

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 vs.) CRIMINAL CASE NO.
) 1:23-cr-00344-RDB
 AHMED SARY,)
 Defendant.)
 _____)

WEDNESDAY, OCTOBER 18, 2023
Courtroom 5D
Baltimore, Maryland

TRANSCRIPT OF PROCEEDINGS
GUILTY PLEA
BEFORE THE HONORABLE RICHARD D. BENNETT

For the Government:

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For the Defendant:

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Also Present:

Daniel Parker, FBI Special Agent

(Computer-aided Transcription of Stenotype Notes)

Reported by: Amanda L. Longmore, RPR, CRR, FCRR
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P R O C E E D I N G S

(2:36 p.m.)

THE COURT: This is calling the case of United States versus Ahmed Sary, Criminal Number RDB-23-0344. I would note that there was originally a complaint filed as to this defendant quite some time ago, and now within the last -- I guess last two or three weeks a Criminal Information was filed and we are here for an arraignment and initial appearance on the Criminal Information.

The masking policies of this court have previously required that masks be worn in all public areas of the courthouse. That is no longer the case, but it is still within the discretion of the presiding judge. My courtroom has been retrofitted with Plexiglass for quite some time and we started taking down some of the Plexiglass, but we still have certain portions of the courtroom that still are protected by Plexiglass and we're gradually trying to get back to normal. But I do inquire of the vaccination status of counsel and the parties before me.

So with that, if counsel will identify themselves for the record, please.

MR. RILEY: Good afternoon, Your Honor. Assistant U.S. Attorney Paul Riley on behalf of the Government. With me at counsel table is Special Agent Dan Parker of the FBI. We are both vaccinated and boosted, Your Honor.

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1 THE COURT: Yes, Mr. Riley, nice to see you, and
2 Agent Parker, nice to see you here. I think you've been before
3 me before, I think.

4 MR. PARKER: Yes. Thank you, sir.

5 THE COURT: It's nice to have you back. Nice to see
6 you. You may be seated.

7 And on behalf of the defendant?

8 MS. REAMY: Good afternoon, Your Honor. For the
9 record my name is Julie Reamy. I represent Ahmed Sary who is
10 present and to my right.

11 THE COURT: Yes, Ms. Reamy. And you're privately
12 retained in this matter; is that correct?

13 MS. REAMY: I am. And also, Your Honor, I am
14 vaccinated and boosted twice.

15 THE COURT: Yes, and you're fully vaccinated and
16 boosted. And I know you're here as one of the select members
17 of our Criminal Justice Act panel, so it's nice to have you
18 here and I understand you're privately retained.

19 And good afternoon to you, Mr. Sary. Am I pronouncing
20 your name correctly, sir?

21 THE DEFENDANT: Ahmed Sary, yes.

22 THE COURT: Mr. Sary, have you been fully vaccinated?

23 THE DEFENDANT: Yes, but no boost.

24 THE COURT: All right. But you have been vaccinated?

25 THE DEFENDANT: I did.

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1 THE COURT: Okay, that's fine. Thank you very much.

2 MS. Reamy, do you know who the U.S. Probation Officer is
3 who will be assigned in this case?

4 MS. REAMY: Yes. It's going to be Jessica Jackson.
5 we're scheduled to meet with her after the hearing.

6 THE COURT: All right. Hold on one second here,
7 please. Jessica Jackson?

8 MS. REAMY: Yes.

9 THE COURT: Mr. Sary, let me just go over the process
10 here in federal court today on this matter.

11 You have been charged by way of a Criminal Information by
12 the U.S. Attorney for the District of Maryland. Ordinarily,
13 the Government cannot just of its own charge someone with a
14 crime. There has to be a determination of probable cause. And
15 normally it's before a grand jury and it consists of
16 approximately 23 citizens from the community and they determine
17 if there's probable cause to believe that you committed a
18 particular offense or there may be a preliminary hearing in
19 front of a judge to determine whether or not there is probable
20 cause to believe you committed an offense.

21 Here, there is -- you're proceeding by way of a Criminal
22 Information, and I have before me a waiver of indictment form
23 here in this matter that indicates that you understand that you
24 have a right to prosecution by indictment and you're consenting
25 to prosecution by Criminal Information; is that correct?

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1 THE DEFENDANT: Yes.

2 THE COURT: I'm sorry, you have to keep your voice
3 up, please.

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. And you've discussed the fact that
6 you've been accused of an offense that the punishment for which
7 may be imprisonment for more than one year and you understand
8 your rights to require that you be indicted by a grand jury; is
9 that correct?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: All right. And are you under the
12 influence of any drugs or alcoholic beverage or any medication
13 of any kind?

14 THE DEFENDANT: No.

15 THE COURT: And you have -- you're satisfied you've
16 discussed this matter with your attorney Ms. Reamy in terms of
17 your rights in this regard?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. I find it's a knowing and
20 intelligent waiver for reasons so indicated here and as well as
21 the reasons that we'll be dealing with during the guilty plea
22 in this matter.

23 Ms. Maldeis, the waiver of indictment form will be filed.

24 Let me just go over -- essentially there is an initial
25 appearance here under Rule 5 of the Federal Rules of Criminal

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1 Procedure with respect to this matter and this is your initial
2 appearance here.

3 The charge against you -- Ms. Reamy, I gather that he
4 waives reading of the entire Criminal Information; is that
5 right?

6 MS. REAMY: Yes, Your Honor.

7 THE COURT: But the charge basically here is that you
8 committed wire fraud conspiracy in violation of 18 United
9 States Code § 1349, and specifically it's alleged that you ran
10 a purported financial services business called Amex Financial
11 Group and that you prepared false and fraudulent Paycheck
12 Protection Program loan applications. I gather that was in
13 conjunction with the steps during the pandemic; is that
14 correct, Mr. Riley?

15 MR. RILEY: Correct, Your Honor.

16 THE COURT: And that program was implemented during
17 the throes of the COVID-19 pandemic, and it's alleged that you
18 prepared false and fraudulent loan applications for various
19 borrowers and false and fraudulent Economic Injury Disaster
20 Loan applications so as to wrongfully procure funds from that
21 program. Do you understand that?

22 THE DEFENDANT: I understand that.

23 THE COURT: And it's alleged that one of the victims,
24 if not the main victim, was Cross River Bank, a federally
25 insured financial institution headquartered in New Jersey,

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1 which was approved by the Small Business Administration to be a
2 lender and participated as a lender in the Paycheck Protection
3 Program, the PPP program during the pandemic.

4 And that program was essentially a Coronavirus relief
5 program, but in order to obtain such loans, qualifying
6 businesses had to submit loan applications and under the
7 Coronavirus Aid Relief and Economic Security Act, known as the
8 CARES Act, the Small Business Administration was authorized to
9 provide funds, essentially, with respect to this program and
10 that you were -- essentially that included an Economic Injury
11 Disaster Loan program application.

12 And it is essentially alleged that beginning in or around
13 April of 2020 and continuing through in or around January of
14 2022, here in the District of Maryland, that you knowingly and
15 willfully conspired with others to willfully execute and
16 attempt to execute a scheme and artifice to defraud the Small
17 Business Administration, Cross River Bank, and other lenders
18 and to obtain money by allegedly false and pretenses.

19 Do you understand the general nature of the charges
20 against you?

21 THE DEFENDANT: Yes.

22 THE COURT: And the manner and means of the scheme to
23 defraud included essentially both wire transfers and perhaps
24 even paper transfers, and it also involved filing false and
25 fraudulent records, including false United States Internal

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1 Revenue Service forms and tax records.

2 Again, do you understand the nature of those allegations?

3 THE DEFENDANT: Yes.

4 THE COURT: I think that fairly summarizes the nature
5 of the charges against you. You have a right to employ counsel
6 or request appointment of counsel. The reason I inquired of
7 Ms. Reamy's status is she's well known to the Court and is a
8 highly respected lawyer here in our court and she also appears
9 here many times as court-appointed counsel. But in this matter
10 she's indicated that she was previously retained. You have a
11 right to employ counsel. If you were unable to employ counsel,
12 you could have then sought to have the appointment of
13 court-appointed counsel. Do you understand that?

14 THE DEFENDANT: Could we just stop?

15 THE COURT: I'm sorry?

16 (Pause in Proceedings.)

17 THE COURT: Do you understand if you could not have
18 afforded to retain --

19 THE DEFENDANT: Yes.

20 THE COURT: -- Ms. Reamy, you could have applied for
21 court-appointed counsel. You would have to show financial
22 indigency and an inability to pay. Not just anyone gets
23 court-appointed counsel, but you would have that right if you
24 were unable to employ counsel.

25 You have a right to a preliminary hearing, as I've

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1 indicated, and you're not required to make any statement. In
2 any statement that you make, you may stop at any time under
3 principles of* the Supreme Court set forth under the --
4 holdings of the Supreme Court as set forth in the case of
5 Miranda versus Arizona in 1966, and any statement you do make
6 may be used against you. Do you understand that?

7 THE DEFENDANT: I understand.

8 THE COURT: You understand all your rights in that
9 regard?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. And we're ready to proceed by
12 way of the arraignment here. That's the initial appearance,
13 but we're about to proceed by way of an arraignment here.

14 I would note that I have reviewed the plea agreement in
15 this case which will be introduced as Government Exhibit Number
16 1 in a few moments here. And specifically, in Paragraph 10,
17 there is an agreement that you have reached with the Government
18 with respect to this matter. And the guilty plea that you're
19 about to proffer here this afternoon is pursuant to an
20 agreement with the Government as set forth in the plea
21 agreement letter, which will be introduced as Government
22 Exhibit 1 shortly, as I've said. And in Paragraph 10 it notes
23 that you're pleading guilty here pursuant to a specific rule of
24 the Federal Rules of Criminal Procedure which provides that a
25 criminal defendant may agree upon a specific sentence or a

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1 range of sentence. Under 11(c)(1)(C) of the Federal Rules of
2 Criminal Procedure, you may agree upon a range of sentence or a
3 specific sentence.

4 Here, you've agreed with the Government that the
5 appropriate sentence in this case would be anywhere from 60 to
6 114 months' incarceration in federal prison, which is anywhere
7 from five years to nine and a half years in prison. Do you
8 understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: I will certainly accept your guilty plea
11 here today under the terms of that agreement. That means if I
12 were inclined to sentence you to one day more than 114 months'
13 imprisonment, one day more than nine and a half years in
14 prison, you'd be free to withdraw your plea of guilty. Do you
15 understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: By the same token, if I were inclined to
18 sentence you to one day less than 60 months' incarceration, one
19 day less than five years imprisonment, the Government could
20 withdraw from the plea agreement. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: So I will certainly accept your guilty
23 plea under those terms. And consistent with that, Paragraph 11
24 as we'll be discussing, notes that you waive -- both you and
25 the Government waive appeal of any sentence within that range.

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1 It will be up to your -- the lawyers will argue where you
2 should be sentenced within that range and I'll be reviewing a
3 Presentence Investigation Report which will be prepared by
4 Ms. Jackson, the U.S. Probation Officer with whom you'll be
5 meeting after these proceedings. Do you understand that, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: And so with that, Mr. Riley, I also to
8 note there has been a notice to victims here, both the
9 Government victims as well as officials of Cross River Bank,
10 correct?

11 MR. RILEY: Yes, Your Honor.

12 THE COURT: So with that I think that we're ready to
13 proceed with the guilty plea to the Criminal Information in
14 this case. And, Ms. Maldeis, if you would administer the oath
15 to the defendant.

16 (Ahmed Sary was duly sworn.)

17 THE CLERK: And sir, can you please state and spell
18 your first and last name for the record, please?

19 THE DEFENDANT: Ahmed, A-h-m-e-d, Sary, S-a-r-y.

20 THE CLERK: Thank you. And sir, what is your age?

21 THE DEFENDANT: 46.

22 THE CLERK: What is the year -- just the year -- of
23 your birth?

24 THE DEFENDANT: 1978.

25 THE CLERK: Have you received a copy of the

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1 Information provided to you by the Government?

2 THE DEFENDANT: I'm sorry, say again.

3 THE CLERK: Have you received a copy of the
4 Information?

5 THE DEFENDANT: Yes. Yes.

6 THE CLERK: Have you read the Information or has the
7 substance of the charge been explained to you?

8 THE DEFENDANT: Yes.

9 THE CLERK: Do you understand the charge placed
10 against you?

11 THE DEFENDANT: Yes.

12 THE CLERK: Ms. Reamy, you represent the defendant.
13 Are you satisfied that he understands the charge?

14 MS. REAMY: Yes.

15 THE CLERK: Mr. Sary, how do you wish to plead as to
16 Count 1 of the Information?

17 THE DEFENDANT: Guilty.

18 THE CLERK: The plea is guilty as to Count 1 of the
19 Information; is that correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Thank you, Ms. Maldeis.

22 I would note that at the time of sentencing here, when you
23 return here to this court for sentencing in -- I think it's
24 going to be set for February 1st of next year, Mr. Sary, that
25 the Government will dismiss the initial complaint that was

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1 filed.

2 Correct, Mr. Riley?

3 MR. RILEY: Yes, Your Honor.

4 THE COURT: There are no other counts to be
5 dismissed, correct?

6 MR. RILEY: Correct, Your Honor.

7 THE COURT: All right. So with that, Mr. Sary -- and
8 again, Ms. Reamy, am I pronouncing his name correctly, Sary?

9 MS. REAMY: Yes.

10 THE COURT: Mr. Sary, do you understand, sir, that
11 you're now under oath?

12 THE DEFENDANT: Yes.

13 THE COURT: And do you understand if you were to
14 answer any of my questions falsely, those answers could later
15 be used against you in another prosecution for perjury or for
16 making false statements?

17 THE DEFENDANT: Yes.

18 THE COURT: So it's very important you answer my
19 questions truthfully. If you don't understand a question,
20 we'll stop, we're not in any hurry here, and you can talk to
21 your attorney Ms. Reamy.

22 How far did you get in school, sir?

23 THE DEFENDANT: How far?

24 THE COURT: How far did you get in school, yes.

25 THE DEFENDANT: High school.

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1 THE COURT: High school. You are a high school
2 graduate?

3 THE DEFENDANT: Yes.

4 THE COURT: And you obviously, then, can read and
5 write the English language?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you been treated recently for any
8 mental illness or addiction to narcotic drugs of any kind?

9 THE DEFENDANT: No.

10 THE COURT: Are you currently under the influence of
11 any drugs or medication or any alcoholic beverage of any kind?

12 THE DEFENDANT: No.

13 THE COURT: Is there medication that you normally
14 take which you did not take today?

15 THE DEFENDANT: No.

16 THE COURT: Do you take any kind of regular
17 medication?

18 THE DEFENDANT: Just acid reflux.

19 THE COURT: For acid reflux?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: All right. Ms. Reamy, are you satisfied
22 that your client is competent to proceed with this guilty plea
23 here today?

24 MS. REAMY: Yes, Your Honor.

25 THE COURT: Have you received a copy of the one-count

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1 Criminal Information in this case, Mr. Sary, that is the
2 written charges made against you?

3 THE DEFENDANT: I'm sorry?

4 THE COURT: Have you received a copy of the Criminal
5 Information in this case, that is the written charges made
6 against you?

7 THE DEFENDANT: Yes.

8 THE COURT: And have you fully discussed these
9 charges with your attorney Ms. Reamy?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you discussed the whole situation
12 with her including the evidence in the case?

13 THE DEFENDANT: Yes.

14 THE COURT: witnesses that would be called and
15 perhaps the possibility of a trial and even an appeal if you
16 were found guilty by a jury in this case?

17 THE DEFENDANT: Yes.

18 THE COURT: Are you fully satisfied with Ms. Reamy
19 and her representation and the advice which she's given you?

20 THE DEFENDANT: Yes.

21 THE COURT: Is there anything you asked her to do
22 which she has not done?

23 THE DEFENDANT: No.

24 THE COURT: The Court has been advised that there is
25 a plea agreement in this case as set forth in a letter of

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1 September 14, 2023, from Assistant U.S. Attorney Paul Riley to
2 your attorney Julie Reamy, which has been marked as Government
3 Exhibit 1, along with any attachments thereto.

4 Ms. Reamy, if you'll retrieve that from Ms. Maldeis here
5 up at the clerk's desk, and Ms. Maldeis will walk down and give
6 the original of that letter to you.

7 Looking there, Mr. Sary, at the original plea agreement
8 letter as well as any attachments thereto, is that your
9 signature there, sir, on Page 10 of the plea agreement letter?

10 THE DEFENDANT: Yes.

11 THE COURT: And as to any attachments, is that your
12 signature there on Page 16 as well?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you have an opportunity to read
15 and discuss the plea agreement letter with your attorney,
16 Ms. Reamy, before you signed it in those places?

17 THE DEFENDANT: Yes.

18 THE COURT: And this is, in fact, the same agreement
19 which you signed; is that correct?

20 THE DEFENDANT: Correct, yes.

21 THE COURT: Has anyone made any other or different
22 promises or assurances to you in an effort to induce you to
23 plead guilty in this case other than what is set forth in the
24 plea agreement letter?

25 THE DEFENDANT: No.

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1 THE COURT: Are you satisfied, Ms. Reamy, that this
2 plea agreement letter sets forth the complete agreement that
3 your client has with the Government?

4 MS. REAMY: Yes, Your Honor.

5 THE COURT: And, Mr. Sary, are you satisfied that
6 this plea agreement letter sets forth the complete agreement
7 you have with the Government?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Ms. Reamy, if you'll return
10 that to Ms. Maldeis, and that will be introduced as Government
11 Exhibit 1 for purposes of these proceedings.

12 Does any portion need to be sealed from the point of view
13 of the Government, Mr. Riley?

14 MR. RILEY: No, Your Honor.

15 THE COURT: Ms. Reamy, from your point of view?

16 MS. REAMY: No, Your Honor.

17 THE COURT: All right. So that will not be sealed,
18 Ms. Maldeis, and can be filed as a matter of record.

19 Did you understand that -- I believe Ms. Reamy has a copy
20 of that plea agreement letter there at the table, Mr. Sary.
21 And in Paragraph 21 of the plea agreement letter, it notes that
22 the Court is not a party to it. I haven't signed it anywhere.
23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: So I'll certainly abide by it under Rule

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1 11(c)(1)(C) as I've indicated, and if I were not inclined to,
2 either side could withdraw from the plea agreement but the
3 11(c)(1)(c) plea sets a range of 60 to 114 months, but that is
4 an agreement between you and the Government which I will
5 accept, and if I don't, I'll certainly let everyone know, but
6 I'm not a party to the agreement. I haven't signed it
7 anywhere. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Has anyone tried to force you or threaten
10 you to plead guilty in this case?

11 THE DEFENDANT: No.

12 THE COURT: Are you pleading guilty on your own
13 freely and because you are, in fact, guilty of the crime
14 charged?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand the offense to which
17 you're pleading guilty, specifically conspiracy to commit wire
18 fraud affecting a financial institution in violation of 18
19 United States Code § 1349 and 1343 is a felony offense? Do you
20 understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And if I accept your plea here this
23 afternoon and you're adjudged guilty of that offense, that
24 adjudication may result in your being deprived of certain
25 valuable civil rights. Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: You may lose the right to vote, you may
3 lose the right to run for public office, you may lose the right
4 to have firearms or ammunition. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Is your client an American citizen,
7 Ms. Reamy?

8 MS. REAMY: Yes.

9 THE COURT: All right. So is he a naturalized
10 American citizen?

11 MS. REAMY: He's a naturalized citizen, Your Honor.

12 THE COURT: All right. So deportation is not an
13 issue here.

14 MS. REAMY: Correct.

15 THE COURT: All right. So to that extent, Mr. Sary,
16 fortunately for you, you've become an American citizen.
17 Otherwise you would face potential deportation issues. I'll
18 make a note here.

19 You might also be unable to keep certain licenses or
20 permits or jobs as a result of your guilty plea here or be able
21 to keep such benefits as public housing, for example, or
22 educational assistance loans, all those may be lost to you as a
23 result of your federal conviction here. Do you understand
24 that?

25 THE DEFENDANT: Yes.

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1 THE COURT: If you've been convicted of another crime
2 in the past and you were on parole or probation, you could face
3 the possibility of violation of parole or probation because of
4 your conviction here. Do you understand that, sir?

5 THE DEFENDANT: Yes.

6 THE COURT: And by the same token if you were
7 convicted of another crime in the future you might receive a
8 harsher sentence from another judge in another courtroom
9 because of your conviction here. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And furthermore, the plea agreement
12 provides, first of all, in Paragraphs 12 through 16 for certain
13 matters of forfeiture in terms of forfeiting certain assets, is
14 forfeiture a factor here, Mr. Riley?

15 MR. RILEY: Yes, Your Honor. In Paragraph 13, the
16 defendant has agreed to a money judgment in the amount of
17 \$3,627,489.22 in U.S. currency.

18 THE COURT: All right. Thank you. I missed that
19 because I know Paragraph 20 has a restitution figure as well.

20 MR. RILEY: Yes, Your Honor.

21 THE COURT: But forfeiture is -- essentially they are
22 assets that have already been seized by the Government; is that
23 right?

24 MR. RILEY: No, Your Honor, but the Government is
25 asking the Court to -- the defendant has agreed to a money

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1 judgment in that amount.

2 THE COURT: All right. You understand that
3 essentially Paragraphs 12 through 16 in terms of forfeiture
4 establish your agreement to have a money judgment against you
5 in the amount of \$3,627,489.22. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And that would presumably be secured by
8 some type of financial accounts or money that's available at
9 this point in time. Is that right, Mr. Riley?

10 MR. RILEY: It's not at this time, Your Honor, but
11 down the road --

12 THE COURT: Okay.

13 MR. RILEY: -- our office's Asset Recovery Unit will
14 take the appropriate steps.

15 THE COURT: Now, as to that, that \$3,627,489.22
16 judgment, that is separate from any kind of joint and several
17 liability or it would go towards joint and several liability?

18 MR. RILEY: That is separate from joint and several
19 liability.

20 THE COURT: Correct, Ms. Reamy?

21 MS. REAMY: Yes.

22 THE COURT: That means also in Paragraph 20 of the
23 plea agreement -- I'll make a note -- there's also reference to
24 potential restitution of some \$17.9 million. That will be
25 joint and several liability with any of the other defendants

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1 who were involved in this overall conspiracy. Do you
2 understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: That means if one person has all the
5 money, the Government could get all the money from that one
6 person, or it means that different people might have to make
7 contributions. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: As was noted in Paragraph 3 of the plea
10 agreement, do you understand that the maximum sentence provided
11 by statute for this offense is 30 years imprisonment, five
12 years of supervised release, and a maximum fine of \$1 million
13 or twice the gain or loss anticipated. They are the maximum
14 penalties that obviously your 11(c)(1)(C) plea would protect
15 you from any kind of imprisonment for 30 years. Do you
16 understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: And you must pay a special assessment of
19 \$100 at the time of sentencing when you return here for
20 sentencing. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And I've already mentioned the Court may
23 also order restitution, and Paragraph 20 notes a restitution
24 figure that would be joint and several with other defendants of
25 some \$17.9 million. Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Now, I mentioned supervised release,
3 Mr. Sary. Supervised release involves your compliance with
4 certain conditions set by the Court and monitored by the
5 Probation Office after your prison sentence.

6 Do you understand that if you were to violate conditions
7 of supervised release after you return from prison you could be
8 sent back to federal prison without any credit for the time
9 already served. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: It'd be a totally separate matter.
12 You'll be on supervised release for a period of time after you
13 finish your prison sentence. And that's meant to be a
14 constructive process. It's not a game of trying to catch you
15 doing something wrong, but it's meant to help supervise you, as
16 it says, in your release to acclimate yourself back to civilian
17 life. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: And if you were to violate those
20 conditions of supervised release, you could perhaps be sent
21 back to prison without any credit for the time already served.
22 Do you understand that?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Are you satisfied then, Ms. Reamy, that
25 Mr. Sary understands all the possible consequences of his plea

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1 of guilty?

2 MS. REAMY: Yes, Your Honor.

3 THE COURT: And, Mr. Sary, are you satisfied that you
4 understand all the possible consequences of your plea of
5 guilty?

6 THE DEFENDANT: Yes.

7 THE COURT: Let me just go over the process here in
8 federal court with respect to sentencing. This is a little
9 distinct from state court criminal cases.

10 There are two key opinions of the United States Supreme
11 Court that outline the process for sentencing in federal court.
12 First of all, in a case of United States versus Booker decided
13 now almost 19 years ago in January of 2005, the United States
14 Supreme Court upheld the constitutionality of the Federal
15 Sentencing Guidelines in the case of United States versus
16 Booker. But the Supreme Court upheld the constitutionality of
17 the guidelines with the deletion of two particular sections of
18 the guidelines which had previously rendered the guidelines
19 mandatory.

20 The Supreme Court specifically noted in the Booker case
21 with the deletion of any mandatory provisions the balance of
22 the Federal Sentencing Guidelines was constitutional but from
23 that point forward in January of 2005, the Federal Sentencing
24 Guidelines were to be applied in an advisory context, meaning
25 that they were not binding upon federal judges but federal

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1 judges should still take them into account and they were
2 rendered effectively advisory as a result of that opinion. Do
3 you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: And about three years later in a case of
6 Gall versus the United States, the Supreme Court specifically
7 provided further instruction to federal judges noting that
8 federal judges should not presume that the federal sentencing
9 guideline range is reasonable but it is a starting point in a
10 multistep process, pursuant to which first there's a
11 calculation of the guidelines and then there's the
12 consideration of other factors apart from the guidelines, the
13 goal being to impose a sentence which is sufficient but not
14 greater than necessary to achieve the goals of sentencing. And
15 there are other factors to be considered as well under 18
16 United States Code § 3553, which is referenced in Paragraph 5
17 of your plea agreement letter.

18 Those other factors to consider include your personal
19 history and characteristics, the nature and circumstances of
20 the offense, the sentence to be imposed or either have been
21 imposed or would be imposed upon similarly situated
22 individuals. All those factors are taken into account when the
23 Court imposes the sentence when you return here on February
24 1st.

25 Do you understand that, sir?

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1 THE DEFENDANT: Yes.

2 THE COURT: And in fact, in Paragraph 5 of the plea
3 agreement letter, which I've mentioned, the guidelines are
4 discussed. I gather you've discussed the guidelines that apply
5 here in this case; is that right?

6 THE DEFENDANT: Yes.

7 THE COURT: And Paragraph 6 outlines the guideline
8 calculation here, essentially in terms of a base offense level
9 of seven, there's a 20-level increase because of the loss
10 amount here. There is a two-level increase because of the
11 offense involving more than ten victims. There is a two-level
12 increase because of gross receipts from a financial
13 institution. There's another two-level increase because of the
14 use of sophisticated means. There's a three-level increase
15 because you were a manager or supervisor, although not an
16 organizer or a leader.

17 There will be a total of three levels of a downward
18 adjustment for your acceptance of responsibility, but it's
19 anticipated that the total offense level here under the
20 advisory guidelines here will be 33. Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And that would definitely expose you to
23 time in federal prison. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Paragraph 7 indicates there's no

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1 agreement as to your criminal history, which would be
2 important. If you have an extensive criminal history that will
3 be a factor in my ultimately approving the agreed sentence of
4 some six years to nine and a half years incarceration. Do you
5 understand that, sir?

6 THE DEFENDANT: Yes.

7 THE COURT: And as I've already noted -- well,
8 Paragraph 8, first of all, also notes that there are no other
9 guideline issues involved here, and Paragraph 9 notes that the
10 Government will recommend a reasonable sentence within the
11 five- to nine-and-a-half-year range. That will be up to the
12 Government what it recommends, and obviously Ms. Reamy can
13 recommend a sentence at that low end of that agreed range of
14 five years. Do you understand that process, sir?

15 THE DEFENDANT: Yes.

16 THE COURT: And Paragraph 10, as I've already noted,
17 provides for the agreed range of some five years to nine and a
18 half years' incarceration.

19 And do you also understand that as a result of your
20 conviction here, Mr. Sary, that you will not be permitted to
21 own, possess, or use a firearm. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, do you understand I'll not be able
24 to determine the advisory guideline range in this case until
25 after a Presentence Investigation Report has been prepared by

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1 the U.S. Probation Officer, in this case, it will be Jessica
2 Jackson, and after she has prepared that report and after both
3 you and Government counsel and your attorney have had an
4 opportunity to review it and note any objections to it.

5 THE DEFENDANT: Yes.

6 THE COURT: You'll meet with her later today, she'll
7 prepare a report, she'll see that Mr. Riley gets a copy, she'll
8 see that Ms. Reamy gets a copy. Ms. Reamy will go over it with
9 you. Either side will note any objections to it. Then
10 Ms. Jackson either will or will not make changes to the
11 presentence report and then ultimately it will come to me. Do
12 you understand that general process?

13 THE DEFENDANT: Yes.

14 THE COURT: So I'm the last one of all of you to see
15 it. Do you understand that?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: So do you understand that the sentence
18 imposed within that five- to nine-and-a-half-year range might
19 be different from any estimate which Ms. Reamy's given you? Do
20 you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: She cannot predict exactly where on that
23 five- to nine-and-a-half-year range I'm going to sentence you
24 because I don't know until I have an opportunity to review the
25 presentence report. Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you also understand, Mr. Sary, that
3 parole has been abolished in the federal system and it's not
4 the same as the state system?

5 THE DEFENDANT: Yes.

6 THE COURT: Let me explain what that means.

7 For example, let's say it's a six-year sentence within the
8 agreed range. Under state law, a six-year sentence you might
9 serve one-third of your time and serve maybe two years and then
10 be on parole for the next four years under the auspices of a
11 parole board. That's not the way the federal system works.
12 There is no parole in the federal system.

13 Essentially, you can get between 50 and 54 days a year of
14 good time credit, which means in the case of the example of a
15 six-year sentence, you might accumulate good time credit of
16 some six months over a period of five years and then you could
17 be released early from the Bureau of Prisons, but it's not a
18 system where you just serve one-third of the sentence. Do you
19 understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: And in Paragraph 11 of the plea
22 agreement, as I think I've specifically already addressed, both
23 you and the Government waive appeal of any sentence within that
24 range. Do you understand that?

25 THE DEFENDANT: Yes.

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1 THE COURT: And Paragraph 11(c) actually also
2 reflects that you waive rights under what is known as the
3 Freedom of Information Act. That is a law that was passed by
4 the U.S. Congress that permits American citizens to seek
5 information from certain government agencies. You've had
6 access to discovery in this case through your attorney and now
7 that you're pleading guilty, you have no further right to file
8 a Freedom of Information Act request with the Department of
9 Justice. Do you understand that, sir?

10 THE DEFENDANT: Yes.

11 THE COURT: I also want to make sure you understand
12 your waiver of certain rights under Paragraph 4 of the plea
13 agreement letter. Specifically, do you understand that you
14 waive all rights in connection with a jury trial in this case?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you understand you have a right to
17 plead not guilty to these charges and persist in that plea and
18 you have a right to a trial by jury for which 12 people would
19 be selected as jurors?

20 THE DEFENDANT: Yes.

21 THE COURT: And do you understand you'd have a right
22 to participate with Ms. Reamy in the selection of a jury in
23 this case?

24 THE DEFENDANT: Yes.

25 THE COURT: All the jurors would be brought into the

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1 courtroom and you'd be able to see them and see what they look
2 like and watch their responses and you'd be able to have input
3 with Ms. Reamy in terms of the selection of a jury in this
4 case. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you also understand that at trial
7 you'd be presumed to be innocent and the Government would have
8 to prove your guilt beyond a reasonable doubt?

9 THE DEFENDANT: Yes.

10 THE COURT: And there would have to be a unanimous
11 verdict of all 12 jurors before you could be convicted on the
12 one-count Criminal Information in this case. Do you understand
13 that?

14 THE DEFENDANT: Yes.

15 THE COURT: If 11 jurors voted to convict you and one
16 voted to acquit there would be a mistrial and we'd have a new
17 trial. You could only be convicted on the unanimous verdict of
18 all 12 jurors. Do you understand that, Mr. Sary?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: And furthermore, do you understand you'd
21 have the right to the assistance of your counsel for your
22 defense and the right to see and hear all witnesses and to
23 cross-examine all witnesses?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you also understand on your own

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1 part you would have the right to decline to testify unless you
2 voluntarily elected to testify in your own defense?

3 THE DEFENDANT: Yes.

4 THE COURT: Under the Fifth Amendment to our
5 Constitution you have a privilege against self-incrimination.
6 The Government could not compel you to be a witness in this
7 case, I could not compel you to be a witness, I could not call
8 you as a witness. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: If you did choose to go to trial and
11 testify, however, you could be subject to impeachment on
12 cross-examination and could be cross-examined about any prior
13 criminal record that you have if you had one. Do you
14 understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you also understand that should you
17 decide not to testify or put on any evidence but still go to
18 trial, that the facts of your not testifying or putting on any
19 evidence could not be used against you?

20 THE DEFENDANT: Yes.

21 THE COURT: And not only could it not be used against
22 you, but as I instructed the jury as it began its
23 deliberations, I would specifically tell the jury that they
24 should not consider in any way that you did not testify or tell
25 them that the burden never shifts from the Government to a

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1 criminal defendant. The burden is always upon the Government
2 to prove guilt beyond a reasonable doubt. That burden never
3 shifts to a defendant. A criminal defendant is never required
4 to prove his innocence. The Government is always required to
5 prove guilt beyond a reasonable doubt. Do you understand your
6 rights in that regard, Mr. Sary?

7 THE DEFENDANT: Yes.

8 THE COURT: And furthermore, do you understand you
9 have the right to the issuance of subpoenas to compel the
10 attendance of witnesses to testify in your defense?

11 THE DEFENDANT: Yes.

12 THE COURT: Just as the Government can require people
13 to come into the courtroom, so can you. You can give the names
14 and addresses of any persons whom you wanted to call to
15 Ms. Reamy and she would file those subpoenas with the Clerk of
16 the Court and those subpoenas would be issued and Ms. Reamy
17 would see that those persons received subpoenas. So just as
18 the Government could compel people to come into the courtroom,
19 so can you. Do you understand that, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: And if there was a trial in this case and
22 if you were found guilty, you could appeal both the verdict of
23 guilty as well as the sentence imposed. There'd be no waiver
24 of any right as there is now in terms of any kind of an appeal.
25 Do you understand that?

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1 THE DEFENDANT: Yes.

2 THE COURT: Do you further understand that by
3 entering this plea of guilty, if I accept that plea in a few
4 moments, there will be no trial and you will have waived or
5 given up all your other rights to trial as I've just described
6 them?

7 THE DEFENDANT: Yes.

8 THE COURT: Now, the charge to which you're pleading
9 guilty, one-count Criminal Information, is that on or about
10 from April 2020 to January of 2022, that you were engaged in a
11 conspiracy pursuant to which -- and these are elements the
12 Government would have to prove at trial beyond a reasonable
13 doubt. These are elements of proof of which the Government's
14 going to have to offer me in a few minutes here this afternoon,
15 that two or more persons agreed to try to accomplish a common
16 unlawful plan, that is alleged in the Criminal Information,
17 that two or more persons agreed to try to accomplish that
18 common plan to commit a fraud as involved in transmitting or
19 causing to be transmitted by means wire, radio, or television
20 communications in interstate and foreign commerce, it having
21 been -- that scheme having been devised or intending to devise
22 the scheme, that it affected a federally insured financial
23 institution, and that you knew the unlawful purpose of the
24 enterprise and willfully joined in it.

25 Do you understand the basic elements of the offense to

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1 which you're pleading guilty here today, Mr. Sary?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: So with that, you may be seated for a few
4 minutes and I'll call upon Assistant U.S. Attorney Paul Riley
5 to summarize and make a representation concerning the facts the
6 Government would be prepared to prove at trial so as to
7 establish an independent factual basis for this Court's
8 acceptance of a guilty plea to the one-count Criminal
9 Information in this case.

10 Mr. Riley, I'll be glad to hear from you.

11 MR. RILEY: Yes, Your Honor. Those facts are set out
12 in Pages 11 through 16 of Government Exhibit 1, the parties'
13 plea agreement, and I'll summarize them as follows:

14 The defendant Ahmed Sary, born March 1978, is a resident
15 of Baltimore, Maryland. Beginning in April 2020 and continuing
16 through January 2022 in the District of Maryland, the
17 defendant, his coconspirator H.D. and others conspired together
18 to engage in a scheme to defraud a financial institution, Cross
19 River Bank, and the United States Small Business
20 Administration, or SBA, and other SBA-approved lenders to
21 obtain numerous fraudulent Paycheck Protection Program, or PPP,
22 loans and Economic Injury Disaster Loans, or EIDLs.

23 For the purpose of executing and attempting to execute
24 this scheme, the defendant and his coconspirators knowingly and
25 willfully transmitted and caused to be transmitted by means of

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1 wire communications in interstate and foreign commerce
2 writings, signs, signals, pictures, and sounds in violation of
3 18 U.S.C. §§ 1349 and 1343.

4 The defendant prepared numerous false and fraudulent EIDL
5 and PPP loan applications for purported businesses that did not
6 exist in any legitimate capacity and that included false
7 information concerning, among other things, number of
8 employees, monthly payroll costs, and revenue.

9 The PPP applications routinely included false and
10 fraudulent Internal Revenue Service, IRS, tax forms created by
11 H.D. and that were provided to defendant along with fabricated
12 bank statements prepared by the defendant. These forms were
13 submitted by defendant and his coconspirators with the PPP
14 applications to substantiate the false representations made in
15 the applications.

16 The defendant received kickback payments from the loan
17 borrowers in exchange for his assistance in connection with the
18 submission of the fraudulent PPP and EIDL applications,
19 ultimately receiving \$2,714,217.22 in kickbacks as a result of
20 the scheme to defraud charged in Count 1 in the Information.

21 These kickbacks amounted to at times up to 30 percent of
22 the amount of the loan in the application. The defendant used
23 the fraudulently obtained funds to travel to Dubai and Egypt on
24 multiple occasions, stay at luxury hotels including the Four
25 Seasons while there, to purchase property in Egypt and to,

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1 among other things, open a beachfront restaurant in Alexandria,
2 Egypt called Sary's Kitchen.

3 The conspiracy resulted in the disbursement of at least
4 \$14,807,609.37 in fraudulently obtained PPP funds in connection
5 with more than 85 fraudulent PPP loans. More than ten
6 financial institutions were victims in connection with the
7 scheme, and the defendant derived more than \$1 million in gross
8 receipts from one or more financial institutions as a result of
9 his offense.

10 The conspiracy likewise resulted in the disbursement of
11 \$3,093,670.50 in EIDL funds in connection with 57 EIDL
12 applications.

13 In addition to loan fee kickbacks, the defendant himself
14 received \$959,559.00 in PPP/EIDL funds for various purported
15 businesses that he controlled, and the defendant's crimes are
16 discussed in further detail in the Stipulation of Facts.

17 Now, with respect to the fraudulent applications for
18 businesses associated with the defendant in connection with the
19 conspiracy and scheme to defraud, the defendant submitted
20 multiple false and fraudulent EIDL and PPP loan applications in
21 connection with various purported businesses for which he owned
22 or otherwise had an interest.

23 There was a purported financial services business, AMEX
24 Financial Group, a purported meat packing business, Am Halal
25 Meat, a purported clothing company, Exclusive Menswear,

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1 purported talent agency, Sary Stars. None of these businesses,
2 in fact, existed in any legitimate capacity.

3 The submission of these applications resulted in multiple
4 interstate wires from Maryland to Virginia which was the
5 location of the SBA servers. There's a chart in the
6 Stipulation of Facts which lists entity, the loan type, the
7 loan amount, as well as the funded date for multiple PPP and
8 EIDL loans. The total amount is \$913,272 as reflected in the
9 chart.

10 In the next section there is a discussion of -- and this
11 is on Page 13 -- the defendant's loan kickback scheme. In
12 addition to obtaining the fraudulent PPP and EIDL funds for his
13 own purported businesses, the defendant engaged in a scheme
14 with coconspirator H.D. to assist other coconspirators with
15 obtaining EIDL and PPP loans for various purported businesses
16 that did not exist in any legitimate capacity in exchange for a
17 kickback payment. Mr. Sary would receive a kickback, typically
18 20 to 30 percent of the fraudulent loan amount in exchange for
19 his services, and at times would give H.D. a small portion of
20 that fee, typically 2 percent to 5 percent of the fraudulent
21 amount if H.D. assisted with the fraudulent application.

22 These applications grossly inflated the numbers of
23 employees, grossly inflated monthly payroll costs of the
24 purported businesses. The PPP applications contained various
25 false and fraudulent IRS records prepared by H.D. and provided

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1 to defendant to support the payroll figures included in the
2 fraudulent PPP applications, including false U.S. IRS Forms
3 940, 941, and 944 for the purported businesses.

4 The PPP applications likewise contained false and
5 fraudulent February of 2020 bank statements prepared by the
6 defendant which were meant to circumvent Cross River Bank's
7 requirement and the requirement of other SBA-approved lenders
8 that prospective borrowers submit documentation to support the
9 certification the business was in operation on February 15,
10 2020.

11 with respect to defendant's receipt of kickbacks in
12 exchange for his work on the fraudulent PPP and EIDL
13 applications, the defendant laundered payments through bank
14 accounts he controlled but that were in the names of various
15 associates and more than 15 shell companies controlled by the
16 defendant, including the following entities:

17 Am Halal Meat, AMEX Financial Group, AMT Pizza, Sary
18 Stars, Black Diamond Sedan, Diva Productions, Vertical Payment
19 Processing, Holand Livestock, NR1 Transport, and Exclusive
20 Menswear. The payments were structured by the defendant and
21 made in a manner to conceal the nature and total amount of
22 payments and created the appearance that the payments were for
23 legitimate business purposes, including by containing memos
24 that indicated falsely that the payments were for
25 business-related purposes.

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1 THE COURT: Mr. Riley, by the way, some of the
2 evidence in this case was procured as a result of the issuance
3 of a federal search warrant as well, correct?

4 MR. RILEY: Correct, Your Honor.

5 THE COURT: Out of this court?

6 MR. RILEY: Correct, Your Honor.

7 THE COURT: A magistrate judge of this court signed
8 the search warrant. Who was the magistrate judge?

9 MR. RILEY: Your Honor, I believe it was Magistrate
10 Judge Coulson. I'm looking to Agent Parker to --

11 THE COURT: That's fine. It was a magistrate judge
12 of this court who authorized the search warrant.

13 MR. RILEY: Absolutely, yes, Your Honor.

14 THE COURT: I didn't mean to interrupt you. I'm
15 sorry.

16 MR. RILEY: No problem, Your Honor.

17 And the statement of facts goes on to discuss two specific
18 examples of fraudulent PPP loan applications submitted by the
19 defendant on Page 14 onto Page 15 there's a discussion of
20 fraudulent PPP loan for Nutscola Street Promotions, and based
21 on the false representations and fraudulent submissions made by
22 this defendant on March 26th, 2021, the loan was funded,
23 approximately \$262,252 was distributed by Cross River Bank to a
24 Chase account controlled by coconspirator L.W., and the
25 Statement of Facts goes on to describe a \$78,000 kickback

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1 payment or payments made by L.W. to the defendant.

2 Page 15 of the Stipulation of Facts onto Page 16 discusses
3 another fraudulent PPP loan that was part of the conspiracy.
4 This was for a purported business called Yazee, Inc., and based
5 on the false representations and fraudulent submissions made on
6 behalf of the owner of that purported business, the owner of
7 that business on March 22, 2021, received \$250,723 from Cross
8 River Bank to a Wells Fargo account he controlled, and that
9 coconspirator thereafter paid the defendant a total amount of
10 \$75,000 as a kickback in connection with that fraudulent PPP
11 loan.

12 In total, as set forth on Page 16, the defendant's
13 conspiracy with H.D. resulted in a disbursement of
14 \$14,807,609.37 of fraudulently obtained funds in connection
15 with more than 85 fraudulent PPP loans.

16 Moreover, as noted, the defendant submitted numerous
17 fraudulent EIDL applications in connection with this scheme and
18 ultimately \$3,093,670.50 in EIDL funds were disbursed in
19 connection with 57 fraudulent EIDL applications which contained
20 material misrepresentations concerning, among other things,
21 each purported business's existence, gross revenues, and
22 operating expenses.

23 As noted by Your Honor, the Stipulation of Facts concludes
24 with a discussion of the federal search warrant that occurred
25 on April 29, 2022. Search warrants were conducted and executed

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1 at the office of AMEX Financial Group located at 1600 Hanover
2 Street in Baltimore, an apartment adjoining the office for AMEX
3 Financial Group, as well as the defendant's residence.

4 From the defendant's residence -- I'm sorry, from the
5 defendant's office and the apartment adjoining the defendant's
6 office, law enforcement seized numerous pieces of evidence
7 related to the defendant's scheme. Law enforcement seized over
8 90 hard copy files -- copies of files related to his submission
9 of PPP and EIDL applications for various entities. These files
10 contained large amounts of personal identifying information,
11 copies of driver's license, Social Security cards and numbers,
12 bank statements, as well as copies of checks and PPP
13 application paperwork. Some of the files contained fabricated
14 bank statements, tax documents submitted in connection with the
15 scheme.

16 The defendant executed the various fraud schemes discussed
17 in the Statement of Facts in part through the use of mobile
18 phones, computers, the Internet, multiple e-mail accounts, and
19 bank deposits and transfers, all of which involved interstate
20 wires, and the defendant and H.D. were in Maryland when they
21 transmitted the wire to execute the scheme.

22 THE COURT: Thank you very much, Mr. Riley.

23 (Conference at the bench. It is the policy of this
24 Court that every guilty plea and sentencing proceeding include
25 a bench conference concerning whether the defendant is or is
not cooperating.)

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1 THE COURT: I would note that the matter of the
2 forfeiture and the judgment is different from the matter of the
3 restitution figure in Paragraph 20. The restitution figure
4 relates to an overall restitution that should be ordered as to
5 Mr. Sary as well as other individuals. I know that this case
6 is related to at least one other case U.S. versus Walker,
7 22-0290, correct?

8 MR. RILEY: Correct. And in fact, Nutscola Street
9 Promotions is the entity that's involved with the Walker case,
10 that's correct, Your Honor.

11 THE COURT: Okay. But it's a different figure.

12 MR. RILEY: Yes, Your Honor. So the \$17 million,
13 17.9 million of restitution, the \$250,000, give or take, for
14 the Nutscola Street Promotions' PPP loan application, that
15 would be included in the \$17.9 million joint and several, Your
16 Honor.

17 THE COURT: Okay. Thank you very much.

18 If you'll please stand, Mr. Sary.

19 Ms. Reamy, are there any modifications or additions to
20 that Statement of Facts?

21 MS. REAMY: No, Your Honor.

22 THE COURT: Mr. Sary, is that an accurate summary of
23 the facts in this case?

24 THE DEFENDANT: I'm sorry?

25 THE COURT: Is that an accurate summary of the facts

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1 in this case?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: And did you, in fact, commit the crime as
4 summarized by Mr. Riley on behalf of the Government?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And do you still wish to plead guilty,
7 sir?

8 THE DEFENDANT: Yes.

9 THE COURT: Specifically, Mr. Sary, how do you plead
10 to the one-count Criminal Information in this case, guilty or
11 not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: Ms. Reamy, is there any reason that you
14 know of why this Court not accept his plea of guilty?

15 MS. REAMY: No, Your Honor.

16 THE COURT: It is the finding of this Court in the
17 case of United States versus Ahmed Sary, Criminal Number
18 RDB-23-0344, that the defendant is fully competent and capable
19 of entering an informed plea and that the defendant is aware of
20 the nature of the charges and the relevant consequences of his
21 plea of guilty, and the Court further finds that his plea of
22 guilty on the advice of competent counsel with whose services
23 he is satisfied is a knowing and voluntary plea supported by an
24 independent basis in fact sustaining each of the essential
25 elements of the offense charged.

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1 The plea is to be accepted, and the defendant is now
2 adjudged guilty of conspiracy to commit wire fraud affecting
3 financial institutions in violation of 18 United States Code
4 § 1349 and 1343 as set forth in the one-count Criminal
5 Information.

6 Mr. Sary, a written Presentence Investigation Report will
7 be prepared by Ms. Jessica Jackson, the U.S. Probation Officer,
8 to assist the Court in sentencing, and apparently that's
9 scheduled for immediately after these proceedings and Ms. Reamy
10 will be with you when you meet with Ms. Jackson. And after
11 Ms. Jackson prepares her report, both you and your attorney as
12 well as Government counsel can read the report and note any
13 objections to it, and she either will or won't make changes at
14 that time, and both you and Ms. Reamy will be afforded the
15 opportunity to speak on your behalf at the sentencing hearing.
16 So I will refer you to the U.S. Probation Office for a
17 Presentence Investigation Report.

18 Your date of sentencing here is -- was originally I think
19 going to be January 25, but now it is in fact February 1; is
20 that right? So date of sentencing will be February 1, 2024, at
21 11:00 a.m.

22 Ms. Jackson shall prepare her Presentence Investigation
23 Report by November 27th. Both Government counsel and your
24 counsel shall note any objections by December the 11th, and on
25 or before December 22nd, the probation officer will then file

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1 the report with the Court.

2 If either side desires to call any witnesses, you should
3 notify the opposing side as well as the Court by January the
4 18th. Sentencing memoranda are not required. This regular
5 sentencing order provides that if you're going to submit
6 sentencing memos, you should do so by January 18th. As I think
7 both Mr. Riley and Ms. Reamy know, I don't really -- I'm not a
8 stickler for that. This is a regular sentencing order from my
9 colleagues in terms of a time frame. I don't need to have the
10 sentencing memoranda two weeks prior, but I need to get it
11 within a week prior. I don't want to get it the night before.
12 But I'll sign this regular sentencing order to that effect.

13 Sentencing shall be on Thursday, February 1, 2024, at 11
14 a.m., and I have signed the regular sentencing order to that
15 effect, Ms. Maldeis.

16 Now, the defendant has been on release initially by order
17 of Chief Magistrate Judge -- I'm sorry, by order of Judge
18 Boardman, a District Court Judge, on May the 13th of 2022, and
19 then that was modified, I believe, in July of 2022 by
20 Magistrate Judge Coulson here, and the last entry I have is
21 that there was a temporary release of a passport for Mr. Sary.
22 That has now been surrendered back to the Clerk of the Court;
23 is that correct, Ms. Reamy?

24 MS. REAMY: Yes. The same day.

25 THE COURT: Does the Government have any reason to

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1 believe that this defendant represents a risk of flight or a
2 threat to the community, Mr. Riley?

3 MR. RILEY: No, Your Honor, and the Government would
4 ask that the Court continue this defendant on his current
5 conditions of release.

6 THE COURT: All right. The current release
7 conditions were summarized by Ms. Desiree Akuchie, the Senior
8 U.S. Probation Officer, with respect to the current conditions
9 of release, and he is currently in the third-party custody of
10 Isabella Sary. Is that his wife who's here in court? Is that
11 correct?

12 THE DEFENDANT: Yes, Your Honor.

13 MS. REAMY: Yes, Your Honor.

14 THE COURT: Good afternoon to you, Mrs. Sary. Good
15 afternoon.

16 MS. SARY: Good afternoon.

17 THE COURT: The same conditions of release will still
18 apply as have been existent, and Pretrial Services has
19 recommended that you may remain on release pending sentencing.
20 It's very important for you to continue to comply in that
21 fashion.

22 And, Mrs. Sary, if you have any difficulties in that
23 regard, I would basically indicate you call Ms. Reamy right
24 away. The point is don't do anything silly, Mr. Sary. This is
25 all being handled in a very civilized fashion.

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1 And Ms. Sary, in that manner, if you have any concerns
2 call Ms. Reamy and let her know, okay? Do you understand what
3 I'm saying?

4 MS. SARY: Yes. Yes, I do.

5 THE COURT: Okay. It's in your husband's best
6 interest that that be the case. So I'm certainly willing to
7 allow you to remain on release pending sentencing, and that's
8 also very important in terms of when you're ultimately
9 sentenced here, Mr. Sary, whether it's for five years or
10 anything above that up to nine and a half years, I will
11 certainly permit your voluntary surrender at a federal prison,
12 and you would be designated for a minimum security prison where
13 you have liberal visiting rights and your wife and your son --
14 is your son here as well? Is that correct?

15 THE DEFENDANT: Yes.

16 THE COURT: You're permitted to visit, and your
17 security clearance is definitely at such a level that it's
18 really in your interest to continue to comply and then
19 voluntarily surrender so that there are no handcuffs involved
20 and you report. But that all is contingent upon your
21 continuing to comply with the conditions of release. Do you
22 understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Is there anything further
25 from the point of view of the Government on this matter,

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1 Mr. Riley?

2 MR. RILEY: Your Honor, I apologize. The only other
3 thing would be that the Due Process Protection Act
4 admonishment, the Government's -- the Rule 5 order, Your Honor.

5 THE COURT: Rule 5 in terms of Ms. --

6 MR. RILEY: I'm aware of my obligations.

7 THE COURT: Ms. Maldeis, do you have a standard
8 order? I think you should.

9 THE CLERK: Your Honor, there was already one
10 entered.

11 THE COURT: Was that already --

12 MR. RILEY: I apologize, Your Honor.

13 THE COURT: That's okay. That's all right.

14 MR. RILEY: I apologize, Your Honor.

15 THE COURT: I should have known, Ms. Maldeis is very
16 efficient and she would have brought that to my attention.
17 That has to do with essentially any information that's
18 exculpatory in nature needs to be provided to you under the
19 principles of the case known as Brady versus Maryland as well
20 as Giglio versus the United States under a particular rule and
21 that has already been handled previous court.

22 MR. RILEY: Yes, Your Honor. Thank you. I apologize
23 for that.

24 THE COURT: That's okay. No apology is necessary.
25 Made sure we confirmed that. Anything else, Mr. Riley, from

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1 your point of view?

2 MR. RILEY: No, thank you, Your Honor.

3 THE COURT: All right. Nice to see you again, and
4 Agent Parker, welcome back to our courtroom. Nice to see you
5 here, sir.

6 MR. PARKER: Thank you, sir.

7 THE COURT: Nice to see you.

8 And Ms. Reamy, anything further from your point of view?

9 MS. REAMY: No, Your Honor. Thank you.

10 THE COURT: All right. It's nice to see you as
11 always, and always nice to see you in a privately retained case
12 as well.

13 MS. REAMY: Good to see you.

14 THE COURT: So with that, this court stands -- I
15 believe that's it for the day. This court stands adjourned for
16 the day. Thank you all very much.

17 MR. RILEY: Thank you, Your Honor.

18 MS. REAMY: Thank you.

19 (The proceedings concluded at 3:33 p.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Amanda L. Longmore, Registered Professional Reporter and Federal Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 26th day of August 2025

-S-

AMANDA L. LONGMORE, RPR, CRR, FCRR
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