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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

21 Cr. 746 (MKV)

5 ADEDAYO ILORI,

6 Defendant.

Jury Trial

-----x

7
8 New York, N.Y.
November 1, 2022
9 9:54 a.m.

10 Before:

11 HON. MARY KAY VYSKOCIL,

12 District Judge

13 APPEARANCES

14 DAMIAN WILLIAMS

15 United States Attorney for the
Southern District of New York

16 BY: JULIANA N. MURRAY, ESQ.

DAVID R. FELTON, ESQ.

17 Assistant United States Attorneys

18 BRILL LEGAL GROUP, P.C.

Attorneys for Defendant

19 BY: PETER E. BRILL, ESQ.

20 ALSO PRESENT: ISABEL LOFTUS, Paralegal Specialist, USAO

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1 (Trial resumed)

2 THE COURT: Good morning. Please be seated, everyone.

3 All right. Good morning, everyone. I hope everyone
4 had a pleasant evening. We have a note from the jurors. It's
5 dated 1st November 2022, 9:30 a.m.

6 With apologies, it simply says, "The jury has begun
7 deliberations for the day."

8 We have a very diligent jury. So obviously we did not
9 know that until we opened the note. But we'll mark this as
10 part of the record. And I will see you all if and when there
11 are any further notes, okay? Thanks, everyone.

12 Oh, I'm sorry. One more thing.

13 Mr. Brill, I noticed Mr. Ilori is not here, so I just
14 want to confirm on the record that you are waiving his presence
15 from my having read this note from the jurors.

16 MR. BRILL: Yes, your Honor.

17 THE COURT: All right. Thank you.

18 (Recess pending verdict, 10:00 a.m.)

19 (In open court; 11:53 a.m.)

20 THE COURT: Please be seated, everyone.

21 We have a note from the jurors, dated 1 November 2022,
22 11:38 a.m. "Can we have Government Exhibits Nos. 639 through
23 750." And it is signed by the foreperson.

24 Now based on my recollection and my notes, I don't
25 believe everything between the numbers 639 and 750 are in

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1 evidence. There are certainly exhibits that fall in that
2 range, but not everything within those numbers is in evidence.
3 My suggestion is that we respond to this by saying just what I
4 just said: Not all documents numbered 639 through 750 were
5 admitted into evidence. Are you requesting those documents
6 within that number range that are in evidence?

7 MS. MURRAY: That makes sense, your Honor. And there
8 certainly were numerical gaps within that range as well. We
9 have a list of admitted exhibits, so we can have anything in
10 that range be submitted.

11 THE COURT: Mr. Brill?

12 MR. BRILL: Just possibly slightly more efficient if
13 we give them the list of everything in that range and ask them
14 what they want from that range.

15 THE COURT: Well, what I was going to do was send back
16 the note that I'm proposing saying: Not all exhibits numbered
17 639 through 750 are in evidence. Are you requesting those
18 exhibits within that range which have been admitted? And if
19 they say yes, in the meantime, you two can be comparing the
20 notes, but we can find out what exactly they want. All right?

21 MR. BRILL: Yes, your Honor.

22 THE COURT: All right. So we'll prepare that note,
23 I'll show it to both of you, and then we'll send it back to the
24 jurors.

25 This is Note No. what, Ms. Dempsey?

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1 THE DEPUTY CLERK: 6.

2 THE COURT: 6. Thank you.

3 And then in the meantime, the two of you can be
4 comparing notes on what exhibits in that range you believe have
5 been admitted. I'd like to try to do this quickly, because I
6 have an appointment at 12:30, which I figured would coincide
7 with when their lunch is being brought up in any event.

8 (Pause)

9 THE COURT: We'll show this to the parties. Does this
10 look acceptable?

11 All right. So the answer I will be sending back
12 reads: "There are not exhibits bearing each number between 639
13 through 750. Are you requesting all exhibits whose exhibit
14 number falls within that range?"

15 All right. Ms. Dempsey is going to give it to the
16 Marshals to give to the jurors, so we might as well wait here
17 for a further reply. But in the meantime we can go off the
18 record and you can be comparing notes, because I suspect that's
19 what they're asking for.

20 MS. MURRAY: Yes, your Honor. We did that. We
21 conferred on what numbers were within that range.

22 THE COURT: All right. Do one of you want to tell me.

23 MS. MURRAY: Yes. So --

24 THE COURT: This is a list after you've compared
25 notes?

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1 MS. MURRAY: Yes.

2 THE COURT: All right. Thank you.

3 MS. MURRAY: So Exhibits 639 through 660, with no
4 gaps; 660-A; and then 661 through 678 --

5 THE COURT: Is there not a 638?

6 MS. MURRAY: There is, but they started their request
7 with 639.

8 THE COURT: Oh, yes. That's correct. I'm sorry. So
9 you were up to 678.

10 MS. MURRAY: Yes. And then there's a numerical gap,
11 and then the next set of admitted exhibits within that range is
12 700 through 709; and then 720, 730, 740-C, and 750.

13 THE COURT: Okay. That's consistent with what my
14 clerk came up with by reviewing the record. So if you want to
15 start preparing those exhibits, depending on the answer we get
16 back.

17 Thank you, Ms. Loftus, very much.

18 (Pause)

19 THE COURT: All right. We have a response from the
20 jurors. "The jury no longer requests the exhibits."

21 Thank you, Ms. Loftus. I'm sorry.

22 All right. So we'll adjourn until we hear further
23 from the jury. Thank you.

24 (Recess pending verdict, 12:04 p.m.)

25 (In open court; 12:29 p.m.)

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1 THE COURT: Please be seated, everyone.

2 We're told the jury has a verdict. We're just waiting
3 for Mr. Brill to get back to the courtroom, then we'll bring
4 the jurors in.

5 All right. Ms. Dempsey, would you tell the Marshals
6 we're ready for the jury.

7 (Jury present, 12:31 p.m.)

8 THE COURT: All right. Please be seated, everyone.

9 Good afternoon, ladies and gentlemen. So we are told
10 that the jury has a verdict; is that correct, Madam Foreperson?

11 THE FOREPERSON: Correct.

12 THE COURT: All right. And Ms. Dempsey has the
13 envelope with the verdict form that was handed to the Marshals.
14 Ms. Dempsey, would you hand me the verdict. Thank you.

15 All right. Ms. Dempsey, would you return this to the
16 foreperson, please.

17 THE DEPUTY CLERK: Yes, your Honor.

18 THE COURT: All right. Madam Foreperson, Ms. Dempsey
19 is going to ask you in a moment to answer her with regard to
20 the jury verdict. All right?

21 THE FOREPERSON: Okay.

22 THE COURT: Whenever you're ready, Ms. Dempsey.

23 THE DEPUTY CLERK: Please stand.

24 Madam Foreperson, with respect to Count One, major
25 fraud against the United States, how do you find the defendant,

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1 Adedayo Ilori?

2 THE FOREPERSON: Guilty.

3 MR. FELTON: For Count One, do you find the defendant
4 committed the offense, in full or in part, after he was
5 released on bail on or about March 6, 2020?

6 THE FOREPERSON: Yes.

7 THE DEPUTY CLERK: With respect to Count Two,
8 conspiracy to commit wire and bank fraud, how do you find the
9 defendant, Adedayo Ilori?

10 THE FOREPERSON: Guilty.

11 THE DEPUTY CLERK: Do you find the defendant committed
12 the offense, in full or in part, after he was released on or
13 about March 6, 2020?

14 THE FOREPERSON: Yes.

15 THE DEPUTY CLERK: With respect to Count Three, wire
16 fraud, how do you find the defendant, Adedayo Ilori?

17 THE FOREPERSON: Guilty.

18 THE DEPUTY CLERK: With respect to Count Three, do you
19 find the defendant committed the offense, in full or in part,
20 after he was released on bail on or about March 6, 2020?

21 THE FOREPERSON: Yes.

22 THE DEPUTY CLERK: With respect to Count Four, bank
23 fraud, how do you find the defendant, Adedayo Ilori?

24 THE FOREPERSON: Guilty.

25 THE DEPUTY CLERK: If guilty on Count Four, do you

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1 find the defendant committed the offense, in full or in part,
2 after he was released on bail on or about March 6, 2020?

3 THE FOREPERSON: Yes.

4 THE DEPUTY CLERK: With respect to Count Five,
5 aggravated identity theft, how do you find the defendant,
6 Adedayo Ilori?

7 THE FOREPERSON: Guilty.

8 THE DEPUTY CLERK: If guilty on Count Five, do you
9 find the defendant committed the offense, in full or in part,
10 after he was released on bail on or about March 6, 2020?

11 THE FOREPERSON: Yes.

12 THE DEPUTY CLERK: With respect to Count Six,
13 conspiracy to commit money laundering, how do you find the
14 defendant, Adedayo Ilori?

15 THE FOREPERSON: Guilty.

16 THE DEPUTY CLERK: If guilty on Count Six, do you find
17 the defendant committed the offense, in full or in part, after
18 he was released on or about March 6, 2020?

19 THE FOREPERSON: Yes.

20 THE DEPUTY CLERK: I will then ask each --

21 THE COURT: Please be seated. Thank you.

22 Ms. Dempsey will poll the jurors, please, meaning
23 she's going to ask each of you: Is this your verdict?

24 THE DEPUTY CLERK: Juror No. 2, is this your verdict?

25 JUROR: Yes.

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1 THE DEPUTY CLERK: Juror No. 3, is this your verdict?

2 JUROR: Yes.

3 THE DEPUTY CLERK: Juror No. 4, is this your verdict?

4 JUROR: Yes.

5 THE DEPUTY CLERK: Juror No. 5, is this your verdict?

6 JUROR: Yes.

7 THE DEPUTY CLERK: Juror No. 6, is this your verdict?

8 JUROR: Yes.

9 THE DEPUTY CLERK: Juror No. 7, is this your verdict?

10 JUROR: Yes.

11 THE DEPUTY CLERK: Juror No. 8, is this your verdict?

12 JUROR: Yes.

13 THE DEPUTY CLERK: Juror No. 9, is this your verdict?

14 JUROR: Yes.

15 THE DEPUTY CLERK: Juror No. 10, is this your verdict?

16 JUROR: Yes.

17 THE DEPUTY CLERK: Juror No. 11, is this your verdict?

18 JUROR: Yes.

19 THE DEPUTY CLERK: Juror No. 12, is this your verdict?

20 JUROR: Yes.

21 THE COURT: And Juror No. 1, please, individually.

22 THE DEPUTY CLERK: Yes. Juror No. 1.

23 JUROR: Yes.

24 THE COURT: All right. Thank you.

25 Anything for the record from the parties?

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1 MR. BRILL: No, your Honor.

2 THE COURT: All right. Mr. Ilori, please stand.

3 So you are remanded to the custody of the United
4 States Marshals. You'll be sentenced on -- Ms. Dempsey?

5 THE DEPUTY CLERK: January 31st.

6 THE COURT: January 31 at?

7 THE DEPUTY CLERK: 11 a.m.

8 THE COURT: 11 a.m. Please be seated, sir.

9 Ladies and gentlemen of the jury, thank you very much
10 for your service as jurors in this case. Your service is now
11 complete. We'll also let the two alternates know that the jury
12 has reached a verdict and that they are discharged from their
13 duty as jurors.

14 You are now free, if you so wish, to discuss the case.
15 You do not have to, and it may be that the parties or the press
16 will try to catch up with you and want to talk to you about the
17 case. You're free to do so, but you're not obligated to do so.
18 I cannot and will not order you not to speak. You have the
19 right to speak. But I will tell you also that you've sat
20 through the trial, you've listened very carefully and
21 diligently to all of the evidence, you've deliberated with
22 care. There's always the risk that if you speak to somebody
23 and you're quoted, that somebody tries to use that somehow to
24 attack a verdict. So it's up to each of you to consider the
25 time and the effort you've put in and your own personal

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1 preferences, whether you wish to speak to the press or to the
2 parties about the case.

3 In any event, if you opt to speak to somebody, the
4 deliberations that you had in the jury room remain private and
5 confidential and among you as a collective body of jurors, and
6 really should not be discussed with anybody, all right?

7 So I have one final request for you. If you would
8 please just wait in the jury room for a couple of minutes
9 before you leave. I think lunch has been brought in, so you're
10 free to enjoy it if you wish. You don't have to remain around,
11 but if you'd just please give me a couple more minutes before
12 you leave for the day, all right?

13 So with that, I thank you all very much, and you are
14 discharged. Thank you.

15 (Jury discharged)

16 THE COURT: All right. Please be seated, everyone.

17 Is there anything for the record from the government?

18 MS. MURRAY: No, your Honor.

19 THE COURT: All right. Thank you, Ms. Murray.

20 Anything, Mr. Brill?

21 MR. BRILL: Yes, your Honor. I don't know what the
22 Court's schedule is, but I'd like to resolve the issue of new
23 counsel for Mr. Ilori as soon as possible to allow new counsel
24 to be caught up sooner rather than later.

25 THE COURT: All right. Is that your wish, Mr. Ilori?

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1 THE DEFENDANT: Yes.

2 THE COURT: All right. So Mr. Ilori will be remanded
3 to the custody of the United States Marshals. If it's possible
4 for you to keep him here briefly while we make a few phone
5 calls to find out whether we can put him in touch with -- or we
6 can reach out first to panel counsel on duty for today, and
7 then give them a brief time to be introduced, that would be
8 much appreciated. Otherwise we'll have to bring him back
9 another day. So can we do that?

10 THE MARSHAL: Yes, your Honor.

11 THE COURT: All right. Thank you very, very much.

12 So Mr. Brill, we'll let you know as soon as we get to
13 make those phone calls.

14 MR. BRILL: Thank you, your Honor.

15 THE COURT: Anything else from the defense?

16 MR. BRILL: Not at this time.

17 THE COURT: All right. Thank you all very much then.
18 Thank you to the Marshals for being here, and for your efforts
19 throughout. And thank you very much to our court reporter. I
20 appreciate it.

21 THE REPORTER: Thank you, your Honor.

22 THE COURT: All right. Everyone have a good rest of
23 the day, and I'll see Mr. Brill and Mr. Ilori shortly,
24 hopefully. Thank you.

25 (Recess)

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1 (In open court; counsel and defendant present, and CJA
2 counsel Avraham C. Moskowitz, Esq. present)

3 (Case re-called)

4 THE COURT: Good afternoon. Please be seated,
5 everyone.

6 MR. BRILL: Your Honor, may I just sit in the --

7 THE COURT: Yes, that's fine.

8 THE DEPUTY CLERK: Counsel, starting with the
9 government, please state your name for the record.

10 MS. MURRAY: Good afternoon, your Honor. Juliana
11 Murray and David Felton on behalf of the United States. We're
12 joined by paralegal specialist Isabel Loftus.

13 THE COURT: Good afternoon again.

14 MR. MOSKOWITZ: Good afternoon. Avraham Moskowitz,
15 CJA lawyer for the day. I understand this is a request for
16 substitution of counsel.

17 THE COURT: It is. At the moment Mr. Brill is counsel
18 of record for Mr. Ilori, and I thank you, Mr. Moskowitz, for
19 being here as we deal with this issue.

20 And the record should note that both Mr. Moskowitz and
21 Mr. Brill are here, as is Mr. Ilori.

22 So Mr. Ilori, you have told me that you wish to
23 discharge Mr. Brill, or basically fire him as your counsel; is
24 that correct?

25 THE DEFENDANT: Yes.

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1 THE COURT: All right. Mr. Brill, do you want to be
2 heard at all?

3 MR. BRILL: No, thank you, your Honor.

4 THE COURT: All right. Based on my having presided
5 over this trial and several times Mr. Ilori raising the issue
6 of his unhappiness with counsel, whom I will just note, again
7 for the record, to my observation, provided effective counsel
8 to Mr. Ilori. Nevertheless, Mr. Ilori would like to discharge
9 Mr. Brill, so that application is granted. And Mr. Ilori is
10 entitled, based on the record, to have counsel appointed to
11 represent him.

12 Mr. Moskowitz is counsel on duty today; is that
13 correct, sir?

14 MR. MOSKOWITZ: Yes, your Honor.

15 THE COURT: And thank you for being here,
16 Mr. Moskowitz. Have you had a chance to look into whether
17 there are any inherent conflicts if the Court were to appoint
18 you?

19 MR. MOSKOWITZ: Based on my brief conversation with
20 Mr. Brill, I have no reason to suspect there's any conflict.

21 THE COURT: All right. Thank you. And are you
22 willing to and able to take on this representation?

23 MR. MOSKOWITZ: I am willing and able. I don't know
24 that I can meet the schedule.

25 THE COURT: We'll talk about that in a second.

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1 MR. MOSKOWITZ: Yes. Otherwise, the answer is yes.

2 THE COURT: And has the government had an opportunity
3 to -- you were going to go back and check on conflicts?

4 MS. MURRAY: Yes, your Honor. We checked, and there
5 is no conflict with Mr. Moskowitz.

6 THE COURT: And the Court as well has no conflict
7 whatsoever with Mr. Moskowitz appearing before me.

8 So with that, sir, I will appoint you counsel to
9 Mr. Ilori. I'd asked the Marshals earlier today if they could
10 just give you a few minutes to talk to him today to talk about
11 scheduling and all going forward.

12 Now, Mr. Moskowitz, as you may know, I just finished
13 presiding over a trial. We had a verdict right before the
14 lunch break. Mr. Ilori was found guilty on all the six counts
15 charged in the superseding indictment. The jury also found
16 that each of the offenses were committed, in whole or in part,
17 while Mr. Ilori was released on bail in connection with a case
18 pending before Judge Liman, which charged him with similar
19 offenses and in which, as I understand it, he entered a plea of
20 guilty, and was out on bail, and the conduct at issue in the
21 case before me happened.

22 I set sentencing for January 31st, at 11 a.m. Now I
23 do appreciate and understand you're new to all of this. That
24 is roughly three months out, though, and we're talking
25 sentencing, not the appeal. But obviously you should confer

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1 with Mr. Ilori, and if there are issues about the timing, if
2 you'd then please speak to the government, and jointly, you can
3 let me know if we need to make any adjustments, okay?

4 MR. MOSKOWITZ: Thank you, your Honor. I will.

5 THE COURT: All right. Thank you.

6 So is there anything else then that we should do for
7 the record? Ms. Murray?

8 MS. MURRAY: Nothing from the government.

9 MR. MOSKOWITZ: Not at this time, your Honor. I'm
10 going to go down and meet with Mr. Ilori in the cell block.

11 THE COURT: Okay. Thank you very much.

12 All right. And on the record, I want to publicly
13 thank Mr. Brill for his public service in this case.

14 MR. BRILL: Thank you, your Honor.

15 THE COURT: All right. Thank you, Mr. Brill.

16 And thank you again to our court reporter.

17 So we'll stand adjourned then.

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