

UNITED STATES OF AMERICA,) Case No. 23-00098-04-CR-W-BCW
)
Plaintiff,) Kansas City, Missouri
) January 4, 2024
v.)
)
CAMERON P. HENDERSON,)
)
Defendant.)
)

APPEARANCES:

For the Plaintiff:

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For the Defendant:

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1 (Court in Session at 9:34 a.m.)

2 THE COURT: All right. We are here on Case No. 23-
3 00098-04-CR-W-BCW, *United States of America vs. Cameron P.*
4 *Henderson*. May I please have entry of appearance by the
5 Government?

6 MR. BECKER: The United States by Paul Becker, Assistant
7 U.S. Attorney. Good morning, Judge.

8 MR. JOHNSTON: Good morning, Your --

9 THE COURT: Good morning, thank you. And for Mr.
10 Henderson?

11 MR. JOHNSTON: Sorry, Your Honor.

12 THE COURT: That's okay.

13 MR. JOHNSTON: Justin Johnston on behalf of Mr.
14 Henderson, who also appears in person.

15 THE COURT: All right. Thank you, Mr. Johnston. All
16 right. We are here for the change of plea. The first thing we
17 need to cover here is this case comes before me as a magistrate
18 judge pursuant to what I have before me, which is a written
19 consent by Mr. Henderson and his attorney. It's entitled
20 "Consent to Entry of Felony Plea before U.S. Magistrate Judge
21 Lajuana M. Counts." Mr. Henderson, did you have a chance to go
22 over this form?

23 MR. HENDERSON: Yes, ma'am.

24 THE COURT: Okay. And did you have any questions for
25 Mr. Johnston about that waiver?

1 MR. HENDERSON: No, ma'am.

2 THE COURT: Okay. Or just the consent form, I'm sorry.

3 All right. I think it's an order. What it says is that as a
4 Magistrate Judge, you have a -- you're entitled to have your plea
5 taken before an Article III judge, which is a District Judge.
6 But with this consent you are consenting that I will cover that
7 plea and if the plea is accepted, what I'll do is I will prepare
8 a Report and Recommendation to a District Judge, Judge Wimes,
9 with a recommendation that a -- that the plea should be accepted.
10 Do you understand that?

11 MR. HENDERSON: Yes, ma'am.

12 THE COURT: Okay. Are you asking the Court to accept
13 this consent?

14 MR. HENDERSON: Yes, ma'am.

15 THE COURT: All right. That's what I will do. I find
16 that it is in order, today's date, January the 4th of 2024. All
17 right. We will move forward here. So, I understand that you
18 wish to enter a plea of guilty to Count Five of the Indictment,
19 which is wire fraud, is that correct?

20 MR. HENDERSON: Yes, ma'am.

21 THE COURT: All right. Let me go ahead and have you
22 sworn in. I need to have you sworn in before I ask you some
23 questions, and so I'll have my courtroom deputy to swear you in.
24 Just raise your right hand.

25 CAMERON P. HENDERSON, DEFENDANT, SWORN

1 MS. CHORNY: And if you could say "yes" just for the
2 record.

3 MR. HENDERSON: Yes.

4 MS. CHORNY: Thank you.

5 THE COURT: Okay. Because everything is being recorded
6 so we don't, --

7 MR. HENDERSON: Oh.

8 THE COURT: -- it doesn't record nods or anything of
9 that nature.

10 MR. HENDERSON: Okay.

11 THE COURT: Do you -- okay. Thank you.

12 MR. JOHNSTON: And, Mr. Henderson, I noticed that you
13 are soft-spoken and that's why I moved the microphone a little
14 closer. But if you could speak up in response to Judge Counts'
15 questions, that would be helpful.

16 MR. HENDERSON: All right.

17 THE COURT: Okay. You are quite soft-spoken there.
18 Okay.

19 MR. JOHNSTON: Is that a yes?

20 MR. HENDERSON: Yes. Yes. Yes, ma'am.

21 THE COURT: All right. So, do you understand that you
22 are now under oath and that if you answer any of my questions
23 falsely, that you could be later charged and prosecuted for
24 making a false statement or perjury?

25 MR. HENDERSON: Yes, ma'am.

1 THE COURT: All right. All right. So, these first set
2 of questions, Mr. Henderson, has to do with your competency to
3 enter a plea and so that's what these are geared toward. So,
4 what is your full name for the record?

5 MR. HENDERSON: My name is Cameron Perkel Henderson.

6 THE COURT: All right. And were you born here in the
7 United States?

8 MR. HENDERSON: Yes, ma'am.

9 THE COURT: In Kansas City?

10 MR. HENDERSON: Yes, ma'am.

11 THE COURT: All right. Kansas City, Missouri, I should
12 say.

13 MR. HENDERSON: Yes, ma'am.

14 THE COURT: All right. And how old are you?

15 MR. HENDERSON: I'm 27.

16 THE COURT: Twenty-seven. And how far did you go in
17 school?

18 MR. HENDERSON: I went to my junior year of college.

19 THE COURT: Oh, awesome, great. All right. Have you
20 been treated recently for any mental illness or any addiction to
21 narcotic drugs of any kind?

22 MR. HENDERSON: Yes.

23 THE COURT: You have? And what --

24 MR. HENDERSON: Yes, ma'am.

25 THE COURT: What is that? What kind of a treatment have

1 you received?

2 MR. HENDERSON: I recently went to a drug treatment
3 scheduled for -- with -- I forgot his name, but my PO scheduled
4 me to go to a drug treatment class with this person.

5 THE COURT: Are you taking any medications to help with
6 that treatment?

7 MR. HENDERSON: No, ma'am.

8 THE COURT: All right.

9 MR. HENDERSON: It was only -- it was only a one-time
10 thing.

11 THE COURT: A one --

12 MR. HENDERSON: It was just a one class.

13 THE COURT: Okay. All right. Have you recently been
14 under the care of any, well, physician or psychiatrist? I guess
15 this was -- this was a treatment. It wasn't a doctor, correct?

16 MR. HENDERSON: No, ma'am.

17 THE COURT: All right. So, are you currently under --
18 under the influence of any drug or medication or alcoholic
19 beverage of any kind?

20 MR. HENDERSON: No, ma'am.

21 THE COURT: All right. And do you -- do you understand
22 what's happening here today?

23 MR. HENDERSON: Yes, ma'am.

24 THE COURT: All right. Does either counsel have any
25 doubt as to Mr. Henderson's competency to plead today? Mr.

1 Becker?

2 MR. BECKER: I have no information on that. Thank you.
3 I'm sure it's -- he appears fine.

4 THE COURT: Okay. Mr. Johnston?

5 MR. JOHNSTON: I have no concerns, Your Honor.

6 THE COURT: All right. The Court doesn't either based
7 upon, you know, your responses to questions and things of that
8 nature. So, the Court does find that you are competent to
9 understand the proceedings here today and enter a knowing plea.
10 All right. These next questions have to do with your
11 satisfaction with your attorney. Okay?

12 MR. HENDERSON: Yes, ma'am. Have you had enough time
13 and opportunity to discuss your case with your attorney?

14 MR. HENDERSON: Yes.

15 THE COURT: Okay. And are you fully satisfied with his
16 advice and counsel?

17 MR. HENDERSON: Yes, ma'am.

18 THE COURT: Okay. And has he done everything that
19 you've asked him to do?

20 MR. HENDERSON: Yes.

21 THE COURT: All right. Perfect. Awesome. Thank you.
22 All right. Next, we need to go over your waiver of rights.
23 There are some constitutional rights that you have under the laws
24 of this -- of this country, and that is the right to a -- a right
25 to a trial by jury. No one can convince you or persuade you or

1 to make you waive up that -- waive that right. So, not the --
2 not the Government, not the judge, not your attorney, not law
3 enforcement, no one can force you to give up your constitutional
4 right to a trial by jury. Do you understand that, Mr. Henderson?

5 MR. HENDERSON: Yes, ma'am.

6 THE COURT: Okay. So, these constitutional rights that
7 I will go over are ones that you will be giving up and waiving by
8 entering a plea of guilty today. Do you understand that?

9 MR. HENDERSON: Yes, ma'am.

10 THE COURT: All right. So, these are the rights. You
11 know, you have the right to plead not guilty and to persist in
12 your plea of not guilty, but by entering a guilty plea today, you
13 are giving up that right. Do you understand that?

14 MR. HENDERSON: Yes, ma'am.

15 THE COURT: Okay. You also have the right to be
16 presumed innocent until your guilt is established beyond a
17 reasonable doubt by a jury, but since you're not going to have
18 that trial, you're giving up that right. Do you understand that?

19 MR. HENDERSON: Yes, ma'am.

20 THE COURT: Okay. You have the right to a jury trial
21 and at that trial, the right to effective assistance of counsel.
22 Since you won't have a trial, you've giving up that right as
23 well. Do you understand that?

24 MR. HENDERSON: Yes, ma'am.

25 THE COURT: You have the right to confront and cross-

1 examine witnesses that the Government would subpoena to testify
2 against you. But since you won't have a trial, you're giving up
3 that right. Do you understand that?

4 MR. HENDERSON: Yes, ma'am.

5 THE COURT: Okay. You also have a right to compel or to
6 subpoena witnesses to come and testify on your own behalf at a
7 trial, but by pleading guilty here today, you're giving up that
8 right. Do you understand that?

9 MR. HENDERSON: Yes, ma'am.

10 THE COURT: Okay. And you also have the right to remain
11 silent at trial, and in that situation, your silence cannot be
12 used against you. Do you understand that?

13 MR. HENDERSON: Yes, ma'am.

14 THE COURT: So, by pleading guilty here today, you are
15 giving up that right to remain silent. Do you understand that?

16 MR. HENDERSON: Yes, ma'am.

17 THE COURT: Okay. Did you have a chance to go over
18 these constitutional rights with your attorney?

19 MR. HENDERSON: Yes, ma'am.

20 THE COURT: Okay. I'm sure he explained everything to
21 you about that.

22 MR. HENDERSON: Yes.

23 THE COURT: Okay. So, after all of that, what we've
24 talked about and what you've gone over with Mr. Johnston, do you
25 still want to waive your constitutional rights?

1 MR. HENDERSON: Yes, ma'am.

2 THE COURT: Okay. All right. Let's look at the
3 Indictment. Do you have a copy of that Indictment?

4 MR. HENDERSON: Yes, ma'am.

5 THE COURT: All right. Have you had a chance to fully
6 discuss these charges in this case with your attorney?

7 MR. HENDERSON: Yes.

8 THE COURT: Okay. So, what I'm going to do -- this is
9 Count Five, I believe, Mr. Becker, correct?

10 MR. BECKER: Yes, Judge.

11 THE COURT: Okay. So, I'll just ask you to explain the
12 essential elements, just the elements of the charge that Mr.
13 Henderson will be pleading guilty to and also the punishment for
14 that -- for that charge.

15 MR. BECKER: Yes, it's a count of wire fraud in
16 violation of Title 18, United States Code, Section 1343, which is
17 punishable by not more than 20 years' imprisonment, not more than
18 a \$250,000 fine, not more than three year's supervised release,
19 and a \$100 special penalty assessment.

20 The elements of the offense that he and -- in aiding and
21 abetting with another person executed a scheme to defraud. In
22 this case, it would be the Small Business Administration, SBA, by
23 making a false representation that, in furtherance of the fraud
24 scheme, there was a wire transfer across the state line, and in
25 this case, it would be the wire transfer of funds from the

1 funding bank, something called Prestamos, which is in Arizona, to
2 Mr. Henderson's bank account. And that he, in fact, received
3 \$20,832 as a result of this fraud scheme. The Government would
4 prove this case by the documents of the application, which states
5 falsely that he had a business which had gross receipts of
6 \$144,080 and profit of approximately \$99,000 and submitted a
7 false 2019 Form, Schedule C, with the application. We have his
8 actual tax returns. He did not have a business with those gross
9 receipts and those profits, and that he, in fact, we have the
10 bank records showing he, in fact, received the money and spent
11 the money.

12 THE COURT: All right. Thank you. All right. Mr.
13 Henderson, do you understand the elements of the charge?

14 MR. HENDERSON: Yes, ma'am.

15 THE COURT: All right. And do you also understand the
16 statutory maximum for this is not more than 20 years'
17 imprisonment?

18 MR. HENDERSON: Yes, ma'am.

19 THE COURT: Okay. Let me ask these questions. I know
20 there's a forfeiture allegation. Is that part of this -- this
21 plea, Mr. Becker?

22 MR. BECKER: No, it's not, Judge.

23 THE COURT: Okay.

24 MR. BECKER: I've spoken to the monetary penalties
25 people and we're not pursuing forfeiture. There would be

1 mandatory restitution.

2 THE COURT: Okay. All right. So, I won't talk about
3 forfeiture then. As Mr. Becker talked about there may be an
4 order of restitution, which means, you know, a paying back of the
5 money. Do you understand that?

6 MR. HENDERSON: Yes, ma'am.

7 THE COURT: Okay. Also, he mentioned the special
8 assessment, which is \$100, and that's mandatory under the statute
9 18 U.S.C. Section 3013. Do you understand that that must be
10 paid?

11 MR. HENDERSON: Yes, ma'am.

12 THE COURT: All right. Also, there was a term of
13 supervised release of not less than three years' imprisonment.

14 MR. BECKER: I'm sorry, Judge. That's a typo on the
15 Indictment. It's not more than three years' --

16 THE COURT: Okay.

17 MR. BECKER: -- supervised release.

18 THE COURT: Okay. Thank you. I'm sure that's reflected
19 in the Plea Agreement. All right. It just says three years.
20 Okay. So, not more than three years' imprisonment. I mean,
21 excuse me. Not more than three years' supervised release.

22 MR. BECKER: Correct.

23 THE COURT: All right. So, you know, with super -- I'm
24 sure Mr. Johnston has talked to you about supervised release,
25 that that would be a period of time after any possible term of

1 imprisonment. You would -- basically be on paper, as people
2 would say. Do you understand that?

3 MR. HENDERSON: Yes, ma'am.

4 THE COURT: And for supervised release, if you're on
5 supervised release and you violate the terms of that supervised
6 release, the court could revoke your supervised release and send
7 you to jail for a period of time. Do you understand -- do you
8 understand that?

9 MR. HENDERSON: Yes, ma'am.

10 THE COURT: And even after that, the court could impose
11 an additional term of supervised release after you would get out
12 from that also. Do you understand that?

13 MR. HENDERSON: Yes, ma'am.

14 THE COURT: Okay. All right. Let's go ahead and go to
15 the Plea Agreement. Do you have a copy of that, Mr. Henderson?

16 MR. HENDERSON: Yes, ma'am.

17 THE COURT: Have you read this document?

18 MR. HENDERSON: Yes.

19 THE COURT: Okay. And did you discuss all of the pages,
20 all of the paragraphs, of the -- of these -- of this Plea
21 Agreement with your attorney?

22 MR. HENDERSON: Yes, ma'am.

23 THE COURT: And you did that before you signed it?

24 MR. HENDERSON: Yes.

25 THE COURT: And you signed it today, I believe, is that

1 correct?

2 MR. HENDERSON: Yes.

3 THE COURT: And this is a 13-page document. Yes, with
4 your signature, Mr. Johnston, and Mr. Becker's signature on page
5 13. I have the original original, I guess.

6 MR. HENDERSON: Yes, ma'am.

7 THE COURT: Can you see that from here? No.

8 MR. HENDERSON: I can't.

9 THE COURT: I know you have a copy right in front of
10 you. Look on the -- on the -- on the last page.

11 MR. HENDERSON: Where are you --

12 THE COURT: And that's -- and that's your signature on
13 there?

14 MR. HENDERSON: Yes, ma'am.

15 THE COURT: Okay. All right. And what I'm going to do
16 is -- well, this -- does this Plea Agreement represent all of the
17 -- your understanding of your agreement with the Government?

18 MR. HENDERSON: Yes, ma'am.

19 THE COURT: All right. All right. So, now, Mr. Becker,
20 it's your turn to go over the essential parts of the Plea
21 Agreement. And, Mr. Henderson, if you want to read along with
22 him, and then I may -- I know I'll have some additional things I
23 want to talk to you about in the Plea Agreement, but we'll go
24 ahead and get started. Mr. Becker.

25 MR. BECKER: Thank you, Judge. The defendant agrees to

1 plea to Count Five of the Indictment charging him with wire
2 fraud. Paragraph 3 outlines the factual basis for the plea that
3 I've previously discussed. That he applied for a PPP loan
4 through a person named Renetta Golden-Larimore and received
5 \$20,832 of which he paid some back to Ms. Golden-Larimore. It
6 outlines the statutory maximum penalties that we've described.
7 It outlines the sentencing procedure as including the supervised
8 release provisions outlined by the Court. The Government agrees
9 not to bring any further charges against the defendant for
10 anything related to the PPP loan, and also agrees to move at the
11 time of sentencing to dismiss Count One of the Indictment, which
12 charged the defendant with conspiracy to commit wire fraud.

13 The Plea Agreement provides that the parties will not be
14 allowed to withdraw their plea of guilty unless there's some
15 cause between now and the time of sentencing. Paragraph 10
16 outlines proposed Sentencing Guidelines, which would be a Base
17 Offense Level of 7 for wire fraud with a four-level increase for
18 a loss between 15,000 and 40,000. It envisions that a reduction
19 for acceptance of responsibility and also since we're post-
20 November 1, 2023, there would be a two-level decrease because the
21 defendant is a zero-point offender. It outlines the defendant's
22 constitutional rights, which have been reviewed by the Court and
23 he gives up those rights. Paragraph 15 provides that the
24 defendant waives his right to appeal the finding of guilt, except
25 for the grounds of ineffective assistance or prosecutorial

1 misconduct. He also waives his right to appeal his sentence,
2 directly or collaterally, except for claims of ineffective
3 assistance, prosecutorial misconduct, or an illegal sentence.
4 There is provisions relating to restitution, many paragraphs.
5 And that is essentially the provisions that are most important in
6 the Plea Agreement.

7 THE COURT: All right. Let me just go over just a
8 couple of things with you, Mr. Henderson. Go back to page 6 and
9 Paragraph 10. Okay. And it's Paragraph 10(d) that says the
10 parties agree that the court will determine your applicable
11 criminal history category after they receive the Presentence
12 Investigation Report. Do you see that?

13 MR. HENDERSON: Yes, ma'am.

14 THE COURT: Do you understand that?

15 MR. HENDERSON: Yes.

16 THE COURT: All right. And then on Paragraph 10(f) it
17 says that the United States agrees not to seek an upward
18 departure from the guidelines or a sentence outside the
19 guidelines range. Do you -- do you see that?

20 MR. HENDERSON: Yes, ma'am.

21 THE COURT: All right. Also it says the agreement by
22 the Government to not seek a departure from the guidelines is not
23 binding upon the court or the Probation Office, and the court may
24 impose any sentence authorized by law. It could be more than you
25 anticipate or it could be less than you anticipate. Do you

1 understand that?

2 MR. HENDERSON: Yes, ma'am.

3 THE COURT: Okay. Go to the next page on page 7 and
4 that's 10(g). You are consenting to judicial fact-finding by a
5 preponderance of the evidence on issues relating to the
6 Sentencing Guidelines. Do you understand that?

7 MR. HENDERSON: Yes.

8 THE COURT: Okay. In Paragraph 10(h) it says that you
9 understand and agree that the factual omissions contained in
10 Paragraph 3 of the Plea Agreement are your admissions and that
11 that would be used in the calculation of the guidelines. Do you
12 understand that?

13 MR. HENDERSON: Yes, ma'am.

14 THE COURT: Okay. Okay. And go to page 9, and it's
15 Paragraph 15. I think I have to go over that as well. Mr.
16 Becker did, but I think the Court has to kind of go over that as
17 well. In there you are waiving your right to appeal your finding
18 of guilt that's directly or collaterally, except on two grounds:
19 ineffective assistance of counsel and prosecutorial misconduct.
20 Do you understand that?

21 MR. HENDERSON: Yes, ma'am.

22 THE COURT: Okay. And then in 15(b) you're waiving your
23 right to appeal your sentence, directly or collaterally, except
24 on three grounds. That's ineffective assistance of counsel,
25 prosecutorial misconduct, or an illegal sentence. Do you see

1 that?

2 MR. HENDERSON: Yes, ma'am.

3 THE COURT: Okay. And also in that 15(b) it says -- it
4 defines what an illegal sentence is. Basically it would be
5 anything that's above the statutory maximum. Do you understand
6 that?

7 MR. HENDERSON: Yes, ma'am.

8 THE COURT: So, even if you don't like the sentence that
9 is imposed and it's within the guideline range, you're waiving
10 your right to appeal that. Do you understand that?

11 MR. HENDERSON: Yes, ma'am.

12 THE COURT: Okay. Then the last thing I always go over
13 Paragraph 20, which is on page 12. And that's just -- that's
14 talking about you are acknowledging that you are entering into
15 your Plea Agreement freely and voluntarily after receiving
16 effective assistance of counsel. Do you agree with that?

17 MR. HENDERSON: Yes, ma'am.

18 THE COURT: Okay. And that you acknowledge that you are
19 satisfied with your attorney's representation. That he has
20 advised you of your rights and your obligations in connection
21 with this Plea Agreement. Do you understand that?

22 MR. HENDERSON: Yes, ma'am.

23 THE COURT: Do you agree with that?

24 MR. HENDERSON: Yes.

25 THE COURT: Okay. And also in that paragraph that you

1 acknowledge that there are no promises or threats other than
2 what's in this Plea Agreement that has induced you to enter into
3 a plea of guilty. Do you understand that?

4 MR. HENDERSON: Yes, ma'am.

5 THE COURT: Do you agree with that?

6 MR. HENDERSON: Yes, ma'am.

7 THE COURT: Okay. And then also there are no
8 undisclosed terms of this Plea Agreement, is that correct?

9 MR. HENDERSON: Yes, ma'am.

10 THE COURT: So everything is within the -- this Plea
11 Agreement --

12 MR. HENDERSON: Yes, ma'am.

13 THE COURT: -- that you signed, correct?

14 MR. HENDERSON: Yes.

15 THE COURT: Okay. All right. Just to emphasize, you
16 understand that the court is not bound by the Plea Agreement.
17 I've said that before. So, the court -- it's a contract between
18 you and the Government. So, it doesn't include the court. The
19 court can impose any sentence below the maximum that it believes
20 is substantively reasonable. Do you understand that?

21 MR. HENDERSON: Yes, ma'am.

22 THE COURT: And the Court does that after looking at a
23 lot of what we call sentencing factors under 18 U.S.C. Section
24 3553. That's the need to deter from future crimes, to protect
25 the public, things of that nature. So, it takes all of that into

1 consideration and then it will impose a sentence that it -- it
2 believes is reasonable. Do you understand that?

3 MR. HENDERSON: Yes, ma'am.

4 THE COURT: Okay. All right. All right. Let me -- Mr.
5 Johnston, have you conveyed all formal plea offers to Mr.
6 Henderson?

7 MR. JOHNSTON: I have, Your Honor. This was, for
8 purposes of *Frye-Lafler*, this was the one and only plea offer
9 extended by the Government. I've discussed it fully with Mr.
10 Henderson and Mr. Henderson decided to accept that one and only
11 plea.

12 THE COURT: Okay. All right. Thank you. Is that
13 correct, Mr. Becker?

14 MR. BECKER: Yes, Judge, the defendant was given the
15 choice of pleading to the conspiracy count or the substantive
16 count. That's that.

17 THE COURT: Okay. All right. Thank you. So, the Court
18 does find that the Plea Agreement is in proper form and that it
19 will be filed. Let me advise you of this, Mr. Henderson. This
20 offense is a felony offense, and with felony offenses, there are
21 certain civil rights that you could be deprived of with a felony
22 offense. And that's the right to vote, the right to hold public
23 office. The right to serve on a jury and the right to possess
24 any firearm or ammunition. Do you understand that?

25 MR. HENDERSON: Yes, ma'am.

1 THE COURT: So, those are rights that you could be
2 giving up. Do you understand that?

3 MR. HENDERSON: Yes, ma'am.

4 THE COURT: Okay. Or losing, I should say. All right.
5 The Plea Agreement, the guidelines, talked about that. Oh, one
6 thing. In the federal system there's no such thing as parole.
7 Do you understand that? We just have like --

8 MR. HENDERSON: Yes, ma'am.

9 THE COURT: -- supervised release. So, there's no
10 parole in federal court.

11 MR. HENDERSON: Yes, ma'am.

12 THE COURT: Okay. All right. Let's go ahead and go
13 over the factual basis for the guilty plea. You kind of already
14 went over this, Mr. Becker, but just to make sure the record is
15 clear. If you would tell the Court what evidence you would have
16 presented if this case had gone to trial.

17 MR. BECKER: Yes, Judge. We would present the
18 application of -- to something called Blue Acorn which was a
19 portal to take the PPP loan applications that were prepared and
20 submitted on May 21, 2021, by Golden-Larimore. We know that
21 because the IP address that submitted the application comes back
22 to her home. It lists the defendant's personally identifiable
23 information. It lists the income. We said earlier that he had a
24 business and the bank. We have his tax records showing he did
25 not, in fact, have a business with those gross -- gross income

1 and profit. We have the bank records showing that the transfer
2 of 20,832 happened on June 11, 2021, from Prestamos in Arizona to
3 the defendant's J.P. Morgan Chase account, and then he spent the
4 loan proceeds on personal expenses not associated with any
5 business.

6 THE COURT: And also, Mr. Henderson was here in the
7 Western District of Missouri when that occurred?

8 MR. BECKER: Yes, and, I'm sorry, it was submitted by
9 Golden-Larimore's IP address which was in Kansas City, Missouri.

10 THE COURT: Okay. All right. Thank you. All right.
11 Mr. Johnston, do you agree that that would be the evidence the
12 Government would present in this case?

13 MR. JOHNSTON: I have reviewed the discovery, Your
14 Honor. I have reviewed it with Mr. Henderson. We do agree that
15 is the evidence that would be presented at a trial and that the
16 Government could meet all of the elements of the charged offense.

17 THE COURT: All right. Mr. Henderson, do you agree with
18 the Government's summary of what you did?

19 MR. HENDERSON: Yes, ma'am.

20 THE COURT: And that you did what the Government said
21 you did?

22 MR. HENDERSON: Yes, ma'am.

23 THE COURT: Okay. And this is my normal practice. Mr.
24 Johnston, I will have you make a factual basis with Mr.
25 Henderson.

1 MR. JOHNSTON: Sure. Mr. Henderson, I'm going to do a
2 little question and answer session with you, so, --

3 MR. HENDERSON: Okay.

4 MR. JOHNSTON: -- please remember that you are under
5 oath. Mr. Henderson, were you present here in Kansas City,
6 Missouri, in the Western District of Missouri in or about May of
7 2021?

8 MR. HENDERSON: Yes.

9 MR. JOHNSTON: Did you know Renetta Golden-Larimore?

10 MR. HENDERSON: Yes.

11 MR. JOHNSTON: Did Renetta Golden-Larimore collect
12 personalized information from you to include your Social Security
13 number, date of birth, et cetera?

14 MR. HENDERSON: Yes.

15 MR. JOHNSTON: All right. And did you know that Renetta
16 Golden-Larimore would use that information to submit a loan
17 application to the Small Business Administration?

18 MR. HENDERSON: Yes.

19 MR. JOHNSTON: All right. And did you know that Mr.
20 Renetta Golden-Larimore would represent on your behalf to the
21 Small Business Administration that you had a business that had
22 \$144,080 in gross income in 2019?

23 MR. HENDERSON: No.

24 MR. JOHNSTON: You did not know that she would make that
25 representation?

1 MR. HENDERSON: No, I didn't know nothing about no
2 numbers.

3 MR. JOHNSTON: Okay. But you did know that she would
4 represent to the Small Business Administration that you had a
5 business that you did not have, is that correct?

6 MR. HENDERSON: Yes.

7 MR. JOHNSTON: All right. And you did know that she
8 would represent some number on the -- that loan application,
9 correct?

10 MR. HENDERSON: Yes.

11 MR. JOHNSTON: All right. And you did not verify what
12 that number would be?

13 MR. HENDERSON: No.

14 MR. JOHNSTON: Okay. And you understood that that would
15 be submitted in furtherance of obtaining what's called a PPP
16 loan?

17 MR. HENDERSON: Yes.

18 MR. JOHNSTON: All right. And did you receive the funds
19 from that PPP loan?

20 MR. HENDERSON: Yes.

21 MR. JOHNSTON: All right. And you understood that as
22 part of that process material false representations were made to
23 the Small Business Administration?

24 MR. HENDERSON: Yes.

25 MR. JOHNSTON: All right. And you aided and abetted Ms.

1 Golden-Larimore in going so?

2 MR. HENDERSON: Yes.

3 MR. JOHNSTON: All right.

4 THE COURT: All right. Thank you. All right. Just to
5 kind of wrap this up. Mr. Henderson, has -- has anyone attempted
6 in any way to force you to plead guilty or otherwise threaten
7 you?

8 MR. HENDERSON: No.

9 THE COURT: Okay. Has anyone made any promises or
10 assurances of any kind outside of the Plea Agreement to get you
11 to plead guilty?

12 MR. HENDERSON: No, ma'am.

13 THE COURT: Okay. And are you pleading guilty because
14 you are, in fact, guilty?

15 MR. HENDERSON: Yes.

16 THE COURT: Okay. And are you doing this of your own
17 free will?

18 MR. HENDERSON: Yes, ma'am.

19 THE COURT: All right. And so let me specifically ask
20 you, Mr. Henderson, as to Count Five of this Indictment for wire
21 fraud, how do you plead, guilty or not guilty?

22 MR. HENDERSON: I plead guilty.

23 THE COURT: All right. All right. So the Court does
24 find that there is indeed a factual basis for the plea of guilty,
25 and that, Mr. Henderson, since you acknowledge that you are, in

1 fact, guilty as charged in Count Five of this Indictment, and
2 since you know your right to a trial by jury, you know what the
3 maximum possible punishment is, and since you are knowingly and
4 voluntarily pleading guilty, I do accept your plea of guilty to
5 Count Five. So, this Court -- I will -- I'll prepare a Report
6 and Recommendation for Judge Wimes recommending an entry of
7 judgment on your plea of guilty.

8 So, the next step here is the Probation Office will be
9 talking with you. They have to prepare what they call a
10 Presentence Investigation Report before sentencing occurs. So,
11 they're be asking you questions. And that's just to get a total
12 picture of everything. And so they -- they'll prepare that and
13 give that to the court, to the Government, to your attorney, and
14 you'll get to see a copy as well. If you have any changes or
15 corrections or objections to that report, your attorney can, you
16 know, submit that. If that's -- and the Government also. If
17 those issues cannot be resolved, the District Court will resolve
18 those issues at sentencing. Do you understand that?

19 MR. HENDERSON: Yes, ma'am.

20 THE COURT: Okay. All right. Do you have any questions
21 about anything that we've discussed here today?

22 MR. HENDERSON: No, ma'am.

23 THE COURT: Okay. All right. I think we've covered
24 everything. Anything else you can think of, Mr. Becker?

25 MR. BECKER: Nothing else. You've covered it. Thank

1 you.

2 THE COURT: Okay. All right. Mr. Johnston, anything
3 else you can think of?

4 MR. JOHNSTON: No, Your Honor, thank you.

5 THE COURT: All right. All right. So, Mr. Henderson,
6 you are on bond that will continue on. As I said, I'm sure you
7 will be talking with the Probation Officer who's here today, and
8 get this -- it will be set for sentencing as soon as possible
9 before Judge Wimes. I don't know when that will be, but Mr.
10 Johnston will keep you informed of that. Okay?

11 MR. HENDERSON: Yes, ma'am.

12 THE COURT: All right. All right. Thank you all.
13 We'll be in recess.

14 MR. JOHNSTON: Thank you, Judge.

15 THE COURT: Thank you.

16 (Court Adjourned at 10:04 a.m.)
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5 I certify that the foregoing is a correct transcript
6 from the electronic sound recording of the proceeding in the
7 above-entitled matter.

8
9 /s/ Lissa C. Whittaker
Signature of transcriber

January 9, 2024
Date