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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. 729 (LAK)

5 CHANETTE LEWIS,

6 Sentence

7 Defendant.

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8 New York, N.Y.
9 February 8, 2024
10 2:00 p.m.

11 Before:

12 HON. LEWIS A. KAPLAN,

13 District Judge

14 APPEARANCES

15 DAMIAN WILLIAMS

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

BY: MICHAEL NEFF

Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK, INC.

Attorneys for Defendant

19 BY: MARK. B. GOMBINER

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(Case called)

MR. NEFF: Good afternoon, your Honor. Michael Neff for the government.

THE WITNESS: Mr. Neff.

MR. GOMBINER: Mark Gombiner, Federal Defenders for Ms. Lewis. Good afternoon, Judge.

THE COURT: Afternoon, Mr. Gombiner.

Mr. Gombiner, I think we established that you and your client had the presentence report for the necessary period.

MR. GOMBINER: Yes, your Honor.

THE COURT: And I think we established, also, that Ms. Lewis had read the whole thing; is that right, Ms. Lewis?

THE DEFENDANT: Yes.

MR. GOMBINER: Yes.

THE COURT: Are there any unresolved objections to the presentence report?

MR. NEFF: No, your Honor. Your Honor kindly indicated a few edits at the last session.

THE COURT: Thank you.

Are there any unresolved objections to the presentence report?

MR. GOMBINER: Other than the guideline range, which I think we also agreed upon at the last session.

THE COURT: Just remind me.

MR. GOMBINER: It's 41. It's slightly lower because

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1 of the amendments to the sentencing guidelines.

2 THE COURT: And just remind me what it is.

3 MR. GOMBINER: It's the amendment for committing an
4 offense while under supervision.

5 THE COURT: What's the guideline range?

6 MR. GOMBINER: It's 41 to 51.

7 THE COURT: Thank you.

8 And we've been through the materials that I've
9 received in relation to the sentence. There's no change to
10 that.

11 So I will hear you, Mr. Gombiner.

12 MR. GOMBINER: Thank you, Judge.

13 Judge, there is no question that the criminal conduct
14 at issue here is extremely serious, and you know, there's
15 really no sugarcoating that it's very bad conduct, so I'm not
16 going to try to justify it or excuse it in any way.

17 I mean, I will say it was nonviolent, and there
18 weren't any individual victims, but other than that, there's
19 really nothing much to say about it, and thought we're down to
20 -- it helps Ms. Lewis in any way.

21 What I would say is, this is a very messy situation,
22 but it's a situation that the probation office, after -- in a
23 very detailed and thoughtful sentencing recommendation, they
24 concluded that a sentence of time served is warranted in this
25 case. And that doesn't have anything really to do about the

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1 offense conduct.

2 In a lot of ways, it doesn't really even have as much
3 to do about Ms. Lewis. What it does -- I mean, I think the
4 most important factor here in this case, and I think the one
5 that should ultimately leave the Court to agree with the
6 probation office is that if Ms. Lewis is incarcerated, it is
7 going to destroy her family.

8 She's eight months pregnant right now. She called me
9 last night from the prenatal ward at the down state hospital,
10 and she thought she might not be here today because she was
11 having some contractions. She's here against medical advice,
12 actually; she signed out against medical advice to be here
13 today. And she's going to right back to the hospital,
14 hopefully, once we're done with this, but she has a three-year
15 old daughter, [REDACTED]; a 13-year-old son, [REDACTED], who has his
16 own mental health issues, and; she has a one-year-old son,
17 [REDACTED], and if she's incarcerated, there's no place for those
18 children to go.

19 Her mother and her sister are here in the courtroom
20 today, but I mean, out of privacy, respect, I'm not going to go
21 into the particular medical condition, but they both have a
22 particular medical condition that precludes them from being a
23 caretaker for Ms. Lewis's children.

24 Marcus -- the father of [REDACTED], her one-year-old --
25 that was Marcus Gilliam, and he died, I think, around

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1 January of 2022. So he's -- you know, there's just no one
2 around.

3 Her father passed away last year, so she has no other
4 options for caring for her children if she's incarcerated.

5 And so what's going to happen, as the presentence
6 report notes that if she's incarcerated, her children are going
7 to be placed in the custody Administration for Child Services,
8 and they will almost certainly be separated, and I think that
9 is a consequence that really outweighs any of the sentencing
10 considerations that would otherwise predominate in this case.

11 The Second Circuit has recognized that these kind of
12 situations can support -- and I said cited a number of cases in
13 my sentencing letter -- can support a sentence of a
14 non-custodial sentence where, otherwise, incarceration would be
15 warranted.

16 THE COURT: Isn't it true that the infant she's
17 carrying was conceived while she was on bail? Yes?

18 MR. GOMBINER: Yes.

19 THE COURT: And the one-year-old also. Yes?

20 MR. GOMBINER: I guess. I'm trying to work out the --

21 THE COURT: She was arrested October 5, 2021.

22 (Counsel conferred with defendant)

23 MR. GOMBINER: I think that was probably before. She
24 was arrested in October. [REDACTED] was born in June of 2022.

25 So that's about -- I think it might be hard to

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determine.

THE COURT: It might be hard to determine.

MR. GOMBINER: Okay. All right.

THE COURT: Do you know if he went to full term?

THE DEFENDANT: [REDACTED]?

MR. GOMBINER: Yeah.

THE DEFENDANT: No.

MR. GOMBINER: Do you know? I don't know, Judge. I'm sure Ms. Lewis knows.

THE COURT: Maybe you talk to your client.

(Counsel conferred with defendant)

MR. GOMBINER: He was born at 35 weeks, so that's like almost nine months. Judge, I think this is too close a call to figure this out. I don't think she conceived -- I don't think there's any realistic idea that she like, conceived -- I don't think you could time it like that, honestly.

THE COURT: Well, in one case.

MR. GOMBINER: Yeah. Okay.

Judge, you know, there are many choices in Ms. Lewis's life that I think -- well, some of the choice I wouldn't have the opportunity to make, but there are many choices that might not be like the most, you know, objectively, the most advisable.

Ms. Lewis has a lot of problems. She has a very long, well-documented history of mental illness, which started when

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1 she was about 14 years old. She was diagnosed with
2 schizophrenia at that time.

3 And she's made a lot of very, very bad decisions in
4 her life. You know, at the same time, it's not like she's
5 completely incompetent. I mean I've spent time -- her children
6 have come to the office on some occasions and stuff, and you
7 know -- and I don't want to be testifying too much, but it's
8 apparent to me and I think it's apparent to the other people in
9 the office that she is a caring mother, that she does have a
10 good relationship with her children. I mean, they clearly have
11 a good relationship with her, or, at least, that's the way it
12 appears to me.

13 So really, I know this case, this doesn't really fit
14 into the general model for sentencing. I know her conduct is
15 really, really bad -- I understand that -- the offense conduct.
16 But I do think that --

17 THE COURT: And she was the ringleader, wasn't she?

18 MR. GOMBINER: Yes. Yeah, I mean, I think that that's
19 what we stipulated to in the plea agreement.

20 So yeah, I'm not, that's not -- there's nothing good
21 about anything she did here. Okay? I just don't want to try
22 to make that argument, but, I think a lot of the conduct is
23 kind of somewhat attributable to her mental illness.

24 She was kind of in a -- she's got bipolar disorder as
25 well as schizophrenia. I think she was in sort of a manic

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1 phase during that time. You can kind of tell it from the way
2 the emails are written and the text messages are written. I
3 mean, that doesn't really make it better, maybe, but I think
4 that is kind of what was going on.

5 But, I do think that there are sanctions that the
6 Court could impose that would be serious sanctions but that
7 would allow her to remain with her family. First, you could
8 certainly order a very lengthy period of home detention. I
9 mean, if there was a way of having her be in a halfway house
10 where she could spend -- I don't know if that would really be
11 practical. That probably really wouldn't work, but -- you
12 know, I think you could certainly have her, in terms of
13 deterrence, have her computer, any Internet access monitored by
14 the probation office.

15 She has been out for quite some time in this case.
16 There hasn't been any new criminal conduct, so that's some
17 assurance anyway. She is getting therapy now, which I think
18 has helped with her mental health condition.

19 She likes her therapist. She sees the therapist on a
20 regular basis, and she's not going to get -- and I know for a
21 fact she's not going to get any decent mental health therapy if
22 she's incarcerated. She might get medication. She's taking a
23 lot of medication now. She'll probably get that, but she's not
24 going to get anything else.

25 I think those are particularly -- Ms. Lewis herself

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1 has had an extremely unfortunate background. I'm not going to
2 repeat my sentencing letter, but, you know, she was raised by a
3 single mother who had her own mental health challenges and then
4 her own illnesses. And she didn't -- there was no father
5 around at all. They were very poor. It was not a very good
6 existence.

7 The other thing that I sent to you -- a supplemental
8 sentencing letter -- I don't want to speak about this too much
9 in public, but my letter, I think, of June 7 or June 9, sets
10 forth what she's been doing, and I think that's another factor
11 that should count in her favor.

12 But primarily, what I'm just saying is, I think the
13 consequences of putting Ms. Lewis in prison are -- for both
14 society as a whole and for Ms. Lewis' children in particular --
15 are going to be worst than the benefits from incarcerating her,
16 no matter how much that might be justified otherwise.

17 So, that's basically what I have to say.

18 THE COURT: All right. Thank you. Before I get to
19 Ms. Lewis, Mr. Neff, do you have the forfeiture and the
20 restitution orders?

21 MR. NEFF: Your Honor, I apologize. I believe I may
22 have handed them up at the last session. I'm looking to see.

23 THE COURT: I do have a partial restitution order. I
24 don't have the forfeiture.

25 MR. GOMBINER: I have one here that I signed. You

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1 want this Michael?

2 (Counsel conferred)

3 MR. NEFF: Your Honor, I apologize if this is
4 duplicative. This is the restitution.

5 THE COURT: Okay. Thank you.

6 Ms. Lewis, you have the right to speak before your
7 sentence.

8 Is there anything you'd like to say?

9 And you can remain seated.

10 THE DEFENDANT: Judge, I just want to apologize.

11 Like, during that time, I don't know what I was
12 thinking. I just was not thinking. I just be trying to keep
13 my family, my kids, together. I'm doing everything on my own.
14 I'm trying to take care of my mother, and I'm trying to take
15 care of my mother, my kids.

16 It's like, I'm trying to be the rock of my family. I
17 wasn't thinking. I was just -- I was, I was not thinking how I
18 could think now.

19 I speak to my therapist two times a week. I speak to
20 the person that prescribe me my medication two times a month.
21 It's like, I could -- I'm thinking before I do.

22 At that time, I was just probably thinking about the
23 money, thinking about take care of my family, my kids. Like,
24 they don't got nobody but me.

25 I wasn't -- when I was committing that, I wasn't

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1 thinking like I was hurting anybody. I was not thinking about
2 how serious COVID was around that time. I was not thinking. I
3 was just being selfish. I was thinking about myself, and I was
4 just thinking about my babies.

5 Now I'm more level-headed, and I can really see the
6 outlook. Like, I wasn't -- not only that I'm hurting my kids,
7 because I know you see my record. I did time before when I had
8 one kid, and it just damage him. He got mental health
9 problems.

10 I can't -- Like, I was not thinking how I would think
11 now. I would think before I do. The medication just got me
12 levelheaded; it's just got me stable. Like, I've been on the
13 medication since when I caught my case. They made it mandatory
14 for me to see a therapist, and I've been on my medication. I
15 have not missed one visit from my therapist. I'm working now,
16 a real job. Never missed a day. I work full time. I'm taking
17 my medication.

18 My oldest son [REDACTED], we do family therapy. He's
19 diagnosed with his own problems. My daughter, [REDACTED],
20 healthy. My son, [REDACTED], he was born with growth restrictions,
21 so he got health problems that I'm working on, and I give birth
22 next month.

23 And at that time, I don't know what I was thinking. I
24 was just manic. I wasn't thinking about the consequences. I
25 wasn't thinking like, you made the bed hard; it's going to be a

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1 day you got to lay on it. That was not on my mind. It wasn't
2 on my mind, not even little.

3 I done went -- it's like, forget the record. I done
4 did so much things that I never probably would have did if I
5 was on the medication. Like, I would have never went to jail
6 before. I done prostituted. I done did every single thing
7 just to have money to take care of my kids.

8 And it's a lot of things I wish I ain't do. It's a
9 lot of regrets, but it's just like, damn, you did it already.
10 And it's nothing I can do to really take it back but just learn
11 from my mistakes, and the only way is, if I know I got to just
12 stay on my medication for a very long time. Because when I'm
13 on my medication, I could stop, and I could think, and I could
14 kind of think levelheaded.

15 Years ago, when I was diagnosed, I ain't want to take
16 no medication. When I was catching my charges, I wasn't on my
17 medication. But when I notice that I was hurting my first
18 born, which is able to understand -- he's 13 -- and I notice I
19 was hurting him the most, I got on my medication.

20 And I have not got in no trouble since. They got me
21 on Seroquel, Zoloft, and Hydrazine, and I'm just levelheaded.
22 I could think before I do. When I get angry, I could just do
23 my coping skills. I could breathe in; I could breathe out.

24 But I'm telling you, Judge, I apologize. I'm on my
25 medication. I'm more levelheaded. I understand, like, what I

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1 did. I wasn't understanding when I first did it. I wasn't
2 understanding. Years ago, when I tried to make money
3 prostituting, I wasn't understanding. I was just thinking
4 about money and taking care of my kids thinking that would make
5 me a good mother just for having money, but now I'm noticing
6 I'm hurting them if I'm committing crimes and they mom is away.
7 How I'm going to be a good mother in jail?

8 Like, I wasn't thinking. If I was on that medication,
9 none of this would have been happening.

10 When they locked me up, they made it mandatory for me
11 to take my medication. Ever since then, I've been on it and I
12 could think. I could feel free. I can take care of my kids.
13 I'm working. I'm taking care of my mom. She could support me,
14 but she got health problems. She can't take care of my kids,
15 because I got to take care of her. I don't have nobody, so I
16 be trying to take care of everybody at one time, but it's just
17 -- I can't.

18 I just -- I can't.

19 THE COURT: Thank you.

20 Mr. Neff.

21 MR. NEFF: Thank you, Judge.

22 Your Honor, this defendant's conduct was extremely
23 serious and, indeed, egregious. Her misconduct was striking in
24 its scope and volume, its persistence and duration, its
25 brazenness, it's harmfulness, and its exploitative-ness. At

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1 the most fundamental level, she exploited crisis relief
2 programs at a time of extreme, if not unique societal strain.

3 She exploited her job, which was supposed to be in
4 service of one of these emergency relief programs.

5 She exploited the identifying information of her
6 victims, including medical professionals, the very sorts of
7 individuals who, in part, the hotel program was designed to
8 serve.

9 The defendant, as your Honor noted, fulfilled a
10 critical, pivotal leadership role in the scheme. She was an
11 insider. She exploited that access, both to know-how and to
12 identifying information of medical professionals.

13 Remarkably, she did all of this -- I should say, she
14 committed the majority of her misconduct and parts of all of
15 her schemes while under court-ordered supervision. Now it's
16 true that that no longer, under her circumstances, is an
17 enhancement under the guidelines, but it, undoubtedly, is an
18 aggravating circumstance, that after serving approximately 19
19 months in jail, the defendant, while under the supervision of
20 the Court, went right back to criminal activity, albeit
21 activity of a different nature. Most remarkably, perhaps, she
22 was creating fraudulent court orders while under supervision of
23 the Court.

24 Now, the defense has raised a few arguments that I'd
25 like to respond to, your Honor.

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1 One of them is that there were no individual victims
2 of the crime. That is simply not so. Stealing identifying
3 information of judges, a district attorney, medical
4 professionals, and so forth, those are certainly individual
5 victims, from the government's perspective.

6 The defendant spoke about a couple of other things
7 that, while they may not be material, I did want to respond to.
8 She may have been thinking about providing for her family, but
9 the evidence, as far as we're aware, is that she was publicly
10 bragging about her proceeds and how she was spending them,
11 namely, to promote a lavish lifestyle involving travel,
12 expensive purchases, and so forth. In short, she wanted to
13 live high on the hog.

14 The defendant mentioned treatment. There's a pretrial
15 memo noting that she was discharged from treatment due to
16 noncompliance after missing multiple sessions. I don't mean in
17 any way to denigrate any of the progress that she as,
18 apparently, alluded to more recently, but I don't think it's
19 accurate to say that she hasn't missed any sessions.

20 They try to highlight her performance on pretrial
21 release, but we note in our letter that her conduct appears to
22 be more cause for concern than comfort, including what appears
23 to be at least an attempt to commit a state crime by subletting
24 her NYCHA housing that the government intervened and blocked.

25 That conduct perhaps is emblematic of a broader

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1 concern, which is simply this defendant's penchant for
2 fraudulent conduct across the spectrum. And it gives rise to
3 significant concerns about protection of the public, her risk
4 of recidivism, and ultimately, the type of sentence needed to
5 deter this defendant as well as send a message to others that
6 exploiting crisis relief programs is not acceptable.

7 And for those reasons sentence of 36 months in prison.

8 THE COURT: Thank you, Mr. Neff.

9 Ms. Lewis, normally when sentence is imposed, the
10 defendant stands, but if you're more comfortable sitting, you
11 can remain seated.

12 Ms. Lewis, this was outrageous criminal behavior. You
13 were ripping off crisis relief programs, depriving people who
14 were risking their lives as health care workers, during the
15 COVID epidemic, of the places that the city provided them so
16 that they could isolate safely away from their families and not
17 spread the virus that they came into contact with in selflessly
18 caring from other people.

19 You ripped off the city housing authority. You stole,
20 in effect, unemployment benefits, and you were at least one of
21 the organizers of these schemes.

22 And you got other people involved in them. And you
23 helped them function in doing what you had figured out, alone
24 or possibly with others, how to do and you were doing, all or
25 most of it while you were working directly or indirectly for

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1 the City of New York to help and administer the crisis relief
2 program.

3 It's really astonishing, and any sentence I impose has
4 got to reflect just how bad it was, in addition to being a just
5 sentence for you and considering the other factors that I'm
6 obliged to consider.

7 One of those is your criminal history. From what I
8 can see, your criminal history is significant. It was
9 significant before you got involved in these scams, and you got
10 off very easily.

11 You were picked up in March of 2012, with someone
12 else, shoplifting at a Lowe's store in Rosedale. You were
13 allowed to plead guilty to disorderly conduct, despite the fact
14 that you were ripping off, that store, for in excess of \$3,000
15 of merchandise, and you got no time for that.

16 Then in 2016, a complainant received an online link to
17 a Facebook video that showed you holding a black firearm. In
18 the video, you are depicted loading a magazine into the
19 firearm, racking the gun, and attempting to enter the residence
20 of the complainant in Brooklyn.

21 A short time later, or virtually simultaneously,
22 police officers saw you in the vicinity of the complainant's
23 residence. When you made the cops, you ran and dropped your
24 handbag into which the video showed you had placed the gun
25 previously. The gun was recovered, and the police found that

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1 it had a round in it. You pleaded to the lesser charge of
2 attempted possession of a weapon in the second degree, and you
3 were sentenced to two years, of which, I gather, you served 19
4 months.

5 And then we have the present case.

6 Now, if you were a first offender and you had the
7 medical history, it would be one thing; but you are not. You
8 are a person who's after number one and whatever it takes you
9 to take care of number one, you seem to be willing to do. So
10 part of what I need to do is impose a sentence that will make
11 you think four times before you do that again and be an
12 adequate deterrence to other people.

13 It is, therefore, the judgment of this Court that you
14 be committed to the custody of the Attorney General of the
15 United States, or his designee, for a term of imprisonment of
16 36 months on each count, the terms to run concurrently, that
17 you thereafter serve a term of supervised release of three
18 years and that you pay the mandatory assessment of \$200.

19 It is further adjudged that you forfeit to the United
20 States the sum of \$289,536, as more fully set forth in the
21 order of forfeiture that I signed previously and that you pay
22 restitution of \$360,330, as more fully set forth in the order
23 of restitution that I'm signing today. Both the forfeiture and
24 the restitution are described in greater detail in the two
25 documents that I just referred to, which govern. The

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1 restitution will be payable in monthly installments equal to
2 ten percent of your income for the preceding month starting on
3 the first day of the second month following the month in which
4 you are released from the term of imprisonment imposed thereby.

5 MR. GOMBINER: Ms. Lewis.

6 THE COURT: Ms. Lewis, sit down.

7 MR. GOMBINER: She has to use the bathroom, Judge.

8 THE COURT: All right. We'll take a short recess.

9 (Recess)

10 THE COURT: Ask the reporter to read back the last
11 sentence before we were interrupted.

12 (Record read)

13 THE COURT: The term of supervised release shall be
14 subject to the mandatory, the standard, and the special
15 conditions of supervision set forth at pages 48 through 50 of
16 the presentence report, except for proposed special condition
17 No. 1, which I am not imposing.

18 In view of the fact that the defendant said she has
19 read the entire presentence report, does either counsel want me
20 to read out the conditions?

21 MR. GOMBINER: No, Judge.

22 MR. NEFF: No, your Honor.

23 THE COURT: Okay. I advise you, Ms. Lewis, that you
24 have the right, to whatever extent you haven't waived it, to
25 appeal from the judgment imposing this sentence. If you wish

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1 to appeal, you must file a written notice of appeal with the
2 clerk of the district court no later than 14 days after the
3 date on which judgment is entered, which could be as soon as
4 today.

5 If you wish to appeal and you can't afford to pay the
6 fees necessary to do so, you may apply for permission to appeal
7 as a poor person. If that application were granted, you would
8 be permitted to appeal without payment of the fees, and if you
9 couldn't afford a lawyer, a lawyer would be appointed for you
10 at public expense.

11 Now, I suppose we will have an application from the
12 defense.

13 MR. GOMBINER: Yes, Judge.

14 We'd ask for a surrender date of somewhere between
15 nine months and a year. Ms. Lewis is just about to have a
16 child, which -- we need to do this quickly.

17 But I think that would be appropriate, and I think
18 that would also, you know, give her some additional time to see
19 if there's something else we can do with respect to caring for
20 her children in her absence. And of course, we would also ask
21 that she be incarcerated as close as possible to New York other
22 than the Metropolitan Detention Center.

23 THE COURT: What's the government's position,
24 Mr. Neff?

25 MR. NEFF: Certainly an extended surrender date is

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1 appropriate.

2 I was envisioning, perhaps, more like six months, and
3 if things are not in order at that point, we would not oppose
4 further applications of reasonable duration, but ultimately, we
5 defer to the Court.

6 THE COURT: All right.

7 I'll grant the application for a voluntary surrender
8 to the following extent: Ms. Lewis, you are directed to
9 surrender to the Bureau of Prisons on the date and by the time
10 you are directed by them to do so, which date shall not be
11 before September 1, 2024.

12 Your compliance with that direction is also made a
13 condition of your continued bail, and if you were to violate
14 it, you could be prosecuted on a couple of other bases for the
15 crimes including escape or contempt of Court, and your bail
16 could be revoked.

17 Mr. Gombiner, if you find yourself coming up to
18 September 1 and the Bureau of Prisons has not made a
19 designation, you can bring that to my chamber's attention.

20 MR. GOMBINER: Thank you.

21 THE COURT: And we'll consider whether a further
22 extension is appropriate.

23 MR. GOMBINER: Thank you, your Honor.

24 THE COURT: This will give the defendant time to see
25 the pregnancy through and to spend time with the child and

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1 attempt to make arrangements for child care.

2 Anything else?

3 Oh yes, and I do recommend that she be designated to a
4 facility as close to New York as possible and that it not be
5 the MDC.

6 MR. GOMBINER: Thank you, Judge.

7 MR. NEFF: Just a few quick things, your Honor.

8 I apologize. In light of the break in the
9 proceedings, I'm not sure that the parties were asked whether
10 there were any objections to the sentence.

11 THE COURT: Well, that wasn't only because of the
12 break in the proceedings.

13 MR. GOMBINER: Your Honor, there aren't any. Okay.

14 MR. NEFF: And we also don't have any objection.

15 There is one exceedingly minor, perhaps, useless
16 clarification I just wanted to put on the record.

17 If I heard correctly, there may have been reference to
18 the defendant having committed most or all of her frauds while
19 employed directly or indirectly by the City.

20 MR. GOMBINER: Judge, it doesn't --

21 THE COURT: Don't interrupt, Mr. Gombiner, please.

22 MR. NEFF: If I have that correctly, I wanted to
23 clarify that she certainly committed the COVID hotel fraud
24 scheme in part while employed by the City.

25 However, I believe her other fraudulent activity

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1 post-dated her activity at the call center. I don't believe
2 it's material, but I wanted to put that on the record.

3 THE COURT: I don't believe that's material, but I
4 thank you, and I stand corrected.

5 MR. NEFF: Finally, the government moves to dismiss
6 all open counts and underlying indictments against the
7 defendant.

8 THE COURT: Granted.

9 Now, Mr. Gombiner.

10 MR. GOMBINER: Ms. Lewis needs to get back to the
11 hospital. That's my point. Thank you.

12 THE COURT: All right.

13 Thank you.

14 (Adjourned)