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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

21 CR 746 (MKV)

5 ADEDAYO ILORI,

6 Defendant.

Conference

7 -----x

8 New York, N.Y.
9 May 30, 2023
10 11:00 a.m.

11 Before:

12 HON. MARY KAY VYSKOCIL,

13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

16 United States Attorney for the
17 Southern District of New York

DAVID RUSSELL FELTON

17 Assistant United States Attorney

18 AVRAHAM C. MOSKOWITZ

19 Outgoing Attorney for Defendant

20 SANFORD N. TALKIN

Incoming Attorney for Defendant

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(Case called)

MR. FELTON: Good morning, your Honor. David Felton for the government.

THE COURT: Good afternoon, Mr. Felton.

MR. MOSKOWITZ: Good morning, your Honor. Avraham Moskowitz, the original counsel for Mr. Ilori.

THE COURT: Well, no, you're not the original.

MR. MOSKOWITZ: Not the original, right. Most recent counsel for Mr. Ilori. Also at the counsel table is Sam Talkin, who is, I understand, CJA counsel for today.

THE COURT: All right. Good morning, Mr. Talkin, to you as well; and good morning Mr. Moskowitz; good morning Mr. Ilori?

MR. TALKIN: Good morning.

THE DEFENDANT: Good morning.

THE COURT: And, finally, good morning to our court reporter. Thank you for being here.

So, as Mr. Moskowitz has indicated, we are here today because when we convened last week for the sentencing of Mr. Ilori, which was adjourned from its original date because he fired his trial lawyer and requested new counsel and Mr. Moskowitz stepped in, he once again wants to discharge his CJA lawyer.

Correct, Mr. Ilori?

THE DEFENDANT: Yes.

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1 THE COURT: All right.

2 Mr. Moskowitz, is there anything you want to say for
3 the record?

4 MR. MOSKOWITZ: No, your Honor.

5 THE COURT: All right.

6 As the record of last week, when we convened for the
7 sentencing, reflects, the issue, as I understand it, is that
8 Mr. Ilori wants certain arguments made in connection with his
9 sentencing; some were preserved in the sentencing submission
10 but some apparently are new arguments, which, to my
11 recollection, having presided over the trial of this matter,
12 appeared to be without merit. Nonetheless, Mr. Ilori wishes to
13 press them.

14 When we were last together, I think it was
15 Ms. Murray -- is that right?

16 MR. FELTON: Yes, your Honor.

17 THE COURT: -- offered to provide certain evidence to
18 the defense to demonstrate that those arguments were without
19 merit.

20 Did that take place?

21 MR. FELTON: Yes, your Honor.

22 THE COURT: All right.

23 And, nonetheless, Mr. Ilori, you still wish to
24 discharge your counsel and have new counsel appointed?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: All right.

2 We have with us today Mr. Talkin, who is the counsel
3 on duty today. So I thank you for being here, sir.

4 Have you had a chance to look into whether there are
5 any conflicts of interest, if the Court were to appoint you as
6 counsel for Mr. Ilori?

7 MR. TALKIN: I do not believe I have any, your Honor.

8 THE COURT: All right.

9 Are you willing and able to take on this
10 representation?

11 MR. TALKIN: Yes, your Honor.

12 THE COURT: Have you had a chance to talk to
13 Mr. Moskowitz? And do you understand the issues and the
14 difficulty here?

15 MR. TALKIN: I do.

16 THE COURT: All right.

17 But you are willing and able to take this on?

18 MR. TALKIN: I'm willing to do it. Whether I provide
19 another answer or not, I will come at it independently.

20 THE COURT: All right.

21 Have you had an opportunity yet to talk to Mr. Ilori?

22 MR. TALKIN: I have not. I will go see him at the MDC
23 early next week.

24 THE COURT: All right.

25 Are the marshals able to give counsel a little bit of

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1 time today to talk to Mr. Ilori, or is that not possible?

2 MARSHAL: Yes, your Honor.

3 THE COURT: You can do that?

4 MARSHAL: Yes, your Honor.

5 THE COURT: So at least you can have an initial
6 conversation with Mr. Ilori, because, Mr. Talkin, you need to
7 understand there is a pattern here of Mr. Ilori firing
8 perfectly competent lawyers and delaying proceedings. The only
9 reason I put up with it last week is, Mr. Ilori is in jail
10 already in connection with sentencing in another case, he's
11 going to remain in prison, his sentence in this case is going
12 to be consecutive to whatever that sentence is, so he's really
13 not prejudicing anybody but himself by what he's doing here.
14 So I appreciate your willingness to take on the representation.

15 Before I finally appoint you, let me ask, has the
16 government had an opportunity to look into whether there is any
17 conflict with Mr. Talkin taking on the representation?

18 MR. FELTON: I don't believe there is any conflict,
19 your Honor.

20 THE COURT: All right.

21 I should say, as well, that the Court has no conflict
22 whatsoever with respect to Mr. Talkin. I don't think you've
23 appeared before me yet, correct?

24 MR. TALKIN: That's correct, your Honor.

25 THE COURT: Yes, all right.

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1 So with that, I will appoint you as counsel to
2 Mr. Ilori.

3 Mr. Moskowitz, you are discharged. I thank you very
4 much for your service.

5 MR. MOSKOWITZ: Thank you, your Honor.

6 I've already given Mr. Talkin a hard drive with all of
7 the discovery in the case, which I got from the government and
8 along with the sentencing submissions and the PSR. I will also
9 provide him with all of the other materials, including the
10 trial transcript.

11 THE COURT: I was going to say, do you have the trial
12 transcript?

13 MR. MOSKOWITZ: I do. I received it from Mr. Brill
14 initially, and I will transfer it electronically to Mr. Talkin.

15 THE COURT: All right.

16 And then, Mr. Talkin, what I would ask you to do is,
17 you can talk to Mr. Ilori today -- if you'd just give us two
18 seconds, we'll be finished shortly, Mr. Moskowitz.

19 MR. MOSKOWITZ: That's fine, Judge.

20 THE COURT: -- you can talk to him today briefly, and
21 I thank the marshals for facilitating that. If you need to go
22 see him again at MDC, I leave that to you. Obviously, you have
23 to review the record here. And then I would ask you, please be
24 in touch with Ms. Dempsey to reschedule the sentencing, after
25 conferring with the government, or maybe get both of you on the

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1 line with Ms. Dempsey.

2 MR. TALKIN: Understood, your Honor.

3 THE COURT: All right.

4 But I'm not going to just leave this completely
5 open-ended.

6 So how long do you think you need before you can get
7 back to Ms. Dempsey? I'm not asking for a deadline when you're
8 going to be ready; I'm asking, how soon can you tell us when
9 you will be ready?

10 MR. TALKIN: The end of next week.

11 THE COURT: Okay. That would be terrific, if you
12 would do that, please.

13 Is there anything else, then, for the record?

14 MR. FELTON: Not from the government, your Honor.

15 THE COURT: All right. Thank you.

16 Anything from you, Mr. Talkin?

17 MR. TALKIN: No, thank you, your Honor.

18 THE COURT: All right. Thank you very much for your
19 willingness to step in.

20 All right, then. Thank you to our court reporter.
21 We'll stand adjourned. Thank you.

22 (Adjourned)