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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL ACTION FILE
v.	)	NO. 1:22-CR-00284-SEG
	)	
HARRESCIA HOPKINS,	)	
	)	CHANGE OF PLEA
Defendant.	)	
_____	)	

BEFORE THE HONORABLE SARAH E. GERAGHTY
TRANSCRIPT OF PROCEEDINGS
DECEMBER 20, 2022

APPEARANCES:

For the Plaintiff:	OFFICE OF THE U.S. ATTORNEY (By: GARRETT BRADFORD)
For the Defendant:	ALPER LEGAL P.C. (By: Benjamin Black Alper)

Proceedings recorded by mechanical stenography
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1 P R O C E E D I N G S

2 (Atlanta, Fulton County, Georgia, December 20th, 2022, in
3 open court.)

4 THE COURT: This is the case of the United States
5 versus -- help me pronounce your name. Is it Harrescia?

6 THE DEFENDANT: Yes.

7 THE COURT: Harrescia Hopkins, criminal indictment
8 number 1:22cr284.

9 will counsel for the parties please identify
10 themselves and name of the parties you represent, starting
11 with the Government.

12 MR. BRADFORD: Good morning, Your Honor. Garrett
13 Bradford on behalf of the United States. I'm joined at
14 counsel table this morning by Benjamin Gorrel of the U.S.
15 Department of Justice Office of Inspector General.

16 THE COURT: Good morning to both of you.

17 MR. ALPER: Good morning, Your Honor. Benjamin
18 Alper here with Ms. Hopkins.

19 THE COURT: Good morning.

20 And good morning to you, Ms. Hopkins.

21 I understand that Ms. Hopkins wishes to enter a plea
22 of guilty to counts I and II of the criminal indictment and
23 that there is a plea agreement.

24 Is that correct, Mr. Alper?

25 MR. ALPER: Yes, Your Honor.

1 THE COURT: Do you have the plea agreement,
2 Mr. Bradford?

3 MR. BRADFORD: I do, Your Honor.

4 THE COURT: Okay. Could you please verify the
5 signatures of the defendant and defense counsel on the plea
6 agreement.

7 MR. BRADFORD: Yes, Your Honor.

8 THE COURT: I'm so sorry. Ms. Pittman has kindly
9 pointed out that I forgot to ask her to swear in the
10 defendant.

11 Ms. Pittman.

12 DEPUTY COURTROOM CLERK: Ms. Hopkins, will you
13 please rise and raise your right hand.

14 HARRESCIA HOPKINS,
15 a witness herein, having been first duly sworn, was examined
16 and testified as follows:

17 DEPUTY COURTROOM CLERK: Thank you. You may be
18 seated.

19 THE COURT: All right. Mr. Bradford.

20 MR. BRADFORD: Good morning, Ms. Hopkins.

21 THE DEFENDANT: Good morning.

22 MR. BRADFORD: I'm showing you a document entitled
23 guilty plea and plea agreement. Have you reviewed this
24 document with your counsel?

25 I need you to say "yes".

1 THE DEFENDANT: Yes.

2 THE COURT: Ms. Hopkins, can you move the microphone
3 a little bit closer to you so we can hear you.

4 MR. BRADFORD: Ms. Hopkins, is this your signature
5 above your printed name on Page 15 of the document?

6 THE DEFENDANT: Yes.

7 MR. BRADFORD: Is this your signature on Page 16 of
8 the document as well?

9 THE DEFENDANT: Yes.

10 MR. BRADFORD: Mr. Alper, is this your signature on
11 Page 15 of the document?

12 MR. ALPER: Yes.

13 MR. BRADFORD: And is it your signature on Page 17
14 of the document as well?

15 MR. ALPER: It is.

16 MR. BRADFORD: Thank you.

17 Your Honor, Page 15 also contains my signature as
18 well as the signature of Nathan Kitchens on behalf of the
19 United States, and the Government now tenders the plea
20 agreement.

21 THE COURT: Thank you.

22 BY THE COURT:

23 Q Okay. Ms. Hopkins, the purpose of today's hearing is for
24 me to determine whether to accept your guilty plea. To help
25 me make that determination, I'm going to be asking you many

1 questions to make sure that you understand your rights and the
2 rights you waive when pleading guilty.

3 It's important for me to be thorough at change of plea
4 hearings like this one, so that's the reason for the number of
5 questions I will ask today.

6 with that, we'll get started.

7 Ms. Hopkins, before I can accept your plea of guilty, I
8 must make sure that your guilty plea is voluntary, knowing,
9 and intelligently made. That is, I need to make sure that you
10 understand the rights you have, the options available to you,
11 and the consequences of pleading guilty.

12 In order to find that you are entering a plea of guilty
13 voluntarily, knowingly and intelligently, again, I'm going to
14 be asking you a number of questions. If you do not understand
15 something that I say, or if you have any questions, please let
16 me or your lawyer know.

17 You will agree to do that?

18 A Yes.

19 Q Ms. Hopkins, we need to be able to hear your responses
20 today, so I'm going to have to ask you to move that microphone
21 closer to you and speak up. I understand that you are -- you
22 may be feeling a little bit emotional right now; is that
23 correct?

24 A Yes.

25 Q All right. That is completely understandable. I'm going

1 to just ask you these questions one by one, but I do need to
2 hear your responses. So if I can just ask you to speak up a
3 little bit, please. Okay. All right.

4 You have just taken an oath to tell the truth. So you
5 must answer any questions asked of you completely and
6 truthfully.

7 It's important that you answer truthfully, as the
8 Government would have the right to pursue perjury charges
9 against you, if you were to make false statements under oath
10 today.

11 Do you understand that?

12 A Yes.

13 Q Have you been advised by anyone not to tell the complete
14 truth today?

15 A No.

16 Q Please state your full, legal name.

17 A Harrescia Denisha Hopkins.

18 Q Have you been known by any other name?

19 A No.

20 Q How old are you, ma'am?

21 A 34.

22 Q Where were you born?

23 A Jackson, Mississippi.

24 Q How far did you go in school?

25 A I have a Masters in Public Administration with a

1 concentration in Healthcare Management.

2 Q Okay. Can you read and write in English?

3 A Yes.

4 Q In the last 24 hours, have you had any alcohol, pills,
5 medicine, or drugs of any kind?

6 A Pills, yes.

7 Q Okay. Tell me what kinds of pills, please.

8 A My anxiety medicine.

9 Q Okay. Any other kinds?

10 A No.

11 Q Okay. Is there any reason to believe that the medicine
12 you take for anxiety would impair or affect in any way your
13 ability to enter a knowing and voluntary plea to the charged
14 offense today?

15 A No.

16 Q Okay. Have you recently been treated for alcoholism or
17 addiction to drugs of any kind?

18 A No.

19 Q Have you recently been treated or hospitalized for any
20 mental illness or condition?

21 A Outpatient, yes.

22 Q Outpatient, okay. And, again, is there any reason to
23 believe that whatever treatment you have received outpatient
24 would impair or affect in any way your ability to enter a
25 knowing and voluntary plea today?

1 A No.

2 THE COURT: Mr. Alper, has Ms. Hopkins told you
3 anything about medication, pills, drugs, alcohol or other
4 factors that might affect her actions today or do you know of
5 any?

6 MR. ALPER: No, Your Honor.

7 THE COURT: Do you have any doubt as to Ms. Hopkins'
8 competence to plead at this time?

9 MR. ALPER: No, Your Honor.

10 BY THE COURT:

11 Q Ms. Hopkins, I'm going to go over a number of rights that
12 the Constitution and laws of the United States guarantee to
13 you. I need to make sure that you understand these rights
14 and, very importantly, that you give up a number of these
15 rights by pleading guilty.

16 Do you understand that under the Constitution and laws of
17 the United States, you have the right to plead not guilty and
18 maintain your plea of not guilty to and through a trial by
19 jury?

20 A Yes.

21 Q Do you understand that you are entitled to a speedy and
22 public trial by a jury or judge on the charges contained in
23 the indictment?

24 A Yes.

25 Q Do you understand that if a trial occurred, you would

1 have the right to have counsel to assist you throughout the
2 trial?

3 A Yes.

4 Q Do you understand that at a trial, you would be presumed
5 to be innocent and the Government would have to overcome that
6 presumption and prove you guilty beyond -- excuse me -- and
7 prove you guilty by competent evidence and beyond a reasonable
8 doubt?

9 A Yes.

10 Q Do you understand that at trial, you would not have to
11 prove that you were innocent, because the burden would be on
12 the Government to prove you guilty beyond a reasonable doubt?

13 A Yes.

14 Q Do you understand that you would have the right at trial
15 to subpoena witnesses and compel their appearance on your
16 behalf?

17 A Yes.

18 Q Do you understand that in the course of a trial, the
19 witnesses for the Government have to come to court and testify
20 in your presence?

21 A Yes.

22 Q Do you understand that in the course of a trial, your
23 counsel could cross-examine the witnesses for the Government,
24 object to evidence offered by the Government, and offer
25 evidence on your behalf?

1 A Yes.

2 Q Do you also understand that at a trial, while you would
3 have the right to testify, if you chose to do so, you would
4 also have the right not to testify?

5 A Yes.

6 Q Do you also understand that at a trial, if you chose not
7 to testify or put up any evidence, these facts could not be
8 used against you?

9 A Yes.

10 Q Do you understand that you have the right at trial to
11 have the jury render a unanimous verdict, before you could be
12 convicted?

13 A Yes.

14 Q Do you understand that if you went to trial and were
15 convicted, you would have the right to appeal the
16 determination of your guilt and any sentence imposed to a
17 higher court, and just as at a trial, you would have the right
18 to the assistance of a lawyer to perfect the appeal, if you
19 were entitled to one in this court?

20 A Yes.

21 Q If I accept your plea, do you understand that you will
22 waive your right to a trial and the other rights I have just
23 discussed?

24 A Yes.

25 Q Do you understand that by entering a plea of guilty,

1 there will be no trial and I will simply enter a judgment of
2 guilty and you will be sentenced on the basis of your guilty
3 plea?

4 A Yes.

5 Q By admitting your guilt, you lose the presumption of
6 innocence. The Government no longer has to prove you guilty
7 because you admit your guilty. No witnesses will be called to
8 testify or other evidence admitted on the issue of guilt or
9 innocence.

10 Do you understand that?

11 A Yes.

12 Q By pleading guilty, do you also understand that you will
13 have to waive your right not to incriminate yourself, since I
14 will have to ask you questions about what you did in order to
15 satisfy myself that you are guilty as charged and you will
16 have to admit your guilt?

17 A Yes.

18 Q Once again, are you willing to waive and give up your
19 right to a trial and the other rights I have just discussed?

20 A Yes.

21 THE COURT: At this time, I will ask Mr. Bradford,
22 please, to summarize the terms of the plea agreement, and just
23 the terms, please, Mr. Bradford. I'll ask you in just a
24 moment about the sentence.

25 MR. BRADFORD: Yes. Thank you, Your Honor.

1 Your Honor, the guilty plea and the plea agreement
2 includes provisions that state that the defendant admits that
3 she is pleading guilty because she is, in fact, guilty of the
4 crimes charged in counts I and II.

5 The Government agrees to not bring additional
6 charges against the defendant related to the charges to which
7 she's pleading guilty.

8 For purposes of the sentencing guidelines, the
9 parties agree that the amount of loss resulting from the
10 offenses of conviction and all relevant conduct is more than
11 \$40,000 but less than \$95,000.

12 The Government will recommend that the defendant
13 receive maximum credit for acceptance of responsibility.

14 The parties reserve the right to inform the Court
15 and probation office about all the facts and circumstances
16 regarding the defendant in this case and to answer questions,
17 correct misstatements, and make recommendations to the Court.

18 Should the Government obtain or receive additional
19 evidence concerning the facts underlying such recommendations,
20 the Government reserves the right to modify those
21 recommendations.

22 The Government agrees to recommend that the
23 defendant be sentenced at the low end of the adjusted
24 guideline range. The defendant agrees to pay \$41,655 as
25 restitution. The defendant waives and abandons any interest

1 in property subject to forfeiture in this case.

2 The defendant agrees that she will pay a special
3 assessment in the amount of \$200 and pay any fine and/or
4 restitution ordered by the Court.

5 The defendant agrees to participate in the financial
6 disclosure process prior to sentencing.

7 The defendant understand that the recommendations
8 and stipulations in the plea agreement are not binding on the
9 Court.

10 There is a limited waiver of appeal that reads in
11 full to the maximum extent permitted by federal law, the
12 defendant voluntarily and expressly waives the right to appeal
13 her conviction and sentence and the right to collaterally
14 attack her conviction and sentence in any post-conviction
15 proceeding, including but not limited to motions filed
16 pursuant to 28 U.S.C. 2255 on any ground except that the
17 defendant may file a direct appeal of an upward departure or
18 upward variance above the sentencing guideline range as
19 calculated by the district court. Claims that the defendant's
20 counsel rendered constitutionally ineffective assistance are
21 excepted from this waiver.

22 The defendant understands that this plea agreement
23 does not limit the Government's right to appeal. But if the
24 Government initiates a direct appeal of the sentence imposed,
25 the defendant may file a cross appeal of that same sentence.

1 There is a waiver of Freedom of Information Act and
2 Privacy Act rights.

3 And, finally, there is a merger clause stating there
4 are no other agreements, promises, representations or
5 understandings between the defendant and the Government.

6 THE COURT: Okay. Thank you, Mr. Bradford.

7 BY THE COURT:

8 Q Ms. Hopkins, the prosecutor has disclosed a plea
9 agreement that you and all counsel have entered into and the
10 terms of that agreement.

11 Do you agree with the description of the agreement that
12 you just heard?

13 Put another way, is this what you have agreed to?

14 A Yes.

15 Q Do you understand the plea agreement?

16 A To a certain extent.

17 Q Okay. Can you tell me when you say "to a certain
18 extent", what do you mean by that? Is there some part of the
19 plea agreement that you are -- you do not understand?

20 A What is the low end.

21 THE COURT: I'm sorry. I couldn't hear you.

22 THE DEFENDANT: The low end. What does that mean?

23 THE COURT: So, let me get to the page in the plea
24 agreement to which I believe the Government was referring.

25 MR. ALPER: Do you want me to speak with her, Judge?

1 THE COURT: Yes. I think that would be helpful.
2 why don't you all take a few minutes.

3 And, Ms. Hopkins, I understand that this is a
4 difficult day for you. And so, if you need a few minutes to
5 speak with your lawyer, that would be completely fine with me.

6 MR. ALPER: Thank you, judge.

7 THE COURT: All right. So let me -- let's be in
8 recess for five minutes.

9 MR. ALPER: Thank you.

10 (Whereupon, a break was taken.)

11 THE COURT: Mr. Alper, does Ms. Hopkins wish to
12 proceed with the change of plea hearing at this time?

13 MR. ALPER: She does, Your Honor.

14 And we apologize. Obviously it's very emotional.
15 It's a tough day and we knew it was going to be a tough day.
16 she's ready, and we'll get through it. So I appreciate the
17 Court's patience.

18 THE COURT: There is no need whatsoever to
19 apologize.

20 BY THE COURT:

21 Q Ms. Hopkins, do you want to go forward with the change of
22 plea hearing today? Should we proceed with the hearing today?

23 A Yes.

24 Q Okay. Ms. Hopkins, have you read the plea agreement?

25 A Yes.

1 Q Okay. And have you had an opportunity to talk to your
2 lawyer your about the agreement and the provisions that it
3 contains?

4 A Yes.

5 Q Okay. You expressed confusion a moment ago about one
6 particular term of the agreement. The term that subject to
7 certain conditions, the Government will recommend a sentence
8 at the low end of the guideline range.

9 Have you had an opportunity to discuss that part of the
10 plea agreement with your attorney?

11 A Yes.

12 Q Okay. And having discussed it with your lawyer, do you
13 feel that you understand that particular part of the plea
14 agreement at this point?

15 A Yes.

16 Q Okay. Do you understand that the terms of the plea
17 agreement are mere recommendations to the Court and that the
18 Court can reject the recommendation without permitting you to
19 withdraw your plea of guilty and can impose a sentence that is
20 more severe than you might anticipate?

21 A Yes.

22 Q Is this the only agreement that you have entered into
23 with the Government?

24 A Yes.

25 Q Ms. Hopkins, has anyone made any promise other than the

1 plea agreement that induced you to plead guilty?

2 A No.

3 Q Has anyone made a promise to you as to what your actual
4 sentence will be?

5 A No.

6 Q Other than the plea agreement, has anyone threatened or
7 forced you to plead guilty or told you that if you do not
8 plead guilty, further charges will be brought against you or
9 other adverse actions will be taken against you?

10 A No.

11 THE COURT: Mr. Alper, have you advised Ms. Hopkins
12 concerning the legality of any statements or confessions or
13 other evidence the Government has against her?

14 MR. ALPER: Yes, ma'am.

15 THE COURT: Is Ms. Hopkins pleading guilty because
16 of any illegally-obtain evidence in the possession of the
17 Government, to your knowledge?

18 MR. ALPER: No, Your Honor.

19 THE COURT: Have you made any promises to
20 Ms. Hopkins of a particular sentence, in the event of a plea
21 of guilty?

22 MR. ALPER: No, Your Honor.

23 THE COURT: Do you have any knowledge of any plea
24 agreement or bargain affecting the plea being tendered in this
25 case, other than what has been discussed here in open court?

1 MR. ALPER: No, Your Honor.

2 THE COURT: Do you know of any reason why I should
3 not accept the plea of guilty today?

4 MR. ALPER: No, judge.

5 THE COURT: Have you had sufficient time to discuss
6 this matter fully with your client, prior to her entry of a
7 plea of guilty today?

8 MR. ALPER: Yes, Your Honor.

9 BY THE COURT:

10 Q Ms. Hopkins, do you feel that you have had sufficient
11 time to think about and discuss this matter fully with your
12 lawyer, before entering a plea of guilty today?

13 A Yes.

14 Q Are you satisfied with the representation of your lawyer
15 in this case?

16 A Yes.

17 Q Have you had enough time to talk with your lawyer about
18 this plea offer and whether or not you should accept it?

19 A Yes.

20 Q In this case, you have been charged with two counts of
21 wire fraud under 18 U.S. Code 1343.

22 THE COURT: At this time, I will ask Mr. Bradford,
23 please, to state the elements of the offense alleged in the
24 indictment to -- of the offenses alleged in the indictment to
25 which Ms. Hopkins is pleading guilty.

1 And, Ms. Hopkins, after the prosecutor is finished,
2 I will, then, ask you whether you understand that those are
3 the matters that that the Government would have to prove
4 beyond a reasonable doubt in order to convict you at trial.

5 MR. BRADFORD: Your Honor, the elements of wire
6 fraud charged in both counts I and II of the indictment, the
7 elements are, first, the defendant knowingly devised or
8 participated in a scheme to defraud someone by using false or
9 fraudulent pretenses, representations, or promises.

10 Second. The false pretenses, representations or
11 promises were about a material fact.

12 Third. The defendant acted with the intent to
13 defraud.

14 And, fourth, the defendant transmitted or caused to
15 be transmitted by wire some communication in interstate
16 commerce to help carry out the scheme to defraud.

17 THE COURT: Okay. Thank you, Counsel.

18 BY THE COURT:

19 Q Ms. Hopkins, do you understand what the Government is
20 charging you with here?

21 A Yes.

22 Q Have you discussed with your lawyer the charges in the
23 indictment to which you intend to plead guilty?

24 A Yes.

25 THE COURT: At this time, I'm going to ask

1 Mr. Bradford to summarize what the evidence will show. And
2 here again, Ms. Hopkins, I'd ask you to listen closely to what
3 the prosecutor says, because when he's finished, I will, then,
4 ask you whether you agree or disagree with what he says.

5 MR. BRADFORD: Your Honor, as stated in paragraph 12
6 of the plea agreement, the parties agree that if this case
7 went to trial, the Government would prove by admissible
8 evidence and beyond a reasonable doubt the following facts:
9 On or about August 3rd, 2020, while residing in the Northern
10 District of Georgia and employed as a Federal Bureau of
11 Prisons correctional officer at the United States Penitentiary
12 in Atlanta, Georgia, the defendant electronically signed and
13 submitted a Paycheck Protection Program or PPP borrower
14 application form for a business named Hopkins Towing and
15 Storage via the internet to MBE Capital Partners, LLC.

16 The defendant requested a loan in the amount of
17 \$19,100 and falsely stated on the application that Hopkins
18 Towing and Storage was 100 percent owned and operated by the
19 defendant; had gross income of \$100,525 in 2019 and would use
20 the PPP loan to maintain payroll or for other business
21 expenses. The defendant submitted a false IRS Schedule C form
22 to support her application.

23 On or about August 17th, 2020, the defendant
24 electronically signed and submitted via the internet a U.S.
25 Small Business Administration note for SBA loan number ending

1 in 8207 in the amount of \$19,100.

2 On or about August 26th, 2020, as a result of the
3 loan application and note signed by the defendant, MBE Capital
4 Partners transferred \$19,100 into her checking account. The
5 U.S. Small Business Administration also paid MBE Capital
6 Partners a \$955 lender guarantee fee.

7 On or about January 21st, 2021, the defendant
8 electronically signed and submitted a PPP second draw borrower
9 application form for an additional \$19,100 for Hopkins Towing
10 and Storage via the internet to MBE Capital Partners. This
11 same application repeated the same false statements. I'm
12 sorry. This application repeated the same false statements
13 and attached the same falsified IRS Schedule C form as the
14 first application.

15 On or about February 4th, 2021, the defendant
16 electronically signed and submitted via the internet a U.S.
17 Small Business Administration note for SBA loan number ending
18 in 8307 in the amount of \$19,100.

19 On or about February, 11th, 2021, as a result of the
20 loan application and note signed by the defendant, MBE Capital
21 Partners transferred an additional \$19,100 into her checking
22 account. The US SBA also paid MBE Capital Partners an
23 additional \$2500 lender guarantee fee.

24 when making these applications, the defendant knew
25 that Hopkins Towing and Storage was not a real or functioning

1 business, and knew that the information on the applications
2 and IRS Schedule C form was not true.

3 The defendant spent the PPP money on personal
4 expenses, including a Caribbean cruise and other travel, a
5 down payment and other expenses relating to purchasing a new
6 Chevrolet Blazer, landscaping for her house, restaurant meals,
7 and retail goods. The defendant also transferred some of the
8 money to relatives.

9 THE COURT: Thank you, Counsel.

10 Mr. Alper, do you have material disagreements with
11 the Government's summary of the evidence that the Government
12 could prove, if the case went to trial?

13 MR. ALPER: No, Your Honor, I don't.

14 BY THE COURT:

15 Q Ms. Hopkins, do you understand -- do you agree with the
16 prosecutor's summary of what you did?

17 MR. ALPER: Can I have a moment?

18 THE COURT: Sure.

19 MR. ALPER: There may be some question as to how the
20 money was used, Judge. I mean it doesn't change, I think, the
21 material facts of the charge and what they would prove as to
22 how it was spent is kind of irrelevant. But regarding her
23 car, her vehicle, that may not have gone to that, but it was
24 all in the same account, so it was kind commingled. So I
25 think that's kind of where she's coming from. That's the only

1 question she's raising.

2 BY THE COURT:

3 Q Okay. So if I understand correctly, and Ms. Hopkins,
4 correct me if I'm mistaken here, but you are expressing some
5 disagreement about how the funds that you received were spent;
6 is that correct?

7 A Yes.

8 Q Do you have any disagreement with any of the other -- any
9 of the other description that the prosecutor has provided of
10 the conduct that you engaged in in this case?

11 A Landscaping.

12 Q Okay. So, again, you are describing an allegation that
13 the Government made about how the money was spent; is that
14 correct?

15 A Yes.

16 Q And other than quarrels about how the Government says the
17 money was spent, do you have any disagreement about what the
18 Government says that you did in this case?

19 A No.

20 THE COURT: Okay. And, Mr. Alper, do you consider
21 that Ms. Hopkins' disagreement about whether or not she spent
22 money on landscaping, do you consider this to be a material
23 disagreement that would undermine the Government's summary of
24 the evidence that it could prove, if the case went to trial?

25 MR. ALPER: Not at all, Judge.

1 THE COURT: Okay.

2 BY THE COURT:

3 Q Ms. Hopkins, are you, in fact, guilty of counts I and II,
4 wire fraud in violation of 18 U.S.C. 1343?

5 A Yes.

6 Q All right.

7 THE COURT: I find that there is a factual basis for
8 the plea of guilty.

9 At this time, I'll ask Mr. Bradford to state the
10 maximum penalty and fine that can be imposed on this charge
11 and any mandatory minimums that might apply at sentencing.

12 MR. BRADFORD: Yes, Your Honor.

13 As to each of the counts I and II, there is a
14 maximum term of imprisonment of 30 years. There is no
15 mandatory minimum term of imprisonment. There's a term of
16 supervised release of zero to five years, a maximum fine of
17 \$1 million or twice the gain or twice the loss, whichever is
18 greatest, due and payable immediately, full restitution, a
19 mandatory special assessment of \$100, and forfeiture of any
20 and all proceeds from the commission of the offense, any and
21 all property used or extended to be used to facilitate the
22 offense and any property involved in the offense.

23 THE COURT: Mr. Alper, do you agree with the
24 Government's statement?

25 MR. ALPER: Yes, Your Honor.

1 BY THE COURT:

2 Q Ms. Hopkins, do you understand the maximum and minimum
3 penalties that may be imposed, as a result of your guilty
4 plea?

5 A Yes.

6 Q Do you understand that it will be up to the Court to
7 decide the sentence that you receive?

8 A Yes.

9 THE COURT: Mr. Alper, is your client a United
10 States citizen?

11 MR. ALPER: She is, Your Honor.

12 THE COURT: Okay. So there are no immigration
13 consequences to the plea of which you are aware?

14 MR. ALPER: That's correct.

15 THE COURT: Okay.

16 BY THE COURT:

17 Q Ms. Hopkins, the United States Sentencing Commission has
18 issued guidelines that judges are obligated to consider in
19 determining the sentence in a criminal case.

20 Have you and your lawyer talked about how the sentencing
21 guidelines might apply to your case?

22 A Yes.

23 Q Essentially, the guidelines categorize all federal crimes
24 and assign points due to the seriousness of the offense, the
25 defendant's actions and other specific characteristics. The

1 guidelines also take into account a person's prior criminal
2 record or lack of criminal record. The result is a score that
3 represents a range of a term of months of incarceration.
4 These guidelines are advisory, but I have to calculate and
5 consider the range that would apply to you.

6 Do you understand that?

7 A Yes.

8 Q Do you understand that it is not possible to determine
9 the exact guidelines for your case until after the presentence
10 report has been completed and you and the Government have had
11 the opportunity to challenge the facts reported by the
12 probation officer?

13 A Yes.

14 Q Do you understand that after it has been determined what
15 guidelines apply to a case, the Court has the authority to
16 impose a sentence that is more severe or less severe than the
17 sentence called for by the guidelines.

18 A Yes.

19 Q Do you also understand that as part of your plea
20 agreement, with three narrow exceptions, you are giving up the
21 right you would have to appeal the sentence that will be
22 imposed in this case?

23 A Yes.

24 Q Specifically, unless there has been, one, an upward
25 departure or variance from the guidelines or; two, an appeal

1 taken by the Government; or three, a claim that your counsel
2 gave you constitutionally ineffective assistance, you are
3 giving up your right to appeal, which means you will be bound
4 by the Court's decision as to your sentence.

5 Do you understand that?

6 A Yes.

7 Q Do you understand that you are also giving up your right
8 to collaterally attack your conviction and sentence in any
9 post-conviction proceeding?

10 In other words, after your conviction, you cannot file a
11 complaint that says there was some defect in the prosecution
12 of your case that justifies your release -- your release from
13 your sentence.

14 Do you understand that?

15 A Yes.

16 Q Other than the plea agreement, has anyone made any
17 promise to you that caused you to give up your right to appeal
18 your sentence?

19 A No.

20 THE COURT: Mr. Alper, have you and Ms. Hopkins
21 discussed the limited waiver of appeal and determined that it
22 is in her best interest to agree to the waiver?

23 MR. ALPER: Yes, Your Honor, we have.

24 BY THE COURT:

25 Q Ms. Hopkins, do you understand that parole in the federal

1 system has been abolished and that if you are sentenced to
2 incarceration, you will not be released on parole?

3 A Yes.

4 Q Do you understand that if you are on probation or parole
5 for another offense, a plea of guilty in this case may result
6 in the revocation of that probation or parole?

7 A Yes.

8 Q Do you understand that the sentence imposed in this case
9 may run consecutively, that is on top of or following any
10 other sentence that you might now be serving for a different
11 offense?

12 A Yes.

13 Q Do you understand that a plea of guilty in this case may
14 be taken into consideration, in the event that you are in the
15 future convicted of another offense?

16 A Yes.

17 Q Do you understand that your conviction in this case may
18 be taken into consideration by employers and educational
19 institutions or other entities, including but not limited to
20 your qualifications for the receipt of some public benefits or
21 the ability to obtain or hold certain employment positions?

22 A Yes.

23 Q Do you understand that the offense to which you are
24 pleading guilty is a felony offense, and that if your plea is
25 accepted and you are found guilty of this offense, then such a

1 finding may deprive you of valuable civil rights, such as the
2 right to vote, the right to hold public office, the right to
3 serve on the jury, and the right to possess any kind of
4 firearm?

5 A Yes.

6 Q Do you understand that you may be sentenced to a term of
7 supervised release, and that if you violate the conditions of
8 release, you can be sent to prison for the entire term of
9 supervised release?

10 A Yes.

11 Q Do you understand that you will be ordered to pay a
12 special assessment of \$100 for each charge to which you are
13 pleading?

14 A Yes.

15 Q Do you understand that you may be ordered to make
16 restitution to any victim of the offense?

17 A Yes.

18 Q Do you understand that if the sentence is more severe
19 than you expected, you will still be bound by your plea and
20 will not have the right to withdraw it?

21 A Yes.

22 Q The Government has agreed to make certain recommendations
23 as part of your plea agreement. Do you understand that if the
24 Court does not accept the sentencing recommendations in your
25 plea agreement, you will still be bound by your plea?

1 A Yes.

2 Q Is there anything that I have said or any question that I
3 have asked that you do not understand or would like for me to
4 clarify?

5 A No.

6 THE COURT: Mr. Alper, is there anything else you
7 wish to address with your client at the time?

8 MR. ALPER: No, Your Honor.

9 THE COURT: Mr. Bradford and Mr. Alper, are there
10 any other inquires of Ms. Hopkins that I should make before
11 announce my findings concerning the plea?

12 MR. BRADFORD: No, Your Honor.

13 MR. ALPER: No, Your Honor. Thank you.

14 BY THE COURT:

15 Q All right. Ms. Hopkins, how do you plead, guilty or not
16 guilty?

17 A Guilty.

18 Q Is your guilty plea voluntary and of your own freewill?

19 A Yes.

20 THE COURT: At this time, I find that Ms. Hopkins
21 understands the charge and the consequences of her plea of
22 guilty.

23 I have observed Ms. Hopkins during the proceeding,
24 and she does not appear to be under the influence of any
25 substance which might affect her judgment or actions in any

1 manner.

2 I find that the offer of the plea of guilty of the
3 defendant to the criminal indictment has a factual basis. It
4 is free of any coercive influence of any kind. It is
5 voluntarily made with full knowledge of the charge against her
6 and the consequences of her plea.

7 I find that Ms. Hopkins is competent to understand
8 these proceedings and to enter a knowing plea of guilty.

9 I find that there have been no promises of any kind
10 made to her by anyone, other than those discussed in open
11 court and in the plea agreement.

12 It is ordered that the plea of guilty of Harrescia
13 Hopkins to counts I and II of the criminal indictment in case
14 number 1:22cr284 is accepted and entered.

15 Ms. Hopkins, you are hereby adjudged guilty of
16 counts I and II of the indictment.

17 Ms. Pittman, when will we have Ms. Hopkins's back
18 for sentencing?

19 DEPUTY COURTROOM CLERK: Judge, the sentencing is
20 set for March 22nd, 20203, at 10:30 a.m.

21 THE COURT: Okay. Is Ms. Hopkins currently on bond?

22 MR. ALPER: Yes, Your Honor.

23 THE COURT: Okay. And does the Government have any
24 objection to her remaining on bond until the date of
25 sentencing?

1 MR. BRADFORD: No, Your Honor.

2 THE COURT: Okay. Ms. Hopkins, you'll remain on
3 bond until sentencing.

4 I just want to let you know that it's your
5 responsibility to come back to court at the appointed time for
6 sentencing.

7 I must put you on notice that if you fail to appear,
8 you can be prosecuted for a separate offense having to do with
9 failing to appear in court.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Mr. Alper, in the event that Ms. Hopkins
13 wishes for any medical issues or mental health issues that she
14 may have to be considered by the Court in sentencing, you're
15 directed to provide detailed medical documentation and a
16 detailed letter from a doctor or mental health provider that
17 addresses the circumstances and any treatment considerations.

18 MR. ALPER: Yes, Judge.

19 THE COURT: And then, Counsel, I would be grateful
20 if you could, please, provide me with a sentencing memorandum
21 at least five business days prior to the sentencing hearing in
22 this case.

23 Is there anything else that we should take up before
24 we adjourn?

25 MR. ALPER: No, Your Honor.

1 MR. BRADFORD: Not from the Government, Your Honor.

2 THE COURT: Okay. All right. In that case, Thank
3 you, Counsel, and I'll see you in March.

4 MR. ALPER: Thank you, Judge.

5 THE COURT: We are adjourned.

6 (The proceedings concluded at 11:19 a.m.)

7 (Whereupon, the proceedings were concluded.)

8

9

10 REPORTER CERTIFICATION

11

12

13 I do hereby certify that the foregoing pages are a true and
14 correct transcript of the proceedings taken down by me in the
15 case aforesaid.

16 This, the 12th day of April 2023.

17

18 Melissa C. Brock RPR, RMR
19 /s/Melissa C. Brock RPR, RMR
OFFICIAL COURT REPORTER

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