UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	:	
	:	24-CR-369 (DLI)
v.	:	
	:	October 11, 2024
DARNELL JONES,	:	
	:	Brooklyn, New York
Defendant.	:	

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE JAMES R. CHO
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government: BREON PEACE, ESQ.
U.S. ATTORNEY
BY: EMILY DEAN, ESQ.
ASSISTANT U.S. ATTORNEY
271 Cadman Plaza East
Brooklyn, New York 11201

For the Defendant: RICHARD PALMA, ESQ.
225 Broadway, Suite 715
New York City, NY 10007

Court Transcriber: ARIA SERVICES, INC.
c/o Elizabeth Barron
274 Hovey Road
Milo, ME 04463
Aria@leinen.net

Proceedings recorded by electronic sound recording, transcript produced by transcription service

THE CLERK: Criminal cause for arraignment on the indictment, 24-CR-369, United States v. Darnell Jones.

Counsel, starting with the government, please state your appearances for the record.

MS. DEAN: Good afternoon, your Honor. Emily Dean for the government.

MR. PALMA: Good afternoon. For Mr. Darnell Jones, Richard Palma.

THE COURT: All right, good afternoon, everyone.

To confirm, are you Darnell Jones?

THE DEFENDANT: Yes.

THE COURT: I'm Judge Cho. How are you doing?

THE DEFENDANT: I'm doing all right.

THE COURT: All right. Let me explain to you what's going to happen today, okay? The purpose of this proceeding is to make sure you understand your rights, what you've been charged with, and to determine whether you should be released on bail or held in jail.

You have the right to remain silent. You're not required to make any statement. If you've made a statement, you need not say anything further. If you start to make a statement in the future, you can stop

at any time. Keep in mind that any statement you make may be used against you.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: You also have the right to an attorney. If you can't afford one, the Court will appoint one for you, all right? I have in front of me a financial affidavit. Based on the information set forth in here, I will go ahead and appoint counsel for you, okay?

THE DEFENDANT: Okay.

THE COURT: Mr. Palma, do you accept that appointment?

MR. PALMA: Of course I do, and thank you very much.

THE COURT: All right. So I'll go ahead and appoint Mr. Palma to represent you in this matter, Mr. Jones.

THE DEFENDANT: Yes.

THE COURT: You have been charged by a grand jury with the following charges set forth in an indictment: Count 1, wire fraud conspiracy; Count 2, aggravated identity theft; Count 3, a felon in possession of firearms and ammunition; and there are forfeiture allegations as well.

Mr. Jones, have you received a copy of this indictment or has your attorney shared it with you?

THE DEFENDANT: Yes.

THE COURT: All right. Have you had a chance to discuss these charges with your lawyer?

THE DEFENDANT: Yes.

THE COURT: Do you understand the basic nature of the charges against you?

THE DEFENDANT: Yes.

THE COURT: All right, Mr. Palma, at this time, does your client want the charges read out loud or does he waive reading?

MR. PALMA: He'll waive the public reading, your Honor.

THE COURT: Mr. Jones, at this time, how do you plead to the charges, guilty or not guilty?

THE DEFENDANT: Not guilty.

THE COURT: All right. I assume we don't need consular notification in this case, correct?

MS. DEAN: I'm sorry, what notification?

THE COURT: We don't need consular notification in this case, correct?

MS. DEAN: No, your Honor.

THE COURT: Let me give the government some warnings. You can remain seated during this

conference. Pursuant to Federal Rule of Criminal Procedure 5(f), I remind the government of its obligation under Brady v. Maryland and its progeny to disclose to the defense all information known to the government, whether admissible or not, that is favorable to the defendant and material either to guilt or to punishment.

The government must make good-faith efforts to disclose such information to the defense as soon as reasonably possible. I will be entering an order that more fully describes this obligation and the possible consequences of failing to meet it, and I direct the government to review and comply with that order.

Does the government confirm that it understands its obligations and will fulfil them?

MS. DEAN: I understand and I will comply, your Honor.

THE COURT: All right. Is there a bail application today, Mr. Palma?

MR. PALMA: No, your Honor.

THE COURT: All right. Ms. Dean, are you seeking detention?

MS. DEAN: Yes, your Honor.

THE COURT: What's the basis for the request?

MS. DEAN: The government is seeking detention under 18 USC 3142(f)(1)(A) and also (f)(2)(A) related to the fact that there are no condition, nor combination of conditions that could secure this defendant's return to court and also protect the community successfully from this defendant's criminal activity. Your Honor, I'll lay the foundation for that based on the case and what we know about the defendant.

THE COURT: Go ahead.

MS. DEAN: Okay. Just for some background on the defendant, your Honor, the defendant is a member of the Brooklyn-based 90 Gang, which is a violent street gang that operates out of East New York and is concentrated around the Pink Houses. This gang has committed murders, commits shootings, commits large-scale financial fraud, in which this defendant is deeply involved and is charged with that fraud in this indictment.

That fraud amounts to over a million dollars, your Honor, that the evidence shows in this case, and the defendant -- his conspiracy to commit wire fraud has victimized hundreds of people through unemployment fraud, Covid-related unemployment fraud, and other types of related fraud. The defendant commits this fraud with other gang members associated

with the 90 Gang and with other people.

Also, the defendant in this indictment is charged with weapons possession. This relates to two weapons specifically that he kept in a home shared with another 90 Gang member. These weapons both had laser-beam sights on them that are used to make sure to hit a target most accurately, and these weapons were used and shared amongst gang members.

Now, I'll start with the risk of flight in this case. Your Honor, you know a little now about the underlying evidence of the defendant's current charges. He's facing 30 years on Count 1 as it is a Cares Act-related crime under the wire fraud conspiracy charge. He's facing a mandatory minimum of 2 years on Count 2, and he absconded from parole in April of 2021. There was a parole warrant issued for him on April 12th of 2021, and this gets us into his prior criminal history a little bit because he has a prior conviction for criminal possession of a weapon in the fourth degree, which is a misdemeanor. But he was on parole for a prior conviction for attempted assault in the first degree. That was for a gang-related shooting he committed when he shot a victim in the leg, breaking his leg.

Now, while he was on parole in April -- I

think it was April 5th specifically -- he did not respond to his parole officer. He did not -- he did not attend an appointment with his parole officer, nor did he answer the phone. After that, his parole officer was unable to locate him for years. Brooklyn North Warrants as well as DOCCS Warrants attempted in numerous ways to try to locate him, including through the mother of his children, with whom he is in touch, who denied having any information about his whereabouts, other family members as well, known addresses for him.

And the defendant during that time period was in numerous different states, used numerous different phone numbers, dropped phone numbers, used multiple numbers at a time. The defendant also has multiple aliases. He has fake identifications, including fake identification with his own photograph on it, photographs of which were recovered during a search warrant on an address that he had lived at, where those guns were found, your Honor. He dropped his social media accounts and went through great lengths to be successful in this parole absconsion until today, your Honor.

So, your Honor, as you can see, the risk of flight is very great in this case. He in fact has been

in the process of flight from parole for several years. He also while on parole had his parole revoked twice. He had DOCCS -- the DOCCS investigator reported 17 different attempts to apprehend him, most recently a search for him on June 25th of 2024, and during this time, he was unable to be located.

Now, he was located in relation to this arrest through phone work, your Honor, being able to locate a current phone number, which was difficult as he changes phone numbers frequently, and ultimately tracking his phone to a location on Long Island. That being said, he has had -- he is transient. He has been in multiple states and is not tied to the district because of his absconsion from parole in part.

Also, your Honor, the weight of the evidence in this case, where just as a sample of the government's evidence, there are text messages between the defendant and another gang member where he is detailing having obtained personal identifying information from victims, using it, and then distributing it to one of his coconspirators for them to use, and letting him know which ones he has used to commit fraud and which ones his coconspirator should use. This is spelled out in his own words from one of his own phones. There's also significant financial

records in this case tying the defendant to the fraudulent scheme.

I'll turn just very briefly, your Honor, to dangerousness. I've already mentioned the history of gang activity, which includes violence committed by the gang and use of weapons by the gang, with which this defendant was involved. And the financial fraud, your Honor, while not violent is extremely dangerous to the community. The defendant was purchasing people's identities and handing them out to his coconspirators. This ruins people's financial future and it can ruin lives, your Honor, and there is evidence in this case of continued criminal activity, continued fraud, up until the time of his apprehension. So with that, we do ask for detention in this case.

THE COURT: All right. Mr. Palma, I know you're not presenting a bail package today. Is there anything you want to add at this time?

MR. PALMA: Not at this time, your Honor, thank you.

THE COURT: Okay. I do have the report from Pretrial Services as well. Does Pretrial want to be heard?

PRETRIAL SERVICES: Nothing from Pretrial, your Honor.

THE COURT: All right. Given the nature of the offense in this case and the defendant's history of parole violations, and also in light of the fact that no bail package has been presented, I will enter an order of detention at this time. But I want Mr. Jones to know that at any point in time, you can renew an application for bail, okay?

THE DEFENDANT: Okay.

THE COURT: Anything else for the government today?

MS. DEAN: Yes, your Honor. We have a date from Judge Irizarry's court for the first status conference of October 28th at 11:45 a.m. The government is requesting an order of excludable delay from today until October 28th to begin discovery, turn discovery over to the defense, allow for the defense to review that discovery, and also to begin plea negotiations.

THE COURT: Understood. Have you discussed this request with defense counsel?

MS. DEAN: I have not, although we did discuss the review of discovery in the meantime.

MR. PALMA: Can I have a moment to explain this to my client?

THE COURT: Sure, go ahead.

(Mr. Palma is conferring with the

defendant.)

MR. PALMA: I explained to my client his speedy trial rights and he will waive -- he'll exclude -- he'll agree to the exclusion of time between now and October 28th.

THE COURT: All right. Why don't go ahead and take a minute to fill out the form then, okay?

MS. DEAN: Thank you, your Honor.

(Pause in proceedings.)

THE COURT: Mr. Palma --

MR. PALMA: Yes.

THE COURT: Have you discussed with your client the matter of excluding time?

MR. PALMA: Yes, I have, extensively.

THE COURT: All right. And do you believe it's in your client's best interest to exclude time?

MR. PALMA: Yes, I do, for sure.

THE COURT: As you mentioned a minute ago, the basis for the reason for the exclusion is potential plea negotiations, is that correct?

MR. PALMA: Yes, and also to review discovery.

THE COURT: All right. Let me turn to you now, Mr. Jones. I have in front of me an application and order of excludable delay. Just to confirm, is

this your signature on the form that you just signed?

THE DEFENDANT: Yes.

THE COURT: All right. Have you discussed this application with your lawyer?

THE DEFENDANT: Yes.

THE COURT: Do you know what you are agreeing to by consenting to this application?

THE DEFENDANT: Yes.

THE COURT: I want to make sure you understand what you are agreeing to by consenting to this order. Under the Constitution and laws of the United States, a defendant in a criminal case is entitled to a speedy trial. Specifically, by statute, a trial must begin within 70 days of either the unsealing of the indictment or the defendant's first appearance in the district of prosecution, with certain periods of time excluded from that 70-day calculation. If trial does not begin within the 70 days, that could form the basis for a motion to dismiss the charges against you.

By agreeing to exclude time from today, October 11th, until October 28th from the 70-day calculation, you are in effect agreeing that the speedy trial clock will not be running at all during that period of time. Therefore, if I approve this exclusion

and if you later made a motion to dismiss the charges on the grounds that you had not been brought to trial within 70 days, you would not be permitted to take into account in your calculation the period of time from today, October 11th, until October 28th, 2024.

Do you understand all of that?

THE DEFENDANT: Yes.

THE COURT: All right. Now, if you choose to persist in your not guilty plea and you go to trial, as you have an absolute right to do, you could end up spending additional time in jail awaiting trial.

Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Understanding what I've just said, do you still want me to approve this order of excludable delay? Do you want me to approve the application?

THE DEFENDANT: Yes.

THE COURT: All right. And are you making this decision voluntarily and of your own free will?

THE DEFENDANT: Yes.

THE COURT: Have any promises or threats been made to you to get you to agree to this application?

THE DEFENDANT: No.

THE COURT: I find at this time that the defendant Mr. Jones' consent is knowing, intelligent, and voluntary, and that excluding the specified period of time serves the public interest, so I'll go ahead and approve the order of excludable delay.

Ms. Dean, anything else for the government today?

MS. DEAN: Nothing from the government, thank you, your Honor.

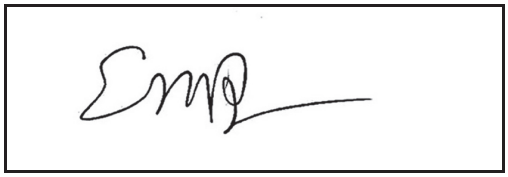
THE COURT: Mr. Palma?

MR. PALMA: Nothing, your Honor. Thank you very much for your time.

THE COURT: All right, we are adjourned. Have a nice day, everyone.

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I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



ELIZABETH BARRON April 4, 2025