

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, . Case No. 2:20-cr-00143-JMG
Plaintiff, .
v. . Edward N. Cahn U.S.
JEREL ANDRE WILLIAMS, . Courthouse & Federal Building
Defendant. . 504 W. Hamilton Street
Allentown, PA 18101
June 29, 2022
2:39 p.m.

TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE HONORABLE JOHN M. GALLAGHER
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Government: MICHAEL S. LOWE, ESQ.
U.S. ATTORNEY'S OFFICE
EASTERN DISTRICT OF PENNSYLVANIA
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For the Defendant: NATASHA TAYLOR-SMITH, ESQ.
FEDERAL COMMUNITY DEFENDER OFFICE
FOR THE EASTERN DISTRICT OF
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1 THE CLERK: All rise. The United States District
2 Court for the Eastern District of Pennsylvania is now in
3 session, Judge John M. Gallagher presiding.

4 THE COURT: Welcome to Allentown, everybody. Please
5 be seated. Make yourself comfortable.

6 MR. LOWE: Good afternoon, Your Honor.

7 MS. TAYLOR-SMITH: Good afternoon, Your Honor.

8 THE COURT: Good afternoon. Good afternoon.

9 Ladies and gentlemen, we're here this afternoon on
10 the matter of United States vs. Jerel Andre Williams. That's
11 criminal docket number 20-143.

12 Counsel, I understand that we're here for the purpose
13 of entering a guilty plea.

14 MS. TAYLOR-SMITH: That's correct, Your Honor.

15 THE COURT: Terrific. Okay. So, we'll start with
16 the Government. Welcome back. This is the United States
17 Attorney Michael Lowe.

18 MR. LOWE: Thank you, Your Honor.

19 THE COURT: Will you introduce us to your colleagues?

20 MR. LOWE: Your Honor, I'm here with Special Agent
21 Richard Martin of the Internal Revenue Service Criminal
22 Investigation Division.

23 THE COURT: Welcome.

24 MR. MARTIN: Hi.

25 MR. LOWE: And FBI Special Agent Sean Norman on the

1 far end.

2 THE COURT: Agent Norman, welcome. Good to see you.

3 And then, we have Attorney Taylor-Smith. It's nice
4 to see you again.

5 MS. TAYLOR-SMITH: Nice to see you as well, Your
6 Honor. Thank you. Good afternoon.

7 THE COURT: And we also have your client,
8 Mr. Williams.

9 MS. TAYLOR-SMITH: That's correct.

10 THE COURT: Mr. Williams, welcome. It's good to make
11 your acquaintance.

12 MR. WILLIAMS: Nice to meet you.

13 THE COURT: All right. So, folks, there's a number
14 of things that we have to do today. And there'll be a number
15 of questions that I have to ask Mr. Williams. So we're going
16 to have to put him under oath, okay?

17 Ms. Stein, would you do that?

18 JEREL ANDRE WILLIAMS, DEFENDANT, SWORN

19 THE COURT: Thank you, sir. And I neglected to
20 introduce -- or welcome, at least -- James Stroup from United
21 States Pretrial Services.

22 MR. STROUP: Good afternoon, Your Honor.

23 THE COURT: Good to see you again, and thank you for
24 the information you've been providing us in this case. Much
25 appreciated, so --

1 Mr. Williams, Ms. Stein just administered the oath to
2 you. Let's -- I just want to take a moment to discuss that.

3 An oath is a very serious promise you're making. You
4 promise that you're going to tell the truth. And there are
5 consequences. If you answer any of the questions I have in
6 here today falsely, then there could be significant negative
7 consequences for you. Including, you could be -- you could
8 even be prosecuted for making false statements in this
9 proceeding. You could be prosecuted for perjury. So you
10 understand the seriousness and the consequences of the oath?

11 THE WITNESS: Yes.

12 THE COURT: If there's any time, sir, that you don't
13 understand anything that I'm saying or if I can clarify
14 something for you or I'm speaking too softly or too quickly,
15 please, just let me know. Raise your hand, and I'll be happy
16 to explain what I'm saying. And I -- it's just -- it's
17 critical that I make sure that you understand everything that
18 we're discussing in here today. Does that sound fair?

19 THE WITNESS: Yes.

20 THE COURT: And of course, if at any time you need to
21 speak to Attorney Taylor-Smith, just let me know that too.
22 That's your absolute right. We'll take a break. You'll have
23 the opportunity to speak in private, and you can make that
24 request at any time. Sound good?

25 THE WITNESS: Sounds good.

1 THE COURT: Okay. Attorney Lowe, I looked at the
2 bail paperwork here, and it might be a matter of the -- this
3 case was initially before a magistrate judge before all the
4 rules of -- Criminal Procedure Rule 5(f) and the Due Process
5 Protection Act came in because I didn't see an indication.

6 So anyway, in an abundance of caution, as I know you
7 understand from your many years' experience, but it must be
8 said that the Government is obligated, pursuant to United
9 States Supreme Court case law such as Brady vs. Maryland and
10 Giglio vs. The United States and the other cases as well as
11 statutes, to timely disclose information that's favorable to
12 the defense as to criminal liability on the charged offenses or
13 on potential mitigation of any punishment that may be imposed.

14 Such favorable information includes information that may cast
15 doubt on the credibility of Government witnesses. Has the
16 United States complied with these obligations?

17 MR. LOWE: Yes, Your Honor.

18 THE COURT: And I know I've asked you this before,
19 Attorney Lowe, that you understand that there are potential
20 serious consequences for the Government in -- for violating
21 these obligations. It could result in the exclusion of
22 evidence, the dismissal of charges, contempt proceedings,
23 disciplinary referrals, and any other relief authorized by law
24 of an unpleasant nature.

25 MR. LOWE: Yes, Your Honor.

1 THE COURT: Okay. And you're aware of that, and you
2 understand your obligations are ongoing.

3 MR. LOWE: Yes, Your Honor.

4 THE COURT: Okay. Thank you very much.

5 And Attorney Lowe, is there any victims that need to
6 be notified and have indicated that they would like to attend
7 here at today's proceeding?

8 MR. LOWE: No, Your Honor. The primary victim here
9 is Cisco Systems Inc. They're aware of the proceedings. They
10 have no interest in sending anyone to today's proceeding.

11 THE COURT: Very good, very good.

12 Mr. Williams, I'm going to talk to you for a couple
13 minutes now. I need to be sure that your guilty plea today is
14 knowing, intelligent, and voluntary, and that the decision to
15 plead guilty is your decision and your decision alone, and it
16 is because you are truly guilty. Do you understand that?

17 THE WITNESS: Yes.

18 THE COURT: So, if you would -- I do know the answers
19 to a lot of these questions, but we have to have a dialogue
20 again so that I can be comfortable that you understand all of
21 today's proceedings. Sound fair?

22 THE WITNESS: Sounds fair.

23 THE COURT: So if you would, please state your full
24 name for the record.

25 THE WITNESS: Jerel Andre Williams, Sr.

1 THE COURT: And, Mr. Williams, how old are you?

2 THE WITNESS: Forty-nine.

3 THE COURT: Can you read, write, and speak the
4 English language?

5 THE WITNESS: Yes.

6 THE COURT: And how far did you go in school?

7 THE WITNESS: Three years of college.

8 THE COURT: Have you ever been or are you now being
9 treated for a drug or alcohol addiction?

10 THE WITNESS: No.

11 THE COURT: Have you taken any drugs or alcohol today
12 or yesterday or this week?

13 THE WITNESS: No.

14 THE COURT: Are you currently taking any prescription
15 medications?

16 THE WITNESS: No.

17 THE COURT: Have you ever been treated for or
18 diagnosed with any type of mental illness?

19 THE WITNESS: No.

20 THE COURT: Have you, sir, spoken with your attorney,
21 and has she fully explained to you your trial rights? That is,
22 when you're charged with a crime, you have a right to plead not
23 guilty and to go to trial. And then you would have certain
24 rights at trial. Have you discussed this with your counsel?

25 THE WITNESS: Yes.

1 THE COURT: Have you discussed with her the charges
2 against you?

3 THE WITNESS: Yes.

4 THE COURT: And in your discussions -- and I don't
5 want you to get too particular, but have you and your lawyer
6 discussed any possible defenses that you might have to the
7 charges?

8 THE WITNESS: Yes.

9 THE COURT: So are you comfortable, Mr. Williams,
10 that you've had enough time to discuss this matter with
11 Attorney Taylor-Smith?

12 THE WITNESS: Yes.

13 THE COURT: And are you fully satisfied with the
14 representation and advice that have been given to you by
15 Attorney Taylor-Smith?

16 THE WITNESS: Yes.

17 THE COURT: And Attorney Taylor-Smith, from your
18 perspective, have you had enough time to discuss this matter
19 with Mr. Williams?

20 MS. TAYLOR-SMITH: I have, Your Honor.

21 THE COURT: Thank you so much. I understand there's
22 a guilty plea agreement. I have the copy here. I note that
23 there was a brief amendment. It appears to be signed by both
24 parties. That's on page 9 of the agreement.

25 MR. LOWE: Your Honor, that's actually on the guilty

1 plea memo.

2 THE COURT: Oh, that's a change in plea memo. Okay.
3 Very good. I stand corrected. So -- the guilty plea
4 agreement has no amendments.

5 MR. LOWE: That's correct, Your Honor.

6 THE COURT: Okay. Very good. And does -- I have a
7 copy of the executed guilty plea agreement. Does each side
8 have one?

9 MS. TAYLOR-SMITH: Yes, Your Honor.

10 MR. LOWE: Yes, Your Honor.

11 THE COURT: Okay. So, Mr. Williams, I'd like you to
12 keep a copy of that guilty plea agreement in front of you so we
13 can discuss it. You had stated that Attorney Taylor-Smith had
14 gone over the charges that you are facing, correct?

15 THE WITNESS: Correct.

16 THE COURT: And you also reviewed the guilty plea
17 agreement with her?

18 THE WITNESS: Yes.

19 THE COURT: And on page 12 of the guilty plea
20 agreement, if you would go there. There are a number of
21 signatures here including signatures that look to be from the
22 United States Attorney, from Attorney Taylor-Smith, and then
23 the top-left signature appears to be yours. Is that your
24 signature?

25 THE WITNESS: Yes.

1 THE COURT: And did you voluntarily sign this guilty
2 plea agreement?

3 THE WITNESS: Yes.

4 THE COURT: Then there -- following that page,
5 there's a three-page acknowledgement of rights. Did you also
6 review that with Attorney Taylor-Smith?

7 THE WITNESS: Yes, sir.

8 THE COURT: And you see that there? That is also
9 signed. It appears to be signed by you and Attorney
10 Taylor-Smith.

11 THE WITNESS: Yes.

12 THE COURT: And you did sign that, correct?

13 THE WITNESS: Yes, I did.

14 THE COURT: And did you voluntarily sign this
15 acknowledgment of rights?

16 THE WITNESS: Yes, I did.

17 THE COURT: And again, did you read and discuss the
18 guilty plea agreement and the acknowledgement of rights with
19 Attorney Taylor-Smith before signing it?

20 THE WITNESS: Yes, I did.

21 THE COURT: And so as -- just to -- sorry if I'm
22 repeating myself -- Attorney Taylor-Smith fully explained the
23 written plea agreement and the acknowledgement of rights to
24 you. Is that correct?

25 THE WITNESS: Yes.

1 THE COURT: And are you comfortable -- sir, you
2 understand the terms of the guilty plea agreement and the
3 acknowledgement of rights?

4 THE WITNESS: Yes, I know.

5 THE COURT: And in your discussions with Attorney
6 Taylor-Smith, did you discuss the maximum possible punishment
7 that you can receive for the offenses for which you are
8 pleading guilty?

9 THE WITNESS: Yes, I am.

10 THE COURT: And does the guilty plea agreement in
11 front of you represent, in its entirety, any understanding that
12 you have with the Government?

13 THE WITNESS: Excuse me?

14 THE COURT: Is this written guilty plea agreement --
15 does it represent, in its entirety, any understanding that you
16 have with the government?

17 THE WITNESS: Yes.

18 THE COURT: Assistant US Attorney Lowe, I'm going to
19 ask now, at this time, that you summarize the terms of the
20 guilty plea agreement. I'm going to ask you in a few minutes
21 to summarize the facts that the Government indicates it could
22 prove if this case went to trial, but for now, please just
23 summarize the terms of the plea agreement as have been reached
24 by the two sides in this case.

25 MR. LOWE: Yes, Your Honor. The Defendant is

1 agreeing to plead guilty to counts 7, 8, and 10 of the
2 Superseding Indictment in this case. And while I get into
3 this, I just want to put on the record the procedural posture
4 here so that it's very clear.

5 Initially, the Defendant was charged by way of
6 information, and that was, I think, before COVID. And after
7 COVID, the intended resolution that, at that time, did not
8 happen, and so we had to charge the Defendant by an indictment.

9 At the time we charged him by indictment, we labeled that the
10 Superseding Indictment.

11 So right now, on the docket, there should be an
12 Original Information and a Superseding Indictment. He's
13 pleading guilty to counts 7, 8, and 10 of the Superseding
14 Indictment in this case.

15 THE COURT: And then, that raises a good point. I
16 appreciate that, Counsel. Do we need to arraign him on the
17 Superseding Indictment?

18 MR. LOWE: No. He's been arraigned on that before,
19 Your Honor.

20 THE COURT: Okay. All right. Thank you.

21 MR. LOWE: So in terms of the plea agreement, counts
22 7 and 8 of the Superseding Indictment charge him with mail
23 fraud in violation of 18 USC Section 1341. And count 10
24 charges him with filing a false tax return in violation of 26
25 USC Section 72061. He also agrees not to contest forfeiture,

1 as set forth in the notice of forfeiture in this case. And the
2 Government is agreeing to dismiss counts 1 through 6, count 9,
3 and count 11 at the time of sentencing, provided that the
4 Defendant complies with his obligations under the plea
5 agreement.

6 The Defendant also agrees to waive any objection to
7 venue and consents to the filing and disposition of the charges
8 in this case in the Eastern District of Pennsylvania. He
9 understands that, absent his waiver of venue, venue for the
10 three counts to which he's pleading guilty would likely reside
11 in the Northern District of Texas, the District of Delaware,
12 and/or the District of Nevada.

13 At the time of sentencing, provided that the
14 Defendant comply with all of his obligations, as I've stated,
15 the Government will move to dismiss counts 1 through 6, 9, and
16 11. The Defendant is agreeing to waive the statute of
17 limitations as to any of those dismissed counts and agrees that
18 if he were to withdraw from or successfully challenge the plea
19 agreement or the guilty plea entered in the case, or if the
20 counts were otherwise reinstated somehow, the statute of
21 limitations and the double jeopardy clause would not bar
22 prosecution on those dismissed counts.

23 The Government has the right to make a sentencing
24 recommendation that it deems appropriate, comment on the
25 evidence, bring any relevant facts to the Court's attention,

1 respond to any questions he raises, or any potential factual
2 inaccuracies also can be corrected. It should be clear that
3 nothing in the agreement limits the Government's ability to
4 respond to post-sentencing matters.

5 There is a financial obligation section. That's
6 paragraph 6 of the plea agreement. The Defendant is agreeing
7 to fully disclose all his income, assets, liabilities, and
8 financial interests. He agrees to submit a completed financial
9 statement to the US Attorney's office within 14 days, and I
10 believe he's been provided a copy of that statement. If he
11 hasn't, we'll get it to him. He authorizes our office to
12 obtain a credit report on him. He agrees to submit to a
13 financial deposition or interview if we so request. He agrees
14 not to transfer, assign, expose, remove, conceal, pledge as
15 collateral, waste, or destroy any property he has with the
16 effect of hindering, delaying, or defrauding the United States
17 or the victim in this case. And he also agrees not to devalue
18 any property he has that's worth more than \$1,000 prior to
19 sentencing without the Government's approval.

20 He agrees to execute any documents that we ask him to
21 to help facilitate the transfer of any payments of monetary --
22 of money towards the monetary penalties that will be ultimately
23 imposed in this case. He understands that if he fails to
24 comply with the financial obligations in paragraph 6, that
25 would amount to a breach of the plea agreement and then the

1 Government has different options.

2 We could void the agreement. We could argue that he
3 is not entitled to a downward adjustment for acceptance of
4 responsibility. We could seek to void just the forfeiture
5 portion of the agreement and seek a trial on the forfeiture
6 count before this court. And if that happened, he agreed to
7 waive any right to jury trial on the forfeiture issues.

8 He also agrees to fully cooperate with the IRS and
9 that that requires him to pay restitution as directed to the
10 IRS by this court in the amount of the determined total tax
11 loss plus interest and penalties. He agrees to pay any
12 outstanding taxes and interest and penalties within the period
13 of supervised release in the event of custodial sentence or
14 within the period of probation if it's a non-custodial
15 sentence. And he also agrees to pay any state and local taxes
16 that he has due and owing for those years during the period of
17 supervision.

18 He agrees to execute and deliver various forms that
19 are set forth in sub-paragraph C of that paragraph and make a
20 full disclosure -- financial disclosure to the IRS. He agrees
21 to provide any written documents to the IRS for the purpose of
22 a civil audit and to sign any IRS forms necessary to -- for
23 them to make an assessment of the taxes that he has due and
24 owing. He agrees to sign a particular form IRS -- Bless you.

25 MS. TAYLOR-SMITH: Thank you.

1 MR. LOWE: -- IRS form 8821 at any time requested
2 until his term of supervision is finished. He agrees not to
3 file any claim for refunds of taxes, penalties, or interest for
4 tax years 2015 and 2016 or any other amounts paid pursuant to
5 this agreement. And he understands that all of those terms
6 that I just went through relating to the IRS portion of the
7 plea agreement are appropriate conditions of his supervision.

8 He agrees not to make any objection to the entry of
9 an order under Rule 6(d) permitting the IRS to disclose to the
10 collections division of the IRS the documents that were
11 obtained as part of this criminal investigation. He does agree
12 to pay a fine and make restitution as directed by this court.
13 He agrees that any amounts that he were to pay prior to
14 sentencing would not be considered extraordinary acceptance of
15 responsibility entitling him to any variance or downward
16 departure. He agrees to pay the special assessment of \$300
17 prior to sentencing.

18 He agrees that, with respect to the forfeiture of
19 assets as set forth in paragraph 11, that he'll forfeit his
20 right, title, and interest in the proceeds of the scheme to
21 defraud as charged in counts 7 and 8 of the Superseding
22 indictment. And he agrees to the entry of a money judgment in
23 that amount that's determined by the Court. He agrees to the
24 entry of a preliminary order of forfeiture as soon as possible
25 after the guilty plea, and he understands that forfeiture is

1 part of the sentence in this case. He agrees to waive any
2 constitutional or statutory or other challenges to the
3 forfeiture.

4 He understands that he cannot withdraw his guilty
5 plea if the Court declines to follow any of the recommendations
6 or stipulations or motions that might be filed or that are
7 otherwise part of this agreement. And he understands that no
8 one has promised him what sentence the Court will impose.

9 If he commits any other crimes between the date of
10 this agreement and sentencing or if he violates any other
11 provision of the plea agreement, the Government can declare the
12 agreement breached. And then, we would have various options;
13 one of those, that we could prosecute him for any crime that we
14 otherwise could, including but not limited to perjury or
15 obstruction of justice, and we can use any of the information
16 he gave us during the investigation in this prosecution. We
17 could reinstate and try any counts that we had agreed to
18 dismiss. We could be relieved of our obligations regarding any
19 sentencing stipulations or other stipulations in the plea
20 agreement. And the Government would be the entity that would
21 have sole discretion as to whether to declare a breach and what
22 remedy we want to seek. There is a standard appellate waiver
23 provision in paragraph 14, which I know the Court will go
24 through.

25 THE COURT: I will.

1 MR. LOWE: And he also is waiving his claims under
2 the Hyde Amendment because prior to Ms. Taylor-Smith
3 representing him, the Defendant did have obtained counsel. And
4 so he's waiving any claims under the Hyde Amendment for
5 attorney's fees and other litigation expenses arising out of
6 the investigation or prosecution of this case.

7 He's also waving his rights to obtain any records of
8 the investigation or prosecution of this case, whether under
9 the Freedom of Information Act or the Privacy Act. Those are
10 the salient terms of the plea agreement, Your Honor.

11 THE COURT: Thank you for that summary,
12 Attorney Lowe.

13 Mr. Williams, did you completely understand
14 Mr. Lowe's summary of the guilty plea agreement?

15 THE WITNESS: Yes, I did.

16 THE COURT: And did the Government correctly and
17 completely summarize the terms of the guilty plea agreement as
18 you understand them?

19 THE WITNESS: Yes.

20 THE COURT: And so, do you agree to all of the terms
21 of the guilty plea agreement?

22 THE WITNESS: Yes, I do.

23 THE COURT: Attorney Taylor-Smith, did the Government
24 correctly and completely summarize the terms of the guilty plea
25 agreement?

1 MS. TAYLOR-SMITH: They did, Your Honor.

2 THE COURT: And, Counsel, did you convey all formal
3 plea offers from the Government to your client?

4 MS. TAYLOR-SMITH: I did, Your Honor.

5 THE COURT: Thank you so much. Mr. Williams, other
6 than the terms of the guilty plea agreement, did anyone promise
7 or offer you anything else to get you to plead guilty?

8 THE WITNESS: No.

9 THE COURT: Did anyone use force, violence, or
10 threats to get you to plead guilty?

11 THE WITNESS: No.

12 THE COURT: So are you doing this of your own free
13 will because you are guilty?

14 THE WITNESS: Yes.

15 THE COURT: And did anyone tell you what to say today
16 or put words in your mouth?

17 THE WITNESS: No, sir.

18 THE COURT: Okay. Sir, do you understand that you're
19 entering a plea to a felony, and if your plea is accepted, you
20 will be then judged guilty of a felony, which may deprive you
21 of valuable rights including the right to vote, hold public
22 office, serve on a jury, possess a firearm, or hold a
23 professional license?

24 THE WITNESS: Yes.

25 THE COURT: Sir, are you a United States citizen?

1 THE WITNESS: Yes.

2 THE COURT: I have no reason to disbelieve that, but
3 if for any reason you were not a United States citizen, do you
4 understand that as a result of your guilty plea, you could be
5 removed from the United States, you could be denied
6 citizenship, and you could be denied admission to the United
7 States in the future?

8 THE WITNESS: Yes.

9 THE COURT: Have you ever been on supervision for a
10 crime before, such as probation, parole, supervised release, or
11 accelerated rehabilitative disposition?

12 THE WITNESS: Yes, I have.

13 THE COURT: Do you understand, sir, that if you were
14 on supervision when you committed the offenses to which you're
15 pleading guilty, your guilty plea would be an admission that
16 you violated that supervision?

17 THE WITNESS: Yes.

18 THE COURT: And do you understand that a prior
19 conviction can also affect your sentencing guideline range?

20 THE WITNESS: Yes, I have.

21 THE COURT: Mr. Williams, I'm going to now advise you
22 of the maximum penalties you could receive from the Court in
23 connection to the offenses to which you are pleading guilty.

24 As to each of counts 7 and 8 charging mail fraud in
25 violation of Title 18 United States Code Section 1341, the

1 maximum sentence is 20 years imprisonment, a three-year period
2 of supervised release, a \$250,000 fine, and a \$100 special
3 assessment. As to Count 10 charging filing a false tax return
4 in violation of Title 26 United States Code Section 7206 Sub-
5 section 1, the maximum sentence is three years imprisonment, a
6 one-year period of supervised release, a \$250,000 fine, and a
7 \$100 special assessment fee.

8 Therefore, the total maximum punishment is 43 years
9 imprisonment with a three-year period of supervised release, a
10 \$750,000 fine, a \$300 total special assessment fee, and full
11 restitution. Forfeiture from the proceeds from the offenses
12 may also be ordered.

13 Mr. Williams, do you understand the maximum possible
14 punishment in connection with your guilty plea?

15 THE WITNESS: Yes, I do.

16 THE COURT: And do you understand that here in the
17 Federal system, there's no parole, and you must serve the whole
18 time of any imprisonment you are sentenced to?

19 THE WITNESS: Yes.

20 THE COURT: Do you understand that if conditions of
21 supervised release are imposed and you violate those
22 conditions, the original term of imprisonment may be increased
23 by up to two years on each of counts 7 and 8 and by one year on
24 count 10, thereby making it possible that you will serve the
25 original sentence plus additional time in prison without credit

1 for time already spent on supervised release?

2 THE WITNESS: Yes.

3 THE COURT: Sir, this guilty plea also requires you
4 to forfeit certain property to the Government. Forfeiture just
5 means that the Government wants to take and keep, sell, or
6 destroy property they claim was used to help commit the
7 offenses in this case or which was derived from the offenses.
8 Do you understand this?

9 THE WITNESS: Yes, I do.

10 THE COURT: And do you understand that the Court may
11 also order you to pay any applicable restitution?

12 THE WITNESS: Yes.

13 THE COURT: Mr. Williams, do you understand that no
14 one can guarantee you what sentence you will get from me?

15 THE WITNESS: Yes.

16 THE COURT: At this point, sir, I do not know what
17 sentence I am going to give you because I have not yet ordered
18 or read a presentence report in your case. And we have not had
19 the sentencing hearing. Do you understand?

20 THE WITNESS: Yes.

21 THE COURT: Did anyone promise you or suggest to you
22 what sentence you would receive from me?

23 THE WITNESS: No.

24 THE COURT: And, sir, do you understand that the
25 offenses to which you are pleading guilty are covered by the

1 advisory sentencing guidelines?

2 THE WITNESS: Yes.

3 THE COURT: And have you and Attorney Taylor-Smith
4 discussed how the advisory sentencing guidelines might apply to
5 your case?

6 THE WITNESS: Yes.

7 THE COURT: So do you understand that I am required
8 to calculate the sentencing guidelines and to consider those
9 guidelines in determining whether to follow the recommended
10 sentence; however, under the law, I'm not required to follow
11 the sentencing guidelines because they are advisory and not
12 mandatory?

13 THE WITNESS: Yes.

14 THE COURT: In addition to the guidelines, I must
15 also consider the sentencing factors enumerated in the United
16 States Sentencing law that refer to as Title 18 United States
17 Code Section 3553(a). These sentencing factors include but are
18 not limited to the nature and the circumstances of the offenses
19 that you committed, your personal history and characteristics,
20 the need for the sentence to reflect the seriousness of your
21 offenses, the need for the sentence to promote respect for the
22 law, and the need for the sentence to provide just punishment
23 for the offenses. Do you understand this?

24 THE WITNESS: Yes, I do.

25 THE COURT: And, sir, I will also consider a

1 presentence report that a probation officer will prepare which
2 will calculate your sentencing guideline range. The report
3 will tell me certain things about you and your background. If
4 you disagree with any of the information in a presentence
5 report, you can contest the presentence report by objecting to
6 it with the probation officer who prepared it. After that, you
7 can contest the presentence report by objecting to it before
8 me, if necessary. The Government may also contest the report.
9 Do you understand this?

10 THE WITNESS: Yes, I do.

11 THE COURT: And do you understand that your attorney
12 and the Government can agree on facts and make recommendations,
13 motions, and requests at sentencing, but I do not have to do
14 what they ask me to do?

15 THE WITNESS: Yes, I do.

16 THE COURT: And do you understand that this guilty
17 plea remains binding on you whether or not I agree with their
18 facts and recommendations and whether or not I grant their
19 motions and requests?

20 THE WITNESS: Yes.

21 THE COURT: All defendants, sir, have certain
22 constitutional rights. I'm going to explain to you those
23 constitutional rights, and I'm also going to explain which of
24 those constitutional rights you will be giving up by pleading
25 guilty. Do you understand this?

1 THE WITNESS: Yes.

2 THE COURT: Mr. Williams, you have the right to plead
3 not guilty and to persist in that plea. Do you understand?

4 THE WITNESS: Yes, I do.

5 THE COURT: You have the right to a trial by a judge
6 or a jury. If a trial by jury, your jury would consist of 12
7 members and possibly some alternates drawn from the residents
8 of this district, the Eastern District of Pennsylvania. You
9 and your attorney would be permitted to participate in the jury
10 selection and be present while the jurors are questioned about
11 their potential jury service by the judge or by the lawyers.

12 Sir, you would have the right to challenge, without
13 limitation, any jurors who are not legally qualified to serve
14 on your jury or any jurors who are prejudiced or incapable of
15 fair judgment in your case. You would also have the right to
16 strike a certain number of jurors without stating a reason.
17 The verdict of the jury would have to be unanimous. That means
18 that all 12 jurors would have to find you guilty for you to be
19 convicted. Do you understand these trial rights as I've
20 described them to you?

21 THE WITNESS: Yes, I do.

22 THE COURT: Sir, if you went to trial, you would be
23 presumed innocent and the burden would be on the Government to
24 prove your guilt beyond a reasonable doubt. You would not have
25 to prove your innocence or prove anything at your trial. Do

1 you understand this?

2 THE WITNESS: Yes.

3 THE COURT: And, sir, you would have the right to be
4 represented by a lawyer at your trial and at all critical
5 stages of your proceedings, both before and after trial. If
6 you could not afford a lawyer, one would be appointed for you.
7 Do you understand?

8 THE WITNESS: Yes.

9 THE COURT: You would have the right to obtain a
10 subpoena or a court order to make witnesses come to court to
11 testify on your behalf. Do you understand this?

12 THE WITNESS: Yes, I do.

13 THE COURT: At trial, you would have the right to
14 confront and cross-examine witnesses. That is the right to be
15 in the courtroom and see, hear, and question the Government's
16 witnesses against you. Do you understand this?

17 THE WITNESS: Yes.

18 THE COURT: You would have the right to challenge the
19 admissibility of the Government's evidence. That is, to ask
20 the Court to keep out any evidence that violates the United
21 State Constitution, your rights, or the rules of evidence or
22 the rules of criminal procedure. Do you understand this?

23 THE WITNESS: Yes.

24 THE COURT: At trial, you could present evidence, and
25 you alone would decide whether or not to testify as a witness.

1 Do you understand?

2 THE WITNESS: Yes.

3 THE COURT: If you were to choose to exercise your
4 constitutional right not to testify or if you were to choose to
5 exercise your right not to present evidence or witnesses, no
6 unfavorable inference can be drawn from that from the jury. Do
7 you understand this?

8 THE WITNESS: Yes.

9 THE COURT: If you plead guilty, sir, there will be
10 no trial, and therefore you will not have any of these rights
11 except that you will still have the right to an attorney. Do
12 you understand?

13 THE WITNESS: Yes.

14 THE COURT: Mr. Williams, if you were found guilty at
15 trial, you could appeal such a finding to a higher court that
16 could set aside or modify the finding of guilt or give you a
17 new trial. There would be a time limitation under which you
18 would have to file an appeal or seek collateral review.

19 However, sir, by signing the guilty plea agreement
20 and by entering a plea of guilty, you are voluntarily and
21 expressly waiving all rights to appeal or collaterally attack
22 your conviction, sentence, or any other matters related to this
23 prosecution. As a part of this waiver, you are expressly
24 waiving the right to argue that the statutes to which you are
25 pleading guilty are unconstitutional and that the admitted

1 conduct does not fall within the scope of this statute. This
2 waiver applies if I accept the recommended sentence and also in
3 the event that I do not accept any recommended sentence, but
4 you still agree to plead guilty.

5 Notwithstanding this waiver, if the Government
6 appeals from the sentence, then you, sir, you may file a direct
7 appeal of your sentence. But if the Government does not appeal
8 the sentence, there are very few issues that you may raise a
9 direct appeal or collateral attack.

10 You would be able to argue that your sentence exceeds
11 the statutory maximum of the offenses. You may challenge a
12 decision by me to impose an upward departure pursuant to the
13 sentencing guideline or an upward variance above the final
14 sentencing guideline range determined by me, and you may argue
15 that your lawyer did not provide effective assistance of
16 counsel to you. Do you understand, sir, this appeal and
17 collateral attack waiver under the guilty plea agreement?

18 THE WITNESS: Yes.

19 THE COURT: Sir, in order to prove you guilty of the
20 offenses to which you are pleading guilty, the Government would
21 have to prove beyond a reasonable doubt each of the elements of
22 the offenses to which you are pleading guilty. I'm now going
23 to advise you of those elements.

24 As to counts 7 and 8, to establish mail fraud, the
25 Government must prove beyond a reasonable doubt the following

1 elements: 1, that you, the Defendant, knowingly devised a
2 scheme to defraud, that is, to deprive another of money or
3 property by fraud including by false or fraudulent pretenses,
4 representations or promises, or omissions concerning material
5 fact; 2, that you, the Defendant, did so with the intent to
6 defraud; and 3, that in advancing, furthering, or carrying out
7 this scheme, you used the mails or caused the mails to be used.

8 As to count 10, to establish filing a false income
9 tax return, the Government must prove beyond a reasonable doubt
10 the following five elements: 1, that you, the Defendant, made
11 or subscribed an income tax return or other document; 2, that
12 the tax return contained a written declaration that is made
13 under the penalties of perjury; 3, that the tax return was
14 false regarding a material matter; 4, that you, the Defendant,
15 did not believe the tax return was true and correct as to every
16 material matter; and 5, that you, the Defendant, acted
17 willfully.

18 Mr. Williams, do you understand the elements and the
19 offenses as I have explained them to you?

20 THE WITNESS: Yes, I do.

21 THE COURT: And sir, do these elements correctly
22 describe what you did on the occasion of these offenses?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Sir, at this point, I'm going to ask
25 Assistant to the United States Attorney Lowe to summarize the

1 facts that the Government could prove if this case were to go
2 to trial. Mr. Williams, would you please do so at this time?

3 MR. LOWE: Your Honor, the guilty plea memorandum
4 that we filed -- as Your Honor pointed out earlier, we had
5 amended it, both parties, at page 9. So the factual basis
6 starts at page 4, and it proceeds through page 9. And the last
7 paragraph of the factual basis is on page 9. We struck the
8 sentence that started with the words "as a result."

9 So with that striking, the entire factual basis now
10 of this guilty plea memo, I ask that it be incorporated, both
11 the factual basis itself and the guilty plea memo itself, into
12 this proceeding. Ms. Taylor-Smith had asked me if we could
13 proceed in this manner rather than just reading the entire
14 factual basis.

15 It is my understanding that the Defendant has
16 thoroughly read the factual basis that I just mentioned and
17 agrees to admit that we could prove those facts and that they
18 are true and correct.

19 THE COURT: And I'm willing to do that,
20 Attorney Lowe. Let me just check with Mr. Williams on a couple
21 things. You -- I'm sorry. I didn't see you stand Attorney
22 Taylor-Smith.

23 MS. TAYLOR-SMITH: That's okay, Your Honor. I was
24 just going to agree with Mr. Lowe that, in fact, we went over
25 the factual basis and there was a change made as a result of

1 that after conferring with Mr. Williams.

2 THE COURT: And there's initials on the original.
3 Whose initials are those?

4 MS. TAYLOR-SMITH: Those initials would be Mr. Lowe's
5 initials and my initials.

6 THE COURT: And your initials. And, Mr. Williams,
7 were you privy to that change where they struck that sentence
8 from the factual basis for the guilty plea agreement?

9 THE WITNESS: Yes.

10 THE COURT: And you agreed with that?

11 THE WITNESS: Yes.

12 THE COURT: And, sir, frequently, at guilty plea
13 agreements, we would read these five pages into the record.
14 It's my understanding that you have read these yourself and
15 with your counsel, these pages, correct?

16 THE WITNESS: Yes.

17 THE COURT: Is that fair to say?

18 THE WITNESS: Yes.

19 THE COURT: And you're satisfied if we don't read
20 them aloud but I just incorporate what is in the guilty plea
21 agreement and the guilty plea memo, including the facts that
22 have been stated or listed in that memo?

23 THE WITNESS: Yes.

24 THE COURT: Okay. And you're also fine with that,
25 Attorney Taylor-Smith?

1 MS. TAYLOR-SMITH: Yes, Your Honor. I would just
2 like to point out my client has admitted or, when the Court
3 formally takes a plea, will have admitted to the facts in those
4 cases.

5 There is going to be an issue, however, at sentencing
6 as to the loss amount. And so, the Government will be making
7 its presentation, and I will be making my presentation as to
8 that.

9 THE COURT: And I anticipated that because I could
10 see the line that was struck out dealt with that very issue.

11 MS. TAYLOR-SMITH: That's correct.

12 MR. LOWE: And Your Honor, I would just ask that the
13 Court inquire of Mr. Williams if he admits to the factual basis
14 that's stated herein. And I would also agree with Ms. Taylor-
15 Smith that loss will be contested. And I also made a very
16 concerted effort, particularly with respect to the fraud
17 counts, to not include loss figures because I know Mr. Williams
18 is going to make a presentation on what he thinks the loss
19 amount is, and we will do the same. So, I don't believe
20 anything in there obligates him to any loss figures with
21 respect to Cisco.

22 MS. TAYLOR-SMITH: That's correct, Your Honor.

23 THE COURT: All right. Thank you. And I'm --
24 Mr. Williams, you understand that -- what Mr. Lowe said that
25 you are preserving certain arguments for the time of

1 sentencing?

2 THE WITNESS: Yes.

3 THE COURT: However, with the -- with that
4 qualification and with the language stricken from the guilty
5 plea memo, do you fully admit to the facts that remain in that
6 memo?

7 THE WITNESS: Yes.

8 THE COURT: Okay. And so, sir, at this time, is it
9 your wish to formally enter a plea of guilty to counts 7, 8,
10 and 10 of the Superseding Indictment?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: And sir, are you pleading guilty because
13 you admit that you are actually guilty of committing the
14 offenses listed in counts 7, 8, and 10 of the Superseding
15 Indictment?

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: On either side, Counsel, are there any
18 requests for any changes or any additions to our guilty plea
19 colloquy this afternoon?

20 MR. LOWE: Not from the Government, Your Honor.

21 MS. TAYLOR-SMITH: Not from the Defense.

22 THE COURT: Thank you, Counsel. Ms. Stein, would you
23 please take the defendant's plea?

24 THE CLERK: Jerel Andre Williams, you have been
25 charged in Superseding Indictment No. 20-143 charging you in

1 counts 7 and 8 with mail fraud in violation of Title 18 United
2 States Code Section 1341 and in count 10 with filing false tax
3 return in violation of Title 26 United States Code Section
4 72061. How do you plead now to these charges, guilty or not
5 guilty?

6 THE WITNESS: Guilty.

7 THE CLERK: Thank you. Please be seated.

8 THE COURT: The Court makes the following findings:
9 the Defendant, Mr. Williams, is fully alert, competent, and
10 capable of entering an informed plea, and this plea is a
11 knowing and voluntary plea supported by an independent basis in
12 fact, containing each of the essential elements of the offenses
13 to which the Defendant has pled guilty. Mr. Williams's plea of
14 guilty is therefore accepted, and he is now judged guilty of
15 these offenses.

16 As I mentioned a few minutes ago, a presentence
17 report will be prepared by a United States probation officer,
18 and Mr. Williams will be required to provide information to
19 assist that officer. Mr. Williams may have a lawyer present
20 while answering questions from the probation officer. When the
21 presentence report is complete, both the Defendant and his
22 counsel shall review it together. Mr. Williams shall
23 immediately notify his counsel of any objections that he may
24 have to the presentence report, and counsel shall notify the
25 probation officer of any such objections within 14 days of

1 receipt of the report as required under the rules of criminal
2 procedure. Do you understand this, Mr. Williams?

3 THE WITNESS: Yes, I do.

4 THE COURT: And Attorney Taylor-Smith, will you meet
5 with your client to review the presentence report once it is
6 complete?

7 MS. TAYLOR-SMITH: Yes, Your Honor.

8 THE COURT: We have set -- scheduled sentencing for
9 Tuesday, November 1, 2022, 9:30 in the morning in this
10 courtroom. Counsel are advised that any sentencing motions and
11 supporting memoranda must be filed at least 14 days prior to
12 the sentencing date, and any responses thereto must be filed at
13 least seven days before the sentencing date. It does sound
14 from counsel that we may be getting those types of motions
15 prior to sentencing in this case. All sentencing memoranda,
16 exclusive of motions, must be filed at least seven days prior
17 to our sentencing date, and any responses thereto must be filed
18 at least three days prior to the sentencing date. Counsel
19 shall serve a copy of all sentencing motions and sentencing
20 memoranda on the United States probation office.

21 Attorney Lowe, I understand that the Government is
22 not seeking detention at this time.

23 MR. LOWE: That's correct, Your Honor. He's been
24 fully compliant with his release conditions. We have no
25 objection to him remaining on bond pending sentencing.

1 THE COURT: And that's consistent with my review of
2 the pretrial services report. And again, I thank you for that,
3 Mr. Stroup. That was very helpful for us.

4 MR. STROUP: Yes, Your Honor.

5 THE COURT: I also note, and please correct me if I'm
6 wrong, that Mr. Williams walked in voluntarily through the
7 front door of this courtroom, in fact after significant travel
8 to get to this courthouse. And I do not see any reason that he
9 is a risk of danger to the community, nor does he pose a
10 significant risk of nonappearance. So I also agree that he
11 should walk out the same door that he walked in here today.

12 So, Mr. Williams, to ensure the safety of the
13 community and your appearance at sentencing, you will remain on
14 the \$50,000 own recognizance bond that has been previously set,
15 and so the same conditions remain in effect. Though I do want
16 to go through those, and Ms. Stein, my deputy, will have some
17 documents for you to sign. But you are to report as directed,
18 continue to do so as you've been doing, to the United States
19 pretrial services. If you have a passport, you must surrender
20 that for the time being, or if you do not have one, you may not
21 now apply for one until these proceedings have been completed.
22 Do you understand these conditions?

23 THE WITNESS: Yes.

24 THE COURT: Your travel is restricted to the Eastern
25 District of Pennsylvania and the state of Texas. Any other

1 travel is possible, but it must be approved in advance by
2 pretrial services. Do you understand?

3 THE WITNESS: Yes.

4 THE COURT: Do you understand that you must surrender
5 any firearms or dangerous weapons and must not possess any
6 firearms or dangerous weapons as a strict condition of your
7 release?

8 THE WITNESS: Yes.

9 THE COURT: You are not to have contact with any
10 individuals engaged in any criminal activity. You are not to
11 have contact with any of the victims, witnesses, or co-
12 defendants in the case. If you're unsure whether someone is a
13 victim, witness, or co-defendant, please consult with Attorney
14 Taylor-Smith. Do you understand?

15 THE WITNESS: Yes.

16 THE COURT: You must maintain or actively seek
17 gainful employment. Do you understand this?

18 THE WITNESS: Yes.

19 THE COURT: Do you have any questions, sir, about the
20 conditions upon which you're being released?

21 THE WITNESS: No, I do not.

22 THE COURT: Sir, I have to advise you, and it's very
23 important, that the penalties for violating any of the
24 conditions of bail can be severe. And a failure to appear as
25 required for sentencing is itself a criminal offense for which

1 you could be sentenced to imprisonment. You understand that,
2 sir?

3 THE WITNESS: Yes, I do.

4 THE COURT: Is there anything else to come before the
5 Court this afternoon before we adjourn in this matter?

6 MR. LOWE: Not from the Government, Your Honor.

7 MS. TAYLOR-SMITH: Not from the Defense.

8 THE COURT: Okay. Well, thank you, counsel, agents.

9 Thank you, Mr. Williams. I wish you a safe return trip, at
10 least as for now. We'll see you again in November. Okay.

11 THE WITNESS: Thank you.

12 MR. LOWE: Thank you, Your Honor.

13 MS. TAYLOR-SMITH: Thank you.

14 THE COURT: Thank you, everybody.

15 THE CLERK: Court is adjourned.

16 * * * * *

C E R T I F I C A T E

I, court approved transcriber, certify that the foregoing is a true and accurate complete transcript from the official electronic sound recording of the proceedings in the above-entitled matter.



November 22, 2022

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