UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 21-CR-20242-CMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Miami, Florida
December 29, 2021
Pages 1-55

JOSEPH TIMOTHY GRENON,

Defendant.

TRANSCRIPT OF FARETTA/PRO SE, ARRAIGNMENT AND DETENTION HEARING
BEFORE THE HONORABLE CHRIS M. McALILEY
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

FOR THE PLAINTIFF:

United States Attorney's Office
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FOR THE DEFENDANT:

BY: JOSEPH TIMOTHY GRENON, PRO SE

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PROCEEDINGS RECORDED BY COURTROOM DIGITAL AUDIO RECORDER
TRANSCRIPT PRODUCED BY MANUAL STENOGRAPHY
AND COMPUTER-AIDED TRANSCRIPTION

P-R-O-C-E-E-D-I-N-G-S

THE COURT: All right. Let's go to Page 3, Joseph Grenon, case number 21-20242.

Okay. Mr. Grenon, good morning, sir. Tell me your name?

THE DEFENDANT: Good morning. I'm here by special appearance. My name is Joseph Timothy of the Grenon family.

THE COURT: Okay. Very good. And you can pull that microphone a little closer to you if you would, or maybe the marshal could. There. Because I need to be able -- we record everything so there is always a record.

THE DEFENDANT: So it will be on court record, everything?

THE COURT: Everything.

THE DEFENDANT: Okay.

THE COURT: That's the way we do it.

THE DEFENDANT: Thank you.

THE COURT: We make a record of everything we do. It's available to the public. So that's why I want you to speak up into the microphone so that I can get a good record. Okay?

THE DEFENDANT: Okay.

THE COURT: So we're scheduled here for a number of hearings. The first matter I want to address is I understand you told Judge Torres, I think it was last week when you had your first appearance, that you want to represent yourself. Is

that still true?

THE DEFENDANT: Correct. Sui juris.

THE COURT: Okay. I don't know that sui juris applies to that as all, just so you know. You want to represent yourself. We call that pro se, being a pro se party. Okay?

THE DEFENDANT: Well, sui juris is of my own right and it is accepted. It's not pro se because I'm not asking to represent myself, I'm telling you I'm going to defend myself as sui juris.

THE COURT: Okay. I'm not going to debate that point with you.

Okay. So there's several hearings here today. One is I can have a hearing with you on that question of your self-representation. The other matters that are here are the appointment of counsel for you, which really is in the same decision, right, about whether you're going to represent yourself or not. You have been charged by an indictment, and so we need to do an arraignment which is a very straightforward proceeding that I'll explain to you in a bit. And then you're scheduled for detention hearing because the government has asked that you be held without a bond.

So do you understand that's the three things we're talking about here today. One is whether you're representing yourself or getting a lawyer; two, your arraignment, and three the question of a bond or detention.

Do you understand those are the three things on our agenda?

THE DEFENDANT: That's what we'll be talking about, yes.

THE COURT: Yes. Very good.

Counsel, let me have you enter your appearance please.

MR. SHIPLEY: Good morning, Your Honor. John Shipley for the United States.

THE COURT: Okay. Welcome.

Okay. Let's start with the question of your self-representation. All right? Because everything else follows from that.

So Mr. Grenon, why do you want to represent yourself? In a few words, in a sentence or two, real simply.

THE DEFENDANT: Because I feel I have the right to represent myself, and I know exactly what my defense is going to be.

THE COURT: Okay. All right. So as you probably know, under our -- I hope you know, and I'm going to make sure you know, under our Constitution, the Sixth Amendment, et cetera, one of our Bill of Rights, you have the right, the Constitutional right, to be represented by an effective attorney. And you have -- if you cannot afford to hire an attorney, you have the right for me to appoint a skilled criminal defense lawyer to represent you at no cost to you.

Do you understand that that is your Constitutional right?

THE DEFENDANT: Yes, I understand that is my Constitutional right.

THE COURT: Okay.

THE DEFENDANT: And I do have the right to defend myself and the due process of preparing my defense adequately also.

THE COURT: Okay. If you would trust me that I will walk us through every step of this, and just stay with my questions right now, it would help us a lot and we'll get through it a little bit more easily.

THE DEFENDANT: Okay.

THE COURT: Because my next step was to tell you that if you knowingly, voluntarily and intelligently -- all of those three things have legal meaning and my eye is on each one of them -- if you knowingly, voluntarily and intelligently give up that Sixth Amendment right I just told you about, you have the right to represent yourself.

So now I've told you about two different rights. Do you understand what I've said?

THE DEFENDANT: Uh-huh.

THE COURT: Okay. Let me start by asking you this, sir, I know what you want, but work with me because I have to work through several things here to get us to a conclusion. Can

you afford to hire an attorney?

THE DEFENDANT: No.

THE COURT: Okay. Now, what I would normally do is I'd have you placed under oath and I would ask you some questions about your finances, which is all of about typically three or four questions I have. It's usually enough. And if I agreed with you, which I've almost never disagreed with someone who tells me they cannot afford a lawyer, then I would appoint a private criminal defense lawyer to represent you. So that would be the normal process and what we would do here.

Do you understand that we could go ahead, I could ask you those questions, and I could make a finding right now whether you have the right to a free lawyer. Do you want to go ahead and just see and just be informed whether I agree that you cannot afford a lawyer and whether you'd have the option to have a free lawyer?

THE DEFENDANT: No, thank you.

THE COURT: Okay. Now, I need to understand a little bit more about you, sir, because I have to figure out if you can knowingly, voluntarily and intelligently give up your right to an attorney. So I just want to ask you some questions, okay?

THE DEFENDANT: Uh-huh.

THE COURT: I read the Pretrial Services Report that was prepared by our Probation Office. A probation officer met you, I think in the cell block when you were arrested, I think

it was last week, and asked you some questions and prepared a report. Do you remember that meeting?

THE DEFENDANT: Yes. Yes.

THE COURT: Okay. So I know a little bit about you from that. And I read that you have a high school -- your education is a high school diploma, you have not furthered your studies; is that correct?

THE DEFENDANT: Correct.

THE COURT: Okay. So you have no -- am I correct that you do not have any training in our legal system.

THE DEFENDANT: Correct.

THE COURT: Okay. Have you ever served as your own attorney before?

THE DEFENDANT: This is my first problem, ever.

THE COURT: Okay.

THE DEFENDANT: My first legal problem.

THE COURT: So then the answer is no, right? Okay.

And let me ask Mr. Shipley, this is your case, sir, right?

MR. SHIPLEY: Yes, along with Mr. Homer. Correct, Your Honor.

THE COURT: Okay. Would you please just tell Mr. Grenon -- am I saying your name right?

THE DEFENDANT: Grenon.

THE COURT: Grenon. Tell Mr. Grenon what the charges

are against him. I have the indictment and I see that there are three charges, but would you state what the violation of the law is that the government has accused Mr. Grenon of, and if you could just, in the briefest way, a statement of facts just in a brief summary of what the government has accused Mr. Grenon of. I want to be sure he understands it, and then I want to review what the maximum penalties are that the law provides for each crime.

MR. SHIPLEY: Certainly. Certainly, Your Honor.

THE COURT: Okay.

MR. SHIPLEY: Briefly, the charges relate --

THE COURT: Get closer to the microphone, please.

MR. SHIPLEY: Okay, yes. Would you prefer I speak with the mask?

THE COURT: I would. I would, because that's where we are today. But you can pull that microphone down on the desk I think, or you can sit.

MR. SHIPLEY: Let's try this, and I'll make sure I speak more loudly.

Your Honor, this Defendant, along with co-defendants, also members of his family, are charged with serious offenses that relate to producing, distributing and marketing a substance that is an unauthorized, improper new drug, specifically chlorine dioxide, which the defendants have, for a number of years, produced and marketed as a cure for a variety of diseases

and conditions including the coronavirus, among others.

THE COURT: The accusation is they've had kind of a business, the family, producing this product and marketing it?

MR. SHIPLEY: That is correct.

THE COURT: Okay.

MR. SHIPLEY: The indictment contains three charges.

THE COURT: Okay.

MR. SHIPLEY: Count 1 of the indictment is an allegation of conspiracy to commit an offense against the United States, or offenses against the United States, and also to interfere with the lawful functions of the United States. Basically that means that the defendants conspired to violate laws against the marketing and production and distribution of an unapproved new drug, and an unsafe drug, and that's specifically the solution that they produce called MMS, Miracle Mineral Solution. That's what Count 1 relates to.

There are three objects of that conspiracy legally, but it's conspiracy to violate the laws of the United States.

THE COURT: Okay. So conspiracy, Mr. Grenon is, under our laws, if two or more people enter into an agreement to do something unlawful, and they take some steps to further that agreement, even if they don't accomplish the ultimate objective.

THE DEFENDANT: I know the definition.

THE COURT: And I'm stating this very broadly, and kind of colloquially for you. That's a kind of conspiracy. Do you

understand that concept?

THE DEFENDANT: I understand what the definition is, and if I may, the false accusations that are being brought upon us are very incorrect, because we have the First Amendment right to this as our church is our sacraments. These do not fall under the codes of the United States, so we don't need approval to have a belief, a religious belief. And they say we're a nonreligious church, but religion is a belief in a God, and we are definitely Bible-believing Christians, and we have certain sacraments that we believe cleanse our temple, and we have been doing this for many years around the world helping many people, and we do not sell anything under commercial law. Everything is donations that we have taken.

THE COURT: Okay. So let me stop you. So what I'm hearing you say, and I'm reframing this as lawyers do, because the temple you're in now is a legal one. That's the only rules -- these are the only rules that apply, the rules of evidence, the law.

So what I'm hearing you say is your defense is that under your First Amendment rights of the Constitution, you are somehow exempt from the law that the government says you are conspiring to violate. Did I sum it up well for you?

THE DEFENDANT: No. They are accusing us of something, and as I was saying, if I have a religious belief and I am not committing any harm to anybody, there are no victims, there's no

intent to do any harm, so if we're doing this and we've been teaching people how to take care of their body, how to heal themselves, how to restore their health, for teaching them how to do this, and people voluntarily come to us and ask if they can use our sacraments of the church, it's the Genesis II Church of Health and Healing, if they come to us, then we do not deny them because they need our help. And we have years and years of proof that has been wiped out by the US Government. And also You Tube, Facebook, Twitter, all those social medias have eliminated our accounts with all the proof, testimonies, affidavits, sworn affidavits we've had. We have all this proof.

THE COURT: Okay. So you're getting into what -- you're getting into a lot of detail now that's going beyond what we need to do today. What I'm hearing here, and I'll come back to it, is you have a series of arguments that you perceive as a defense?

THE DEFENDANT: Yes, ma'am.

THE COURT: And I'm hearing them.

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. So Mr. Shipley, the unlawful agreement that's charged is to violate these, can I call them FDA laws?

MR. SHIPLEY: For present purposes, sure Judge.

THE COURT: Yeah. And the FDA laws prohibit, in the government's view, the marketing and selling of the product with

the representations that were made about its use. Is that close?

MR. SHIPLEY: Sure. For present purposes, yes, Your Honor.

THE COURT: Right. We're simplifying things here quite a bit.

MR. SHIPLEY: Understood.

THE COURT: Okay. So that's the conspiracy charge. And the penalty for that?

MR. SHIPLEY: It's a maximum of five years imprisonment.

THE COURT: Five years in prison. So Judge Altonaga, who I know is your presiding judge in your case, if you were found guilty, she would have the legal authority to sentence you up to five years in prison for the first count of conspiracy. Do you understand that, Mr. Grenon? For this to be a knowing waiver, you've got to know and understand the consequences of your possible conviction. Do you understand what I've just said?

THE DEFENDANT: Yes, I know the consequences.

THE COURT: Okay. Very good.

Okay. Mr. Shipley, I apologize for the interruption. Tell us about Counts 2 and 3.

MR. SHIPLEY: Sure. Your Honor, that is the only count against this Defendant.

THE COURT: Okay.

MR. SHIPLEY: This Defendant was residing in Colombia. The other defendants or two of the defendants, co-defendants in the case, were arrested in 2020. Those are the defendants that have already been found appropriate to proceed pro se and have appeared in front of Judge Altonaga. They are charged additionally along with all the defendants in the indictment with contempt, various contempt violations relating basically to the fact the defendants continued to produce and market this product, even after Judge Williams issued a series of orders in civil litigation prohibiting it. The terms of the extradition do not include -- for this Defendant do not include the charges of contempt. There's no counterpart, as I understand it. So this Defendant will be tried here unless circumstances change only on the conspiracy count in Count 1.

THE COURT: I see. I see. So although Mr. Joseph Grenon is in the indictment charged in Counts 2 and 3, pursuant to the extradition, he was extradited to face charges only on Count 1.

MR. SHIPLEY: That's correct.

THE COURT: Okay. All right. So that's very useful to know. So while your name is in the indictment for Counts 2 and 3, you are here to stand trial, should you choose to go to trial, on Count 1, that conspiracy count. Do you understand that?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Okay. Now, I want to, while we're talking about penalties, I want you -- I want to talk to you briefly about the sentencing guidelines. We're really jumping ahead to the possible outcome if you're convicted and when Judge Altonaga has to sentence you. I realize a lot happens between today and then, but this is a very important consequence so I need to talk about it with you.

If you are found guilty, if you choose to go to trial and you're found guilty, at the time of your sentencing the Court is mandated by Congress to use, to apply, the sentencing guidelines to calculate a proposed sentence. This book is about, I'm using my fingers to show you, at least an inch thick. It's frankly rather complex. But the Court's Probation Office and then the Court and the lawyers in the case would take the guidelines and calculate it to come up with ideally an agreement on what the sentencing guidelines call for as a proposed sentence.

Now, a Defendant might disagree with how the government calculates the sentencing guidelines. Might disagree with how the court or the probation officer does that calculation. Frankly, at this point, it would take me a lot of work, I don't work with the sentencing guidelines now. With all my years of training, it's not the easiest thing.

So if you're going to represent yourself and if you get

convicted, this is hugely consequential how the guidelines get calculated, and you would be on your own. You don't get anybody to help you with that, and that's just one of the things that in representing yourself you have no assistance with. Do you understand that that would be a process that would happen and be up to you to read the book and figure it out.

THE DEFENDANT: I would figure it out, ma'am.

THE COURT: Okay. Okay. Now, have you ever read the rules of evidence? The Federal Rules of Evidence?

THE DEFENDANT: No.

THE COURT: Have you ever read the Federal Rules of Criminal Procedure?

THE DEFENDANT: No, ma'am.

THE COURT: Have you ever read the local rules of this court?

THE DEFENDANT: I have not had the ability.

THE COURT: Okay. They're all quite lengthy and they all, by law, Judge Altonaga in handling your case, will have to apply them. And there can often be some rather protracted, and sometimes esoteric, arguments that a defendant and the government might get into with a trial judge about how those rules apply to a particular case. There are -- the Supreme Court and other courts have written long opinions about it. Sometimes it's straightforward. So if you were to represent yourself and go to trial, anything you would want to put before

that jury would have to pass through or be subject to the rules of evidence, and you would have to figure that out on your own if you don't have an attorney.

Do you understand that that would be a requirement for any argument or evidence you want to put before the court? Mr. Grenon, I'm asking about the rules of evidence.

THE DEFENDANT: Yes, and I'm going to answer you that the rights of a sui juris defendant are to be construed liberally and to be less stringent in formal pleadings than lawyers, because we did not go to school to learn the processes and yet we still have the right to defend ourselves.

THE COURT: Okay.

THE DEFENDANT: They're held less stringent.

THE COURT: I'm a little concerned about what you might be thinking about that. The rules of evidence will not be loosened for you. They will not.

THE DEFENDANT: I'm talking about the procedure.

THE COURT: Okay. If you write something very inartfully, Judge Altonaga will try to give you the benefit of the doubt to understand what you're saying, recognizing you're not a lawyer. That's true. But when I'm talking to you now about the rules of evidence, they don't get relaxed for somebody who chooses to not take advantage of a lawyer. They still govern.

THE DEFENDANT: I know, and we have evidence.

THE COURT: Okay. I know you have evidence, but you probably want a jury to hear it.

THE DEFENDANT: Yeah.

THE COURT: So you're going to want to make sure that you can persuade the court that the rules of evidence allow a jury to hear it, and she will interpret -- Judge Altonaga will interpret the rules of evidence straight down the line as best she can, but she's not going to relax those rules for you. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Okay. The same is true for the Rules of Criminal Procedure. They're all sets of rules about how a criminal case proceeds through what we call the discovery process, which is where you and the government exchange information leading up to trial. If you choose to plead guilty, there are rules of procedure around that. If you chose to go to trial, there are rules of procedure around that. And even sentencing. All those rules would apply to you, as will the local rules of this court. And do you understand that if you choose to not have a lawyer, that's not going to give you a ticket out of enforcement of the rules of criminal procedure. They'll be applied.

THE DEFENDANT: Yes, and I do believe that I do have the due process to be able to prepare my defense whether it's learning those things, building my evidence up and creating my

case against the --

THE COURT: Oh sure. You'll have time to prepare. But --

THE DEFENDANT: Well, I won't be able to prepare if I'm locked in a cell for 24 hours a day.

THE COURT: Well, you can prepare. There are plenty of people who are in jail who prepare. It sure helps them a lot to have a lawyer. Sure does. But that's a separate question, whether you get out on a bond or not. So I'm not there yet. Whether you represent -- if you choose to represent yourself, it's whether you're in custody or not. So that's -- this is a separate decision. And yes, if you are in jail pending trial, you'll have access to legal resources, but it's not going to be as easy as if you're out at liberty, but it would be Constitutionally adequate. If you have a lawyer, they're doing a lot of work for you in their office.

So I'm going back to the Rules of Criminal Procedure. Do you understand that you're going to want to start reading them and studying them. Most people go to law school for several years to get some master at this, but those rules would apply to your case. Do you understand that. I need a yes or no, it's the only way I can get a record here.

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Okay. Let me ask you this: As I mentioned, the three criteria for you to establish your right to

represent yourself include that you are acting voluntarily, and I mention that so you understand why I'm going to ask you these questions. I'm going to start with your family. I gather your father of course is the patriarch of your family, he's been charged in this case. Am I correct that he's in custody in Colombia?

THE DEFENDANT: Yes, ma'am.

THE COURT: That's what I thought. Okay. So I'm guessing that he'll be here at some point, that's a guess. Probably a good guess.

THE DEFENDANT: Uh-huh.

THE COURT: And your two brothers have already been arrested and are in custody.

Has your father, your brothers, family, friends, followers of your church, anybody said anything to you to pressure you, to convince you, maybe promised you something to persuade you to ask this court to represent yourself?

THE DEFENDANT: No, ma'am.

THE COURT: Okay. So there isn't anybody here that you're trying to please; am I right? Or you're trying to stay safe from when you ask this court to represent yourself?

THE DEFENDANT: Correct.

THE COURT: Okay. Is it -- and I've gone through a number of things with you now, is it fair to say, sir, that this decision you're asking -- that you want to make to represent

yourself, is a voluntary one?

THE DEFENDANT: Yes, ma'am.

THE COURT: Okay. Okay. So I heard you say, and I don't want to get into the weeds on this now because this is not the time. I'm not your trial judge, that's Judge Altonaga. I have a very limited job to do here today. Important, but pretty limited. I hear you raising a First Amendment argument against the government's prosecution of you; I hear you making an argument that you had no intent to harm and therefore you're not liable; I hear you making an argument that nobody was hurt, there are no victims, and that your customers voluntarily came and bought this product, and somehow their action being voluntarily somehow relieves you of any criminal responsibility under the laws. I just took notes on what you were saying.

THE DEFENDANT: Yes.

THE COURT: All of those -- I'm not saying it would be a successful defense, but all of those are arguments I hear that someone in your shoes would normally sit down with a lawyer and say is a lack of intent to harm a defense? Probably a pretty clear answer on that. Is the absence of actual harm a legal defense? A lawyer could pull up all the law on that for you. Is the First Amendment -- is there any First Amendment defense that can be made to these charges? A lawyer could easily pull up a lot of scholarship on that. If I can show that customers voluntarily came, and that was your word, voluntarily, is that a

defense. Those are all really good things to talk about with a lawyer who could help you a lot. And I think they're pretty smart questions to ask for someone in your shoes.

And I'm just speaking to you quite frankly as one human being to another, we're in a system that I care a lot about. I care about you having a fair trial, and I'm just going to be honest with you. I've done this job for a long time. Before that I was a prosecutor and I was a defense lawyer. I have enormous respect for both jobs. I hold a special place in my heart for defense lawyers. I came to learn that their job is to hold the government to the truth and to the law, and our system is built that way. And that's what defense lawyers do. They protect our Constitution and they protect people in your shoes. I have never seen a defendant represent himself or herself and get a good outcome, ever.

And frankly, you're giving the government a huge advantage. And I'm just being honest with you, having read a little bit about the allegations in the complaint and listening to you today, would it be fair to say that you hold some opinions, and I don't want to get into them today because it won't be productive, but you hold some opinions that are highly critical of the government.

THE DEFENDANT: Yeah, you could say so.

THE COURT: Yeah, I thought so. Okay. You're not the only one. With that being said, why would you give them an

advantage?

THE DEFENDANT: Well, I have God on my side. I haven't done anything wrong, and I'm willing to stand up for the truth and I'm going to do it. And I know, I know we're going to get through this, so I'm not worried. And I know -- I know my family will do the same.

THE COURT: You have a wife and small children in Colombia is what I read. Am I right?

THE DEFENDANT: Yes, ma'am.

THE COURT: I assume you want to get home to them?

THE DEFENDANT: Yes.

THE COURT: And you have expressed what I interpret as a belief that the government has wrongly accused you?

THE DEFENDANT: Uh-huh.

THE COURT: That they've got the law wrong or they've got the facts wrong. That could happen. Government lawyers, like defense lawyers and like judges, they're just human beings. We try to do our job, but we all make mistakes.

THE DEFENDANT: Uh-huh.

THE COURT: And I just urge you, as someone that's spent a long time in this system, that if you believe that, take advantage of every resource that's given to you. My goodness, I assume you paid taxes when you lived here, all of us do. They pay for free lawyers. They're good. They're really good. If you really believe you're wrongfully accused -- this is a

rhetorical question, I think I've already asked it but I have to say it out loud -- why wouldn't you take advantage of every resource to defend yourself and hopefully, for you, what you want is to get you back home to your family sooner.

THE DEFENDANT: Thank you, ma'am, for thinking that way, but I'll get through this.

THE COURT: Okey-doke. Okay. Well, all right.

So we talked about -- quite a bit, I can see that you are -- you seem to have a clear mind. You are very responsive with me.

THE DEFENDANT: Uh-huh.

THE COURT: Some people you have a conversation with and they're responding in things that don't, you know, make any sense. But we're tracking each other.

THE DEFENDANT: Yep.

THE COURT: I think you understand everything I'm saying. I think you've heard me urge you to not do this, because I think it's an invitation, frankly, for you to be convicted. And that's without knowing the evidence in the case, but just knowing the government's got really good lawyers, and they have a lot of resources, and they took their time and got their ducks in a row to bring charges against you. They're prepared. You're not. You don't have a lawyer, you don't know anything about the law quite; respectfully, you don't, and you've heard me tell you this straight out. I've been as honest

as I can with you and nevertheless am I right, your wish is what? To represent yourself or to have me appoint a lawyer for you?

THE DEFENDANT: To represent myself, ma'am.

THE COURT: Okay. Okay. Well, I find that you have knowingly, voluntarily and intelligently waived your right to counsel. I'm going to leave this to Judge Altonaga whether she appoints stand-by counsel for you. That's happened with your two brothers, but she's the presiding judge and you can address that with her when you're before her.

THE DEFENDANT: Okay. May I say something please?

THE COURT: Yes. Uh-huh?

THE DEFENDANT: Also on the court record on the docket system, there has been a few lies placed in there that my brothers completely denied assisting counsel and it says that they requested it. And it was not requested by my brothers.

THE COURT: I read the docket. I didn't see that. I read it last night when I found out --

THE DEFENDANT: It says it in there. It says right after they were assigned, it says they requested, as requested by defendant.

THE COURT: Okay. Well sir, people here are not lying in the court system. We're really not. This doesn't work if we lie. I didn't see that. If somebody said that about your brothers, that's between them and the court, it's not between

you and the court. And I'm just going to tell you here that I think I've been straight with you, I hope you know it, I've been very frank with you and we don't lie. Do we make some mistakes once in a while? Sure. We're human. But we're not here to lie, we're here to try to uphold the law. We care a lot about that.

Okay. So you're representing yourself. Let's talk about your arraignment and then we'll talk about the question of bond or detention. So have you seen the indictment, sir?

THE DEFENDANT: I have never been given an indictment.

THE COURT: Okay. Let's get you a copy of it right now. While we're printing it, what you've already heard is that there are three charges in it. And while your name appears in all three, because of the conditions of your extradition, you are, in fact, only proceeding to trial on Count 1, the conspiracy count. You do understand that, right?

THE DEFENDANT: Yes, I do.

THE COURT: Okay. It's to your advantage. And you've heard Mr. Shipley summarize, and me too, what that conspiracy charge is, correct?

THE DEFENDANT: Uh-huh.

THE COURT: So what I need to do is ask you in an arraignment is how do you plead to that charge, are you pleading guilty or not guilty?

THE DEFENDANT: I will not plea anything. I will

declare my innocence, ma'am.

THE COURT: Okay. Well, declaring your innocence is the same thing in my book as a not-guilty plea. So I am entering a plea of not guilty on your behalf, to make it crystal clear, because you told me you think you're innocent. And I'm going to issue the standing discovery order for you today which starts the ball rolling on the discovery process. It sets a clock for the government to provide certain information to you that they have about you that they would rely upon in their prosecution of you. It also places obligations on you to provide information to the government. So you're going to get that standing discovery order, and you're going to need to read it and make sure you uphold your end of the bargain. Okay. So that takes care of arraignment.

Mr. Shipley, am I correct that the government is asking that Mr. Grenon be held without bond?

MR. SHIPLEY: That's correct, Your Honor.

THE COURT: Why don't you address that for me and then I'll hear from Mr. Grenon.

MR. SHIPLEY: Sure. Your Honor, as we've discussed, the Defendant is charged, for purposes of the proceeding now in this court, on Count 1 alleging various violations of 18 USC 371. We are seeking pretrial detention based on risk of flight. The two co-defendants who are here, two of the Defendant's brothers have already been detained. The father of the family,

and as I think patriarch is an apt description of him in this instance, is still awaiting extradition from Colombia. Apparently they've proceeded on different tracks and we don't know when that will happen.

THE COURT: Okay.

MR. SHIPLEY: Just for your information, trial is currently set for mid March. Whether that date actually happens or not will depend in part, I think, upon the extradition and Judge Altonaga's wishes.

THE COURT: Right, right. That's something -- just so you know, Mr. Grenon, Judge Altonaga will decide that. She will decide when your trial will be and all those details, frankly, after you finish with me today, is all before Judge Altonaga, the District Court Judge who is the presiding judge in your case.

THE DEFENDANT: Uh-huh.

THE COURT: Okay.

MR. SHIPLEY: And Your Honor, if the court doesn't mind, I'll proceed this way, I'll proceed by proffer, a summary of the facts of the case regarding this Defendant, and then I'll address the risk of flight factors. Of course the focus here is not simply on risk of flight in the sense of whether he would go back to Colombia or somewhere else, but whether he will actually make court appearances. That's the language of the statute. And we believe that by a preponderance of the evidence no bond

or conditions of bond would assure his continued appearance.

THE COURT: Okay. Let me stop you a minute. I want to explain something Mr. Grenon.

So what's happening here, here's what the law is. It's to me almost like traffic rules. It puts me in a lane and it tells me what I have to consider, and my job is to follow the law. So if the government can show me by clear and convincing evidence that there is not a bond I can set that will reasonably assure the court that you will not engage in unlawful criminal activity, then I have to detain you. That's called the danger, a danger analysis.

Secondly, if the government can show me by a lower burden of proof, not clear and convincing evidence, it's a higher burden of proof to detain someone for a danger of committing crimes, but if the government can show me by a lower burden of proof, preponderance of the evidence, which if you view a scale, it's like 51% would be a preponderance, they can show me by -- Mr. Shipley can show me by a preponderance of the evidence that there's no bond that I can set that will reasonably assure the court that you'll be showing up here every time you have a court appearance, then I must detain you. That's it.

So Mr. Shipley, you're making both arguments. Am I correct, sir?

MR. SHIPLEY: Your Honor, just for this Defendant at

the present, simply a risk of flight, Your Honor. We're not proceeding on this Defendant, under the current circumstances, on danger.

THE COURT: Okay. That's clarifying. So the lane I'm in is can Mr. Shipley show me, and I'm going to hear from you because you might offer some good arguments that, you know, shift the analysis for me, but we're starting with can he give me a preponderance of the evidence that there's not a bond that will reasonably assure the court that you will appear. That's what we're talking about. Do you understand that?

THE DEFENDANT: I understand.

THE COURT: Okay.

MR. SHIPLEY: And Your Honor, by way of proffer regarding the offense conduct generally, from roughly April 2010 to July 2020, this Defendant, his two brothers, Jonathan and Jordan Grenon, and his father Mark Grenon manufactured, promoted, sold and distributed something called Miracle Mineral Solution known as MMS. MMS is a chemical solution containing sodium chlorite and water. When ingested orally as directed by the defendants, MMS becomes chlorine dioxide, a powerful bleaching agent typically used for industrial water treatment, or bleaching textiles, pulp and paper.

The defendants claim that MMS was a miracle cure-all that could treat, prevent and cure a variety of serious diseases and disorders including cancer, Alzheimer's, Autism, malaria,

Parkinson's, multiple sclerosis, HIV/AIDS, and most recently COVID-19. However, MMS was not approved by the FDA for any of those uses or for any use whatsoever. Rather, the FDA had previously issued public warnings strongly urging consumers not to purchase or use MMS, advising that ingesting MMS was the same as drinking bleach.

By targeting vulnerable populations with incurable or otherwise serious diseases and disorders, the defendants sold tens of thousands of bottles of MMS to consumers all across the country, including to consumers in Miami-Dade County. The defendants promoted and distributed MMS through a complex network of websites that they created and maintained. These websites featured countless newsletters, posts and articles authored by the Defendant and his co-defendants, and dozens of podcasts and video interviews featuring the defendants in which they touted the miraculous healing powers of MMS.

The Defendant and his co-defendants were well aware that their marketing activities with respect to MMS were unlawful, so they decided to sell it under the guise of the Genesis II Church of Health and Healing, which I'll refer to as Genesis, a validly nonreligious entity that co-defendant Mark Grenon created in an express attempt to avoid government regulation of MMS.

The defendants' marketing claims with respect to MMS were neither accurate nor acceptable. For example, on March 4,

2020, the Defendant's father, Mark Grenon, published a newsletter extolling the healing powers of MMS as a treatment for COVID-19 which he titled, quote, the coronavirus is curable, exclamation point. Do you believe it? You better, exclamation point. The newsletter provided detailed dosing instructions for using MMS to treat COVID-19, including one set of MMS dosing instructions for adults and another set for small children. The newsletter claimed that these dosages of MMS should wipe out COVID-19.

Several days later, this Defendant and his father, Mark, released podcasts similarly entitled the coronavirus is curable, do you believe it, you better. In these podcasts, the Defendant and his father promoted MMS as a treatment for COVID-19.

THE COURT: The podcasts had this Defendant?

MR. SHIPLEY: Correct, Your Honor.

THE COURT: With his father on it?

MR. SHIPLEY: Correct, Your Honor. And in multiple instances this Defendant and his father have put out podcasts and other content on the internet promoting the virtues of the product, and promoting the distribution of the product and that primarily -- this Defendant was less involved in the manufacture of the item, but very actively involved in the promotion and the distribution of it. So that Defendant was on that podcasts along with his father.

In response to this conduct, on April 16th, the United States filed a civil complaint against --

THE COURT: April 16th of 2020?

MR. SHIPLEY: 2020. Yes, Your Honor. Filed a civil complaint against this Defendant and his co-defendants seeking an injunction to prohibit them from further violating the FDCA. Judge Williams issued a TRO, and subsequently -- a temporary restraining order, and then a preliminary injunction, both of which prohibited the defendants from directly or indirectly labeling, holding or distributing any misbranded drug, including but not limited to MMS. Notably, in issuing the preliminary injunction, Judge Williams had found that the United States had demonstrated a substantial likelihood that the defendants' marketing of MMS violated the FDCA.

The defendants, this Defendant, and his co-defendants, violated those court orders by continuing to label and distribute MMS. While the defendants' continued distribution of MMS plainly violated the TRO and the preliminary injunction, their public statements removed any doubt as to whether those violations were willful. For example, on April 21, 2020, in a letter addressed to Judge Williams and attorneys for the United States, co-signed by this Defendant and his co-defendants, the defendants claimed that they were not bound to obey, that's quote, not bound to obey the TRO.

In another letter addressed to Judge Williams and

attorneys for the United States dated that same day, Mark Grenon, on behalf of all defendants, including this one, wrote, quote, we are practicing civil disobedience against this unjust order. Civil disobedience is permitted in the US Constitution, peaceably of course at first, if possible. Note, the Second Amendment is there in case it can't be done peaceably. The Genesis II Church of Health and Healing will not stop providing MMS to the world.

Similarly, in several of the weekly Genesis podcasts co-hosted by this Defendant and his father, the Defendant and his father acknowledged quote, we're violating --

THE COURT: When was this?

MR. SHIPLEY: This is on or about April 2020.

THE COURT: Okay.

MR. SHIPLEY: This is after Judge Williams has issued the temporary restraining order and the preliminary injunction.

THE COURT: Okay.

MR. SHIPLEY: Okay. In these podcasts, the Defendant and his father stated, quote, we're violating a temporary restraining order. Well, we don't care, we're going to do it whether you like it or not, end quote. They further threaten to, quote, pick up guns, end quote, and instigate, quote, Waco, end quote, should the government interfere with the defendants' marketing of MMS.

Finally, in a podcasts dated May 10, 2020, co-hosted by

this Defendant and his father, the defendants made the following comments with respect to Judge Williams. Quote, you think we're afraid of some Obama-appointed judge that broke their oath? You're no judge. This judge could go to jail. You could be taken out, Ms. Williams. We're not obeying, don't care what you do. Subsequently, Judge Williams issued a permanent injunction after the defendants failed to appear and contest any further proceedings in that civil matter.

So Your Honor, that concludes the government's factual proffer. I'll refer in summary fashion as well to the specific evidence of this Defendant's conduct in a moment.

THE COURT: Okay. Right. We'll go to the personal -- more personal information in the Pretrial Services Report.

Okay. So do you have any cross-examination for the witness?

THE DEFENDANT: Yes. As I was saying earlier and --

THE COURT: Well, hold on. Hold on. Do you have an agent with you?

MR. SHIPLEY: I do, Your Honor.

THE COURT: All right. Come on up, Agent. You can get in the witness stand, sir.

Okay. Tell me your name, sir, and your spell it for me.

THE WITNESS: Nathan Freeman, F-R-E-E-M-A-N.

THE COURT: And you're a Special Agent with?

THE WITNESS: The Food and Drug Administration's Office of Criminal Investigations.

THE COURT: Okay. Do you solemnly swear or affirm, sir, that the testimony you give will be the entire truth?

THE WITNESS: Yes, I do.

THE COURT: Okay. You can have a seat.

So this is called cross-examination, not argument. You've heard -- and here's the way it works. There was a proffer of his testimony, it's the way we do this to kind of expedite it. Rather than a question and answer of the agent, if you have questions for the agent about what he has testified to on direct examination, you may ask questions about that. Not about other things. The scope of a cross-examination meets the scope of the direct testimony, and you've heard proffered what his testimony is.

So do you have a question, any questions for Mr. Grenon (sic) about what Mr. Shipley said he would testify to?

CROSS-EXAMINATION

BY THE DEFENDANT:

Q. Yes. I would like to know if the FDA has ever done any studies with those diseases using chlorine dioxide?

A. I am not familiar with specific studies of the FDA, the science community in the FDA has conducted. I know there are experts that discuss issues related to chlorine dioxide. As has been referenced earlier, there have been public statements by

the FDA equating it to drinking bleach and not being safe for anyone to take under any circumstances. But as a scientific study, I can't speak to that.

THE COURT: Okay. That's your answer?

BY THE DEFENDANT:

Q. So you do not have proof if it does work or not.

THE COURT: Wait. We're not arguing to me now. If you have a question for him, you can ask him.

BY THE DEFENDANT:

Q. So the FDA does not have proof that chlorine dioxide does work to mitigate, treat, cure, restore health to any of those diseases, like the studies that we have done for the past 14 years.

A. I can't speak to the specific studies the FDA's conducted, but when the FDA issues warnings like this, it's through their doctors and researchers that all have advanced degrees in medicine and different scientific fields that do this type of research. But as far as the specific study you're asking me to cite, I'm not able to do that.

Q. It's because it doesn't exist. They've never done it, so they don't know if it works or not.

A. Like I said, I'm a criminal investigator, I deal with different parts of the FDA.

THE COURT: The testimony was that he doesn't know about studies, not that there weren't any or that there were.

He is not informed. So that's your answer?

THE DEFENDANT: Well, I'm letting him know because I've researched it so --

THE COURT: Okay. Right now -- listen, you wanted to represent yourself, you've got to play about the rules. You can question the witness. If you have argument for me later, I will hear it. So just so we finish this part, do you have other questions for agent, is it Freeman?

THE WITNESS: Freeman.

BY THE DEFENDANT:

Q. Yeah. He said that we ingest sodium chlorite and it becomes chlorine dioxide?

A. Yes, and I believe there's an acidic activator as well that makes it chlorine dioxide, but yes.

Q. That's not what it said. What he said was you drink it and it becomes chlorine dioxide in the stomach.

A. That might not be the most technical description of what happens, but ultimately the products that were being sold became the compound chlorine dioxide, products that you sold and instructions on how to ingest them.

Q. And you know the definition of bleach?

A. No, I do not.

Q. Okay. It's when something is discolored. And the word "bleach" or "bleaching" does not mean it's something bad and toxic.

THE COURT: Remember, you're asking a question. So what's your question?

THE DEFENDANT: Yeah, no. I'm getting to it right now.

THE COURT: Right now you're making a statement.

BY THE DEFENDANT:

Q. Okay. Because something bleaches does that mean that it is toxic.

A. Not necessarily by definition. But my understanding of the public warnings when they use the term "bleach" is because it's commonly understood to be a cleaning product that's toxic to drink. So for the broad public to understand what the product is, how it's dangerous, they use the word "bleach", which is, my understanding, very equivalent to chlorine dioxide.

THE DEFENDANT: I don't want to make a statement.

THE COURT: Right. You can save that for later.

BY DEFENSE 1:

Q. Do you know what bleach, industrial bleach is chemically?

A. The chemical compound?

Q. Yeah.

A. I do not know offhand, no.

THE DEFENDANT: Am I allowed to tell him what it is?

THE COURT: Right now, no. You're questioning him.

THE DEFENDANT: Okay.

THE COURT: Uh-huh.

BY THE DEFENDANT:

Q. Okay. And how many people have been injured from chlorine dioxide at the doses we recommend?
A. I'm not familiar with the total number of people, but I have spoken to people personally that have been injured by taking chlorine dioxide. I'm also aware of a lot of the information the FDA possesses relating injuries related to chlorine dioxide.
Q. Remember, I'm asking --
A. I do not know the exact number, no.
Q. I'm asking the doses. I mean dosage-wise that we recommend --
A. Yes.
Q. -- because people can be hurt from --
A. Yes.
Q. -- this dosage --
A. I have spoken to people that have used the dosage that you recommend and have suffered adverse consequences to that. Yes.
THE COURT: Okay. Anything else?
THE DEFENDANT: No.
THE COURT: Okay.
THE DEFENDANT: That's it.
THE COURT: Any redirect?
MR. SHIPLEY: No, Your Honor.
THE COURT: Okay. Thank you, Agent. You can step down.
Does the government have any other evidence or just

argument?

MR. SHIPLEY: I think just argument, Your Honor.

THE COURT: Okay. Mr. Grenon, do you have any evidence? Evidence would be -- it could be your own testimony, it could be a witness. It could be a document that's evidence. And once I finish the process of hearing evidence, then I hear argument from both sides, how you each view the evidence and what I should do about it. Do you understand those two steps?

THE DEFENDANT: Uh-huh.

THE COURT: Okay. Do you have any evidence?

THE DEFENDANT: Yes, I suffered from staph infection --

THE COURT: Okay. Do you want to provide some testimony now? Is that what you want to do is testify yourself?

THE DEFENDANT: Yes.

THE COURT: Raise your right hand. Do you solemnly swear or affirm that the testimony you will give will be the entire truth?

THE DEFENDANT: Yes, I do.

THE COURT: Okay. You can put your hand down.

Go ahead.

THE DEFENDANT: So I suffered from staph infection years ago when I was a missionary child of my father Mark, and we dealt with all kinds of medical missionaries and doctors that came down from the United States from hospitals like universities like John Hopkins and other high, well-known

hospitals and universities. And I took all the antibiotics. Staph infection is a methacillin-resistant and antibiotic-resistant staph infection. And so I took all the kinds of antibiotics possible. All of my brothers and sisters suffer from this because we work in the hospital, it's an airborne bacteria, and so we all suffered from this except for my mother.

And so like I said, we used antibiotics. The doctors wanted to cut my thumb off because it was really infected. They wanted to cut my brother's leg off because he was really infected also. And after using chlorine dioxide, we detoxed the body and our infections went away after two to three months. And that was about, get this right, it was about 17 years ago this happened. Okay.

And another thing I wanted to testify about is especially with the COVID. We have proof that there are 5,000 plus doctors in Latin America that are using chlorine dioxide, and they are treating and curing at a 99.6% success rate of COVID, and a 96.9% or 96,5% -- what's the word in English. I speak Spanish and English so I'm trying to remember -- to prevent, to prevent COVID. Also in Bolivia, there is a whole state in Bolivia that has approved chlorine dioxide for the treatment and prevention of COVID, and they have excellent results there.

So not just that, there's many other diseases that I

can testify that I have personally helped people with in Colombia. Diabetes. I've helped also my little niece who suffered from seizures. She no longer suffers from seizures. That was seven years ago.

I've been around the world teaching doctors and scientists how to use this and how to treat people, and all of them have testimonies, and all of them have proof. And we had -- we had about 3 million views on our testimonies on You Tube before that was wiped out about six years ago, because You Tube is a very, very -- what's the word. Anything that goes against policy of theirs, they wipe it out when we have the proof. And we also have, I think it was about eight or 900 sworn and signed affidavits that we got together last year that obviously I don't have with me because I've been captured for a year and a half, but those are sworn and signed affidavits from people who have used this and who have been restored to their health.

THE COURT: Let me do this.

THE DEFENDANT: Yes. Go ahead.

THE COURT: Let me reflect back to you what I think I'm hearing you say. That you have a variety of reasons why you believe that your product --

THE DEFENDANT: Sacrament, ma'am. Sorry.

THE COURT: Pardon?

THE DEFENDANT: Sacrament. It's a church sacrament.

THE COURT: Okay. That's how you characterize it, but

it is a chemical, chlorine dioxide, correct? It's a series of chemicals, and you have your reasons and you listed some of them why you believe that it is, in fact, helpful and beneficial, and you disagree with the FDA's view that it is not. Is that a fair summary?

THE DEFENDANT: Yes.

THE COURT: I'm trying to just encapsulate what you're saying and let you know that I've heard you.

THE DEFENDANT: Uh-huh.

THE COURT: Okay. Okay. Is there any other evidence?

THE DEFENDANT: Well evidence, like I said, I don't have. I'm just telling you what I --

THE COURT: Okay. Then we're going to move on to argument next.

THE DEFENDANT: Yeah.

THE COURT: So Mr. Shipley, tell me your argument, sir.

MR. SHIPLEY: Sure. Your Honor, again, the question is whether there are any conditions or combination of conditions that will ensure the Defendant's appearance at future court proceedings. They do not exist in this case. They did not exist for the other co-defendants who have been made appearances in this case already. They do not exist for this Defendant even less so.

First of all Your Honor, it is an indicted case. There's no question of probable cause. The evidence against

this Defendant is overwhelming. His role, as I indicated earlier, was primarily to promote MMS. He did so via podcasts, web postings and other communications. In fact, the pamphlet that was distributed with the product both pre and post-COVID identified his e-mail as the contact for quote, unquote, sacramental guidance.

In addition, as I mentioned earlier, he's on the podcasts with his father from March 8, 2020 promoting MMS as a cure for the coronavirus, and was on a similar podcasts on March 15, 2020. Both of those are specific overt acts in the indictment.

I would note as well in March 2020, the month when the Grenons began promoting MMS as a cure for the coronavirus, they received approximately $123,000 in monthly MMS-related sales revenue, a nearly 4,100 percent increase in sales. This is snake oil.

The Defendant has spent the last year and a half trying to avoid this court's jurisdiction. He did not come here willingly. He fought his extradition, as is his right to do so, but this is a Defendant who, despite being a US citizen, had no desire to participate in these proceedings in this courtroom.

most fundamentally, the Defendant has no ties whatsoever to the Southern District of Florida. He has extensive ties to Columbia where he was residing with his family when these charges were filed. He hasn't resided in the United

States since 2012, and at least according to information in the Pretrial Services Report, as far back as 1994. His family is in Colombia, his wife and his children. He has no ties to this district. The family itself has ties to the Middle District of Florida, but even those were not enough to support the release of the two co-defendants here. There are no ties to the Southern District of Florida.

There is no employment for this Defendant other than as a self-annointed bishop of the Genesis II Church. So that, as well, is lack of any ties to this district.

In addition Your Honor, the Defendant is facing a serious prison sentence. Even if the Defendant were to plead guilty, which is not something that seems he's interested in doing at this point certainly, his guideline range would still be well above the five year statutory maximum. So he's looking at a full five years. So even though we do not have the contempt charges, which have no statutory maximum and have the potential for even greater punishment, under a guidelines analysis of at least 168 to 210 months, he would be at the five years.

In addition to that, Your Honor, and really going fundamentally to what any bond condition would be about, this Defendant has a history of proudly violating court orders. He and his co-defendants have repeatedly stated they do not believe this court has any authority over them. They willfully ignored

the TRO and the preliminary injunction issued by Judge Williams, and indeed sent communications not merely expressing their defiance, but actually threatening Judge Williams. That certainly shows that this Defendant poses a substantial risk of nonappearance at any future proceeding. There's no reason to believe that he believes that this court has any authority to compel him to do anything. And again, I'm referring specifically the letter dated April 21, 2020 that was signed by Mark on behalf of all the defendants, and as well signed by this Defendant on the same date.

In addition to that, there's the May 10, 2020 podcasts hosted by this Defendant, along with his father, where he made the references to the judge going to jail, Judge Williams being taken out, and the statement we're not obeying it, referring to what was then the preliminary injunction. And, of course, the Defendant did not appear -- none of the defendants appeared for any of the proceedings in that civil enforcement matter that was brought that yielded the TRO and the preliminary injunction.

So Your Honor, for all of those reasons, there is no condition or combination of conditions that would ensure this Defendant's appearance at future court proceedings in this district.

THE COURT: Okay. So Mr. Grenon, the question is this simply, not why, what bond can I set that will cause me to reasonably expect that you'll be showing up to court given all

of that?

THE DEFENDANT: Well, first of all, I would like to say that I did not fight my extradition coming here to Colombia. Coming from Colombia to here, to the United States. That was not fought. That was a public defender that was assigned to me that asked for proof in the process to delay it, and I had nothing to do with that. I didn't even give him, in Colombia, permission to ask for proof of, for which they asked for proof or studies if I have any problems in Colombia, and that slows it down three to four months more.

THE COURT: Well, let me say this Mr. Grenon, I've encountered many defendants who have been extradited from Colombia with counsel who have chosen to waive extradition. That's plainly available to you, that was available to you.

THE DEFENDANT: Oh, I know, I know.

THE COURT: You could have waived extradition, but it sound s like you chose not to waive extradition, right? You allowed your lawyer to resist it, which was certainly within your right, and had to get the court to order your extradition.

THE DEFENDANT: Well, I had to lawyer. That's the thing. I did not give power of attorney to a lawyer. They assigned me one, and I never even met the guy. Okay. So --

THE COURT: All right.

THE DEFENDANT: I know that's a Colombian process.

THE COURT: So you're telling me you would have been

happy to come here to face these charges?

THE DEFENDANT: Well, if the extradition process is flowed until, yeah, I cannot fight it, it's going to happen, I'm going to come here and I would have come here. I would have been here months earlier. Again, so I was not fighting my extradition.

About what he said about taking out Kathleen Williams, that was taking her out of power, out of her seat. Because of Title 18 242 says that if anybody under deprivation under color of law, if you violate my rights, which we believe that our First Amendment rights are being violated, then you can lose your job, you can go to jail and you can pay a fine, no matter who you are. A judge, a lawyer, a police officer, anybody under color of law. That's what we were quoting. We were not quoting -- I'm not going to say it, but what he's referring to. And so what else --

THE COURT: Okay. Go ahead.

THE DEFENDANT: I would -- like my brother said also, I would gladly take this to trial and be here, and to prove my point that we have the right to do this, that we are not wrong, that we have the evidence. And so we're all looking forward to going and taking this to trial so that we can prove our point. So it's -- we are -- I am going to be there, that's for sure. I'm not -- I am not a flight risk. I've always lived out of the United States because my father was a missionary. I do -- I did

come back to the United States probably once a year, once every two years to visit my mother who lives in Bradenton, Florida.

THE COURT: Am I correct that you moved away in 1994?

THE DEFENDANT: In '94, my father moved us to the Dominican Republic.

THE COURT: And your residence has been outside of the United States since then; is that correct?

THE DEFENDANT: Up until 2012, 2013, then I was here for a year or so.

THE COURT: Okay.

THE DEFENDANT: And then I moved to Colombia.

THE COURT: Okay.

THE DEFENDANT: And so I don't know why he's saying that if I don't have any ties to Southern California or --

THE COURT: This district.

THE DEFENDANT: This district, Southern Florida. Then I have no reason to believe that I would come here. Obviously if somebody captured you and you live in Northern Florida and you had a problem down here in Southern Florida, obviously you don't have any ties here in this area, correct? So I am not -- obviously I don't live -- I don't have any ties here in Southern Florida so I'm -- you know, I would have to be with my mother in the Middle District of Florida.

THE COURT: Uh-huh.

THE DEFENDANT: And --

THE COURT: Are you proposing that you would live with your mom in the Middle District of Florida?

THE DEFENDANT: Yes, I would live with my mother and prepare my defense until trial was set. Well, if it's going to be changed, it is set for March, and I am willing to take this to trial and to fight this. And I would ask you, if it's possible, to have bond so that I can prepare my defense adequately. And like he said, I'm not -- I'm not being charged with the contempt because that's not an extraditable crime from Columbia. So I personally have not dealt with any distributing of our church sacrament.

And another thing that he said is incorrect is we did not sell. We take donations. So the church donations did go up, like he said, 400%. And those all go to projects and to help people because this is a nonprofit church.

THE COURT: Uh-huh.

THE DEFENDANT: So we're just -- all we're doing is trying to help people around the world. And what else can I say? I mean, if I did harm somebody, I am sorry. But I know there was no intent whatsoever, and all we wanted to do -- all we wanted to do is help people, and that's all I've done my whole life as a missionary child. And when you find something that works, and God's telling you to go out there and use it and help people then, you know, I can't stop. If an agency -- I mean, that's why we were fighting it. But if an agency tells

you, you know, it's not approved, it's a church sacrament. I don't think a church needs approval for its belief.

THE COURT: Okay. So having heard both the evidence and the argument of both the government and you, Mr. Grenon, I find that the government has clearly, without doubt, shown me by a preponderance of the evidence that there is not a bond I can set that will reasonably assure the court that you will appear as required, and I'm therefore ordering you to be held without bond until your trial.

Mr. Shipley, I'm going to ask you to draft for me today a proposed detention order using the AO's form in Word version so that I can modify it. And as you know, I need to make findings of fact, and I want to note here certainly findings of fact that I make.

So Mr. Grenon, a bond is a court order. That's all it is. It's a court order that if you, you know, agree to pay a certain amount of money, if you violate the bond, that then you can be released, for example. And I hear you to be saying, although you don't -- I'm not informed enough to ask for it, that you're suggesting that I release you on a personal surety bond, that is that you don't put up any money today, that you sign the bond paperwork and that whatever the amount of that bond would be you agree that if you violate the bond, you then owe the government that amount. You could walk out the door with a personal surety bond. I issue those all the time. And

there's conditions placed on a bond and that is that you -- there are standard conditions such as don't violate the law, don't use drugs, things of that nature; also report to your Pretrial Services officer and then there's special conditions that I would set. And it's a court order. And there's nothing clearer in all of this than your own words, along with your father of defying orders of this court. Judge Williams' orders. She ordered you to not promote, sell, distribute, et cetera this product that you have, MMS. It's the short name we're giving it. And you have made public statements that you defied the order, that you don't recognize the authority of this court, that you don't think you have to follow the order, and that basically you're doing whatever you please.

No, it's now my turn for you to listen to me. I listened to you. Because I want you to understand why I'm detaining you. You have a right to know it. So I'm looking to see do I have somebody in front of me who I think will obey the order of a court, which is what a bond is, and your own behavior speaks very compellingly to me that I can't trust you to do that. Your statements about you could be taken out, Ms. Williams, I view those as a threat and you should understand that. You should understand that somebody in my shoes, when I hear that, that a party who I've ordered to do something refuses to obey it and says I could be taken out, I would consider that a threat. You've got to be smart enough to get that.

THE DEFENDANT: It's taken out of context.

THE COURT: You need to understand it, I view that as a threat. And your behavior shows that you have been contemptuous of this court's orders. So there's really no amount of money that I can have you agree to put up to the court that would make me think that you're going to follow the conditions of the bond, which most importantly means showing up to court. So that's one reason for my ruling.

Another reason is, and this is not necessarily an order of priority here, but you've heard that under the sentencing guidelines, Mr. Shipley has looked at them, if you are convicted, the guideline range he believes will come out to be -- the bottom of the range for imprisonment will be greater than five years. What that would mean is if he's correct, and this is not the day to figure it out, when it comes to your sentencing, Judge Altonaga will have -- presumptively have to sentence you to the maximum term of incarceration, five years in prison. Now you know that. He said it to you before. Now, that's a powerful incentive for certain people to leave this jurisdiction and avoid being incarcerated. That is an intelligent person such as you should be listening to that and understanding that that is looking like a very real possibility. So there is an incentive to flee. What's keeping you here? Not a whole lot. You have basically lived outside the United States for, I think, it's about 27 or 28 years with the exception of

2012 and 2013. Your wife and three children are in Colombia and you've lived there for quite a few years. That's your home. I'm sure you want to go home. Your employment is working in this Genesis, as you call it, church. Frankly, given all that's happening here, it's a lot easier for you to make some money doing that there than it is here. So I'm looking to see if the defendant in front of me maybe could get a stable job here, I could let that person out on bond so that they could pay rent. They could find a place to live here. They would have a reason to hold themselves here, and you're not presenting that.

So let me see what the other things that I had here, because I want you to know my basis for detaining you. I think those are -- those right there are certainly proof beyond a preponderance of the evidence, well beyond it. The scale hasn't just been tipped 51%, there's quite a bit of evidence, more than a preponderance of the evidence that there's not a bond I can set that will reasonably assure me of your appearance. So I'm explaining this because I want you to understand it, it's your right to understand it, I think the law requires me to order you to be held in custody and I'm going to do that.

So that is it. We have covered everything here. You're finished with being in front of a magistrate judge. Your next appearance will be before Judge Altonaga and she will address how your trial moves forward.

Okay. Thank you everyone. We're adjourned.

COURTROOM DEPUTY: All rise.

THE COURT: Mr. Shipley, if you can send that to me today, it will be very helpful.

MR. SHIPLEY: I'll go back and do it now, Judge.

THE COURT: Thank you so much.

(PROCEEDINGS CONCLUDED)

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C E R T I F I C A T E

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

2/20/2022 /s/ Dawn M. Savino, R.P.R., C.R.R.
Date DAWN M. SAVINO, R.P.R., C.R.R.

I N D E X

WITNESSES

ALL WITNESSES: PAGE:

For Government:

Nathan Freeman:
Cross-Examination by Defendant Grenon 35:18

EXHIBITS

None

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