. Napoli filed in which she expressed concerns
25 about documents being falsified with respect to the business,

1 and without her authority, and the text messages from
2 Mr. DiStefano indicating that he had some hand in controlling
3 the activities and directions of that organization, if it had
4 not been disclosed to the Court, and he was required to do so,
5 I do think there is clear and convincing evidence that he
6 violated that condition of release.

7 That wouldn't stop my inquiry. I would have to go on
8 to either re-evaluate whether he poses a flight risk or a
9 danger to the community or whether he is unlikely to abide by
10 any condition or combination of conditions of release, and I
11 would proceed under that second prong, because I have had
12 concerns about Mr. DiStefano's conduct while on pre-trial
13 release since June 6, 2025, and this incident involving the
14 fraudulent check that was subsequently remedied with a credit
15 card payment to Molly Maid for work performed. I believe I
16 admonished Mr. DiStefano with respect to that incident, and
17 advised him that I don't take lightly to misconduct while on
18 pre-trial release, only to be met with a series of troubling
19 reports given to law enforcement agents by known individuals
20 who have identified themselves to law enforcement which have
21 some veracity to their claims.

22 So it comes down to this is how he is choosing to
23 conduct himself while on stringent conditions of pre-trial
24 release and at risk of the collateral that I believe his
25 parents put up on his behalf. I have concerns that with his

1 ability to continue to abide by -- whether he has been abiding
2 by at all, and definitely with his continued ability to abide
3 by my conditions of pre-trial release.

4 And so do we know --

5 PRE-TRIAL SERVICES OFFICER: Your Honor, I was unable
6 to find anything that approved his new employment.

7 THE COURT: Mr. Fisher, are you aware of any report
8 that he was working at All In One?

9 MR. FISHER: No.

10 THE COURT: Okay.

11 MR. FISHER: I know that -- I know that Ms. Green
12 would come to the house and visit him, and I believe -- I have
13 no proof that she was aware of what his business has been and
14 is and that it can be conducted from home. It was no secret as
15 to what it was.

16 Maybe during our -- we even negotiated about this with
17 our plea agreement, I probably should have brought it up to you
18 at the time he was released, or ordered to be released, it was
19 like everybody was so aware of what his business was, the
20 agents, the government, and I -- I am not going to say
21 Ms. Green, because I haven't discussed it with her, she never
22 made a statement with me. I have emailed with her a few times,
23 I never emailed with her about the business and working from
24 home.

25 THE COURT: Right.

1 The argument that everybody was aware of what he was
2 doing is -- while I can understand the superficial appeal, this
3 is an individual charged with fraud who, in May 2025, is
4 alleged to have opened a new business with essentially a front
5 person that he is instructing to be quiet, to STFU, as the text
6 shows, which is suspicious. And so the notion that everybody
7 understood what he was doing when he is telling his own partner
8 to keep it quiet just doesn't get very far.

9 I do find that clear and convincing evidence supports
10 that Mr. DiStefano has failed to report his employment with All
11 In One credit card processing and that there have been
12 deliberate efforts to hide if not to hide it from the
13 government and the Court, but at least hide it, maybe
14 unknowingly on her part, Ms. Napoli, to keep his involvement
15 and direction or control over that entity, quiet.

16 That type of conduct leads to the Court's concerns
17 about whether he can abide by any condition or combination of
18 conditions of release, and therefore, I do revoke his pre-trial
19 release.

20 As I have mentioned, I will stick to my word, if you
21 find additional evidence concerning my findings that you want
22 to have a further evidentiary hearing on, file the motion and
23 we will schedule the hearing. Okay?

24 MR. FISHER: Got it.

25 MR. SNELL: Thank you, Your Honor.

1 THE COURT: All right.

2 Mr. DiStefano is remanded to the custody of the U.S.
3 Marshals.

4 MR. FISHER: Could we ask that he be housed at MCC so
5 I can go over all of these exhibits with him and --

6 THE COURT: That is beyond my control. I defer to the
7 Marshals on their administration, absent any extenuating health
8 needs and other requirements.

9 MR. FISHER: What about mine? Seriously, Kankakee, I
10 just had my knee replaced, I don't know if that can count, but
11 I would sure like it to be here, it is easier to walk two
12 blocks than go there.

13 THE COURT: I understand. And again, I leave it to
14 the Marshals to decide where to house Mr. DiStefano.

15 MR. FISHER: Okay.

16 THE COURT: Thank you all.

17 MR. SNELL: Thank you.

18 THE DEFENDANT: Can I speak to my attorney for a
19 moment?

20 THE COURT: Have you got time?

21 THE MARSHAL: A couple minutes, Your Honor.

22 THE COURT: Okay.

23 Thank you.

24 (Concluded at 2:51 p.m.)

25

* * * * *

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled matter.

/s/Krista Burgeson

February 20, 2026

Krista Burgeson
Official Court Reporter