UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,	.	
	.	
Plaintiff,	.	CR No. 20-0278 (TNM)
	.	
v.	.	
	.	
KEITH BERMAN,	.	Washington, D.C.
	.	Thursday, January 21, 2021
Defendant.	.	2:14 p.m.
. . . . .		

TRANSCRIPT OF ARRAIGNMENT
BEFORE THE HONORABLE ZIA M. FARUQUI
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:	CHRISTOPHER R. FENTON, ESQ. U.S. Department of Justice 1400 New York Avenue, NW Washington, DC 20530
For Defendant:	WALTER P. LOUGHLIN, ESQ. Walter P. Loughlin, Atty. at Law 340 West 57th Street Suite 5d New York, NY 10019 RONALD S. HERZOG, ESQ. Goldberg Sagalla LLP 50 Main Street Suite 425 White Plains, NY 10606
Court Reporter:	BRYAN A. WAYNE, RPR, CRR U.S. Courthouse, Room 4704-A 333 Constitution Avenue NW Washington, DC 20001

Proceedings reported by stenotype shorthand.
Transcript produced by computer-aided transcription.

P R O C E E D I N G S

(Via Videoconference)

THE DEPUTY CLERK: This is criminal case 20-278, the United States versus Keith Berman. The defendant is present by video. Christopher Fenton is representing the government; Walter Loughlin and Ronald Herzog are representing the defendant. This matter is set for initial Rule 5 appearance and arraignment.

THE COURT: Thanks so much, Ms. Lavigne-Rhodes.

Mr. Loughlin, Mr. Herzog, good afternoon. Mr. Fenton. Mr. Berman, good afternoon as well. I want to start with -- I want to make sure that your client consents to going forward in the manner of a video hearing. We have attempted to keep things moving by video hearings. The chief judge's standing order allows us to do that, as does the CARES Act, but I want to confirm that you and your client are fine going forward.

MR. LOUGHLIN: Yes, Your Honor Loughlin.

.MR. HERZOG: We are, Your Honor. Thank you.

THE COURT: Thanks so much.

So, Mr. Berman, as you heard you counsel agree, we are going forward with a video appearance.

Mr. Loughlin and Mr. Herzog, were one of you present at the initial appearance in California?

MR. LOUGHLIN: Yes, Your Honor. We were on a similar Zoom appearance.

THE COURT: Okay, great. I can only assume I have a

better background than they do. But can you just confirm that your client was advised of his right to remain silent and his other initial-appearance rights? Is that accurate? I believe, looking at the docket, that's right, but I just want to make sure.

MR. LOUGHLIN: Yes, Your Honor.

THE COURT: Okay, great.

And so, Mr. Fenton, I'll go back to you, then. I will then arraign the defendant today is my plan and to talk about conditions of release. I'm hopeful that we'll be able to stick with whatever California has in place, but if you want to change, modify any of that, I'm happy to hear that as well.

Ms. Lavigne-Rhodes, is Pretrial on the line?

THE DEPUTY CLERK: I don't think so, Your Honor.

THE COURT: Mr. Fenton, is that right? Anything else you're hoping to cover today?

MR. FENTON: No, Your Honor. And I can just preview for you that the government is agreeable to continue the conditions of release that were set in California.

THE COURT: Okay. Let's start with that.

Mr. Berman, there are conditions of release that you've been advised on. We're just going to stick with those, what has already been put in place.

Mr. Loughlin, I presume your client has been advised of those conditions of release, is that right, by the Pretrial

folks over there?

MR. LOUGHLIN: Yes, Your Honor. He's met the condition, which was the securing of a surety and the other sort of normal conditions.

THE COURT: Sure. Of course. Great. Perfect.

So, Mr. Berman, those conditions of release remain in place. It's critical that you follow through on those conditions. You know, one of the most important standard conditions is not to violate any state or federal laws, continue to report to Pretrial Services. Through your counsel, they'll be contacting the appropriate folks and making sure you're checking in with Pretrial; that is really not traveling wherever you are -- where is Mr. Berman now, may I ask?

MR. LOUGHLIN: Mr. Berman lives and works in Los Angeles.

THE COURT: Okay, great. So follow the geographical travel restrictions. If you do need to travel, just let us know and we will work with that, and obviously you'll just need to appear for all future hearings. They'll be held similarly to this.

The arraignment is a brief proceeding but an important one. It's an opportunity for you to enter your plea of not guilty, as well as understand formally what the charges are brought against you.

I saw, Mr. Fenton -- is the docket still sealed, or has it

been unsealed?

MR. FENTON: It has been unsealed, Your Honor.

THE COURT: So, Mr. Loughlin, Mr. Herzog, have you received a copy of the indictment in this matter?

MR. LOUGHLIN: We have, Your Honor.

MR. HERZOG: We've shared it with Mr. Berman.

THE COURT: Great. Thank you so much. I appreciate that. So, Mr. Berman, you should have received a copy of the indictment. Your counsels have also received a copy of it. I don't know who I should ask of defense counsel. Mr. Loughlin, Mr. Herzog, who would like to speak?

MR. LOUGHLIN: I think maybe I'll speak, unless Ron wants to chime in. We waive reading of the indictment.

THE COURT: Great. Thank you.

MR. LOUGHLIN: And Mr. Berman enters a plea of not guilty.

THE COURT: Great. Thanks so much.

So, Mr. Berman, your counsels have waived formal reading of the indictment, and they also directed me to enter a plea of not guilty as to the counts of the indictment. We will go ahead and enter that plea of not guilty.

You will next be before Judge McFadden. He is the district judge on this case. So he's just going to go through with you and have your opportunity to set a trial date in the matter. Right now that's still a little speculative of when that might

be because of the pandemic, but you will get your day in court should you seek it.

You're also going to have the opportunity to suppress evidence, exercise your constitutional rights. All of those things will be done in front of the district judge who is, as I said, Judge McFadden in this matter.

Ms. Lavigne-Rhodes, do we have a date for the next court hearing?

THE DEPUTY CLERK: Yes, Your Honor. February 1 at 10 a.m. in front of Judge McFadden.

THE COURT: Thank you. So the next court date is February 1, Mr. Berman. You got that? And counsel, Mr. Loughlin?

MR. LOUGHLIN: I actually think that Mr. Fenton arranged for a status conference before Judge McFadden at an earlier date, which is just next week.

THE COURT: Mr. Fenton, anything on your end?

MR. FENTON: That's correct, Your Honor. So the date that Judge McFadden's deputy has proposed to us is Tuesday, January 26. We have not confirmed that date. We expect to confirm it soon, but we'll follow up with chambers.

THE COURT: Okay. Mr. Berman, the main thing is please stay in touch with your counsel and make sure you get that date. It sounds like it's a little bit in flux right now. I'm sure Judge McFadden would like to get you sooner rather than later before him. So it sounds like your counsel and the

government's counsel are on that.

Anything else from your end, Mr. Fenton?

MR. FENTON: No, Your Honor.

THE COURT: Great.

Mr. Loughlin, anything else from the defense end?

MR. LOUGHLIN: We have no applications, Your Honor.

THE COURT: All right. Thanks so much.

Ms. Lavigne-Rhodes, everything good on your end?

THE DEPUTY CLERK: We're good. Thank you, Your Honor.

THE COURT: All right. Thank you, everyone.

Have a good day. Take care.

(Proceedings adjourned at 2:21 p.m.)

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CERTIFICATE

I, BRYAN A. WAYNE, Official Court Reporter, certify that the foregoing pages are a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Bryan A. Wayne
Bryan A. Wayne