

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

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

Baltimore, Maryland
June 25, 2024
11:00 a.m.

TRANSCRIPT OF PROCEEDINGS
SENTENCING HEARING
BEFORE THE HONORABLE RICHARD D. BENNETT
Courtroom 5D

For the Government:

PAUL A. RILEY, Esquire
Office of the United States Attorney
36 South Charles Street, 4th Floor
Baltimore, MD 21201

For the Defendant:

JULIE M. REAMY, Esquire
Julie M. Reamy, Attorney At Law, LLC
1 Olympic Place, Suite 900
Towson, MD 21204

Also Present: Nicole Wonneman, Nikki Martin, U.S. Probation
Special Agent Dan Parker, FBI

(Computer-aided transcription of stenotype notes)

P R O C E E D I N G S

(11:10 a.m.)

THE COURT: Good morning, everyone. Those in the far back may be seated. This is calling the case of United States versus Ahmed Sary, Criminal Number RDB-23-0344. The defendant pled guilty to a one-count criminal information before me on October 18th of last year, and we are here to proceed with sentencing here today.

I would note that the standing orders of this court have previously required that masks be worn in all public areas of the courthouse. That is no longer the case. It is within the discretion of the presiding judge in particular courtrooms as to whether or not masks will be worn. My policy is still in the aftermath of the COVID-19 pandemic that masks will be worn in my courtroom if people have not been fully vaccinated, so I do inquire of the vaccination status of the parties before me. And Mr. Carrick, the deputy courtroom clerk, can hand out masks to those individuals here who have not been vaccinated.

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

MR. RILEY: Good morning, 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.

THE COURT: Yes, Mr. Riley. Nice to see you. And,

1 Agent Parker, nice to see you again.

2 MR. RILEY: Yes, Your Honor.

3 THE COURT: You're welcome as always. You-all both
4 may be seated. On behalf of the defendant?

5 MS. REAMY: Good morning, Your Honor. For the
6 record, my name is Julie Reamy. I represent Ahmed Sary. I am
7 fully vaccinated, and my understanding is Mr. Sary is as
8 well.

9 THE COURT: Yes, Ms. Reamy. Nice to see you as
10 always. Welcome back. You're privately retained, I believe;
11 is that correct?

12 MS. REAMY: Yes.

13 THE COURT: Always nice to have you here. Good
14 morning to you, Mr. Sary. Sir, you have been fully vaccinated?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. With that, thank you very
17 much.

18 We have with us Nicole Wonneman, the U.S. probation
19 officer. She is replacing Jessica Jackson who is unable to be
20 here today. Ms. Wonneman, nice to see you, and thank you for
21 filling in. You have been vaccinated; is that correct?

22 PROBATION OFFICER: That's correct, Your Honor.

23 THE COURT: It's nice to have you and thank you. You
24 may be seated as well, Ms. Wonneman.

25 I want to welcome all of those in attendance here today.

1 Any of the members in the gallery who have not been vaccinated?
2 I'm pleased to note that everyone appears to have been
3 vaccinated; no one has indicated otherwise.

4 Ms. Reamy, I have read some of the letters that were
5 submitted on behalf of Mr. Sary during these proceedings. I
6 know I received letters from his wife and from both of his sons
7 and from Linda Derezinski, a good friend, and another, Wael
8 Fetouha. Also another one of the letters I received was from
9 Attorney Leonard Redmond of Baltimore. The record will reflect
10 he and I were classmates at the University of Maryland Law
11 School, and I hold Mr. Redmond in high regard and I have read
12 his letter.

13 Mr. Riley, you have received copies of those letters as
14 well?

15 MR. RILEY: Correct, Your Honor.

16 THE COURT: Thank you. With that, I gather the
17 defendant's wife and sons are here? Is that correct?

18 MS. REAMY: That's correct --

19 THE COURT: Thank you, I've read your letters. While
20 no one has been indicated as being a witness here, Mr. Riley,
21 you have no objection if anybody wants to speak, do you?

22 MR. RILEY: No, Your Honor.

23 THE COURT: Ms. Reamy, if anybody else wants to come
24 forward and speak --

25 MS. REAMY: We do intend to have brief presentations,

1 and I do apologize for not letting the Court know.

2 THE COURT: That's quite all right, quite all right.
3 Anyone here is welcome to come forward and speak if they so
4 desire. The Government appropriately doesn't have any
5 objection.

6 I also want to clarify, Mr. Riley, that there has been a
7 notice to the victims of this conspiracy to commit wire fraud
8 with respect to false loan applications during the pandemic in
9 the payment protection plan and the fraud on the government
10 program --

11 MR. RILEY: Yes, Your Honor.

12 THE COURT: There has been notice to victims?

13 MR. RILEY: Yes, Your Honor.

14 THE COURT: Although the defendant was charged in a
15 criminal complaint which will be dismissed later in these
16 proceedings, there was no underlying indictment. It was a
17 criminal information.

18 MR. RILEY: That's absolutely right, Your Honor.

19 THE COURT: Essentially the two co-defendants in this
20 case, Lawrence Walker and Reginald Hopkins, also pled guilty
21 before me and have already been sentenced I believe, correct?
22 You handled those cases as well.

23 MR. RILEY: That's right, Your Honor. As the
24 Government noted in our sentencing submission, there is another
25 pending case; that's the Joseph Gillespie matter. That case is

1 pending trial before Your Honor. He has not pled guilty.

2 THE COURT: Yes, what date is that? I'm sorry.

3 There were a total of four of them. Two have pled guilty but

4 Mr. Sary is the third, and he is the third to be sentenced.

5 And Mr. Gillespie is due to go to trial when? I'm sorry, I

6 overlooked --

7 MR. RILEY: I apologize, Your Honor. I believe it's

8 this summer, fall.

9 THE COURT: That's all right. There is a fourth

10 person.

11 MR. RILEY: I'll say, Your Honor, that the parties

12 are not anticipating a trial in that matter, but it is set for

13 trial.

14 THE COURT: That's fine, whatever. Just keep

15 Ms. Foster notified.

16 MR. RILEY: Yes, Your Honor.

17 THE COURT: Thank you, Mr. Riley, thank you very

18 much. With that, we are ready to proceed.

19 I note that there is one agreement here with respect to

20 the presentence investigation report here, and that is that the

21 Government agrees with the defense counsel that I think

22 paragraph 62, Ms. Wonneman, will need to be amended. In light

23 of the recent amendments to § 4C1.1 of the advisory guidelines,

24 the defendant was entitled to a minus two adjustment, correct,

25 Mr. Riley?

1 MR. RILEY: Correct, Your Honor.

2 THE COURT: Correct, Ms. Reamy?

3 MS. REAMY: Yes.

4 THE COURT: We'll be going over that in a minute.

5 There will be an adjustment on the total offense level which
6 will be an adjustment on the advisory guideline range.

7 Mr. Sary, I would note, sir, that when you pled guilty
8 before me last October, you did so pursuant to a specific rule
9 of the Federal Rules of Criminal Procedure; specifically Rule
10 11(c)(1)(C) of the Federal Rules of Criminal Procedure provides
11 that a criminal defendant may agree upon a specific sentence or
12 a range of sentence. In paragraph 10 of your plea agreement
13 letter, which was introduced as Government's Exhibit 1 back on
14 October 18th, that plea agreement specifically provided that
15 you and the Government agreed the appropriate range of sentence
16 here is 60 months to 114 months or essentially five years to
17 nine and a half years. Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And members of your family understand
20 that, meaning that if I were inclined to sentence you to one
21 day more than 114 months or one day more than nine and a half
22 years in prison, you could withdraw your guilty plea. Do you
23 understand that?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: By the same token, that rule provides

1 that if I were inclined to sentence you to one day less than 60
2 months, one day less than five years in prison, the Government
3 could withdraw from the plea agreement.

4 Is that correct, Ms. Reamy, from your point of view?

5 MS. REAMY: Correct, Your Honor.

6 THE COURT: You understand that, Mr. Sary?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Correct, Mr. Riley?

9 MR. RILEY: Yes, Your Honor.

10 THE COURT: So everyone understands here, we're
11 dealing with a range of sentence here in a matter in which
12 there will clearly be a federal prison sentence. The question
13 will be how long will that be, how long a sentence will that
14 be.

15 I want to verify that you have had an opportunity to
16 review the presentence report prepared by Ms. Jessica Jackson
17 with your attorney, Ms. Reamy; is that correct?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Approximately how many times have you
20 reviewed it with her?

21 THE DEFENDANT: Like two times.

22 THE COURT: I'm sorry? Pull that microphone over a
23 little over farther.

24 THE DEFENDANT: Two times, Your Honor.

25 THE COURT: Are you satisfied you've had a sufficient

1 amount of time to go over it with her?

2 THE DEFENDANT: Yes.

3 THE COURT: The only correction or objection by the
4 Government, Mr. Riley, is with respect to that paragraph as to
5 a two-level downward adjustment under 4C1.1 of the advisory
6 guidelines, correct?

7 MR. RILEY: Correct, Your Honor.

8 THE COURT: Correct from your point of view,
9 Ms. Reamy?

10 MS. REAMY: Yes, there is some additional information
11 that should have come to the Court in the last couple of days
12 from Ms. Jackson. I don't know if the Court received
13 anything.

14 THE COURT: Yes, I received a note from Ms. Jackson
15 with respect to the fact that Mr. Sary has been on release by
16 earlier orders, I think, of Judge Hurson and Judge Boardman of
17 this court but that perhaps a mental health provision will be
18 added for a special condition of his continued release.
19 Voluntary surrender is anticipated. I have that communication
20 with Ms. Jackson. Is there anything else, Ms. Reamy?

21 MS. REAMY: There is. I think I can address it --

22 THE COURT: -- okay, later on. There are no errors
23 or corrections other than the one correction we're going to
24 make here?

25 MS. REAMY: Correct.

1 THE COURT: With that, let me just go over the
2 process here today. I know I went over this with you back in
3 October, Mr. Sary, but to make sure your family members
4 understand as well. There are -- by the way, I would also note
5 that with respect to the plea agreement and the range of
6 sentence, there is a waiver of appeal by both you and the
7 Government as to any sentence within that range. Do you
8 understand that?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: I also would note that that plea
11 agreement provided for specific forfeiture in addition to the
12 restitution. An order of forfeiture was filed last week, June
13 20th, last Thursday. A preliminary order of forfeiture, a
14 forfeiture money judgment in the amount of \$3,627,489.22. That
15 is paper no. 82. That judgment has been entered and is
16 consistent with the plea agreement. Do you understand that?

17 THE DEFENDANT: Understand, Your Honor.

18 THE COURT: Correct from the point of view of the
19 Government, Mr. Riley?

20 MR. RILEY: Yes, Your Honor.

21 THE COURT: Ms. Reamy?

22 MS. REAMY: Yes, Your Honor.

23 THE COURT: So that has already been done here.

24 So with that, let me just go over the process here in
25 federal court with respect to sentencing. This is true of all

1 federal courts in the United States, not state courts. There
2 are two key opinions of the United States Supreme Court that
3 outline the process for sentencing in federal court.

4 First of all, in January of 2005 and now over 19 years
5 ago, the Supreme Court issued its opinion in *United States v.*
6 *Booker* in which the Supreme Court of the United States upheld
7 the constitutionality of the Federal Sentencing Guidelines
8 which were referenced, I believe, in paragraph 5 of your plea
9 agreement letter and are referenced in the presentence
10 investigation report prepared by the U.S. Probation Office.
11 But the Supreme Court upheld the constitutionality of those
12 guidelines with the deletion of two particular sections of the
13 guidelines which had previously rendered the guidelines
14 mandatory.

15 The Supreme Court specifically noted that with the
16 deletion of those mandatory provisions, the balance of the
17 Federal Sentencing Guidelines was constitutional, but as a
18 result, henceforth the Federal Sentencing Guidelines were
19 rendered effectively advisory and were no longer mandatory and
20 were to be applied in an advisory context, meaning that federal
21 judges, while not bound to apply those guidelines, must still
22 consult them and take them into account when imposing the
23 sentence, subject to review by courts of appeals for
24 unreasonableness. Here there is a waiver of any appeal to the
25 Court of Appeals of the Fourth Circuit above this court. But

1 that is the process here.

2 And other factors are to be considered as well under 18
3 United States Code, § 3553(a). They include your personal
4 history and characteristics, the nature and circumstances of
5 this offense, the sentences imposed upon similarly-situated
6 individuals which means we're going to be addressing the
7 sentences which were imposed upon Mr. Walker and Mr. Hopkins
8 previously in this matter. All those factors are taken into
9 consideration by me as well.

10 I said there were two key opinions of the Supreme Court in
11 this matter. The second of those two opinions is the case of
12 *Gall v. the United States* decided about three years after the
13 *Booker* case in which the Supreme Court specifically noted that
14 federal judges should not presume that the guideline range is
15 reasonable, but it is a starting point in a multistep process
16 pursuant to which first there's a calculation of the guideline
17 range which will be adjusting here this morning in a few
18 minutes. And then there's a consideration of other factors
19 apart from the guidelines, the goal being to impose a sentence
20 which is sufficient, but not greater than necessary, to achieve
21 the goals of sentencing. If this sentence is outside of the
22 guideline range, I indicate my reasons for it being so.

23 Here the matter of the guideline range is correlated with
24 the agreed range of your sentence which will definitely be 60
25 to 114 months, somewhere in that range, but that overlaps a

1 guideline range which would ordinarily call for a range of 108
2 to 135 months which essentially translates out to some nine
3 years to almost 12 years. That would be the guideline range.
4 But we'll be going over that in a moment.

5 A little bit of housekeeping I still must continue to do
6 is, first of all, in looking at the presentence investigation
7 report, paragraph 80 lists medications that you're taking here.
8 Without going into too much detail, the medications which
9 you're taking listed in paragraph 80 relate to acid reflux,
10 heart muscle cramps and gastroesophageal reflux, so you do take
11 certain medications each day. Did you take those medications
12 today?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: And you take them every day?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Is that having any negative effect upon
17 you here today, the medication?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Ms. Reamy, are you satisfied that your
20 client is competent to proceed with sentencing here today?

21 MS. REAMY: Yes, Your Honor.

22 THE COURT: The other thing I want to go over with
23 you are the procedures required by the PROTECT Act of 2003
24 which is a law that was passed by the U.S. Congress over 20
25 years ago obviously. And among the many provisions of the

1 PROTECT Act, there are also provisions that apply to federal
2 courts when imposing sentences in federal criminal cases.
3 Specifically the PROTECT Act requires that the chief judge of
4 each federal court in the United States -- again, this applies
5 to federal courts, not state courts. The chief judge of each
6 federal court in the United States must ensure that within 30
7 days of the imposition of sentence, that certain information
8 goes over to the U.S. Sentencing Commission in Washington.

9 Those documents that are to be sent over include the
10 Judgment and Commitment Order which I'll be preparing
11 immediately after these proceedings with the assistance of
12 Mr. Carrick, the deputy clerk of court; the Statement of
13 Reasons for the sentence imposed which shall include the reason
14 for any departures from the otherwise applicable guideline
15 range; a copy of the plea agreement in the case; ordinarily an
16 indictment -- in your case, a criminal information; the
17 presentence report and any other information the Sentencing
18 Commission finds appropriate.

19 The chief judge of this court issued an administrative
20 order back over 20 years ago directing Ms. Wonneman's office,
21 the U.S. Probation Office, to forward these items to the U.S.
22 Sentencing Commission in Washington after each sentencing here
23 in this court. That means that some of these documents are
24 subject to review, Mr. Sary, by other public officials in
25 Washington or perhaps even by members of the public.

1 For a long period of time, it has been the policy of this
2 court that there was an administrative order dating back to
3 2004 relating to the section of the presentence report marked
4 "defendant characteristics," and that is part C of your
5 presentence report which begins in paragraph 74 on page 13.
6 That section, going from paragraph 74 on page 13 to paragraph
7 90 on page 17 of this report, is subject to administrative
8 seal. I have reviewed that information, that confidential
9 family information. Another judge of this court could review
10 it if he or she so chose -- none have -- and members of the
11 U.S. Sentencing Commission in Washington can review it. No one
12 else is permitted to see it absent further order of this court.

13 Do you understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: The president of the United States
16 couldn't ask for it and disclose it publicly without there
17 being an order of this court. Do you understand that?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: To all other extent, the requirements of
20 the PROTECT Act are still mandated and to be complied with.

21 I said that the first step here is a calculation of the
22 advisory guideline range, and there is an agreed adjustment
23 here with respect to that calculation. In light of recent
24 amendments to the advisory guidelines and policies set forth by
25 the U.S. Sentencing Commission, there is a category under 4C1.1

1 essentially noting that you get some credit for your lack of
2 any kind of criminal history essentially.

3 That's a fair summary, is it not, Mr. Riley?

4 MR. RILEY: Correct, Your Honor.

5 THE COURT: Ms. Reamy?

6 MS. REAMY: Yes, Your Honor.

7 THE COURT: In a nutshell, that's what it amounts to.
8 You had not been given credit for that, but now there have been
9 amendments so that you're to be given credit for it. That
10 means that essentially looking at paragraph 62 of the
11 presentence report -- Ms. Wonneman, if you'll make these
12 calculations, there is a downward adjustment of minus two under
13 § 4C1.1. That results in an adjusted offense level of 34.

14 There is a two-level downward adjustment further because
15 of your acceptance of responsibility, and the Government is now
16 moving for a third level, correct?

17 MR. RILEY: Yes, Your Honor.

18 THE COURT: -- under § 3E1.1 of the advisory
19 guidelines so the total offense level of paragraph 65,
20 Ms. Wonneman, will be 31, not 33.

21 Furthermore, that means that there is an adjustment to
22 paragraph 92 of the presentence report so that the guideline
23 range will be based upon a total offense level of 31 and a
24 Criminal History Category of I as the defendant has no criminal
25 history. The guideline range for imprisonment would be 108

1 months to 135 months, if you'll make that change as well.

2 Then paragraph 101 for this offense level in terms of a
3 fine range, no fine is going to be assessed here because of the
4 massive amounts of restitution that are going to be ordered.
5 But in terms of a housekeeping matter, the fine range here with
6 a total offense level of 31 would change from 35,000 to
7 250,000, Ms. Wonneman, to 30,000 -- I think it was a typo
8 there. Ordinarily the range would have been 35,000 to 350,000.
9 Paragraph 101 should be changed so it reads the fine range is
10 30,000 to 300,000. If you'll make that change as well. Again,
11 there isn't going to be a fine assessed here.

12 Mr. Carrick, if you'll note that on the Judgment and
13 Commitment Order in chapter 4, there were some changes we've
14 made in this so that there is no -- you have absolutely no
15 criminal history of any kind, so you're in the lowest level; I
16 being the lowest, VI being the highest. There's a total
17 offense level of 31.

18 There are no other adjustments to be raised from the point
19 of view of the Government, are there, Mr. Riley?

20 MR. RILEY: No other adjustments, Your Honor.

21 THE COURT: Again, I'll hear from you in a minute,
22 Ms. Reamy, on other considerations but in terms of the
23 presentence report itself, there are no other adjustments, are
24 there?

25 MS. REAMY: Correct, Your Honor.

1 THE COURT: So with that, we made that first step, as
2 I mentioned, on the advisory guideline analysis. There is a
3 range of 108 to 135 months, but the reality is that the range
4 here is 60 to 114 months for reasons authorized by the
5 guidelines, Mr. Carrick, with respect to a binding plea
6 agreement.

7 So there are no other disputed matters to be addressed
8 here. With that, you may be seated for a minute, Mr. Sary.
9 I'll first hear from the Government and from Mr. Riley. He'll
10 speak on behalf of the Government, speak on allocution. Then
11 I'll hear from Ms. Reamy and recognize her for remarks. Then
12 I'll give you an opportunity to speak on your own behalf,
13 Mr. Sary, as well as any other persons who want to come forward
14 during allocution.

15 So, Mr. Riley, I'll be glad to hear from you. I think the
16 first step here is the Government is now moving to dismiss the
17 original criminal complaint that was filed, correct?

18 MR. RILEY: Yes, Your Honor.

19 THE COURT: That will be dismissed. The defendant
20 pled guilty to the one-count criminal information. There was
21 no indictment in this case.

22 So with that, I'll be glad to hear from you. I've read
23 your sentencing memorandum, paper no. 76, that was filed last
24 week on June 18th, all of which relates to the April 2020 to
25 January 2022 time period during the fraud on the government and

1 financial institutions with respect to the Paycheck Protection
2 Program that was implemented in response to the COVID-19
3 pandemic. Mr. Riley.

4 MR. RILEY: Yes, Your Honor. Thank you, Your Honor.
5 Your Honor, the Government would ask this Court to impose
6 a 114-month sentence. That's the top end of the parties'
7 agreed-upon sentencing C-plea range. It's a sentence at
8 essentially the low end of the advisory sentencing guideline
9 range in this case.

10 I want to talk briefly about a couple of 3553(a) factors
11 that are particularly germane here, Your Honor. I want to
12 start off with the nature and circumstances of the offense,
13 Your Honor. There's no question, Your Honor, that this
14 defendant's offense is serious. In the wake of the COVID-19
15 pandemic when the world was shut down, when businesses were
16 suffering, where employees were suffering, when real businesses
17 were trying to make ends meet, this defendant engaged in a
18 massive scheme to defraud the Small Business Administration of
19 the United States, as well as numerous financial institutions,
20 as Your Honor noted. This defendant was responsible for the
21 disbursement of at least 85 fraudulent Paycheck Protection
22 Program loans and nearly \$15 million in actual losses
23 associated with those loans. And he was responsible for at
24 least 57 fraudulent Economic Injury Disaster Loans or EIDLs.

25 What we have, Your Honor, at the outset is more than \$17.9

1 million in actual losses to the government as well as financial
2 institutions. Actual losses. We're not even getting into
3 intended losses.

4 Your Honor, this defendant -- essentially two types, there
5 was two types of conduct by this defendant in connection with
6 this scheme. He obtained roughly a million dollars, over
7 \$900,000 in fraudulent PPP and EIDL funds for his own purported
8 businesses, and then he engaged in a separate scheme. This was
9 the PPP/EIDL kickback scheme. So this defendant essentially
10 was the person who prepared, who packaged numerous other
11 fraudulent Paycheck Protection Program and EIDL loans for other
12 co-conspirators, borrowers and so on.

13 THE COURT: Including Mr. Walker and Mr. Hopkins,
14 right?

15 MR. RILEY: Including Mr. Hopkins, Mr. Walker, I
16 mentioned the allegations against Mr. Gillespie. There is
17 another defendant too; I neglected to mention him earlier, Your
18 Honor. Mr. Qureshi, that case was before Your Honor,
19 transferred to Judge Bredar.

20 THE COURT: Yes.

21 MR. RILEY: He has since pled guilty again and he is
22 pending sentencing.

23 So there are numerous, numerous individuals whom this
24 defendant facilitated fraudulent loans for. It was a
25 conspiracy that touched various parts of the United States that

1 involved numerous fraudulent purported businesses that may have
2 existed only on paper, if at all. In exchange for preparing,
3 submitting these fraudulent PPP, these fraudulent EIDL
4 applications, this defendant received a cut. He received a
5 slice of the fraudulent loan amount. Sometimes up to 30
6 percent of the loan amount, typically 20 to 30 percent. As a
7 result of this kickback scheme, this commission, to put it
8 nicely, Your Honor, this defendant received millions and
9 millions of dollars in fees of fraud funds.

10 So, Your Honor, I think it's important to consider that
11 this defendant is essentially the mastermind of this scheme.
12 He was the one submitting these applications. He was the one
13 who was coordinating with another co-conspirator to obtain
14 fraudulent IRS forms that were submitted with these fraudulent
15 PPP applications. He was the one who was creating fraudulent
16 bank statements that were submitted with another of these
17 applications. And he was the one, Your Honor, that was filling
18 out these applications that were completely full of lies about
19 these purported businesses, not tethered to reality, to obtain
20 these fraudulent funds.

21 THE COURT: Mr. Riley --

22 MR. RILEY: Yes, Your Honor.

23 THE COURT: -- I note in the presentence report, going
24 through this in preparation for this sentencing -- what
25 happened to all the money? I'm looking at his residence is

1 valued at \$325,000 and there's listed a mortgage of \$120,000 on
2 it. I'm looking at some bank accounts, there's total assets of
3 \$430,000. Then taking out the matter of the judgments and
4 restitution to be ordered here, he has some personal loans.
5 I'm wondering what happened to all the money? Where did all
6 the money go?

7 MR. RILEY: That's a great question, Your Honor. I
8 will say this. The defendant admitted to using Paycheck
9 Protection Program fraud funds, EIDL fraud funds to open a
10 beachfront restaurant in Alexandria, Egypt, his home city. He
11 admitted to buying real property in Egypt.

12 THE COURT: That's not listed in his financial --

13 MR. RILEY: No, it is not, Your Honor. I was going
14 to make that point. The restaurant, which the Government still
15 understands to be in operation, was not disclosed to Probation.
16 The real property in Egypt, that was not disclosed to the U.S.
17 Probation, so the Government has questions about that.

18 I will say, Your Honor, with respect to Egypt, this
19 defendant during the pandemic --

20 THE COURT: We'll get to it in a moment, the
21 defendant is a naturalized American citizen. He became an
22 American citizen in 2007.

23 MR. RILEY: Roughly two decades --

24 THE COURT: He was a native of Egypt. Does he have
25 dual citizenship in both Egypt and the United States?

1 MR. RILEY: I'm not a hundred percent sure. I
2 believe the answer is yes but I'm not a hundred percent sure.

3 THE COURT: I was wondering as you were talking about
4 that, the massive amounts of money. It begs the question where
5 did all the money go.

6 MR. RILEY: Yes, Your Honor. I will say with respect
7 to Egypt, this defendant was traveling to Egypt during the
8 pandemic numerous times. He traveled -- and he admitted to
9 traveling to Egypt, traveling to Dubai, staying at luxury
10 resorts such as the Four Seasons during his travels. And he
11 would stay in Egypt for weeks at a time, up to a month at a
12 time, Your Honor. So the Government understands that a
13 significant amount of money was spent in Egypt.

14 I'll say, Your Honor, the Government obviously has limited
15 visibility into obtaining bank records in Egypt. We looked
16 into obtaining an MLAT for the Egyptian bank account the
17 Government was aware this defendant had. It's essentially, we
18 understood from our friends, the Office of International
19 Affairs at main Justice essentially not -- impossible to get --

20 THE COURT: You said it's not impossible or it is
21 impossible?

22 MR. RILEY: It is impossible. They're not going to
23 comply with an MLAT to give you bank records for a bank account
24 in Egypt. So the Government has no visibility essentially into
25 the state of this defendant's finances in Egypt. What we --

1 THE COURT: As a follow-up to that, I noticed you
2 mentioned on page 9 of your sentencing memorandum in terms of
3 other sentences imposed in massive frauds with respect to
4 pandemic fraud --

5 MR. RILEY: Yes, Your Honor.

6 THE COURT: -- this certainly appears -- I'll hear
7 from Ms. Reamy in a moment obviously on this -- but this
8 certainly appears to be one of the largest pandemic fraud
9 cases, at least of record, that we've had here. Maybe Agent
10 Parker can tell me, but I'm looking at the amount of money
11 involved here. It's mind-boggling. We're about to enter a
12 forfeiture order, restitution order of \$17.9 million.

13 MR. RILEY: Yes, Your Honor. The Government would
14 characterize the losses here as -- the actual losses as
15 massive.

16 THE COURT: Certainly one of the largest in the
17 country, it would appear. I don't know.

18 MR. RILEY: I would say certainly, Your Honor, it's
19 the largest in the District of Maryland.

20 THE COURT: Without question.

21 MR. RILEY: Without question. I can't speak to the
22 size across the country, but this is -- I would say this is a
23 fairly substantial amount of --

24 THE COURT: Just ask Agent Parker from the FBI,
25 obviously you've been working some of these cases. Do you have

1 some familiarity with what's going on around the country and
2 the level of fraud here, Agent Parker, from your point of view?
3 If you'll stand for a minute. I'm just asking, just to get a
4 feel for this.

5 AGENT PARKER: Yes, Your Honor.

6 THE COURT: This is one of the bigger ones in the
7 country, it would appear to me.

8 AGENT PARKER: It's my opinion, sir -- and I'm aware
9 that around the country this is a significant problem. These
10 types of cases are prevalent in all districts all throughout
11 the United States.

12 THE COURT: Yes.

13 AGENT PARKER: I can say of the ones that I'm aware
14 of, this is one of the larger fraud schemes. Again, if you --
15 total circumstances of all the frauds and all the loans.

16 THE COURT: Thank you very much. I'm not being
17 critical of the fact you-all can't give me where the money went
18 out of the United States. You have limited ability to get that
19 information. Thank you very much, Agent Parker.

20 AGENT PARKER: Yes, Your Honor.

21 MR. RILEY: I certainly understand Your Honor's point
22 where did the money go. From the Government's perspective, a
23 large amount went to Egypt. If this beachfront restaurant is
24 still operating, you know, and this defendant still has real
25 property in Egypt, it should have been disclosed to Probation.

1 And, frankly, from the Government's perspective, it should be
2 repatriated to repay for restitution if he still, in fact, has
3 an ownership interest in any of these assets.

4 So, Your Honor, I was talking about the nature and
5 circumstances of the offense, the scale of the losses in these
6 cases. The bottom line is that fraud losses of about \$18
7 million, 87 -- at least 87 fraudulent PPP loans, 57 fraudulent
8 EIDLs, doesn't happen; those fraud losses do not happen without
9 this defendant. He is the one pulling the levers to make the
10 pandemic relief funds flow in return for a 20 percent, a 30
11 percent kickback.

12 Not only that, Your Honor, so the losses are high; the
13 scheme itself is protracted. This defendant is engaged in this
14 conduct for about two years. The scheme itself is
15 sophisticated. In thinking about the kickbacks to this
16 defendant, he essentially -- didn't essentially, he concealed
17 the scheme or attempted to conceal the scheme by having the
18 people who received the fraud funds make out checks to him --
19 excuse me, not to him -- sign blank checks where payee is
20 blank, the memo line is blank, and he's the one who fills out
21 those series of blank checks to entities and people whom he
22 controls, sometimes as many as seven checks.

23 That's to conceal the kickback payment. So it's not a
24 single check for \$78,000 to Ahmed Sary. It's checks broken
25 down to individuals and businesses that this defendant

1 controlled. You would occasionally see, Your Honor, memo lines
2 that were meant to deceive. For instance, there was -- one of
3 the entities used to launder the proceeds was a purported
4 clothing business. The memo line in the kickback check would
5 say "uniforms." And this is all designed by this defendant to
6 conceal the scheme.

7 I think it's notable too, Your Honor, that this defendant
8 for a number of these fraud borrowers engaged with the
9 borrowers, encouraged them to set up purported payroll services
10 after they received the funds to essentially create a bogus
11 paper trail that could be used to obtain forgiveness for the
12 PPP loans.

13 Your Honor may recall this from the facts submitted by
14 Mr. Walker in connection with his guilty plea. He admitted to
15 going to the payroll processor at this defendant's direction,
16 setting up the payroll processing services. And the purpose of
17 him doing that was to make it appear like he had employees when
18 he, in fact, had none, and the money flowed to his employees
19 via payroll and it flowed right back to him.

20 So this defendant's scheme was sophisticated and it was
21 multifaceted. Obviously, Your Honor, these were COVID-19
22 relief funds, Paycheck Protection Program funds, Economic
23 Injury Disaster Loan funds. These are funds meant for real
24 struggling businesses, struggling employees, and the defendant
25 abused these programs to line his own pockets, to travel to

1 Egypt, stay at luxury resorts, buy a restaurant, to buy real
2 property there. And the taxpayer, the banks are essentially
3 the ones left holding the bag in all of this.

4 Really, Your Honor, these Paycheck Protection Program
5 funds, these Economic Injury Disaster Loan funds, these funds
6 were meant to boost the American economy, not for outrageous
7 spending by the defendant in his home country of Egypt to boost
8 the Egyptian economy.

9 Now the defense appears to suggest in their sentencing
10 submission that some amount of the money was spent on this
11 defendant's medical care. The defense notes that this
12 defendant's mother passed in June 2021 as a result of
13 complications from diabetes and some ailments thereafter, and
14 the defense suggests that his mother's circumstances somehow
15 influenced his decision to engage in this crime and this
16 scheme.

17 From the Government's perspective, Your Honor, the Court
18 should be skeptical. If we look at sort of when this scheme
19 began in April 2020, that was more than a year before his
20 mother's passing in June 2021. And after his mother's passing,
21 it continued. It continued until at least January 2022. So,
22 again, we have a protracted scheme.

23 Moreover, Your Honor, we don't have any details. I don't
24 doubt that this defendant's mother passed, and I'm sorry for
25 that, but we don't have details about how much he spent, where

1 he spent the money, how much of the fraud money he spent to
2 help his mother. Nothing like that. All we have is this
3 defendant's say-so in the defense sentencing submission.

4 So all of this is to say, Your Honor, that the offense is
5 serious in light of the fraud losses, the actual losses at
6 issue in this case. It's serious in light of the length of
7 time when this scheme -- that this scheme occurred, almost two
8 years. And it's serious in light of the fact that this
9 defendant did not stop. He did not stop after obtaining almost
10 a million dollars for his own purported businesses. He kept
11 the scheme rolling and got that kickback scheme going; 20 to 30
12 percent of every single fraudulent loan that he sent out, that
13 he packaged to make those fraud funds flow.

14 So any suggestion that this was an honest mistake, an
15 impetuous decision brought on by stress about his mother's
16 health situation, I don't think that can be squared, Your
17 Honor, with the facts that this defendant admitted to in his
18 Rule 11 Stipulation of Facts for the plea.

19 Your Honor asked Agent Parker about the scale of this
20 crime. I've talked about it a little bit. But from the
21 Government's perspective, the need to promote respect for the
22 law, the need to provide just punishment, those are very
23 important factors in this case. The Government cited the
24 figure from a report put together by the SBA OIG with respect
25 to the amount, the sheer scale of COVID-19 pandemic fraud that

1 occurred. Billions and billions of dollars are estimated to be
2 fraudulent, up to 17. Approximately 17 percent of the money
3 that was sent out by lenders, by the government, is estimated
4 to be fraudulent.

5 That doesn't happen, those numbers are not that high
6 without people like the defendant who are facilitating numerous
7 loans, and we have about 150 here. It doesn't happen without
8 people like the defendant facilitating these loans. And this
9 defendant is responsible for, as discussed, at least almost \$18
10 million worth of fraud proceeds in this case.

11 The billions and billions of dollars in fraud losses,
12 obviously we can't hang all of those losses on that defendant,
13 we can't. But \$18 million is a lot of money and that money did
14 not flow without this defendant packaging those applications,
15 submitting those applications, knowing what documents to
16 include with those applications, and keeping that scheme going
17 for almost two years.

18 So the need to provide just punishment, to promote respect
19 for the law, are very serious considerations from the Court,
20 and the Government believes that the 114-month sentence is
21 appropriate if Your Honor considers those factors here.

22 I want to talk finally -- not finally, but next about the
23 history and characteristics of this defendant.

24 THE COURT: Can I just ask you a question on the
25 amount of money?

1 MR. RILEY: Yes, Your Honor.

2 THE COURT: You have a restitution worksheet, a copy
3 was provided to me.

4 MR. RILEY: Yes, Your Honor.

5 THE COURT: You have an original of that to introduce
6 now, do you not, government exhibit to assist Mr. Carrick in
7 the restitution?

8 MR. RILEY: I do. I believe Mr. Carrick has a
9 copy.

10 THE COURT: Mr. Carrick, you have it. And Ms. Reamy
11 has a copy as well?

12 MS. REAMY: Yes, Your Honor.

13 THE COURT: Ms. Reamy, there's no dispute about that
14 number, is there?

15 MS. REAMY: No, Your Honor.

16 THE COURT: Okay. So that will be entered. I will
17 note that comes to a total of \$17,901,279.87, over \$3 million
18 of which is attributable to the loss of the United States Small
19 Business Administration, and another \$10.9 million is with
20 respect to Cross River Bank in Fort Lee, New Jersey in and of
21 itself.

22 MR. RILEY: Yes, Your Honor. I will say with respect
23 to the figure, it should be 37 cents as opposed to 87 cents, I
24 apologize.

25 THE COURT: Okay. That's fine.

1 MR. RILEY: So the Government will introduce this
2 restitution worksheet as Exhibit 1 at this proceeding.

3 THE COURT: That's fine.

4 MR. RILEY: As Your Honor noted, the losses are high,
5 staggering. Cross River Bank had \$10.9 million in losses; the
6 Small Business Administration, almost \$3.1 million in losses;
7 Celtic Bank, \$1.9 million in losses. The financial
8 institutions are all listed on the worksheet.

9 THE COURT: Yes.

10 MR. RILEY: The losses are high. Again, this is
11 actual losses, Your Honor. This conduct requires serious
12 punishment.

13 With respect to this defendant's history and
14 characteristics, it's true, of course, that this defendant has
15 no criminal history.

16 THE COURT: As like Mr. Hopkins and Mr. Walker were
17 on a much smaller level of this fraud, they have no prior
18 record either.

19 MR. RILEY: Mr. Hopkins had no record. Mr. Walker
20 did have a record --

21 THE COURT: Oh, did he? Okay.

22 MR. RILEY: Much of it was quite dated, Your Honor.

23 THE COURT: Right, okay.

24 MR. RILEY: This defendant's criminal history is
25 taken into account. It's taken into account in the guidelines.

1 This defendant received a 4C1.1 level reduction as well, again,
2 so all of his lack of criminal history which is admirable,
3 which the Government is happy about, is reflected in the
4 guidelines calculated by Your Honor.

5 I note as well, Your Honor, that this defendant has in his
6 past attributes -- a history of certain things that many folks
7 who appear before Your Honor to be sentenced don't have. He
8 has high school education. The PSR indicates that he did
9 attend secondary -- I should say university back in Egypt. And
10 he has a loving and supporting family who have written poignant
11 letters on his behalf.

12 I would say, Your Honor, that I understand that this
13 defendant is loved by his family. I understand that he may
14 have been involved with volunteering to help folks in Baltimore
15 City travel to Egypt many years ago. That's admirable, but
16 none of that justifies a massive -- the massive downward
17 variance sought by the defense in this case.

18 Your Honor mentioned Mr. Hopkins and Mr. Walker, and I'm
19 going to talk finally about the need to avoid unwarranted
20 sentencing disparities in this case. So Mr. Walker -- this is
21 in RDB-22-290 -- he received just \$262,252 in PPP funds, and he
22 paid a \$78,000 kickback to this defendant. So he essentially
23 received under, for himself, under \$200,000. Your Honor
24 sentenced Mr. Walker to 24 months' imprisonment, six months of
25 home confinement. As I said, Mr. Walker, he did have some

1 limited criminal history. Most of it was timed out.

2 Mr. Hopkins received \$1,018,224 in connection with this
3 scheme for his fraudulent PPP and EIDL loans, and he paid the
4 defendant \$177,000 in kickbacks. And Your Honor sentenced
5 Mr. Hopkins to 24 months' imprisonment.

6 THE COURT: And 12 months' home detention, I believe.
7 24 months for Mr. Hopkins. He also received 12 months of home
8 detention thereafter.

9 MR. RILEY: Thank you, Your Honor. So if you
10 consider the pecking order, Your Honor, if Your Honor
11 considers -- and I know Your Honor has -- those sentences
12 imposed by Your Honor on Mr. Walker, on Mr. Hopkins, this
13 defendant is obviously at the top of the pecking order. If we
14 look at the amount of money that Mr. Walker received, that
15 Mr. Hopkins received and the kickbacks they paid to this
16 defendant, the Government's recommended sentence as a matter of
17 extrapolation from the numbers -- and that would be a crude way
18 to do it, but if Your Honor compares the numbers, the
19 Government's recommendation makes sense in this case.

20 This defendant, again, is responsible for almost \$18
21 million in losses. I will note, Your Honor, the Government
22 cited a number of cases throughout the country. Obviously,
23 every defendant is different. It's hard to glean obviously
24 from a parenthetical all the facts and circumstances of a case.
25 It's impossible actually. But the Government did include that

1 string cite to these national cases to provide context to the
2 Court, that significant sentences, very significant sentences
3 have been imposed in cases like this, particularly in
4 situations where we have someone who's the packager, the
5 processor, the one who's submitting these -- a large number of
6 fraudulent applications and then taking a slice for himself,
7 just like the defendant did in this case.

8 So, Your Honor, the Government would ask this Court to
9 impose a 114-month -- nine and a half years -- sentence. The
10 Government recognizes that it's a lot of time for anyone,
11 particularly someone who has no criminal history, who has not
12 been in prison apart from 11 days at CDF like this defendant.
13 But the Government's recommended sentence is justified,
14 particularly when Your Honor considers the nature and
15 circumstances of the offense, the seriousness of the offense,
16 the need to avoid unwarranted sentencing disparities, as well
17 as the need to provide just punishment to promote respect for
18 the law. The Government would ask this Court to impose that
19 sentence followed by three years of supervised release, to
20 order restitution, and Your Honor has already ordered
21 forfeiture.

22 THE COURT: And the restitution figure agreed upon is
23 \$17,901,279.37.

24 MR. RILEY: Thank you, Your Honor. Yes, Your
25 Honor.

1 THE COURT: That will be, that restitution order will
2 be part and will be entered as well, Mr. Carrick. Thank you
3 very much, Mr. Riley.

4 MR. RILEY: Thank you, Your Honor.

5 THE COURT: Just one last thing, you would
6 acknowledge that some of these cases have backed out 12 months
7 or six months for home detention at the end of it? Under
8 5C1.1(e)(3) of the advisory guidelines, one day of home
9 detention can equal one day of incarceration, so that could be
10 a factor molded in at the end.

11 MR. RILEY: Split sentence, yes, Your Honor. Thank
12 you, Your Honor.

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

14 With that, I'll be glad to hear from you, Ms. Reamy. I
15 read your sentencing memorandum, paper no. 78, that was
16 submitted last week on June 19th. I have read the letters from
17 the defendant's wife, Izabela Sary; his two sons, Mohamed Sary
18 and Mahmoud Sary; as well as from a friend Linda Derezinski; as
19 well as a friend Waiel Fetouha. And I've already noted
20 Baltimore attorney Leonard Redmond has submitted a letter, and
21 I have read all of those. I'll be glad to hear from you.

22 MS. REAMY: Thank you, Your Honor. Your Honor, at
23 the outset, I do want to make the Court aware Ms. Derezinski is
24 present.

25 THE COURT: Ms. Derezinski, I read your letter, thank

1 you very much.

2 MS. REAMY: As well as his two adult sons, Mohamed
3 and Mahmoud. And his wife --

4 THE COURT: Yes.

5 MS. REAMY: -- Izabela is also present here in support
6 of him.

7 THE COURT: As I understand it, his wife Izabela is
8 also a naturalized American citizen and came to this country
9 from Poland, I believe.

10 MS. REAMY: That's correct.

11 THE COURT: Welcome.

12 MS. REAMY: Yes. Your Honor, at the outset,
13 certainly acknowledging what the guidelines are in this case
14 and that the guidelines are an important factor in the
15 sentencing determination. However, as the Court is aware and
16 has discussed already, the overarching objective is to arrive
17 at a sentence that is sufficient, but not greater than
18 necessary, to achieve the goals of sentencing. There's a
19 concession among the parties that a sentence within a range of
20 60 to 114 months would be appropriate in this case. Obviously,
21 the Government has stated its position that the high end is
22 most appropriate, and we, of course, are asking the Court to
23 consider a sentence at the low end of that range.

24 No doubt it's a difficult decision for the Court
25 considering all of the factors and all of the information in

1 this case. There's certainly no dispute whatsoever that this
2 is a significant case, a serious criminal offense, and it's one
3 that Mr. Sary has taken responsibility for.

4 Looking at the nature of the offense, I do have to push
5 back on the Government's representations on some things. First
6 of all, there is certainly, as the Court is aware, there is an
7 upward adjustment for Mr. Sary for having a -- being a manager
8 or supervisor in the conspiracy. And it's a conspiracy which
9 means that more than one individual was involved in this
10 offense. One name that you don't hear -- and I think a reason
11 that we are not dealing with the upper-level adjustment is
12 because there's a very important figure involved in this case
13 and his name is Harold Dotson. That was Mr. Sary's
14 accountant.

15 THE COURT: What is his last name?

16 MS. REAMY: Dotson, D-o-t-s-o-n. Harold Dotson was
17 Mr. Sary's accountant with special knowledge --

18 THE COURT: Mr. Dotson is a practicing accountant
19 here in Baltimore?

20 MS. REAMY: He's a CPA. The Government is well aware
21 of him. We believe that the Government is relying heavily, in
22 addition to other things, on certain information that is
23 received from Mr. Dotson.

24 THE COURT: Are you representing that Mr. Dotson
25 benefited to the tune of millions of dollars in this fraud?

1 MS. REAMY: He certainly benefited to a large degree.
2 I can't provide the specific figure, but I will tell the Court
3 that Mr. Sary was brought into the conspiracy by his
4 accountant, Mr. Dotson, who was in a position to have special
5 knowledge, ability, and know-how in that very specialized
6 position. He understood the program at its onset; Mr. Sary did
7 not. He understood what was necessary for the applications;
8 Mr. Sary did not.

9 THE COURT: In all candor, Ms. Reamy, I want to
10 dialogue with you and tell you what I'm thinking up here on the
11 bench. How complicated is it? It's not that complicated.
12 During the pandemic, it wasn't that complicated at all. There
13 were people that showed that they had businesses and that the
14 people were unemployed. They would fill out a form and say
15 these people are unemployed and we need money to cover, that's
16 what was involved. It doesn't take a CPA for a business person
17 to understand the implications of that. It's plain and simple.
18 It's saying that you have 14 employees for a business when
19 there's one, for example, and getting checks for 13 fictitious
20 employees. All that's woven within this case.

21 So with all due respect to Mr. Dotson, who he is or who he
22 is not, the notion that a business person would not understand
23 the implications of that because of some accountant is a
24 stretch. If that's your argument, you're going to have to
25 really convince me of that because I don't think that's

1 complicated at all.

2 MS. REAMY: Your Honor, in broad strokes, I agree
3 with you. The broad strokes are not necessarily complicated.
4 But I don't consider myself a stupid individual; I had to
5 consult with my accountant when it came to learning more about
6 the application, what was required, and the rules that needed
7 to be followed with regard to that program.

8 So I don't think it's quite that simple. But my point is
9 that it was Mr. Dotson that prepared the initial applications
10 for Mr. Sary's businesses. By the way, these businesses were
11 not created -- I've said it in the sentencing memorandum --
12 these were businesses that were in existence years before the
13 pandemic, the onset of the pandemic. What Mr. Dotson did is he
14 then suggested to Mr. Sary to tap into his client base of his
15 credit counseling and financial consulting business to
16 encourage those business owners to apply for loans.

17 And what Mr. Sary has also informed me of is Mr. Dotson
18 received quite a bit of money of it. From information that's
19 been provided to me by the Government, it's very apparent that
20 Mr. Dotson has a gambling problem and that he, according to
21 Mr. Sary, liked to receive cash payments which would not be
22 reflected in a lot of -- in the checks that the Government
23 relies upon.

24 So there is a significant role here, and so I'm just
25 pushing back primarily on this notion and this characterization

1 that the Government is putting out there, the story line --
2 without backing away from the fact that Mr. Sary had a very
3 significant role. He's not disputing his involvement. But
4 this spotlight on Mr. Sary as almost the entire -- the singular
5 individual that's responsible for all of this is simply not
6 accurate. That's the point that we're trying to make with the
7 Government.

8 THE COURT: I understand that point. It's a point
9 that I think it's good for you to try to make, mainly because
10 my question here lingers is where in the world did all the
11 money go?

12 MS. REAMY: There are many, many businesses that were
13 involved in this so a lot of these funds were sent to
14 businesses, were received by the businesses that applied.

15 THE COURT: And a lot of money he received,
16 Mr. Sary --

17 MS. REAMY: Certainly, no dispute with that. A lot
18 of it went to people like Harold --

19 THE COURT: It's perfectly clear to me that we don't
20 have any idea where some of the money went that he got.

21 MS. REAMY: I understand that as well, Your Honor --

22 THE COURT: Nor have you represented in your papers
23 thus far the amount of money -- we're talking \$17 million.
24 Let's cut it in half, take a fourth of it, I don't know. But
25 there are millions of dollars that somehow went to this

1 defendant, and the Government has no idea where the money went
2 nor can you represent to me as an officer of the court that you
3 can tell me where it went.

4 MS. REAMY: I can't, I cannot.

5 THE COURT: That's right. Maybe he can, or maybe he
6 can't, but there's a lot of money missing. And it goes without
7 question, it doesn't take a stretch for this Court to find
8 there's a lot of money missing that went out of the United
9 States. It may not have all gone to Dubai, some of it might
10 have gone to Egypt. Maybe the one person here who can tell us
11 is Mr. Sary. Maybe he'll have to deal with that either today
12 or he deals with it while he's in the prison under the auspices
13 of Rule 35(a) which means he has maybe a year after sentencing
14 to decide how much information he wants to give to the
15 government. I'm mentioning that, Ms. Reamy, just to give you
16 an opportunity to respond on that.

17 MS. REAMY: I understand, Your Honor. I can't tell
18 the Court -- I can't as an officer of the court stand here and
19 tell the Court where all these dollars went.

20 THE COURT: I understand.

21 MS. REAMY: I can say the larger figure of \$17
22 million does not represent all the dollars that went to
23 Mr. Sary.

24 THE COURT: I understand that. I'm willing to accept
25 that argument that he doesn't have \$17 million in his pocket,

1 but clearly he has a lot of money that went in his pocket and
2 we don't know where it went. You as an officer of the Court --
3 I have an immense amount of respect for you -- you are candidly
4 acknowledging you don't know. You can't represent as an
5 advocate where it went.

6 MS. REAMY: I can't. I can tell the Court that my
7 understanding from speaking with Mr. Sary, with his wife, with
8 his adult sons -- they're all going to address the Court --
9 from -- it's recognized in Mr. Fetouha's letter, I'm going to
10 touch on that more -- it's not just Mr. Sary's mother that he
11 was dealing with. This problem and what we've essentially said
12 to the Court is: What's the reason? Why does a man who's been
13 law-abiding for -- at this point, I think he was 42 years old
14 at the onset of this program, 46 now. Why does a man who has
15 by all accounts been completely law-abiding, generous to his
16 friends, his family, his community, a loving father, a devoted
17 husband, why does he do something like this?

18 What we've told the Court is it's not just his mother who
19 passes away in 2021. This problem, enormous emotional and
20 financial struggles began in 2016. That's when Mr. Fetouha --
21 I would say Dr. Fetouha but he's not licensed as a doctor here
22 in the United States.

23 THE COURT: Mr. Fetouha is one of the individuals who
24 wrote me a letter.

25 MS. REAMY: Correct. He met Mr. Sary on a flight in

1 2016 so well before the onset of the pandemic. Met him on a
2 flight from Egypt to JFK. It just so happened that the two of
3 them were going through very similar circumstances at the time.
4 Mr. Sary was dealing with the decline of his father who died in
5 2018, again, before the onset of the pandemic, and Mr. Fetouha
6 was dealing with problems relating to his mother. What we've
7 said in the sentencing memorandum and how this becomes a
8 financial problem -- his father died. As you can see in the
9 sentencing memorandum as well as the presentence report, they
10 were very, very, very, very close, him and his father -- and
11 him and his mother and his siblings.

12 Even though Mr. Sary lawfully immigrated to the United
13 States in 2002 -- 2000 and subsequently became a United States
14 citizen, he didn't just forget about his family in Egypt. He
15 was very, very close to them, always has.

16 So he was profoundly affected, devastated when his father
17 died in 2016. At the same time -- that certainly had an effect
18 on his father's wife, Mr. Sary's mother, who then went into
19 additional decline. She died in 2021 in the midst of the
20 pandemic from complications from diabetes. This is all
21 going -- Izabela Sary will stand here and will support that
22 information because she lived it with Ahmed Sary.

23 What was happening is and what you have to understand
24 about the structure in Egypt is they have two types of medical
25 treatment facilities there. They have public hospitals, which

1 Mr. Sary has said they are incapable -- there's waiting lists,
2 first of all, months long to get treatment, and absolutely
3 they're incapable of treating more significant health
4 conditions like the ones who took the lives of his parents.

5 So the only option in his view, a son who will do anything
6 for his parents, who feels guilty that he's not with them, is
7 to make sure that they have adequate medical care. And he did
8 that by paying for private hospitals. Before the onset of the
9 pandemic. He indicated to me that at some point, it was a
10 thousand dollars a day to pay for their care or more.

11 There's no denial there were other expenditures certainly.
12 He does indicate to me that he's not an owner of Sary's
13 Kitchen. His brother is a half owner of Sary's Kitchen and
14 that the property it sits on is rented, not owned.

15 So there are certain things about the presentation made by
16 the Government that, by design I think, are overinflating to
17 some degree Mr. Sary's role in this. It's not to say that it
18 wasn't significant, not to say that there weren't great losses,
19 but there is a mischaracterization from our point of view by
20 the Government in that regard.

21 Now looking at who Mr. Sary is. Again, he's 46 years old
22 and he does receive a two-level downward adjustment because he
23 meets the criteria under the zero-point offender. But one
24 thing I want to point out is that adjustment would apply to
25 anyone of any age who meets that criteria. So it would apply

1 to a 21- or 22-year-old. Someone who's managed to make it from
2 being a juvenile to barely an adult would get that same
3 reduction. There's quite a difference between that person --
4 and those adjustments do apply to individuals of that age --
5 and someone who's gone much, much further in their life without
6 committing a crime.

7 So there was an influence. There were influences at the
8 time that the decision was made to become involved in the
9 conspiracy that were in play here. There was the financial and
10 emotional pressure stemming from the decline of his parents and
11 there was an influence from Harold Dotson.

12 Mr. Sary, by all accounts, is just a generally -- has a
13 history, demonstrated history of being a kind, gentle, loving,
14 supportive and trusted human being. He is embarrassed. He
15 could have packed this courtroom. We spent long periods of
16 time talking about it. He could have packed this courtroom
17 with people who support him but was that embarrassed.

18 THE COURT: Presumably those same people will support
19 his family.

20 MS. REAMY: That's the hope. Izabela is going to
21 struggle, so are the minor children. Certainly Mr. Sary hopes
22 that his two adult sons will help, but he doesn't know. They
23 are young adults, as I've indicated more specifically in the
24 sentencing memorandum. But it's going to be a struggle. In
25 fact, Mr. Sary said to me that he just doesn't know if Izabela

1 even understands how difficult it's going to be for her. She
2 doesn't have any family here to support her. They've got three
3 children under the age of 11, and unfortunately the
4 six-year-old, as I've indicated, suffers from Type 1 diabetes
5 which is not a mild case. It's a very severe case. To the
6 extent that they actually have to take shifts during the night
7 to make sure that her glucose monitor doesn't go off.

8 Izabela will address this, but she's going to be in a
9 position where she has to take all of the responsibility to
10 care for these minor children, somehow work or find a way to
11 support themselves and try to keep the house. The Government
12 has certainly indicated it's going to put a lien on their
13 house. It's a modest home, as the Court has read in the
14 sentencing memorandum.

15 THE COURT: According to the presentence report, the
16 house is in Brooklyn Park.

17 MS. REAMY: Yes.

18 THE COURT: And is essentially valued at some --
19 where is it here? Valued at \$325,000 and listed as being
20 subject to a mortgage of 120,000. So essentially there's maybe
21 \$200,000 equity in the home.

22 MS. REAMY: Roughly. There was a fire unfortunately,
23 as I've indicated to the Court. It was in January of this
24 year, a catastrophic fire that displaced them. They still
25 haven't been able to move back in the home. They've been

1 forced to reside in a rental nearby in the general
2 neighborhood. The hope is that they'll be able to return to
3 the home at the end of this month, but Mr. Sary has advised
4 that keeps getting pushed back. He's not confident they will
5 be able to return to the home at the end of June.

6 So there are certainly some attributes to Mr. -- I think
7 some pretty important attributes to Mr. Sary that should be
8 weighed heavily in a 3553(a) analysis. As the Government
9 pointed out, certainly he's going to receive a prison sentence
10 here today, not less than 60 months. This is a man --

11 THE COURT: Not less than 60 months, yes.

12 MS. REAMY: Not less. This is an individual who has
13 never served any time in prison but for the 11 days pending his
14 release.

15 THE COURT: I think according to my calculations, in
16 fairness to the defendant, he was in federal custody I thought
17 from April 29th to May 13th of 2022 which I think calculates
18 out to some 15 days.

19 MS. REAMY: Okay, then I stand corrected.

20 THE COURT: I think it's a little over two weeks.

21 MS. REAMY: Yes. So that short period of time.

22 THE COURT: The search warrant authorized by -- this
23 was a federal search warrant, correct --

24 MR. RILEY: Judge Coulson, Your Honor.

25 THE COURT: Yeah. The search warrant was executed on

1 April 29 of 2022, and he was placed in arrest immediately after
2 the execution of the search warrant and was released two weeks
3 thereafter.

4 MS. REAMY: Right. Your Honor, in addition to
5 whatever term of imprisonment the Court selects, whatever the
6 Court decides within the range is sufficient, but not greater
7 than necessary, in terms of imprisonment, there is also the
8 massive financial penalty that will loom over Mr. Sary and his
9 family because they are a unit, and they depend upon him for a
10 very long time going forward.

11 Mr. Sary is distraught, his wife is distraught. His
12 youngest children have no understanding of what's going on.
13 His adult children are here obviously in support of him and
14 have some understanding.

15 One of the last things I want to mention before we start
16 bringing them up to speak briefly to the Court is that the
17 probation office -- I appreciate the Government's selection of
18 cases and sentences, but there's a metric that's been provided
19 by the probation office that I think is important to the
20 analysis here. And that is that according to their office --
21 this is based on an offense level two levels higher, but 99
22 percent of similarly-situated defendants so defendants who have
23 a Criminal History Category I and an offense level actually at
24 a 33, two levels higher than what Mr. Sary's offense level
25 turns out to be, received an average sentence of 90 months'

1 imprisonment.

2 I think that that is actually a more accurate metric as
3 to --

4 THE COURT: Where's the metric to which you're
5 referring?

6 MS. REAMY: If you look, Your Honor, at the very end
7 of the -- before the conditions of supervised release.

8 MR. RILEY: Page 25, Your Honor, it's adjacent
9 information.

10 THE COURT: Page 25, I see it.

11 MS. REAMY: It's under the judiciary sentencing
12 information.

13 THE COURT: Right.

14 The primary guideline under 2B1.1 is a fraud guideline,
15 correct?

16 MR. RILEY: Correct, Your Honor.

17 MS. REAMY: Yes.

18 THE COURT: I'm not really sure what your point is on
19 that, Ms. Reamy. If you'll clarify. The metrics that is being
20 referenced there is with respect to 2B1.1.

21 MS. REAMY: I think what they're saying here is that
22 individuals with the same offense level and criminal history
23 category who did not receive 5K1 adjustments had an average
24 sentence of 90 months roughly.

25 THE COURT: Just so the record is clear, this is

1 essentially the guideline referencing under 2B1.1 of the
2 advisory guidelines with respect to larceny, embezzlement and
3 other forms of theft, offenses involving stolen property,
4 property damage or destruction, fraud and deceit, forgery and
5 offenses in terms of counterfeit bearer obligations. I'm not
6 really sure, with all due respect to the probation office, that
7 that really fits in terms of what's involved here with fraud --
8 pandemic fraud which is a once-in-a-century event.

9 Thank you very much, Ms. Reamy. Unless you have anything
10 further you want to add to your very thorough sentencing
11 memorandum, I'd be glad to hear from anyone who wants to come
12 forward before I give Mr. Sary an opportunity to speak on his
13 own behalf.

14 I see Ms. Derezinski standing. I'll be glad to hear from
15 her.

16 MS. REAMY: Yes, I told her we would be asking her to
17 approach initially.

18 THE COURT: Sure.

19 MS. REAMY: The one thing I want to say lastly is
20 that our recommendation is that the Court impose a 60-month
21 sentence with a period of home detention as well.

22 THE COURT: I understand.

23 MR. RILEY: Your Honor, I apologize. If Your Honor
24 would like to hear from me with respect to Mr. Dotson. A lot
25 of statements have been made.

1 THE COURT: I'm going to wait -- in a minute for you.
2 I'm going to ask you about that.

3 MR. RILEY: Thank you, Your Honor.

4 THE COURT: Ms. Derezinski, I'll be glad to hear from
5 you.

6 MS. DEREZINSKI: Thank you, Your Honor.

7 THE COURT: I read your letter to me. I'll be glad
8 to hear from you.

9 MS. DEREZINSKI: Thank you, sir. Thank you for the
10 opportunity to address the Court today. I stand before you to
11 respectfully request leniency in Ahmed Sary's sentencing. I've
12 had the pleasure of knowing Ahmed for the past 17 years, and I
13 hope to highlight several factors that warrant a more
14 compassionate consideration of his circumstances and actions.

15 Firstly, Ahmed has demonstrated genuine remorse for his
16 actions from the outset. He has cooperated fully with
17 authorities and taken responsibility for his mistakes and
18 expressed deep regret for the harm caused. This remorse is not
19 just a legal strategy but a sincere reflection of his
20 understanding of the consequences of his actions.

21 Secondly, it is essential to consider Ahmed's background
22 and character. Ahmed has made significant contributions to our
23 community, being highly active on social media assisting other
24 families with Type 1 diabetes. As you heard already, Your
25 Honor, his mother and his youngest daughter are both afflicted

1 with this disease.

2 THE COURT: Your letter, Ms. Derezinski, to me which
3 is document 78-7 in the file which has been under seal, but it
4 notes that he has contributed to the Baltimore-Alexandria
5 Sister City Committee and has facilitated cross-city exchanges
6 from Egypt to the United States.

7 MS. DEREZINSKI: Yes, sir.

8 THE COURT: To what extent has he facilitated that,
9 he's paid for?

10 MS. DEREZINSKI: He was responsible for recruiting
11 people to come from Luxor and Alexandria and come here to
12 America.

13 THE COURT: To visit or become citizens or what?

14 MS. DEREZINSKI: It was an exchange program with --
15 the Mayor's Office, Ahmed?

16 THE DEFENDANT: The Mayor's Office.

17 MS. DEREZINSKI: Yeah, with Baltimore City Mayor's
18 Office. What they were trying to do is get -- here we were
19 trying to recruit doctors, and so with this program, he was
20 getting talented people from Egypt to come to Baltimore with
21 the hopes --

22 THE COURT: And then ultimately return to Egypt.

23 MS. DEREZINSKI: Exactly. But hopefully --

24 THE COURT: Also having people from Baltimore go to
25 Egypt to assist their society?

1 MS. DEREZINSKI: Yes, sir.

2 THE COURT: Who was paying for that?

3 MS. DEREZINSKI: He was volunteering.

4 THE COURT: In other words, he wrote checks for that?

5 THE DEFENDANT: No.

6 MS. DEREZINSKI: No, sir.

7 THE COURT: I'm asking a very simple question: Who
8 was paying? I've been involved with these exchange programs
9 with the State Department, Ms. Derezinski; I go to Russia and
10 Ukraine. Somebody wrote checks for the plane tickets and
11 hotels. Who paid for these exchanges back and forth, the City
12 of Baltimore?

13 MS. DEREZINSKI: I do know that there were times when
14 they could not find housing for people, and they actually
15 stayed at his house until it could be arranged. But he --

16 THE COURT: Ms. Reamy, can you shed light on this?

17 MS. REAMY: Yes, Judge, it's referenced in the
18 sentencing memorandum. This occurred in 2008 under Sheila
19 Dixon. We provided a long write-up on everything that happened
20 there and the timing of it. This was way before the
21 pandemic.

22 THE COURT: I'm just trying to clarify if the
23 representation is that Mr. Sary made financial contributions
24 for this program to allow these exchanges.

25 MS. REAMY: No, it was his time and effort.

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

2 MS. DEREZINSKI: Time and being able to translate --

3 THE COURT: Thank you. I didn't mean to interrupt
4 you. I was just trying to clarify what you were saying.

5 MS. DEREZINSKI: No problem. This incident is
6 starkly out of character and substantially deviates from his
7 typical behavior. Ahmed's commitment to his faith and his
8 profound understanding of different cultures are testaments to
9 his integrity and dedication. His actions consistently reflect
10 a person whose values help others and foster a supportive
11 environment to those in need.

12 Moreover, I would like to draw the Court's attention to
13 the potential impact of a harsh sentence on Ahmed's family and
14 dependents. Ahmed is a devoted and loving husband, father of
15 five children. His youngest child who is only six, as we
16 stated before, has Type 1 diabetes. A lenient sentence
17 would allow Ahmed to continue to provide the crucial support
18 and stability his family desperately needs. This consideration
19 is vital to prevent further unintended consequences of his
20 punishment, ensuring his family does not suffer unduly from his
21 absence.

22 Finally, Your Honor, I urge you to consider the broader
23 context of this case. While justice must be served, it is
24 essential to balance punishment with compassion and potential
25 for rehabilitation. A lenient sentence will serve as a second

1 chance for Ahmed and a testament to the belief that people are
2 capable of change and redemption.

3 In conclusion, Ahmed is a person who profoundly values
4 moral integrity and is committed to making a positive change.
5 I respectfully request the Court show leniency in sentencing
6 Ahmed, considering his remorse, his character, his efforts
7 towards rehabilitation and the impact on his family. Thank you
8 for considering this appeal for a more compassionate form of
9 justice.

10 THE COURT: Thank you, Ms. Derezinski. I will say I
11 appreciate your letter, and the issues you raised are
12 considered by me in every case.

13 MS. DEREZINSKI: Thank you, sir.

14 THE COURT: There's never a case I have when I don't
15 consider those factors. I also have to consider a message for
16 the public.

17 MS. DEREZINSKI: Yes, sir --

18 THE COURT: -- goes in there as well. But thank you
19 very much.

20 Yes, Ms. Reamy.

21 MS. REAMY: Your Honor, next will be Mr. Sary's son,
22 Mohamed Sary.

23 THE COURT: I'll be glad to hear from him. I've read
24 his letter to the Court which is paper no. 78-6 which is under
25 seal. Mr. Sary, I'll be glad to hear from you, sir.

1 I understand that you're currently a student at Liberty
2 University; is that correct?

3 MR. MOHAMED SARY: Yes, Your Honor.

4 THE COURT: What year are you, rising senior or
5 junior?

6 MR. MOHAMED SARY: I'm a junior.

7 THE COURT: Be a junior starting in September.

8 MR. MOHAMED SARY: Yes, Your Honor.

9 THE COURT: It's nice to hear from you and I've read
10 your letter.

11 MR. MOHAMED SARY: Thank you. Your Honor, today I
12 stand before you with great pride and gratitude as I speak
13 about a man who has shared my life in a way I can only begin to
14 express. My father is not just a parent. He is a hero, a
15 monitor and a beacon of strength. From a very young age, my
16 father knew the meaning of hard work and sacrifice. He began
17 working at a tender age of nine, shouldering responsibilities
18 that most children never had to face.

19 Despite his own challenges, he always put his family
20 first. He supported his parents tirelessly even through the
21 toughest of times. I witnessed firsthand his unwavering
22 commitment when my grandmother fell seriously ill, requiring
23 urgent care, attention. Without hesitation, my father assured
24 she received the care she needed even though it meant
25 significant financial strain. His dedication extended beyond

1 borders. Despite the distance, my father made countless
2 journeys to Egypt to check on his parents, ensuring they were
3 well cared for. His love knew no bounds and his actions spoke
4 louder than any words could.

5 I was born and raised, Your Honor, in Egypt, me and my
6 brother. We were raised by our grandmother while my father
7 worked tirelessly abroad, striving to give us a better future.
8 At the age of 16, me and my brother moved here to live with my
9 dad for the first time consistently. The joy and that
10 fulfillment finally being close to him cannot be described.
11 It's an emotion that I never want to lose again.

12 Over the past two years, Your Honor, our family has faced
13 unprecedented challenges. My father Ahmed has owned personal
14 troubles, both mentally and financially. He remained pillar of
15 strength for all of us despite grappling with his own hardship.
16 He steadfastly put aside his own feelings to ensure that we
17 received his unwavering attention and support. His
18 selflessness knows no bounds. As a father, he exemplified
19 everything I inspire to be. He taught us invaluable lesson and
20 installed in us the importance of dreams and goals that we need
21 to be in.

22 My own dreams of becoming a soccer player was not
23 supported but also was cheered by him. He provided me all of
24 the equipment I need through this journey. His support did not
25 stop there. He was always there for me during my education,

1 encouraging me and guiding me. He pushed me to do well and not
2 just to be successful and to be also responsible person who can
3 make positive differences.

4 Becoming a commercial pilot in aviation has been my dream
5 since I was a kid. Without my dad's support, I would not be
6 able to start it, and now without him it will be extremely hard
7 for me to finish it because I will lose the biggest support.

8 His sacrifice, his kindness, his unwavering support has
9 shaped my character and fueled my passions. He has shown me
10 what it means to be selfless and compassionate. Today as I
11 reflect on his journey, his impact on my life, I'm filled with
12 profound admiration and love. My father is not just a great,
13 he is a role model and inspiration and my hero.

14 Thank you so much, Your Honor.

15 THE COURT: Thank you very much, Mr. Sary. Good luck
16 in your studies. Thank you very much.

17 MS. REAMY: Your Honor --

18 THE COURT: As I often note, Mr. Sary, to adult
19 children of people in these situations, you should not just
20 judge your father by these circumstances. Everyone makes
21 mistakes and you try to move on from them, but you should not
22 judge your father as a result of this. Yes, Ms. Reamy.

23 MS. REAMY: Next will be his other son, Mahmoud
24 Sary.

25 THE COURT: Yes, I'd be glad to hear from him.

1 I have read your letter as well.

2 MR. MAHMOUD SARY: Good morning, Your Honor.

3 THE COURT: Nice to have you, sir. Good morning.

4 MR. MAHMOUD SARY: Talking about my dad is the
5 hardest thing you can ever imagine. To me, he is my best
6 friend. He did a lot for me. What he ever done, it's
7 unbelievable. With his family support, he's been giving us
8 since day one. As my brother mentioned, we came in here at the
9 age of 16 years old. The love I have been seeing from him,
10 what have been needed. For years he showed me and my siblings
11 a lot, a lot of stuff, a lot of things. He been there for me
12 when I needed it the most. He's there for me for my education.

13 I'm also student. The support he's been giving me for my
14 school is a lot. Pushing me forward to be successful man and
15 making me the man I am today, fear nothing as long as he's next
16 to me. I don't need anything to read from to talk about my dad
17 and how valuable he is, how lovely he is, how beloved a person
18 he is. I'm learning a lot from him. I'll always be learning
19 from him.

20 I just want to tell him I love you so much. You will
21 always be my best friend. I cannot imagine my life without
22 him. Just imagining that he won't be with me for certain
23 amount of time is killing me.

24 I'm a very impatient person. I love my future and the
25 only way I can see that I have my future is because he is at my

1 back, at my side supporting me, pushing me forward. I don't
2 see that right now. I don't. Last two hours I'm sitting here,
3 I just see nothing. I don't know what's going to happen.

4 I love you so much... It's very, very hard for me to just
5 imagine that he won't be with us.

6 He did, he did many unbelievable stuff. Our family is
7 not -- doesn't have the same beliefs, doesn't have the same
8 religions, doesn't have the same language, not even from the
9 same culture, but he connected us, make us a family. My mom
10 from Poland, my dad from Egypt; we live in the United States,
11 and we're the most lovely family I've ever seen. I'll always
12 learn from that.

13 He's an unbelievable person. You can never hate that
14 person. Nobody can ever talk about him and just like not love
15 him. His ability for making people loving him is crazy. It's
16 unbelievable. There's no way you can hate that person.
17 There's no way anything in this world can make him look bad in
18 my eyes. He's an amazing person.

19 I love you, man.

20 THE DEFENDANT: I love you --

21 MR. MAHMOUD SARY: I love you.

22 Thank you so much, Your Honor.

23 THE COURT: Thank you, Mr. Sary. Again, as I
24 mentioned to your brother, don't just judge your father by one
25 incident in his life. There will be plenty of better days

1 ahead. Thank you very much.

2 MS. REAMY: Lastly, Your Honor, Izabela Sary,
3 Mr. Sary's wife.

4 Your Honor, may I step forward to the Kleenex box here?

5 THE COURT: Sure, sure.

6 MRS. SARY: Good afternoon, Your Honor.

7 THE COURT: Good afternoon, Mrs. Sary.

8 MRS. SARY: Your Honor, thank you for the opportunity
9 to humbly ask that you show Ahmed leniency in your choice of
10 sentence for this case. I'm appealing and pleading for your
11 clemency as the wife of Ahmed Sary. We have been together for
12 almost 21 years and from beginning, he has been proving how
13 honorable, honest, respectful and caring person he is.

14 First of all, Ahmed has shown true remorse by
15 acknowledging and accepting accountability for his action,
16 decision and mistakes. He follow all the conditions, and he
17 was always cooperate with authorities.

18 He significant -- it is significant to have full
19 understanding of his character. My parents, my family deeply
20 love Ahmed regardless of different cultures, religions and
21 traditions. They love Ahmed for his sincere, kind and generous
22 heart. My husband always work very hard for us to visit -- his
23 family, took time and close connections. The family and loved
24 ones were always his priority.

25 Ahmed never refuse helping others. He was raised like --

1 by amazing parents who deeply love him. Even going through
2 hard time by himself, Ahmed was always -- Ahmed has always
3 tried to find a way to help less fortunate. He has never
4 turned from anyone even without having enough financial support
5 for himself. And we have many days like that in our life. His
6 compassion, gratitude, and the way he shared in this
7 Baltimore-Luxor-Alexandria Sister community. Later on the
8 World Peace Organization, he volunteer in many programs,
9 events, dedicating himself extremely.

10 When my parents-in-law got serious health issues, Ahmed
11 visited often to provide financial and emotional support. Even
12 devastated by the fact, he was trying to get the best care for
13 them in Egypt and in the United States. He was searching for
14 the greatest doctors and medication to help them regardless of
15 the cost of it. He was always the huge support for all his
16 family.

17 As a little boy he was working after school just because
18 he felt obligated to help his parents to raise children. He
19 was just seven years old, going after school to his uncle's to
20 sell the muffins. He never has in his mind to look for easy
21 way in his life.

22 Ahmed is adored husband and father of our five kids. He
23 teaches them honesty, generosity, kindness and compassion.

24 He got devastated after we found that our youngest
25 daughter has chronic illness. Excuse me. She has Type 1

1 diabetes since December '21. She was just four years old. It
2 crushed him completely, especially that he was still grieving
3 his beloved mom. He was doing all kinds of research, even
4 outside of the country to help our daughter. From the
5 beginning, he was up at night to make sure her sugar was right
6 for her not to fall in coma. And he's monitoring -- he was
7 monitoring her constantly until now. Now it's just checking if
8 she's breathing, if she's... if she's doing okay.

9 It's terrifying situation with a lot of pressure on him,
10 as hard as it was for him to watch his daughter being in pain.
11 The more he tries to find help for her is the difficulties of
12 it. All injections and now insertions of the hurtful sensor
13 for S. are very painful, and he was -- he's for her every day.
14 She could not do it without him. He is her rock. Ahmed gives
15 her comfort, and it will be more traumatic for her not to have
16 his support and encouragement. All our children depend on him,
17 like I do. Ahmed was born to be amazing father and is a great
18 citizen. Our life without him, being away will be worthless.

19 Finally, even during difficult and overwhelming situation,
20 he finds strength to be supportive and reliable, as a fellow on
21 nonprofit organization called Juvenile Diabetes Cure Alliance,
22 participating in organizing the fundraiser for them and adding
23 voice to support parents, kids having Type 1 diabetes.

24 During the last two years, he has signed for classes in
25 City Community -- the community college of Baltimore City to

1 improve his skills and knowledge. He's committed to making
2 positive change and improvement.

3 I respectfully request leniency. My husband is a good and
4 wonderful person with essential morals that build his
5 character. We love him so much. Thank you for your kind
6 attention.

7 THE COURT: Thank you very much, Mrs. Sary. Thank
8 you very much.

9 Anyone else you want to call, Ms. Reamy, before I give the
10 defendant an opportunity to speak on his own behalf?

11 MS. REAMY: No, Your Honor.

12 **(Conference on the sealed record.)**

13 **(It is the policy of this court that every guilty plea and**
14 **sentencing proceeding include a bench conference concerning**
15 **whether the defendant is or is not cooperating.)**

16 THE COURT: If you'll please stand, Mr. Sary. I now
17 personally address you, sir, and determine if you wish to make
18 a statement and give you the opportunity to speak on your own
19 behalf. Would you like to make a statement?

20 THE DEFENDANT: Yes, Your Honor. I just want to --

21 THE COURT: Pull the microphone a bit closer to you
22 so the court reporter can hear you.

23 THE DEFENDANT: Yes, Your Honor. I just want to say
24 sorry. I have remorse over what happened, for me being
25 involved that kind of scheme. Whether I was brought into it

1 somehow, I want to say sorry to the government, I want to say
2 sorry to you, Your Honor. I want to say sorry to my family,
3 sorry to my kids, to put them in this kind of situation and put
4 myself in this situation --

5 THE COURT: I don't mean to interrupt you, but it
6 just occurred to me I think before I hear from you any further
7 allocation personally and interact with you, I'd like to hear
8 from the Government with respect to the representations -- if
9 you'll sit for a moment -- defense counsel has made as to an
10 individual named Harold Dotson, D-o-t-s-o-n, represented to me
11 is a certified public accountant.

12 MR. RILEY: Yes, Your Honor.

13 THE COURT: Some very serious comments have been made
14 about Mr. Dotson, and the Government has indicated it would
15 like to respond. I'll be glad to hear from you.

16 MR. RILEY: Yes, Your Honor. I'll say at the outset,
17 the Government -- to the extent that Mr. Dotson has been
18 charged and it's not publicly known --

19 THE COURT: Did you say he has been charged?

20 MR. RILEY: To the extent that he has been charged
21 and that's not a public matter, I'm not going to refer to that.

22 THE COURT: I understand.

23 MR. RILEY: What I will do is refer the Court to the
24 Stipulation of Facts in the parties' plea agreement which talk
25 about H.D., Harold Dotson. The Stipulation of Facts make clear

1 that in connection with the PPP and EIDL loan kickback scheme,
2 it was the defendant that was getting 20 to 30 percent of the
3 fraud proceeds and then getting Mr. Dotson, H.D., two to five
4 percent of that amount, as admitted by the defendant in the
5 Stipulation of Facts. I think that fact alone makes clear in
6 terms of relative culpability who was driving this process.

7 The Stipulation of Facts makes plain that Mr. Dotson --
8 the Government doesn't shy away from this at all -- Mr. Dotson
9 provided bogus, fake tax forms that were submitted in
10 connection with these applications --

11 THE COURT: Presumably the Government is following up
12 on that matter as to Mr. Dotson, correct?

13 MR. RILEY: Is and has, Your Honor.

14 THE COURT: That's all I need to know.

15 MR. RILEY: I would just state, Your Honor, those
16 percentages, this defendant getting 20 to 30 percent of the
17 fraud proceeds and Mr. Dotson getting his small slice
18 comparatively, I think, speaks for itself in terms of relative
19 culpability.

20 THE COURT: Thank you very much, Mr. Riley. I
21 understand.

22 With that, now if you'll continue, Mr. Sary. It's
23 important for you to continue. I'll be glad to hear from you
24 continuing on. Go right ahead, sir.

25 THE DEFENDANT: Yes, Your Honor. I just want to tell

1 you that I have remorse and I want -- I'm not -- I'm sorry to
2 put myself in this position and put my family into this. This
3 was very hurtful to hear my sons just saying something like
4 that and crying, even my wife tearing. That to me is just
5 worth the money of the whole world. I don't care about
6 anything, I should think better than that at that time. I
7 don't know, but this is out of my character, Your Honor. I
8 have huge remorse.

9 THE COURT: I'll tell you, Mr. Sary, I always find it
10 difficult when there are naturalized American citizens before
11 me in these kind of situations because I have found that
12 naturalized American citizens many times know more about this
13 country than other native-born Americans. They've studied the
14 history of the country, they understand the implications of
15 American citizenship. They are here because this country is
16 still a beacon of hope for people around the world. I really
17 believe that. We have an immigration problem in this country
18 because people want to come here.

19 I told one of my colleagues in Russia: You don't have an
20 immigration problem because people don't want to come to your
21 country. We have problems at our borders because people want
22 to come here. They want to come here and be part of our
23 culture and want to come here and become part of our community.
24 Naturalized American citizens are equal to any citizen. You
25 are equal to me as a citizen because you became an American

1 citizen, and I believe that. There are very few countries --
2 no country in the world that has like a Statute of Liberty that
3 we have in New York City Harbor. All of that sounds trite but
4 it's true.

5 THE DEFENDANT: That's true.

6 THE COURT: But the point is when naturalized
7 American citizens become engaged in fraud, it is very
8 distressing to me because I know the commitments that
9 naturalized American citizens have made in seeking citizenship
10 in coming here. Your sons are a testament to that in terms of
11 two very fine young men who stood forward before me and felt
12 the pain of this embarrassment and still trying to move forward
13 with their lives. They'll move forward with this. They'll
14 move forward with this.

15 Just in speaking to them, I'll tell you there's a very
16 prominent family in this city, names of which would be familiar
17 to many people in this courtroom. What people don't know is
18 that all those successful brothers had a father who went to
19 prison one time for embezzlement in the Baltimore metropolitan
20 area. They allowed it to drive them. They loved their father,
21 they supported their father. Their father admitted doing
22 something wrong, and all of those brothers went ahead to being
23 highly successful. It drove them. They're not going to be
24 destroyed by this presumably, they're going to get better.
25 Your time will come.

1 THE DEFENDANT: I hope so.

2 THE COURT: You've done many good things. But this
3 is -- this situation here is more than distressing; it is just
4 outrageous. It's outrageous. What has lingered through here,
5 as of this moment, no one can tell me where all the money went.
6 I don't necessarily believe you put \$17 million in your pocket,
7 but you clearly got a lot of money put into your pocket by the
8 statement of facts to which Mr. Riley has alluded that you
9 acknowledged under oath when you pled guilty before me last
10 October.

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: I understand commitments and paying
13 medical bills for family members; that still does not begin to
14 address and explain where all this money went. For whatever
15 reason, there's been no explanation of that and there can be an
16 accounting of that, and the government can be advised of that.
17 To the extent that there's money in bank accounts anywhere or
18 there are assets owned in Egypt, any of those things, that
19 money can be recouped. If people are willing to atone for
20 their sins and also assist the government in recovering that
21 money, it's as simple as that. It's not complicated. It's not
22 complicated.

23 To the extent that people take money under fraud and move
24 it out of the United States and subject their family to all
25 these difficult issues and all these interpersonal

1 relationships and family issues, there's still money that left
2 the United States and the Payment Protection Program, out of
3 the strength of the American economy to support businesses, and
4 there's money that was fraudulently taken from that program and
5 sent out of this country and is sitting somewhere in Egypt.
6 There's no other way to get around that. That is a raw fact.

7 So what does that mean? It means that you have to atone
8 for that in some way and you have not done enough yet to do
9 that. It's clear to me that the Government does not know how
10 to find this money. You know how to tell them how to find it
11 if you choose to do so. If you choose to do so. And there's a
12 very specific rule under the Federal Rules of Criminal
13 Procedure, Rule 35(a) of the Federal Rules of Criminal
14 Procedure provide for a mechanism whereby people within one
15 year of being sentenced can assist and provide information to
16 the government that may entitle them to a reduction in sentence
17 and coming back before this Court.

18 Is that not correct, Mr. Riley?

19 MR. RILEY: Correct, Your Honor.

20 THE COURT: Correct, Ms. Reamy?

21 MS. REAMY: Yes, Your Honor.

22 THE COURT: Both the lawyers -- your lawyer, the
23 prosecutor will tell you what the law is. The sentence you
24 receive here today can potentially be reduced if within the
25 next year of today's date, between now and June 25, 2025, you

1 step forward and assist the government in some way trying to
2 find where the money went and make representations to it. I'm
3 factoring that in with this sentence.

4 I hear what your pain is and I understand it, but this is
5 just -- the notion -- I look at this restitution sheet, and I
6 don't for a minute think all this money necessarily went into
7 your pocket. You were part of a conspiracy and this is a
8 restitution figure, but when you look at \$10.9 million from a
9 small bank in New Jersey is their loss; over \$3 million lost to
10 the Small Business Administration. The Small Business
11 Administration was created to assist small business people like
12 you.

13 In the face of a once-in-a-century pandemic, many people
14 stepped up to try to deal with this for the good of our
15 culture. And the thought that some of that money is taken by
16 you, anyone, and then goes overseas and people shrug their
17 shoulders and say, we're not sure where it went. We're going
18 to try to find out where it went; it's as simple as that.

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: I have factored in all of these factors.
21 I have considered the four Congressionally-mandated purposes of
22 sentencing are to punish you, and there's no question you've
23 been punished and you will be punished; to deter you and others
24 from criminal conduct. I can only hope that word goes out in
25 these kinds of cases. I hope that others can step forward in

1 terms of the level of fraud that was perpetrated upon the
2 American public and taxpayers and citizens by this kind of
3 fraud.

4 I don't think the public needs any further protection from
5 you, and I think you're on the road to rehabilitation. But
6 you're not all the way there. Very simple, Mr. Sary, you're
7 not all the way there. All the good things that you've done --
8 Ms. Derezinski's comments what a good person you've been -- you
9 can be a really good person and a really good citizen if you
10 step up and try to explain where all the money went. It's not
11 complicated.

12 So to achieve these four purposes, I start with a
13 calculation of the advisory guideline range. I don't presume
14 that that range is reasonable, and indeed it is at the upper
15 end of what the agreed range was here in your case here. When
16 I look at all of these factors and consider the sentences
17 imposed upon minor figures in this fraud compared to you and
18 the sentences that they've received -- 2 years plus 12 months
19 of home detention in the case of one. You have a far bigger
20 role in it, and it is reflected clearly in the presentence
21 report.

22 Considering all those factors, the level of money that was
23 missing that no one can seem to find where it went and the
24 level of the fraud here, it is ordered that you be remanded to
25 the custody of the Bureau of Prisons for a period of 84 months,

1 7 years, on Count 1 of the criminal information, with credit
2 for time served in federal custody from April 29, 2022, to May
3 13, 2022. I'm going to recommend that you go to the minimum
4 male camp, FCI Cumberland, Maryland, or in the alternative,
5 minimum male camp in Fairton, New Jersey.

6 So your family understands, the minimum male camp, you
7 have visiting hours just about every Saturday. It's a very
8 civilized process. You're allowed to entertain visitors, and
9 your family can visit you every weekend and see you every
10 weekend.

11 Does the Government have any reason to believe this
12 defendant represents a risk of flight or threat to the
13 community?

14 MR. RILEY: No, Your Honor. The Government would ask
15 this Court to continue this defendant under the current
16 conditions of release.

17 THE COURT: Yes, that's what I was going to do. You
18 don't have any objection to voluntary surrender?

19 MR. RILEY: No, Your Honor.

20 THE COURT: The presentence report reflected that,
21 meaning there's no handcuffs. You will get a reporting date.
22 We'll have the reporting date, Mr. Carrick, be within 60 days.
23 He'll report on or before August 25, 2024. You voluntarily
24 surrender at the gates of either the minimum male camp in
25 Cumberland, Maryland, which is straight out Route 70 off of the

1 Beltway all the way out to western Maryland or, in the
2 alternative, the minimum male camp in Fairton, New Jersey.
3 That will be the recommendation. I can't guarantee which place
4 to which you will be assigned, but I'll make that
5 recommendation.

6 I'm going to recommend that you get mental health and
7 psychological counseling. I know there have been some problems
8 addressed to me in terms of a certain amount of depression, and
9 that's understandable under these circumstances. This is meant
10 to help you. I'm going to recommend you get some type of
11 vocational training while you're incarcerated to have some more
12 substantive means of supporting your family in light of the
13 business setbacks that you've reached.

14 I'm going to place you on supervised release for a period
15 of three years. The first 12 months of that will be home
16 detention. Under Section 5C1.1(e)(3) of the advisory
17 guidelines, one day of home detention can equal one day of
18 incarceration. So just as the other defendants who have been
19 sentenced here have home detention, you're essentially getting
20 84 months, or 7 years, plus another year, 12 months of home
21 detention. So the whole punishment structure is essentially 96
22 months which is about a year and a half less than what was
23 requested by the Government. I'm not going to sentence you to
24 the entire 114-month window.

25 I have structured this for 7 years, for 84 months, and 12

1 months of home detention. I'll be going over that in more
2 detail in a minute.

3 I'm going to enter a restitution order here in the amount
4 of 17 comma 901 comma 279 point 37, meaning \$17,901,279.37.
5 Mr. Carrick, you have the distribution sheet as to how it will
6 be paid. You'll be paying that at the rate of essentially as
7 has been ordered as to other defendants in smaller amounts.
8 That will be paid approximately \$250 a month each month during
9 your period of supervised release, but I'll go over that again
10 with you in a minute.

11 This is a very serious matter. It represents an enormous
12 fraud on the American public in taking advantage of a
13 once-in-a-century crisis. It cannot be countenanced. Nothing
14 is being accomplished just by putting people in prison when the
15 government is having trouble finding the money. My goal here,
16 in case it's not obvious, is to provide any vehicle to see to
17 it there's some effort to make substantive assistance to the
18 U.S. government in finding where this money is abroad and
19 assisting the government in that process.

20 To put it bluntly, Mr. Sary, to the extent that you have
21 access to any money in a financial institution in Egypt or you
22 own any property in Egypt, you and you alone can liquidate
23 those assets, and you and you alone can see that that money is
24 forwarded to the government toward this restitution figure.
25 That may or may not trigger a motion by the Government for

1 reduction of sentence within the next year. That's totally
2 within the discretion of the Government. But I've advised you
3 of that rule and your lawyer has acknowledged it, and Mr. Riley
4 has acknowledged the existence of that federal rule. I'm
5 stating it so the public understands.

6 You'll be placed on supervised release for three years
7 with the mandatory conditions that you not commit any federal,
8 state or local crime; that you must not unlawfully possess a
9 controlled substance, that you must refrain from any unlawful
10 use of a controlled substance and must submit to one drug test
11 within 15 days of your release from imprisonment.

12 You shall make restitution in accordance with 18 United
13 States Code § 3663 and any other statute authorizing
14 restitution. We've set a restitution figure here. It will be
15 paid at the rate of \$250 a month during your supervised
16 release. It will not be collected -- Mr. Carrick -- during
17 your incarceration, because I recognize the financial
18 implications that you're facing.

19 You must also cooperate in the collection of DNA as a
20 mandatory condition of supervised release.

21 Sex offender registration, Mr. Carrick, is not an option
22 here and not a factor, nor is any problem for domestic
23 violence.

24 They are the mandatory conditions. There are certain
25 standard conditions of supervised release. They are that you

1 must report to the probation office in the federal judicial
2 district where you're authorized to reside within 72 hours of
3 your release from prison. Presumably that will be in Maryland
4 that you'll reside. After initially reporting, you'll receive
5 instructions as to when and where to report.

6 You are not to knowingly leave this federal judicial
7 district where you're authorized to reside without first
8 getting permission of the Court.

9 You must answer truthfully all questions asked of you by
10 your probation officer and you must live at a place approved by
11 the probation officer. You must allow the probation officer to
12 visit you at any time and also advise you of any change --
13 advise him or her of any change in your residence.

14 You must make every effort to work full-time at a lawful
15 type of employment during your period of supervised release,
16 and you must not communicate or interact with anyone that you
17 know or have reason to believe is engaged in criminal activity.
18 If you know someone who's been convicted of a felony with whom
19 you're having contact, you must not knowingly communicate or
20 interact with that person without first getting the permission
21 of your probation officer.

22 If you are arrested or questioned by law enforcement, you
23 must notify the probation officer within 72 hours. You must
24 not own, possess or have access to a firearm, ammunition,
25 destructive device or any dangerous weapon.

1 You must not act or make any agreement with a law
2 enforcement agency without first getting the permission of the
3 Court. Which means that to the extent that there's any
4 possibility of your providing information to the government to
5 assist in finding these missing funds, that can be monitored
6 through your lawyer. Ms. Reamy is your privately retained
7 attorney. You can communicate with her and she can deal with
8 the government in terms of any steps in that regard.

9 If you're deemed to pose a risk to any other person, you
10 shall abstain from contact with that person if it's deemed
11 necessary by the probation officer.

12 In short, what you must do is follow the instructions of
13 the probation officer at all times in these matters.

14 There are additional conditions of supervised release to
15 which I've obviously already made reference. The first and
16 most important of which is that you are restricted to your
17 residence at all times for employment, education, religious
18 services -- you are restricted for a period of 12 months to
19 your residence except for employment, education, religious
20 services, medical, substance abuse, or mental health treatment,
21 or attorney visits or court appearances or court-ordered
22 obligations. Meaning you can go to work, you can go to visit a
23 doctor, can go to religious services, you can meet your lawyer,
24 but otherwise you are essentially on house arrest. You go home
25 for the first 12 months of this three-year period of supervised

1 release.

2 You will be monitored by the form of a location monitoring
3 technology chosen at the discretion of the probation officer.
4 As I've said, this will be for a period of 12 months, and you
5 must follow the rules and regulations of that monitoring
6 program and pay the cost of the program as directed.

7 You must also, in addition to that, provide the probation
8 officer with access to any requested financial information and
9 authorize the release of that financial information and share
10 it with the government. You must not accrue any new credit
11 charges or open additional lines of credit without the approval
12 of the probation officer.

13 There is a special assessment of \$100 which is mandatory
14 and shall be paid within the next 60 days. Let me check that
15 out here. Yes, special assessment of \$100. It will be paid
16 within the next 60 days. It's a mandatory assessment under 18
17 United States Code § 3013. You are to pay outstanding monetary
18 restitution as ordered, \$250 a month, as I've already
19 indicated, towards restitution.

20 I'm not going to impose a fine in this case because you're
21 not able to pay a fine and facing very severe financial
22 circumstances and all money should be going towards
23 restitution.

24 Pretrial Services, as I've said, has recommended your
25 continued release but there's one additional condition to be

1 added. In addition to the conditions presently set as to which
2 you've been abiding that were originally set by, I think, Judge
3 Hurson and then -- by Judge Coulson and modified by Judge
4 Hurson, in addition to those conditions which still remain in
5 effect, Mr. Carrick, we're going to add a mental health
6 condition that you shall receive any mental health treatment or
7 psychological counseling as deemed necessary in this matter
8 until you report to the prison in two months. That's all being
9 paid for by the government, by the way. You don't pay for
10 that. That is a serious matter and I address it.

11 I want to advise you of your appeal rights. In paragraph
12 11 of the plea agreement, both you and the Government waived
13 appeal of any lawful sentence and this is a lawful sentence.
14 It's clearly a more severe sentence than Ms. Reamy had argued
15 for, but there is a way to reduce it. It's slightly less than
16 what the Government requested. If you still felt that you
17 wanted to note an appeal even though you waived any right of an
18 appeal in this matter, you should do so within 14 days of the
19 entry of the Judgment and Commitment Order in this case
20 pursuant to Rule 4(b) of the Federal Rules of Appellate
21 Procedure.

22 If you cannot afford an attorney or handle an appeal, an
23 attorney can be appointed for you. Ms. Reamy, you do not need
24 to notify the Court, but presumably he does not desire to file
25 an appeal and just put a note in your file to that effect.

1 MS. REAMY: Yes, Your Honor.

2 THE COURT: Is there anything further from the point
3 of view of the Government on this matter, Mr. Riley?

4 MR. RILEY: Yes, with respect to restitution, Your
5 Honor, the final page of the Government's sentencing
6 submission, ECF 76, page 10, the Government did note that
7 certain portions of the restitution order entered by Your Honor
8 should be joint and several with certain other
9 co-conspirators.

10 THE COURT: Yes, I'm sorry I overlooked that. That's
11 correct.

12 MR. RILEY: As long as that's reflected in the
13 Judgment and Commitment Order, there shouldn't be any issues.

14 THE COURT: Yeah. By the way, the money judgment
15 that's been entered by me in the amount of \$3,627,489.22,
16 that's credited against the restitution, is it not?

17 MR. RILEY: It's two separate obligations --

18 THE COURT: I understand that.

19 MR. RILEY: Not directly, Your Honor. The Government
20 has to apply for permission to the attorney general to have --

21 THE COURT: But presumably it can be applied.

22 MR. RILEY: Yes, Your Honor.

23 THE COURT: Nobody seriously believes they're getting
24 \$17 million back, that's my point.

25 MR. RILEY: Yes, Your Honor. Absolutely, Your

1 Honor.

2 THE COURT: Okay. So to the extent that this is --
3 this will be joint and several, this obligation will be joint
4 and several. I'm just trying to see, as to Mr. Hopkins -- the
5 figures vary, Mr. Riley, in terms of the joint and several
6 liability with these defendants, so I'm trying to have you walk
7 me through in terms of what you're asking.

8 MR. RILEY: Yes, Your Honor.

9 THE COURT: Cross River Bank is in the Walker case.

10 MR. RILEY: Correct, Your Honor.

11 THE COURT: What is it you're asking to be joint and
12 several?

13 MR. RILEY: I'm asking for of the defendant's
14 obligation in the restitution order in this case of
15 \$10,929,288.22, \$262,252 of that should be joint and several
16 with Mr. Walker's in criminal case number RDB-22-290.

17 THE COURT: That's in terms of the restitution
18 figures.

19 MR. RILEY: That's restitution, Your Honor.

20 THE COURT: What I suggest you do is that you show
21 this to Mr. Carrick and, Mr. Carrick, we'll take a break for
22 lunch and we'll come back after lunch. You'll need to set this
23 up so that the way this will work, Mr. Carrick, is you can look
24 at the restitution figures in that exhibit that have been
25 provided. As to Cross River Bank, for example, the \$10,929,288

1 of that figure, there is joint and several liability as to
2 Mr. Hopkins in a certain amount, and there is a joint and
3 several liability as to Mr. Walker and Mr. Qureshi and
4 Mr. Gillespie, correct?

5 MR. RILEY: That's correct. Absolutely right, Your
6 Honor.

7 THE COURT: So that doesn't require much work. It's
8 just that one figure for Cross River Bank. Then basically
9 Celtic Bank and the Small Business Administration are also
10 joint and several obligations with Mr. Hopkins.

11 My suggestion, Mr. Riley, make sure you show this and go
12 over this after we conclude today with Mr. Carrick before he
13 breaks for lunch, so when he comes back after lunch, we can
14 have this correctly set forth in the Judgment and Commitment
15 Order.

16 MR. RILEY: Will do, Your Honor.

17 THE COURT: Is there anything else?

18 MR. RILEY: No, Your Honor.

19 THE COURT: Thank you, Mr. Riley, for your work on
20 this. And, Agent Parker, thank you for your work.

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

22 MS. REAMY: One briefly. That was a recommendation
23 for alcohol treatment. Mr. Sary, since the sentencing --
24 Ms. Izabela reported this to me last week; it's not
25 problematic, he's not violent or derelict in any way --

1 THE COURT: I understand.

2 MS. REAMY: But it's extremely uncharacteristic for
3 him to consume alcohol --

4 THE COURT: I understand. In terms of treatment in
5 prison, you're suggesting?

6 MS. REAMY: Even up till then. She's concerned.
7 It's very uncharacteristic for him and seems to be a method of
8 him self-treating.

9 THE COURT: I understand. What are you asking the
10 Court to do?

11 MS. REAMY: Both alcohol, any alcohol treatment --

12 THE COURT: Will recommend in the next 60 days before
13 he reports that he get alcohol treatment as well.

14 MS. REAMY: I guess, if the Court thinks that's
15 reasonable --

16 THE COURT: What I'm reluctant to do, Ms. Reamy, I'm
17 reluctant to summarily say he can't drink any alcohol, and
18 we're going to have him report to prison right away.

19 MS. REAMY: Well, I certainly understand that.

20 THE COURT: I don't know how severe the problem is.

21 MS. REAMY: I don't think that it's something -- the
22 biggest issue Izabela presented to me is that he was a
23 nondrinker completely. Since the guilty plea in this case, she
24 believes he's been self-medicating anxiety and depression.

25 THE COURT: I can certainly understand that.

1 MS. REAMY: So she's asked for him --

2 THE COURT: I'll recommend him to get mental health
3 treatment as well as substance abuse counseling in that regard,
4 and I'll recommend also -- I meant to add in terms of the
5 programs, we'll also have along with vocational training and
6 mental health and psychological counseling, we'll have
7 substance abuse, Mr. Carrick, added as well. To the extent
8 that he needs any kind of treatment, substance abuse treatment
9 at prison or alcohol treatment, we'll recommend that as well.

10 MS. REAMY: Yes. He has just asked me because there
11 is so much uncertainty -- Mr. Sary has just asked me because
12 there is so much uncertainty surrounding the ability of the
13 family to move back into the home that was damaged by fire,
14 he's asking if he can have 90 days before his surrender.

15 THE COURT: Yes, certainly, that's fine. We'll make
16 the reporting date 90 days. You have 90 days to pay the
17 special assessment. Mr. Carrick, we'll have reporting date of
18 90 days. That's fine. So it will be by September 25, 2024.

19 Anything further, Ms. Reamy?

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

21 THE COURT: I think you need to stay engaged in this
22 matter in terms of the implications here.

23 Mr. Sary, I wish you the best of luck.

24 THE DEFENDANT: Thank you.

25 THE COURT: The matter of depression issues, nothing

1 to be embarrassed about. Believe me, I don't know of a person
2 that stands there where I've sentenced you and somebody doesn't
3 have depression about it.

4 I also want to address your children, your two sons. I
5 meant that, what I said to both of you. You both can get
6 stronger as a result of this. This is a very painful moment.
7 People make mistakes. Your father has made an egregious
8 mistake and it's harmed many people. He's going to have to
9 deal with this. Perhaps he can even deal with it a little
10 better over the next year. But you'll move forward, life will
11 move forward.

12 Mr. Sary, you have a very good lawyer there. You've got a
13 very strong family, you have good friends, you have a strong
14 wife. Don't put yourself out on a shelf somewhere. Don't be
15 the least bit hesitant to talk to Ms. Reamy if you're having an
16 issue. Do you understand that?

17 THE DEFENDANT: Sure, Your Honor.

18 THE COURT: Very specifically, I'll note to the
19 probation office -- and Ms. Wonneman can follow up on this --
20 if you need to get alcohol counseling immediately, immediately,
21 Ms. Wonneman, we can try to make that available very quickly,
22 can we not?

23 PROBATION OFFICER: Your Honor, it's Ms. Martin. I
24 stepped in for Ms. Wonneman. But, yes, we'll make sure that
25 takes place --

1 THE COURT: If you think you're having a difficult
2 moment or your wife thinks, call Ms. Reamy, she'll call
3 probation. Within 24 hours, 48 hours, we'll have you talking
4 to some professional about it in some way.

5 THE DEFENDANT: Thank you, Your Honor.

6 THE COURT: It's meant to help you, it's meant to
7 help you. Supervised release is meant to help you turn the
8 corner.

9 THE DEFENDANT: Thank you, Your Honor.

10 THE COURT: Don't overlook what I've clearly
11 indicated on the record here. There's a lot of money missing.
12 I don't know of anybody better that can tell us where some of
13 the money is that's missing than you. That's up to you.

14 With that, this Court stands adjourned for the day. Thank
15 you very much.

16 THE CLERK: All rise. Court stands in adjournment.

17 (Proceedings concluded at 1:16 p.m.)
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1 CERTIFICATE OF OFFICIAL REPORTER

2 I, Patricia G. Mitchell, Registered Merit Reporter,
3 Certified Realtime Reporter, in and for the United States
4 District Court for the District of Maryland, do hereby certify,
5 pursuant to 28 U.S.C. § 753, that the foregoing is a true and
6 correct transcript of the stenographically-reported proceedings
7 held in the above-entitled matter and the transcript page
8 format is in conformance with the regulations of the Judicial
9 Conference of the United States.

10 Dated this 26th day of August 2025.

11
12 

13 _____
14 Patricia G. Mitchell, RMR, CRR
15 Federal Official Reporter
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< Dates >

26th day of August 2025.

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