

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
UNITED STATES OF AMERICA, : 21-CR-00477 (FB) (RLM)
: :
: :
- versus - : U.S. Courthouse
: Brooklyn, New York
CHARLENE WINT, : :
: September 23, 2021
Defendant : 2:04 p.m.
-----X

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:
(VIA VIDEO/AUDIO)

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1 THE CLERK: Criminal Cause for Pleading, *United*
2 *States v. Charlene Wint*, Docket Number 2021-CR-477.

3 Will counsel appearing by video please state
4 your appearances for the record?

5 MS. NESTOR: Good morning. Good afternoon.
6 Sorry, your Honor. Julia Nestor for the United States
7 along with Chand Edwards-Balfour.

8 THE COURT: Good afternoon.

9 MR. HART: And for Ms. Wint, Lonnie Hart, L-O-
10 N-N-I-E, H-A-R-T, 32 Court Street, Brooklyn, for Ms.
11 Wint. Good afternoon.

12 THE COURT: Good afternoon. And I believe I
13 see the defendant Charlene Wint. Would you just raise
14 your hand to confirm your appearance?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Okay. Welcome to all of you. I
17 hope everyone is safe and healthy. We're proceeding
18 remotely because of the pandemic. Although the
19 courthouse has opened up to some in-person proceedings,
20 they're very limited in number because of the need to
21 maintain social distancing and other COVID protocols.

22 I understand that Ms. Wint has agreed to
23 proceed remotely by way of video conference. Is that
24 correct, Mr. Hart?

25 MR. HART: Yes, your Honor.

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1 THE COURT: Ms. Wint, do you in fact agree to
2 proceed today by video conference rather than waiting
3 until we could have a personal appearance in court for
4 this plea?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Are you making this decision
7 voluntarily and of your own free will?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: I find that the defendant's consent
10 is knowing, intelligent, and voluntary. I further find
11 that there is good cause to proceed by way of video
12 conference for the reasons that I've already stated.

13 I'm now going to ask my law clerk, Mr.
14 Proujansky, to administer the oath to Ms. Wint.

15 THE CLERK: Ms. Wint, please raise your right
16 hand.

17 (AT THIS TIME THE DEFENDANT, CHARLENE WINT, WAS SWORN.)

18 THE CLERK: Please state your name and spell
19 your last name for the record.

20 THE DEFENDANT: Charlene Wint, W-I-N-T.

21 THE CLERK: Thank you.

22 THE COURT: You can put your hand down, Ms.
23 Wint.

24 THE DEFENDANT: Okay.

25 THE COURT: You should understand that having

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1 been sworn your answers to my questions will be subject
2 to the penalties of perjury if you do not answer
3 truthfully. Do you understand that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: I have before me a one-page
6 document titled consent to have a plea taken before a
7 United States Magistrate Judge. There is a signature on
8 the defendant's signature line? Did you sign that
9 document?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: And did you speak with Mr. Hart
12 about that consent before you signed it?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Do you understand what you've
15 agreed to by signing this document?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: I want to make sure that you do
18 understand. This is Judge Block's case. He's the United
19 States District Court Judge and he's the judge who will
20 sentence you and make the ultimate decision as to whether
21 to accept your guilty plea. If you wish, you have the
22 absolute right to have Judge Block listen to your plea
23 and if you choose to do that, there will be no prejudice
24 or harm to you. Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: On the other hand, if you wish, I
2 will listen to your plea. I'm a United States Magistrate
3 Judge. This proceeding is being recorded. A transcript
4 will be made of the proceeding and Judge Block will
5 review it to decide whether to accept your plea. He'll
6 also review it in connection with your sentence. Do you
7 understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Understanding what I've just
10 explained, do you still wish to give up your right to
11 have Judge Block listen to your plea and are you prepared
12 to proceed before me at this time?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Are you making this decision
15 voluntarily and of your own free will?

16 THE DEFENDANT: I'm voluntary, free will.

17 THE COURT: Have any threats or promises been
18 made to you to get you to agree to have me hear your
19 plea?

20 THE DEFENDANT: No, ma'am.

21 THE COURT: I find that Ms. Wint's consent is
22 knowing, intelligent, and voluntary. Therefore, I'm
23 prepared to proceed.

24 Ms. Wint, before accepting your guilty plea,
25 there are a number of questions that I have to ask you to

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1 make sure that it's a valid plea. If you don't
2 understand any of my questions, please say so and I'll
3 reword the question. All right?

4 THE DEFENDANT: Okay.

5 THE COURT: Ms. Wint, how old are you?

6 THE DEFENDANT: 54, ma'am.

7 THE COURT: How far did you go in school?

8 THE DEFENDANT: To a Bachelor's, ma'am.

9 THE COURT: I'm sorry, you have a Bachelor's
10 Degree?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Have you had any difficulty
13 communicating with your attorney?

14 THE DEFENDANT: No, ma'am.

15 THE COURT: Are you now, or have you recently
16 been under the care of a doctor or psychiatrist or
17 psychologist?

18 THE DEFENDANT: No, ma'am.

19 THE COURT: In the past 24 hours, have you
20 taken any drugs, narcotics, medicine or pills or drunk
21 any alcoholic beverages?

22 THE DEFENDANT: Just my high blood pressure
23 pill, ma'am.

24 THE COURT: And I take it that's pursuant to a
25 doctor's prescription?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And when did you last take it?

3 THE DEFENDANT: I took it last night about --

4 THE COURT: I don't need the exact time. Is
5 that in the prescribed amount?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Have you ever been hospitalized or
8 treated for substance abuse or for any mental or
9 emotional problem?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Is your mind clear now?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Do you understand what's going on
14 here now?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: I have before me another document.
17 This one is waiver of an indictment. There's a
18 defendant's signature on that document. Is that your
19 signature on it?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And did you discuss this document
22 with Mr. Hart before signing it?

23 THE DEFENDANT: Yes, ma'am. I did.

24 THE COURT: Do you understand what you're
25 waiving or giving up by waiving indictment?

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1 THE DEFENDANT: Yes, ma'am, it was explained to
2 me.

3 THE COURT: I'm going to explain to you as well
4 to make sure that you do understand it. There is a
5 document called information or criminal information of
6 the United States Attorney. The government is seeking to
7 file that against you. I assume that you've seen that
8 document and discussed it with your attorney?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: The information contains one count
11 or charge along with criminal forfeiture allegations.
12 The charge that is alleged is conspiracy or agreement to
13 commit wire fraud and bank fraud. In a little while I'll
14 explain to you in more detail what the government would
15 have to prove in order to establish your guilt on that
16 charge. But for now, for purposes of discussing waiver
17 of indictment, I want you to understand that that charge
18 in the information is a felony charge. Do you understand
19 that?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You have a constitutional right to
22 be charged by an indictment of a grand jury, but you can
23 waive or give up that right and consent to being charged
24 by what's known as an information of the United States
25 Attorney. Rather than an indictment, the felony charge

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1 that I just referred to has been brought by the United
2 States Attorney by filing an information. Unless you
3 waive or give up your right to an indictment, you may not
4 be charged with a felony unless a grand jury finds by
5 returning an indictment that there's probable cause to
6 believe that a crime has been committed and that you
7 committed it. Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: If you do not waive indictment, the
10 government can present this case to the grand jury and
11 request that it indict you. A grand jury is composed of
12 at least 16 and not more than 23 persons, and at least 12
13 grand jurors must find that there's probable cause to
14 believe that you committed the crime with which you were
15 charged before you may be indicted. Do you understand
16 that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: If this case were presented to the
19 grand jury, the grand jury might or might not indict you.
20 If, however, you waive indictment by the grand jury, the
21 case will proceed against you on the basis of the U.S.
22 Attorney's information just as though you had been
23 indicted. Do you understand that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Have you discussed with Mr. Hart

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1 the matter of waiving your right to indictment by the
2 grand jury?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you understand your right to
5 indictment by a grand jury?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Have any threats or promises been
8 made to you to get you to agree to waive indictment?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: Do you still wish to waive your
11 right to indictment by a grand jury?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Mr. Hart, do you know any reason
14 why your client should not waive indictment?

15 MR. HART: No, your Honor.

16 THE COURT: The Court finds that Ms. Wint's
17 waiver of indictment is knowing, intelligent, and
18 voluntary. Therefore, it's accepted by the Court and the
19 information will be filed.

20 Mr. Hart, have you discussed with your client
21 the matter of pleading guilty?

22 MR. HART: Yes, your Honor.

23 THE COURT: In your view, does she understand
24 the rights she'll be waiving by pleading guilty?

25 MR. HART: Yes, she does.

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1 THE COURT: Is she capable of understanding the
2 nature of these proceedings?

3 MR. HART: Yes.

4 THE COURT: Do you have any doubt as to her
5 competence to plead at this time?

6 MR. HART: No.

7 THE COURT: Have you advised her of the maximum
8 sentence and fine that can be imposed and have you
9 discussed with her the effect of the sentencing
10 guidelines?

11 MR. HART: Yes, I have.

12 THE COURT: And have you also talked with her
13 about her constitutional rights?

14 THE DEFENDANT: Yes.

15 THE COURT: Ms. Wint, have you discussed your
16 case with Mr. Hart and are you satisfied to have him
17 represent you?

18 THE DEFENDANT: Yes, I am, your Honor.

19 THE COURT: And Mr. Hart, just remind me are
20 you retained counsel or CJA counsel?

21 MR. HART: Retained, your Honor.

22 THE COURT: Ms. Wint, returning to the
23 information that the government has filed against you,
24 have you received a copy of the information?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Have you consulted with Mr. Hart
2 about the information?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: As I said a few minutes ago, the
5 information charges you with participating in a
6 conspiracy or agreement to commit wire fraud and bank
7 fraud. More specifically, the information alleges that
8 between approximately March and August of 2020 you and
9 others knowingly and intentionally conspired or agreed to
10 execute a scheme and artifice to defraud. Specifically,
11 to defraud and obtain money and property from a specified
12 bank and the SBA by means of materially false and
13 fraudulent representations and to transmit and cause to
14 be transmitted by means of wire communications in
15 interstate commerce writing signed signals for the
16 purpose of executing the scheme to defraud.

17 Stated otherwise, it charges that one of the
18 objects of the conspiracy was to commit what's known as
19 wire fraud.

20 Another object of the scheme and artifice to
21 defraud is alleged to be a scheme and artifice to defraud
22 a specified financial institution and obtain money and
23 other property under the custody and control of that bank
24 by means of one or more materially false and fraudulent
25 representations. That's the bank fraud object of that

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1 conspiracy.

2 In order to prove you guilty of that offense,
3 the government would have to prove the following beyond a
4 reasonable doubt.

5 First, that at some point during that
6 approximate time period a conspiracy or agreement existed
7 between two or more individuals to commit bank fraud or
8 wire fraud.

9 The government would further have to prove that
10 you knowingly and intentionally and with intent to
11 defraud became a member of that conspiracy sharing the
12 objectives.

13 The objectives that the government would have
14 to prove are bank fraud or wire fraud. In order to prove
15 the objective of bank fraud, the government would have to
16 prove the following beyond a reasonable doubt.

17 First, that it was the purpose of the scheme to
18 defraud a financial institution and to obtain money or
19 other property owned or in the control of the financial
20 institution by means of false or fraudulent
21 representations.

22 Second, the government would have to prove that
23 the scheme related to a material fact or included a
24 material representation or concealment of a material
25 fact. It's got to be a fact that would be relevant to

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1 the bank's functioning.

2 Third, the government would have to prove that
3 you had the intent to defraud.

4 And fourth, the government would have to prove
5 that the financial institution in question was federally
6 insured or chartered.

7 And for your information, a scheme to defraud
8 includes any plan or course of action by which someone
9 intends to deprive another of money or property by means
10 of false or fraudulent representations.

11 The second object of the conspiracy that's
12 alleged is wire fraud. The government, in order to prove
13 that the object was to commit wire fraud, the government
14 would have to show that it was the object that you and
15 others would participate in a scheme or artifice to
16 defraud involving material misrepresentations and the
17 intent to defraud. And additionally, the government
18 would have to prove that in advancing or furthering or
19 carrying out the scheme to defraud you, or one of your
20 co-conspirators did or would transmit writing or signal
21 or sound by means of wire, radio, or television
22 communication in interstate commerce. And that would
23 include transfers, financial transactions involving the
24 wires, and it would include emails. Do you understand
25 that charge?

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1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: And have you discussed that charge
3 with your attorney?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: I now want to talk with you about
6 the rights you'll be giving up by pleading guilty, but
7 the first and most important thing you have to understand
8 is you have a right to plead not guilty even if you are
9 guilty. Do you understand that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: If you plead not guilty, then under
12 the constitution and laws of the United States, you're
13 entitled to a speedy and public trial by jury with the
14 assistance of counsel on the charge contained in the
15 information against you. Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: You have the right to be
18 represented by an attorney at every stage of the
19 proceeding including trial. And if you cannot afford to
20 continue to retain counsel, the Court would appoint an
21 attorney to represent you at no charge to you. Do you
22 understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: At the trial you would presumed to
25 be innocent and the government would have to overcome

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1 that presumption and prove you guilty by competent
2 evidence and beyond a reasonable doubt. You would not
3 have to prove that you were innocent. And if the
4 government failed to prove you guilty beyond a reasonable
5 doubt, the jury would have the duty to find you not
6 guilty. Do you understand that?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: In the course of the trial, the
9 witnesses for the government would have to come to court
10 and testify in your presence and your attorney would have
11 the right to cross examine the witnesses for the
12 government, to object to evidence offered by the
13 government, to compel the attendance of witnesses, and to
14 offer evidence on your behalf. Do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: At a trial, while you would have
17 the right to testify if you chose to do so, you could not
18 be required to testify. Under the Constitution of the
19 United States, you cannot be compelled to incriminate
20 yourself. If you decided not to testify, the Court
21 would, at your lawyer's request, instruct the jurors that
22 they could not hold that against you. Do you understand
23 that?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: If you plead guilty and the Court

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1 accepts your plea, you'll be giving up your
2 constitutional right to a trial and the other rights that
3 I've just discussed. There will be no further trial of
4 any kind and no right of appeal from the judgment of
5 guilty. The Court will simply enter a judgment of guilty
6 on the basis of your guilty plea. Do you understand
7 that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: If you plead guilty, I'll have to
10 ask you questions about what you did in order to satisfy
11 myself and Judge Block that you are in fact guilty of the
12 charge to which you seek to plead guilty and you'll have
13 to answer my questions and admit your guilt. In that way
14 you'll be giving up your right not to incriminate
15 yourself. Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Are you willing to give up your
18 right to a trial and the other rights that I've just
19 discussed?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: I have before me a plea agreement
22 that's going to be marked Court Exhibit 1.

23 (AT THIS TIME COURT EXHIBIT 1 MARKED)

24 THE COURT: Turning to the last page of that
25 document, is that your signature on the defendant's

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1 signature line on page 10?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Have you read this entire document
4 and discussed it with your attorney?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you understand all the terms and
7 conditions of this document?

8 THE DEFENDANT: Yeah, somewhat.

9 THE COURT: Well, now is the time if you have
10 any questions to either ask Mr. Hart or to ask the Court
11 because you should understand this is a document that's
12 binding upon you and we don't want to go forward unless
13 we're satisfied that you understand it completely.

14 THE DEFENDANT: I understand, ma'am.

15 THE COURT: Does this document fully and
16 accurately reflect your understanding of the agreement
17 you've reached with the government concerning your guilty
18 plea?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Other than the promises contained
21 in this document, has anyone made any promise that has
22 caused you to plead guilty?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: Has anyone made any promise to you
25 as to what your sentence will be?

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1 THE DEFENDANT: No, ma'am.

2 THE COURT: I now want to talk with you about
3 the sentencing scheme that's applicable here. The
4 statute that you're accused of violating carries a prison
5 term of up to 30 years. Do you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: In addition to a prison term, the
8 sentencing court can also impose a supervised release
9 term of up to five years. The supervised release term
10 will follow any term of imprisonment, and if you violate
11 a condition of supervised release, you could then be sent
12 back to prison for up to an additional three years. If
13 that happened, you would not receive credit for time
14 already spent in prison, nor would you receive credit for
15 time previously served on post release supervision. Do
16 you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: In addition to a prison term and
19 supervised release term, the sentencing court can also
20 impose a fine of the greater of \$250,000 or twice the
21 gross gain or twice the gross loss, but not more than \$1
22 million. Do you understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And if I could ask the government
25 what is your estimate of the gross gain or gross loss

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1 that would be used in calculating the maximum fine?

2 MS. NESTOR: Your Honor, the loss here is over
3 \$1.5 million in total. However, the gain to the
4 defendant here is only, as the forfeiture paragraph
5 indicates, \$25,000, so twice that is 50,000. So we think
6 the appropriate -- the government's estimate is that the
7 appropriate fine would be \$250,000 because it's the
8 greater of 50,000. That's our estimate.

9 THE COURT: And I'm curious. I didn't go back
10 to look at the statutes, but the \$1 million cap, is that
11 by statute or is that just part of the government's
12 agreement?

13 MS. NESTOR: That's by statute, your Honor.

14 THE COURT: Okay. Thank you. So let me make
15 one thing clear to Ms. Wint. The government has given
16 its calculation of what the loss attributable to you
17 would be. That is simply the government's estimate. If
18 Judge Block decides to impose a fine, it will be up to
19 him to make his own independent determination as to what
20 amount of the loss is attributable to you and then to
21 determine the fine based on the statutory parameters. Do
22 you understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: The sentencing court can also
25 require that you pay restitution to the victim or victims

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1 of your offense. And I assume again, Ms. Nestor, the
2 government's calculation is that this defendant would be
3 responsible for losses in the amount of approximately
4 \$25,000, correct?

5 MS. NESTOR: Your Honor, for restitution
6 purposes because restitution is joint and several, the
7 loss in this case is over 1.5 million, the plea agreement
8 shows that that will be determined by the Court. We do
9 not yet have a final restitution amount.

10 THE COURT: All right. Do you understand what
11 the government just said, Ms. Wint?

12 THE DEFENDANT: Not right there, your Honor.

13 MS. NESTOR: I can repeat it, your Honor, if
14 you'd like.

15 THE COURT: All right.

16 MS. NESTOR: So the restitution amount, which
17 is the total amount of loss as part of the conspiracy, is
18 about \$3 million. It is more than \$1.5 million as stated
19 in the plea agreement. That amount will be ultimately
20 determined by the trial court at sentencing. Of course,
21 you will not be solely responsible for that amount. It
22 is joint and several, so all co-conspirators will be
23 responsible. And there will be a plan put in place by
24 which after there's a determination made by the Court,
25 there will be a plan put in place pursuant to which you

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1 will owe restitution. Of course I can't advise the
2 defendant about anything else, I can just explain what it
3 means.

4 THE DEFENDANT: Okay.

5 THE COURT: And I do want to clarify a few
6 points there. One, as I'm sure you noticed, Ms. Nestor
7 indicated that for purposes of the fine and restitution
8 she used different numbers and I'm not going to get into
9 whether that's legally appropriate or not, but the
10 government's position is that for purposes of a fine you
11 would be responsible for a lesser amount, not for the
12 full amount that was lost as a result of the conspiracy,
13 but a lesser amount that you were personally involved in
14 but it's the government's position that for restitution
15 purposes you would be responsible for a larger amount.
16 Do you understand that distinction?

17 THE DEFENDANT: Yes, ma'am.

18 Thank you

19 THE COURT: And I do want to point out that the
20 sentencing court could order you to pay a fine and to pay
21 restitution even though both of those aspects of a
22 judgment relate to, or can relate to the losses involved.
23 Nevertheless, restitution and a fine have different
24 purposes. They're paid to different persons or entities.
25 A fine is a penalty that's paid over to the United States

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1 Treasury, whereas restitution is paid to the victim or
2 victims of the defendant's offense which in this case may
3 include the U.S. Government, but may also include the
4 bank or other victims. So the sentencing court, even
5 though both aspects of the judgment take into account the
6 losses, nevertheless, the nevertheless the court is free
7 to order both imposition of a fine as well as
8 restitution. Do you understand that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Another consequence of your
11 conviction is a mandatory \$100 special assessment. Do
12 you understand that?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: A special assessment is an amount
15 that is chargeable in -- the \$100 assessment is in felony
16 cases. For every count on which the defendant is found
17 guilty the defendant has to pay \$100 as a special
18 assessment, and it's on top of all the other
19 consequences. Do you understand that? It's by statute.

20 THE DEFENDANT: Okay.

21 THE COURT: And there are a series of other
22 consequences that can result from your conviction in this
23 case. They are outlined under Subsection G on page 2 of
24 your plea agreement. One is a possibility of de-
25 naturalization and removal from the United States. That

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1 is set forth in more detail in paragraph 14 of your
2 agreement with the government. Do you understand that?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Another consequence is criminal
5 forfeiture which is described more fully in paragraph 6
6 through 13 of your agreement. And you have agreed to the
7 entry of a forfeiture money judgment in the amount of
8 \$25,000. Do you understand that?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And another consequence of your
11 conviction is prohibition from future participation in
12 the affairs of any financial institution, a matter that
13 is further addressed in paragraph 15 of your agreement
14 with the government. Do you understand that?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: I now want to talk with you about
17 the sentencing guidelines. Under the Sentencing Reform
18 Act of 1984 the United States Sentencing Commission has
19 issued guidelines for (audio interference) in determining
20 the sentence in a criminal case. In determining the
21 sentence, the Court is obligated to calculate the
22 applicable sentencing guideline range and to consider
23 that range, possible departures under the guidelines, and
24 other sentencing factors including those specified by
25 statute. Have you and Mr. Hart talked about how the

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1 guidelines might apply to your case?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: You should understand that Judge
4 Block will not be able to do the guideline calculation
5 for your case until after the probation department has
6 prepared a pre-sentence report and you and Mr. Hart have
7 had an opportunity to read it and to challenge the facts
8 reported by the probation officer. Do you understand
9 that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: You should also understand that
12 after it's been determined what guideline applies to a
13 case, the judge has the authority to impose a sentence
14 that is more severe or less severe than the sentence
15 called for by the guidelines depending on what is a
16 reasonable sentence. Do you understand that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: I'm now going to ask the attorneys
19 to give their best estimate of what the guideline range
20 of imprisonment is likely to be in this case, but I want
21 to make clear to you that the attorneys' estimates are
22 not binding upon Judge Block even if both your lawyer and
23 the prosecutor happen to be in agreement. Do you
24 understand that?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: Ms. Nestor, I take it the
2 government's calculation is set forth in paragraph 2 of
3 the plea agreement?

4 MS. NESTOR: That's correct, your Honor.

5 THE COURT: And before I go through each aspect
6 of it, I would note that the government indicates that an
7 additional one level reduction for acceptance of
8 responsibility will be warranted if the defendant pleads
9 guilty on or before September 10, 2021.

10 And I would note it's after that date. I don't
11 know if the parties have agreed to extend that date.

12 MS. NESTOR: That's correct, your Honor. The
13 parties have agreed to extend that date.

14 For purposes of the court exhibits, and I'm
15 sorry, your Honor, I thought that was changed. It
16 appears it was not. But for purposes of the court
17 exhibits, can we on the record agree that that date
18 should be by September 23rd?

19 THE COURT: Well, the government so stipulates?
20 Mr. Hart, do you on behalf of Ms. Wint so stipulate?

21 MR. HART: Yes, your Honor.

22 THE COURT: All right. So with that
23 modification, the government has calculated an adjusted
24 offense level of 25 assuming a two level reduction. That
25 would carry a range of imprisonment of 46 to 57 months

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1 assuming that Ms. Wint falls within criminal history
2 category one, with an additional one level reduction if
3 granted by Judge Block. That would result in a range of
4 imprisonment of 41 to 51 months, again assuming the
5 defendant falls within criminal history category one. Is
6 that correct, Ms. Nestor?

7 MS. NESTOR: That's correct, your Honor.

8 THE COURT: And Mr. Hart, the defendant has
9 stipulated to that guidelines calculation?

10 MR. HART: Yes, your Honor.

11 THE COURT: And again, Ms. Wint, I want to make
12 clear to you that it will be up to Judge Block to do his
13 own calculation under the guidelines. He's not bound by
14 what the attorneys have estimated even though your lawyer
15 may have stipulated to the government's calculation.

16 It will also be up to him to decide whether or
17 not to give you the benefit of an additional one level
18 reduction, that is three points rather than two, based on
19 your guilty plea and acceptance of responsibility. Do
20 you understand that?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: I want to point out a particular
23 provision of this agreement. Paragraph 4 provides in
24 substance and in part that you will not file an appeal or
25 otherwise challenge your conviction or sentence in the

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1 event the Court imposes a term of imprisonment of 57
2 months or below. Now 57 months is the upper end of the
3 guideline range estimated by counsel assuming that you
4 get only a two level reduction rather than a three level
5 reduction based on your guilty plea.

6 Now, under this agreement with the government,
7 you and your lawyer are free to argue before you're
8 sentenced that you should not be sent to prison for as
9 long as 57 months. For example, under this agreement,
10 you and your lawyer can argue before your sentence that
11 you should be sentenced below the applicable guideline
12 range. Or if the judge is inclined to sentence you
13 within the applicable guideline range, I'm sure that Mr.
14 Hart will ask that he give you a three level reduction
15 based on your guilty plea, and he can also ask that you
16 be sentenced at the low end of the applicable range
17 rather than the upper end of that range. All of these
18 arguments and other good faith arguments are available to
19 you and your lawyer before your sentence.

20 However, because of the language in paragraph 4
21 that I've just summarized for you, once Judge Block
22 sentences you, as long as he does not send you to prison
23 for more than 57 months, that is the end of the matter.
24 Even if he rejects all of your requests for leniency,
25 you've agreed that as long as the prison term is not more

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1 than 57 months, you will not file an appeal or otherwise
2 challenge your conviction or sentence. Do you understand
3 that?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: You should also understand that
6 parole has been abolished and if you're sentenced to
7 prison, you will not be released on parole. Do you
8 understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you have any questions you'd
11 like to ask me about the charge, your rights, or anything
12 else relating to this matter?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Are you ready to plead?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Mr. Hart, do you know any reason
17 why Ms. Wint should not plead guilty?

18 MR. HART: No, your Honor.

19 THE COURT: Are you aware of any viable legal
20 defense to the charge?

21 MR. HART: No, your Honor.

22 THE COURT: Ms. Wint, what is your plea to the
23 one count in the information; guilty or not guilty?

24 THE DEFENDANT: Guilty, your Honor.

25 THE COURT: Are you making this plea of guilty

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1 voluntarily and of your own free will?

2 THE DEFENDANT: Of my own free will, your
3 Honor.

4 THE COURT: Has anyone threatened or forced you
5 to plead guilty?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Other than the agreement with the
8 government that's been marked Court Exhibit 1, has anyone
9 made any promise that has caused you to plead guilty?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Has anyone made any promise to you
12 as to what your sentence will be?

13 THE DEFENDANT: No, your Honor.

14 THE COURT: Again, the information charges that
15 between March of 2020 and August of 2020 you and others
16 conspired or agreed to execute a scheme and artifice to
17 defraud a bank and the SBA by means of materially false
18 and fraudulent representations using interstate wires and
19 further, the scheme was to defraud a financial
20 institution that was federally insured or chartered and
21 to obtain money, funds, and other property under the
22 custody and control of that bank by means of one or more
23 materially false and fraudulent representations. Did you
24 in fact do that?

25 THE DEFENDANT: The only question I have is

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1 what wires? I'm still not understanding the wires.

2 THE COURT: Well, for example, if any of the
3 funds involved were sent by wire transfer, electronic
4 transfer of funds, and I'm sure Ms. Nestor can make
5 what's known as a proffer that there was the use of
6 interstate wires, or if there were emails as part of the
7 scheme.

8 Ms. Nestor, do you want to make a proffer now?
9 Perhaps that will help streamline the process.

10 MS. NESTOR: Of course, your Honor. The
11 government would prove that in order to obtain and
12 submit, I would say in order to submit and then obtain
13 the PPP fraudulent loans they had to be transmitted, that
14 information, false information had to be transmitted via
15 wire.

16 In addition, money was withdrawn via wire
17 because any time you withdraw money from an ATM, a wire
18 has to be sent internally. So there were multiple, if
19 not hundreds of wires involved in this scheme.

20 THE COURT: Interstate wires?

21 MS. NESTOR: That's correct, your Honor.

22 THE COURT: Does that answer your question, Ms.
23 Wint?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And I take it, Mr. Hart, that it is

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1 not disputed that there was a use of interstate wires
2 both in terms of electronic transfers of funds and
3 withdrawals.

4 MR. HART: No dispute, your Honor.

5 THE COURT: All right. So Ms. Wint, why don't
6 you now tell me in your own words what you did that makes
7 you guilty of the fraud conspiracy charged in the
8 information?

9 THE DEFENDANT: In or about and between March
10 20 and September 20 I, along with other employees of the
11 bank, agreed to submit PPP and EIP applications for
12 individuals containing information (indiscernible).

13 Some of the individuals were referred to us by
14 a third party accountant who prepared tax returns for
15 those individuals who inflated income. The incomes were
16 inflated so that the bank and the SBA will approve the
17 loan.

18 The plan was for those individuals, after
19 receiving the loans, to go back and amend those taxes,
20 tax returns later or at a later date. Once those
21 individual received their funds, I and other employees of
22 the bank were given cash payment. Initially, I was
23 directed to participate in the scheme by a more senior
24 bank employee, but I complied knowing I was doing the
25 wrong thing.

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1 THE COURT: And I take it when you refer to
2 income tax returns that had inflated income you knew at
3 the time that those applications contained false
4 information?

5 THE DEFENDANT: Some of them, your Honor.

6 THE COURT: And you said that you knew that it
7 was wrong but someone superior to you at the bank was
8 doing it and you went along with that knowing that it was
9 wrong, correct?

10 THE DEFENDANT: Yes, your Honor.

11 THE COURT: Ms. Nestor, is there anything --
12 well, let me ask you. So was it your understanding that
13 as a result of the false information that was being
14 provided that individuals were obtaining PPE and other
15 governmental funds that they would not otherwise be
16 entitled to?

17 THE DEFENDANT: But they were supposed to have
18 gone back and amend their taxes. How it was explained to
19 me by my manager was since the tax wasn't opened up, they
20 can apply for it and put the amount, but go back and
21 later on amend those taxes.

22 THE COURT: Well, all right. Now you seem to
23 be saying not necessarily that the amounts were inflated,
24 but there was discrepancy between those amounts and
25 income tax returns. With respect to at least some of the

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1 applications did you understand that the numbers were
2 inflated? That they were not real numbers?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And you did say that you received
5 funds which I assume the government would refer to as
6 kickbacks as a result of your participation in this
7 scheme, is that correct?

8 THE DEFENDANT: Yes, ma'am. If they wanted
9 to -- like someone just gave me like oh, here you go,
10 thank you. But you didn't ask for it.

11 THE COURT: Ms. Nestor, is there anything -- do
12 you want to make a proffer with respect to venue?

13 MS. NESTOR: Yes, your Honor. A few things. I
14 think we already clarified the wire transfers and there
15 was I think a stipulation from defense counsel on that.
16 There's also FDIC insured, so the bank funds were FDIC
17 insured which is required for bank fraud. I would ask
18 defense counsel and the defendant to stipulate to that.

19 MR. HART: Yes.

20 MS. NESTOR: And venue. Some of the borrowers
21 resided in the Eastern District of New York. Of course
22 the bank was in the Southern District of New York. The
23 government would prove that foreseeable to the defendant
24 there might be some individuals residing in the eastern
25 district and some of the funds were actually withdrawn in

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1 the Eastern District of New York.

2 THE COURT: Does the defense stipulate?

3 MR. HART: Yes, your Honor.

4 THE COURT: Ms. Nestor, is there any further
5 inquiry you'd like me to make of Ms. Wint regarding this
6 charge and her involvement?

7 MS. NESTOR: No, your Honor. Thank you.

8 THE COURT: Based on the information provided
9 to me, I find that Ms. Wint is acting voluntarily, that
10 she fully understands her rights and the consequences of
11 her plea, and that there is a factual basis for the plea.
12 I therefore recommend acceptance of the plea of guilty to
13 the one count in the information.

14 Let me ask my clerk, Mr. Proujansky, do we have
15 a date for sentence?

16 THE CLERK: It will be set by probation.

17 THE COURT: All right. We don't yet have a
18 date for sentence before Judge Block. Before the
19 sentence, the probation department will also be preparing
20 a pre-sentence report. I urge you to cooperate with the
21 probation officer. All right, Ms. Wint?

22 THE DEFENDANT: Yes, your Honor. Sorry for the
23 background noise.

24 THE COURT: That's okay. So this is Ms. Wint's
25 initial appearance on the charge, correct?

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1 MS. NESTOR: That is correct, your Honor.

2 THE COURT: So we need to set bail. I've
3 reviewed the Pretrial Services report. I understand that
4 there will be a surety on the bond, her son Michael
5 Facey. Is that correct?

6 MR. HART: Yes.

7 MS. NESTOR: That's correct.

8 THE COURT: And is he on the line?

9 MR. HART: He is not.

10 THE COURT: All right. Well, he needs to be on
11 the line for the Court to be able to set the conditions
12 of bail and to explain to him what it means to be a
13 surety. I know he signed the bond that I have, a copy of
14 which I have in front of me, but none of the conditions
15 have been filled out on it. So he needs to be part of
16 this proceeding or the proceeding in which bail is set.
17 Is he reachable now to dial in? He can participate by
18 phone.

19 MR. HART: Charlene?

20 THE DEFENDANT: I could try and get him, your
21 Honor. If not, my other son is here. Let me

22 THE COURT: Let me ask, because I did see
23 Pretrial Services did have information about these sons.
24 Does the government have any objection if we substitute
25 Ms. Wint's other son as a surety, Travis?

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1 MS. NESTOR: No, your Honor, the government has
2 no objection.

3 THE COURT: All right. Can your other son --
4 is he actually with you, Ms. Wint?

5 THE DEFENDANT: Let me get him, your Honor.
6 Excuse me.

7 THE COURT: All right. And perhaps while she's
8 doing that, we should address whether or not there are
9 agreed upon -- what the agreed upon terms are.

10 MS. NESTOR: Yes, your Honor. A \$50,000
11 release on her own recognizance and there will be one
12 suretor.

13 THE COURT: Well, personal recognizance bond.

14 MS. NESTOR: That's correct.

15 THE COURT: All right. I'm sorry, and it will
16 be Travis Facey?

17 THE DEFENDANT: He's here, your Honor.

18 THE COURT: All right. Welcome, Mr. Facey. I
19 was just talking with counsel about what the terms and
20 condition of bail would be.

21 In terms of the -- and I understand, just to
22 bring you both up to date, this would be a \$50,000
23 personal recognizance bond. In a moment I'll explain it
24 to both Mr. Facey what that means. But for now, I just
25 want to get the agreed upon terms.

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1 Travel restrictions, would that be New York
2 City, Long Island, and Florida with the approval of
3 Pretrial Services?

4 MR. HART: Yes, your Honor. I believe New
5 Jersey was on there as well.

6 THE COURT: Is that correct, Ms. Nestor?

7 MS. NESTOR: No objection from the government,
8 your Honor.

9 THE COURT: Okay. So New York City, Long
10 Island, New Jersey, and Florida, the latter with the
11 consent of Pretrial Services. And I'm just going to look
12 at what Pretrial Services has recommended. Supervision
13 by Pretrial Services, report to Pretrial Services as
14 directed, surrender her passport and do not obtain any
15 new travel documents, do not contact any victims or
16 potential victims or witnesses in this case, and she
17 would be subject to random visits at her home and place
18 of work by Pretrial Services. Is that agreeable to
19 everyone?

20 MR. HART: Yes, your Honor.

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: And I would note Pretrial Services
23 proposed travel restricted to New York State and Florida
24 with prior notice. Is New York City and Long Island
25 sufficient for the New York aspect of that?

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1 MR. HART: I believe so, yes.

2 THE COURT: All right. Addressing Mr. Facey
3 first, are you willing to be a surety on the bond?

4 MR. FACEY: Yes. Yes, your Honor.

5 THE COURT: All right. I'm going to ask my law
6 clerk to administer the oath to you.

7 THE CLERK: Will you please raise your right
8 hand?

9 (AT THIS TIME THE SURETOR, TRAVIS FACEY, WAS SWORN)

10 THE COURT: I want to ask you some questions to
11 get some background information from you and I also want
12 to make sure that you understand what will happen to you
13 if you agree to be a surety on the bond and if Ms. Wint,
14 the defendant, violates any of the conditions of her
15 release.

16 First of all, you're the son of the defendant
17 Charlene Wint?

18 MR. FACEY: Yes, ma'am.

19 THE COURT: And you live with her?

20 MR. FACEY: Yes, ma'am.

21 THE COURT: And I understand that you are
22 employed as a manager in charge of order fulfillment at
23 Home Depot?

24 MR. FACEY: Yes, ma'am.

25 THE COURT: And you earn approximately \$2,000

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1 each month?

2 MR. FACEY: Yes, ma'am.

3 THE COURT: The home where you live with your
4 mother, is that a rental? Is that a co-op? A condo?

5 MR. FACEY: A rental.

6 THE COURT: This is a \$50,000 personal
7 recognizance bond. Although you're not being asked to
8 put up any cash or property to secure your mother's
9 release, by signing this bond, you're agreeing that if
10 she violates any of the conditions of bail and bail is
11 forfeited, the government could then get a judgment
12 against you for the full amount of the bond or \$50,000.
13 Do you understand that?

14 MR. FACEY: Yes, ma'am.

15 THE COURT: And if that happens, you have
16 governing the government could attempt to collect that
17 money by going after any savings or assets that you have.
18 The government could also attempt to collect that money
19 over time from you. For example, your wages could be
20 garnished which means that a portion of your wages would
21 be withheld and paid over to the government until the
22 full amount of the bond is collected. Do you understand
23 that?

24 MR. FACEY: Yes, ma'am.

25 THE COURT: An understanding that, are you

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1 still willing to be a surety on the bond?

2 MR. FACEY: Yes, ma'am. And

3 THE COURT: And do you authorize the Court or a
4 representative of the Court to sign the bond on your
5 behalf?

6 MR. FACEY: Yes, ma'am.

7 THE COURT: Okay. Thank you very much. And if
8 Ms. Wint could come back on the line so I can see you? I
9 want to make sure that you also understand the terms and
10 conditions of bail and that you understand what will
11 happen to you as well as your son if you violate any of
12 your bail conditions.

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: In addition to the usual
15 requirements that you appear in court as directed and not
16 commit any crimes, there are a series of additional or
17 special conditions. First of all, your travel is
18 restricted to the five boroughs of New York City, Long
19 Island, and the State of New Jersey, and with the consent
20 of Pretrial Services, you can travel to Florida. Do you
21 understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: If you have any reason to travel
24 outside that designated area, you should speak with your
25 attorney so that he can make an application on your

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1 behalf. If you travel outside that area without the
2 authorization of the Court, that is a violation of your
3 bond. Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: You're to surrender your passport
6 to Pretrial Services and you're not to apply for a new
7 passport while released, or other international travel
8 documents while released on bail. Do you understand
9 that?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: And Mr. Hart, how long do you need
12 to have the passport surrendered to Pretrial Services?

13 MR. HART: Your Honor, my client has an
14 appointment on Tuesday morning at 10:30 at the
15 courthouse, so I would ask for that date.

16 THE COURT: Okay. That's fine. That is the --

17 MR. HART: 28th.

18 THE COURT: 28th. All right. So Ms. Wint,
19 bring your passport to Pretrial Services when you go to
20 Pretrial Services and surrender your passport for the
21 duration of this proceeding, this prosecution. Do you
22 understand that?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I'm placing you under the
25 supervision of Pretrial Services. You're to report as

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1 directed by Pretrial Services, and you're subject to
2 random visits by a Pretrial Services officer at your home
3 as well as your place of work. Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And you're not to contact any
6 victims or potential victims or witnesses in the case.
7 Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Did you hear what I said to your
10 son Travis about what will happen to him if you violate
11 any of the bail conditions?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: There are very serious financial
14 consequences to him. In addition, by signing this bond,
15 you also are agreeing that if you violate any of the
16 conditions of release and if bail is forfeited, the
17 government could then get a judgment against you as well
18 as against Travis for the \$50,000 face amount of the
19 bond. Do you understand that?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: And if that happened, the
22 government could go after your savings and assets as well
23 as his. The government could also attempt to collect
24 that money over time from you as well as him. For
25 example, from any income you might have. Do you

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1 understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: In addition to these very serious
4 financial consequences to you and your son, if you fail
5 to come to court as directed, a warrant will be issued
6 for your arrest and you may then be held without bail
7 until your sentence. Do you understand that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Failure to appear may result in
10 charges of bail jumping. Bail jumping is a felony
11 offense that's separate from the fraud charge on which
12 you're seeking to plead guilty. Even if Judge Block
13 doesn't accept your guilty plea, if you're convicted of
14 bail jumping, you could go to prison for that offense.
15 And if you're found guilty of bail jumping and of the
16 fraud charge, the latter based on your guilty plea, you
17 could receive consecutive prison terms. Do you
18 understand that?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: You're also subject to punishment
21 if you commit a crime while released on bail. And if you
22 threaten a witness or attempt to influence the testimony
23 of a witness, you may be subjected to additional
24 punishment for that as well. Do you understand that?

25 THE DEFENDANT: Yes, ma'am.

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1 THE COURT: In short, you should appear in
2 court as directed, keep your attorney aware of where you
3 can be reached, do not commit any crimes, and avoid any
4 attempt to influence testimony of anyone you think may be
5 a witness against you, and comply with all the additional
6 conditions of release which I've already explained to
7 you. Are you prepared to do all of that?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And do you authorize the Court or a
10 representative of the Court to sign the bond on your
11 behalf?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: All right. The bond is approved.
14 We do have at least one other matter that we need to
15 address. Since this is the defendant's initial
16 appearance, I need to provide Rule 5(f) warnings. And I
17 would note that even though the defendant is seeking to
18 plead guilty, that Brady material is relevant both to
19 punishment and to guilt, so it's still relevant.

20 I direct the government to comply with its
21 obligation under *Brady v. Maryland* and its progeny to
22 disclose to the defense all information whether
23 admissible or not that is favorable to the defendant.
24 That is material either to guilt or punishment and known
25 to the prosecution. Possible consequences for

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1 noncompliance may include dismissal of individual charges
2 or the entire case, exclusion of evidence and
3 professional discipline or court sanctions on the
4 attorneys responsible.

5 I'll be entering a written order more fully
6 describing this obligation and the possible consequences
7 of failing to meet it, and I direct the government to
8 review and comply with that order.

9 Does the government confirm that it understands
10 its obligations and will fulfill them, Ms. Nestor?

11 MS. NESTOR: Yes. Yes, your Honor.

12 THE COURT: All right. Is there anything else
13 that we need to address?

14 MS. NESTOR: Nothing --

15 MR. HART: Your Honor, just -- I'm sorry. I
16 just have one point very briefly. In the report that was
17 provided to your Honor, it references an arrest from
18 1993. My client denies that she has ever been arrested.
19 She's scheduled to be fingerprinted on Tuesday, so I
20 guess we'll figure that out after she's fingerprinted.
21 But I did want to bring that to the attention of the
22 Court. And if it is in fact determined that she has not
23 been arrested previously, I would ask for corrections to
24 be made in the pretrial report.

25 THE COURT: Well, I don't know that the

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1 pretrial report is going to have any further implications
2 in the case. She's being released on a personal
3 recognizance bond. And the Pretrial Services report was
4 prepared by Pretrial Services in connection with the pre-
5 sentence report. The probation department will do its
6 own background search. And if that charge comes up
7 again, you should certainly bring that to the attention
8 of the probation department. And if they keep it in the
9 pre-sentence report, you can raise that point with Judge
10 Block.

11 MR. HART: Very good. Thank you.

12 MS. NESTOR: Your Honor, one other point from
13 the government. We will be filing an unsealing order
14 hopefully later today, if not first thing tomorrow
15 morning. And your Honor, we'll also file a preliminary
16 order of forfeiture hopefully by Monday which will need
17 to be docketed for purposes of notice.

18 THE COURT: All right. But that would not --
19 any such order would have to go to the district court.

20 MS. NESTOR: That's correct, your Honor. I
21 just wanted to note it for the record.

22 THE COURT: All right. Anything else?

23 MS. NESTOR: That's it. Thank you, your Honor.

24 MR. HART: Thank you, your Honor.

25 THE COURT: All right.

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1 PRETRIAL OFFICER: Judge, I'm sorry, this is
2 Hammond (phonetic) from Pretrial Services. I just wanted
3 to confirm what time on Tuesday is Ms. Wint going to be
4 coming to the court building?

5 THE COURT: I thought she said 10:30.

6 MR. HART: Yes.

7 PRETRIAL OFFICER: 10:30?

8 MR. HART: 10:30 meeting with an Agent Stabile
9 (phonetic) I believe his name is.

10 PRETRIAL OFFICER: Okay. She just has to go to
11 the second floor in Pretrial Services after she's
12 finished.

13 MR. HART: Okay.

14 PRETRIAL OFFICER: Okay? Thank you.

15 THE COURT: All right. Very good. I'm going
16 to conclude this proceeding. Everyone please take care
17 and stay safe. Good luck.

18 MS. NESTOR: Thank you, your Honor.

19 MR. HART: Thank you, your Honor.

20 THE COURT: Goodbye.

21 (Matter concluded)

22 -oOo-

23

24

25

C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 26th day of September, 2021.



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