

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## LOS ANGELES, CALIFORNIA; MONDAY, SEPTEMBER 18, 2017;

## 11:05 A.M.

THE CLERK: Item 4, CV 15-611-SVW, United States of America versus Sean David Morton.

Counsel, please state your appearance.

MS. MAKAREWICZ: Good morning, Your Honor. Assistant

United States attorney Valerie Makarewicz and James Hughes for the defendant.

DEFENDANT SEAN DAVID MORTON: Once again, I'm Sean.

I am not the strawman or corporate entity or franchisee known as the all capital letters SEAN DAVID MORTON; I am a living man and appearing as a living man. Also I have documents from the court if $I$ may submit to the clerk?

THE COURT: Yes.

DEFENDANT SEAN DAVID MORTON: There's an ex parte motion before the court as well. There's an ex parte motion for the court to vacate the void proceeding because it's not constitutional to not inform me of the nature of cause. No man shall be deprived of property without due process --

THE REPORTER: I'm not hearing you, Mr. Morton.

Thank you.

DEFENDANT SEAN DAVID MORTON: Sorry.

THE REPORTER: Start again.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

DEFENDANT SEAN DAVID MORTON: There's an ex parte motion -- should be an ex parte motion before the court to vacate this void proceeding because it is unconstitutional to not inform me of the nature of the cause. No man shall be deprived of property without due process, which means I must be informed of the nature, or you're proceeding in the -- in excess of jurisdiction. In all criminal proceedings, the accused shall be informed the nature of the cause against him. And I do have a question for the court as to whether or not this is a court of record? Sir, is this a court of record?

THE COURT: This is the time for sentencing. Will the documents that defendant Morton filed be marked as part of the record.

DEFENDANT SEAN DAVID MORTON: Again, sir, is this considered a court of record?

THE COURT: Yes, it is, sir.

DEFENDANT SEAN DAVID MORTON: This is a court of
record?

THE COURT: This is the time for sentencing.

Have you read the presentence report?

DEFENDANT SEAN DAVID MORTON: I have, I think.

THE COURT: Okay. I'll hear from you regarding what the appropriate sentence should be. This is your time to address the court as to all matters that you think relate to

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
the appropriate sentence in the case. So you can -- is it easier for you to speak from the table or from the lectern? DEFENDANT SEAN DAVID MORTON: Well, I obviously have questions for the court so ...

THE COURT: Okay.

DEFENDANT SEAN DAVID MORTON: So you're saying for the record, sir, that this is a court of record?

THE COURT: Yes, it is, sir.

DEFENDANT SEAN DAVID MORTON: Okay. All right.

Well, it's -- once again, I move this court to dismiss this case against me for being void as the court failed to inform me, the accused, of the nature of the cause and is moving in error and bad faith and as a breach of duty to the Constitution.

I filed a claim. This time it is my wish to have due process; so if we could talk about the nature, jurisdiction, and authority in this court -- in this court of record with power to -- once again, I point out that I'm appearing as the living man. I am unenfranchised; I am not on the all-capital strawman letter name. Unless anybody can verify under oath that $I$ am that all capital name. So A.P. statutes require the nature of the proceedings and their authority -- maxim of law is that no court which has not a record can impose a fine or commit any person to prison because those powers belong only to courts of record.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

So if you'll notice also, I have rescinded every document relative to the nonnegotiable monetary instrument, and I would like the, at this time, the minutes of the court to reflect that $I$ rescinded all the documents, and $I$ move that the minutes of the court be changed to reflect this. So I move that the minutes of the court be changed to reflect that I've rescinded all the documents relevant to the bonds.

So subject matter ceases to exist, and without the nonnegotiable monetary instruments, all the tax issues are beyond the statute of limitations actions; and, once again, I would like to ask the prosecutors does the IRS actually have a claim against me? Can $I$ ask that question?

THE COURT: No.

DEFENDANT SEAN DAVID MORTON: Okay. Again, I've not been informed. I've withdrawn my plea three times. So there is plea on the record. There was a motion that the plea was withdrawn back in March. There was another motion, which $I$ put to you, which you said $I$ couldn't withdraw the plea because it was after -- after the jury trial. I withdrew my plea again with a motion on June -- the morning of June 18th, along with the notification to this court that there was an emergency that it removed to the supreme court in the form of an emergency -emergency injunction, which got waylaid. It got there on the Monday morning before this court was in session. Did not reach of the judge of -- the desk of Justice Kennedy, but it was
actually submitted three more times --

THE REPORTER: Pardon me?

MR. MORTON: The Supreme Court of the United States, Justice Kennedy of the Supreme Court of the United States. So, again, I've not been informed of the nature, which is a breach of duty, it's unconstitutional and void; and the sovereign people of California, of which I am, do not yield our sovereignty to the agencies which serve us. I do not agree to be imprisoned by a hearing officer. So I demand the sealed warrant be reviewed for Fourth Amendment requirements. For example, in this case any evidence or probable cause was not presented to the court. The warrant was actually not on the premises at the time. What gives the IRS the right to come into the sovereign state of California and arrest people, especially on boats belonging to the Bahamas.

So under oath -- of a crime, once again signed by -was the actual warrant signed by a judge, which it wasn't. Under oath of a crime, which is wasn't, and is the IRS authorized to come into California and arrest us. Once again, I would like also the public credentials of all the parties here, these attorneys, if they're registered under the California bar. How did they practice within District of Columbia?

And I would like my objections put on the record, and

I also -- I mean, all of my notices, which were all unrebutted,

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
were all ignored. So did the court not receive notice -- I'm sorry.

Once again, there was notice on the record that I rescinded every act this began with, and, once again, I require you to notice that the subject matter ceased to exist when I rescinded the contracts that began all this. I gave notice to rescind my plea in March, as I said, and then you denied a motion to rescind the plea in April saying the trial was already over, ignoring so many material facts, labeled notice is a breach of duty, and -- the duty to be impartial, and it seems to be clear bias on the part of the court.

Not going by rules for the accused representing himself is also biased. Rule 17, once again, you needed to go by all of the rules of my domicile, which is the sovereign state of California, which is under common law, quote, "The basis of all decisions in California are by the rules of English common law and all California courts are courts of record." Again, I do not have a plea on the record, which was made under duress, and I do not understand the nature of this enough to plead. I have no real understanding of what it is we supposedly did wrong, and I don't understand the administrative nature of what's happening.

So I move to dismiss or void; no subject matter
jurisdiction; failure to state a claim upon which relief can be granted; there's no verified complaint or declaration of injury

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Case 2:15-cr-00611-SVW Document 306 Filed 01/08/18 Page 9 of 84 Page ID \#:4892
and testimony by the plaintiff or any first-hand witness.

The ex parte motion to vacate void proceedings is on file with the court. Damages are on the desk of David Pinches, an attorney for Makarewicz and Hughes.

So, once again, has everybody got a copy of what I just put in? I need due process to be heard because there is a substantial burden upon my constitutional properly -- proper entitlement interest, and $I$ require the use of this venue as a court of record in which to move my claim through because I am aggrieved and have had no due process and believe there is a false claim against me based on a forged instrument; and the forged instrument is the actual indictment which was not signed, again, by -- it's an imaginary being of the United States so -- and the IRS.

So does anyone wish to get on the stand and contest my claim under oath at this time?

Okay.

So I'm aggrieved and have had no due process. I believe there is a false claim against me based on a forged instrument. Once again, if not, this case must be dismissed immediately and discharged. If there is a dispute to my claim, we need to discuss it right here and right now without delay because my property of rights is being withheld from me by you persons acting unlawfully in breach of duty.

So does anyone wish to dispute this? If not, I would

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
like to go home, and who wants to keep me here against my will under the guise of doing someone wrong and me doing a crime when we all no there is not an injured, and that means no crime by superior law of the land. And you're all supposed to be bound by the supremacy clause, and I'm also claiming that you're exceeding jurisdiction to imprison me with no authority to do so because this is an inferior court. My court is a court of record. You're injuring me, which means $I$ have standing to sue. None of you have standing under the doctrine of standing, which every court needs to lawfully proceed. By "standing" I mean distinctive and palpable injury as opposed to hypothetical and conjectured injury with the causal connection between the claimed injury and challenged conduct, and the court must be able to address the injury.

The court of record proceeds only by common law. A federal crime victim -- here's the actual definition -- is, quote, "A person directly or proximally harmed as a result of the commission of a federal offense or an offense within the District of Columbia."

Well, we're not in the District of Columbia; no one was actually harmed, and that comes directly from 18 U.S.C. Section $371(e)$. So void by contempt and -- anyway, it's contempt to sue -- it is contempt under this definition to sue in a fictitious party's name. Black's Law, 2nd Edition. That's exactly what the parties did here.

Once again, let me point out just for all of this -I wrote a -- as far as $I$ know -- a tax return that was sent by the IRS as part of a computer error, they claim, that was an erroneous return is not a crime, and $I$ wrote a Freedom of Information Letter Act to the Internal Revenue Service, and because the trial was sped up from July back to April, I got the letter actually after the trial occurred. So $I$ certainly want it to be considered that the IRS sent me a letter that said no one at the Internal Revenue Service has a claim against you, number one. Number two, your tax return was generated as a computer error on our part, and Maureen Green, I think, did the audit, and she was responsible for the error.

So an erroneous tax return generated by an $I R S$
computer error is not a crime. The void coupon sent to IRS void -- coupon sent to IRS to discharge an imaginary debt that the IRS created as an imaginary lien, when there is no gold or silver under Article I, Section 10 of the U.S. Constitution and Article I, Section 10 of the California Constitution to discharge public exactions is also not a crime. Nonnegotiable instruments sent with a a self-addressed, stamped envelope to return if was there any deficiency of the instrument sent with a letter of advice saying, Can you please give us a legal opinion on what this is, sent with a memorandum of understanding, and then four subsequent actual requests for people to return whatever instruments that they have, again,
does not constitute fraud; it constitutes full disclosure and does not constitute an actual crime.

So the court refused to inform me of the nature of the offense, civil or criminal. I asked this court, as well, was this a civil or criminal proceedings. I was told I was being facetious. So there is no persona jurisdiction, once again, because I'm one of the people of California, and I've withdrawn my plea and removed the case -- and done everything I could do to remove case to the Supreme court for an application for emergency injunction, and Justice Thurgood Marshall said it's -- one can can ignore void orders of -- or any order under the theory of law that does not meet Constitutional duty, it is void and can be ignored, right -- right to exercise constitutionally protected, right to ignore a void proceeding.

And, once again, I move that the Sixth Amendment guarantee to know that $I$ am -- that the -- to know the informed nature of this offense has not been met, and what evidence says I was informed of the nature? I was not informed. My Sixth Amendment rights have been denied; so all this is void. I would like to go home now, and I move to dismiss all this as void for breach of constitutional guarantees.

By the way, 18 U.S.C. 377 says, "A federal crime victim is a person directly or proximally harmed as a result of the commission of a federal offense or an offense within the District of Columbia." Again, we're not in the District of

Columbia.

As of now, under 5 U.S.C. 702 -- since the court has not responded to anything I've really said -- I motion to remove this case against me for judicial review to a nonbiased court in a new hearing, and $I$ wish and demand no further intercourse with this court or its officers, and I demand no further intercourse be forced upon me. So, once again, I have a motion that this case that -- because everything I've said has been ignored, I move that this court be found in contempt and this case be moved to judicial review to another court that

I believe to be unbiased and also an expedited hearing for a habeas corpus, which is proof of an injured party.

So motions $I$ have before the Court is -- once again,

I demand judicial review of a court that $I$ feel is unbiased and an expedited hearing for habeas corpus or proof of an actual individual party being injured.

Can $I$ have a response to any of that?

THE COURT: Well, to the extent what you just argued are motions, they're all denied.

DEFENDANT SEAN DAVID MORTON: Okay. So can you deny under 5 U.S.C. 702, motion to remove case against me for judicial review? You can deny that as a hearing officer of an administrative court?

Okay.

All right. Let me say this: I'm just -- as long as
all that is on the record -- when $I$ was ten years old, I actually had the opportunity to meet Ronald Reagan at the Ambassador Hotel and got his autograph and thought he was one of the -- one of the -- greatest man $I$ think I'd ever met, or one of the greatest men that ever lived, and I remember getting his autograph, and he said, "What do you want to be when you grown up, young man?"

And I said, "I'd like to be president of the United States, sir."

And he tossled my hair -- and I'll never forget what he said -- he said, "Well, well, I if get there before you, I'll give a few pointers."

Years later in 1980 I had the opportunity to campaign
for -- for President Reagan actually in New Mexico where we traveled amongst the schools, and we debated the Jimmy Carter people about what we felt was the new hope for America, and the motto of the Reagan administration at that time was "Less government, more personal responsibility, and with God's help a better world." And we actually won for the first time; the republicans actually won New Mexico in favor of Reagan, and so my goal and my quest for all of my life, along with my great, great, great grandfather being John Morton, who actually signed the Declaration of Independence and was one of the authors of the Articles of Confederation, and then going down through time, I've had nothing but respect and awe for the

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
constitutional principles of the United States.

In regards to this matter, again, I point out that there is -- that there's been a fictitious instrument that's been entered in the name of a fictitious entities, which I think directly violates my Sixth Amendment right to face an accuser or somebody that I supposedly harmed or damaged. In the case of the Internal Revenue Service, again, I would like the opportunity to present the Freedom of Information Act letter that $I$ got from the $I R S$ that stated that your tax return, back in 2009 , was a computer error on their fault, was an erroneous return, which, again, is not criminal, was an erroneous return based on a computer error by them.

## When it came to the nonnegotiable monetary

instruments, we're beset with a real problem in the United States because there is no gold or silver. You yourself understood that we went off the Gold Standard in 1933 with the bankruptcy in the United States, and we talked about that during trial. And how do people setoff, settle, and discharge debt or any public exaction without either gold or silver under Article I, Section 10 of the U.S. Constitution, Article I, Section 10 of the California State Constitution as well. And in the course of that, we became familiar with the nonnegotiable monetary instruments, which only set to, we felt -- by the way, did not profit us other than we have folks donate funds to us for paperwork. But, again, when you send a
document that has full disclosure, and you beg for them to give that document back if there's anything wrong with it and now facing what we're facing with, again, our -- literally just trying to help people who are being crushed by mortgages or being crushed by credit card debt, who are being crushed by all these things, I saw this as a viable alternative to safety. I know over the course of three years or so, the sum of -- I think 16 monetary instruments -- I think they were all we did -- I think was 16 monetary instruments for, I think, about 13 people or so. Over the course of the three years, we got so frustrated because we obeyed all of the -- first off, as I said, when we submitted them, there was a -- the letter of advice; there was a letter that said, "Please send this back"; there was a letter that said, "Please have your attorneys address this. If there's anything wrong this, please send it back."

The United States Treasury website also said that if there is any bond that came into dispute, that bond was to be dishonored and returned within 30 days; and that comes right off the Secret Service website. I don't understand what the IRS is doing actually enforcing or investigating any of this. That's number one.

Number two, when it came to the return, again, we submitted multiple notices. Under the California laws of novation and accord and the California laws of accord and
satisfaction, and all of the laws of the Uniform Commercial Code, as well. As to the first presentment, which said, "Please send this back if there's anything wrong with it." Then there was a notice of fault, okay? You've not returned anything. What do we do? Then there was a notice of default which is all right, now 60 days have gone, not gotten anything. And finally it was a notice of default and dishonor, and the default and dishonor was, all right, well, under accord and satisfaction, under novation and accord, under the Uniform Commercial Code laws, under the laws of the state of California, federal laws as we knew it, and the banks have never returned any of these bonds. As a matter of fact, we went to -- we went to court twice to enforce the bonds in federal court and once in state court, and in each instance, the judges said, Well, there's nothing criminal about what you did. There's nothing criminal here. The bonds might be -- and this was, again, one comment where the judge said, Well, this looks like a useless piece of paper, and we said, Well, it is to you and I, but I use the analogy again of the Joe DiMaggio rookie-year baseball card that to anybody else -- my mother, she'd throw that card in the trash but to anybody else who knew the value that, it would be worth millions of dollars. So it had to be worth what the value of what paperwork actually was. In every single case, not even the mighty Department of Justice or Makarewicz or Hughes here managed to actually
come up with an original bond. I think one that was sent to Contra Costa County because not even they could get the bonds back from the banks, which leaves us the with possibility that the banks would actually monetize the bonds, and if they couldn't produce the actual evidence in court at trial, sir, the how do we even know that it was submitted to -- to -- they claim it was submitted to the Department of Treasury; they claim it had something to do with conspiracy to defraud. Again, they couldn't even present the original documents. I sat here and objected over and over and over again when they just put copies of things they found in what $I$ consider to be illegal search and seizure of our home.

So doing everything that $I$ thought was
constitutionally right, I -- and, again, I do not understand -in any way, shape or form, I don't understand the charges. I withdrew the plea because the letter from the $I R S$ says, again, that you did nothing wrong; it was an erroneous refund. It appears our only crime was -- my only crime was when $I$ got a return, we spent it investing in a film production company, and I guess the IRS was mad that they couldn't get the money back, but even that, the statute of limitations on crimes for that is three years and five years, and we didn't even hear from these guys until almost seven years later.

So I don't understand the nature the crime; I
withdrew my plea because $I$ don't know what I'm pleading to, and

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

I don't understand -- I don't understand. I don't understand the nature of the offense; $I$ don't understand what $I$ did; $I$ have a Sixth Amendment right to face my accuser. I said over and over again, Put the United States on the stand; put the IRS on the stand; put anybody that we've actually directly harmed. And even the one witness they came up with claimed that she was contacting us under an alias; so she never even had direct contact with us, and for all we know, she was -- she was possibly lying, but maybe it was her husband or somebody else that we were -- that we were actually corresponding with because she was doing it under an assumed name.

So in every single one of these cases -- and, once again, when we found the banks were just ignoring everything, we told people, Look, this stuff is not working, and we don't know what to do. So I don't understand how this court in an administrative hearing -- as $I$ said, you were saying it's a court of record, and you're putting it on the record because common law courts or courts of record, and you claim this is a federal court record. And, again, as far as persona jurisdiction goes, again, I'm a living man; I'm not a corporation; I'm not -- I'm not a franchise. I do not come under the 14 th Amendment, and my understanding of that -- and, look, I've studied this over and over and over again because, again, my forefather was one of the very authors of a lot of the documents, the Articles of Confederation; but I've done
everything $I$ could do to remove myself of the jurisdiction, of being a, quote, United States citizen of -- the Wong Van Ark Supreme Court cases, the slaughterhouse cases around the turn of the century, were the key cases when you had Chinese immigrants who came to this country, and they came to work at the railroad, and they had thousands of children that were born here on U.S. soil but did not have citizenship, and so slaughterhouse cases -- and the Wong Van Ark case was the Supreme Court at the turn of the century saying, Okay, you have a choice to either be a U.S. citizen enfranchised by the United States under the $14 t h$ Amendment, or you have a chance to be a state citizen, which is what I've chose to be, and state citizens, which means -- which means that this court is federal territory; this court is the District of Columbia; this court is -- actually, the state of California is foreign nondomestic to a federal court, and, therefore, once again, I challenge the persona jurisdiction of this. I do not understand really what is going on here as far as -- as far as the charges -- charges of all this go, and it's been a complete mystery to me through most of this, and, of course, you're also denying my motion to have what $I$ consider an unbiased court do a judicial review. And, again, my ex parte motion, vacate the void proceedings is on file with the court. Did you receive that? THE COURT: Yes. DEFENDANT SEAN DAVID MORTON: And you just denied it?

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

THE COURT: Yes.

DEFENDANT SEAN DAVID MORTON: Okay.

All right. I've -- all I can say is I've done everything to lead an exemplary life. You know, I have no criminal record. I have no -- never done anything wrong, you know, as far as I know, other than traffic offenses. I've never broken the law, and I didn't think I was breaking the law here, which means, again, I have -- I also have a notice of nonculpability under the direct guidelines of the Ninth Circuit court that, you know, I had no culpability when $I$ was doing this. Everything -- I thought I checked every law; I checked everything $I$ thought was legal in regards to the -- in regards to the 2008 tax return. It was done with -- it was done with a CPA; it was submitted under all the laws, rules, as we understood them, 1099A, 1099 OID, all the laws and rules of the Internal Revenue Service. In fact, the original return was, I think, $\$ 880,000$ of which we actually put an exemption into the government, and what they don't point out here is the government kept almost 400 and -- 48 percent of the return. The government -- the IRS kept 400 and -- almost $\$ 470,000$ of the return paid to them. Later IRS Agent Ted Hanson, also known as Ted Lepkojus, confiscated $\$ 57,000$ from a film production company that had nothing to do with me called The Real Magic Productions. Also stole $\$ 7,000$ from my wife's bank account for which the IRS later apologized and then said, Well,

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
we're not going to pay you back because now you have a frivolous filing fine against you for $\$ 10,000$.

We've even tried to bankrupt out of the onerous pressure of the Internal Revenue Service and, you know, failed; they fought us tooth and nail on that, and we did not even get a bankruptcy. So this whole thing has been us like a rag doll, if you will, in the tenacious teeth of the supposed federal agencies.

And, again, $I ' m$ not sure you can get anybody to get up on the stand and actually testify that the Internal Revenue Service is really an agency of the federal government. You actually look at the Supreme Court decision of StealCove versus Diversified Metal. That Supreme Court decision said very specifically that the Internal Revenue Service is a private organization.

With that said, Your Honor, I -- again, I moved -put a number of motions into the court. Again, I would like an expedited motion of habeas corpus to show that there's, you know, someone that's been harmed here, you know, by what we've done; and, $B$, you know, to face the kind of consequences that we're facing and face for this -- for paper that we begged people to send back that we -- that we -- that never harmed or damaged anybody, with coupons which -- and I have to bring this up again -- in our original March 2016 conversation -- which, by the way, the transcripts of that seem to have simply
disappeared from the public record -- you, Judge Wilson, made some interesting statements. When Valerie Makarewicz got up and talked about the coupon for setoff, settlement, and discharge, you said, It sounds like a prank, and, again, this was in the -- it disappeared from the court transcripts; we can't find it anywhere. And then when she said, Well, he's written us copious amounts of letters, you said, Well, he has the right to write the letters. Did you respond to any of them? And Ms. -- sorry -- Mrs. Cambian was -- well, she was understandably silent on the issue because in every part of the way, we responded to every single thing -- I'm sorry -- I can't say "we." I'm not going to speak for my wife; she has a defense attorney here -- but in every possible discourse, I responded, and every time they sent me a letter I responded and said, Okay, fine. Let's deal with this. Let's settle it. In every possible way $I$ responded for what happened, and when you get a tax return, and you spend the tax return, and six months later a government agency says, No, our mistake. We want it all back, how is that on me as a crime?

So that's where my -- that's where my not
understanding this comes in. That's where my -- you know, again, $I$ do not wish intercourse with this court or having intercourse forced upon me. In the same time, since you're -you know, you've ignored all my motions, and, again, can $I$ at least get the minutes changed? As I said, I put in rescissions
of all the various contracts for this.

So -- all I'm -- all I basically can do is try to tell you that all I've -- I've never, ever in my life tried to hurt anybody, I've never, ever in my life. All I've tried to do is be a benefit to people. Has that worked out? Maybe not, but I've always tried to do good. I -- you know, my spiritual background from my Christian studies from traveling the Middle East, from living in a monastery in Nepal, from actually living in a compound with the Dalai Lama, there's been nothing in my life that shows that I've tried to hurt or harm people. I'm a public speaker, and I try to lift people. I've worked with Better L.A., Pete Carroll, counseling kids -- high-risk kids in the Crips and Bloods and Hoover family, and we dropped the murder rate to 66 a year to zero in the Adams district by USC. And if any part of this could be -- if any part of this comes down as community service of some kind, then, you know, my -using my Ph.D in therapeutic counseling to help heroin addicts -- you know, even in the 30 days that $I$ spent custody in San Bernardino, all I've been doing there is counseling young men who are coming off heroin; people who are -- domestic violence; people who are there for DUIs; and we've started a prayer group there where, you know, I've started counseling to them to try to get them back on their feet, to try to show them the mistakes and errors of their ways.

So I've never been to prison before. You know, I've
never rolled up with, you know, groups of violent criminals, drug dealers and heroin addicts and all that, yet, you know, now we're facing -- I'm facing an implacable system that, again, has been implacable all the way through; that has completely denied reason; that it seems to have completely ignored the Constitution; that it's denied -- well, my Fourth Amendment rights with what $I$ feel is an illegal -- illegal warrant, an illegal arrest; my Fifth Amendment rights to actually speak and present my defense in this court when $I$ was told to basically shut up and sit down or $I$ would face the most dire consequences, which obviously I'm facing now; the Sixth Amendment to constantly over and over again face my accuser and face who it is we've actually harmed. So every single one of those rights are being -- are being violated as we sit here. And now my poor wife is being dragged through this. She had nothing to do with any of this stuff. She was a -- she was a dutiful wife. She -- I don't know if I can speak on her behalf -- but she is a dutiful wife. She's from Mormon stock. She -- you know, all she ever did was what I ever asked her to do, which $I$ felt was completely within her realm as a public notary. She did everything lawfully and legally by simply notarizing documents and mailing things out, and I'm sure they'll bring up the fact that she never got a return from the IRS; the IRS actually voided out everything that they said that she owed because she actually fixed it, and a lot of this was
because of Steven Brody. You know, Steven Brody was stopping me from presenting evidence; Steven Brody was stopping me from bringing in witnesses on our behalf, coming up with this bizarre defense, that is, like, Well, you just have to say that other people told you to do it. Yeah, we took advice -- we took advice of other people when this came through, but ineffective counsel $I$ know doesn't probably apply to me acting as my own attorney, but at the same time, you know, I would also move for a new trial based on that, you know, as well because it's a -- I think -- he was a lawyer; he went to Stanford. You know, he kept telling me, You can't do this; you can't do that, can't do the other thing, and it completely stopped me from presenting what my defense would have been at that time.

So -- all right. In begging for my life,

Judge Wilson, as I said I -- my admiration for Ronald Reagan throughout the years was all about his belief in limited government, personal responsibility, with God's help a better world, which is the motto for his campaign, and it changed me as a person to -- once again, to work for that, and all I've ever done is try to teach the Constitution and all I've ever done is try to teach people about their own constitutional rights and the difference between the sovereign states and the people of the sovereign states, which I am one. Again, I'm a living man. I'm not a corporate construct; I'm not a 14th

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Amendment franchisee. I filed every piece of paperwork that I could do to not be that.

And, again, this court is -- well, foreign -California is foreign not domestic, federal jurisdiction of this court; therefor, as a living man, as one of the people of California, our constitutional says that the people of California shall be sovereign forever and that all men have inalienable rights, not persons, and $I$ just read to you the UCC Code that said that somebody had to be harmed or damaged here so ...

I was told I'd be able to ask questions and, you know, and obviously I'm not able to; you're not allowing me to ask questions of the prosecution or of anybody else. I was told I was allowed to make motions, and you're just denying them all out of hand. So -- and I'm sure you have some -- I hope you don't have some dire fate or consequences in store for me considering taking in the scope and breadth and width of my life that has to do with speaking to the public, with telling the truth, with trying to be an exemplary person. I'm trying to help those -- I'm trying to help those in need, and one of the prayers that we started in the tank that I'm -- I'm in the tank for the last 28 or 30 days -- I'm in C Tank, which we call "Christian Tank," and we came up with a thing that says, "If you walk with God, he'll walk with you; and if you talk with God, he'll talk with you; if you love God, he'll see you
through; and that prayers go and blessings and miracles come down.

So, again, Your Honor, I'm asking for a blessing and
a miracle today. I'm asking for those not just for myself but for my wife, as well. You know, we got involved in something which, again, we thought was absolutely true. I still maintain that we had no culpability; we had no criminal state of mind in any of this, and everything that we were doing we thought was absolutely by the book, by the law, novations in the court, Uniform Commercial Code, the U.S. Constitution, the IRS code. We worked under CPAs that presented us with this -- and by the way, we were -- we were -- I was just one of over 400 -- I think the prosecution was at 429 different people that filed these the exact same process with Brandon Adams and his father, Alexander Adams. And may $I$ point out, by the way, the two CPAs in L.A. County of Alexander Adams and Jacqueline Coehlo, who had gotten -- who had actually filed the 1099 OID process for her clients, the IRS actually went after them and simply requested an injunction that they stop filing their paperwork to actually help people get returns in both of those cases. So, once again, I point out that $I$ have a letter from the Internal Revenue Service that says no one at the IRS has a claim against me. It's a Freedom of Information Act letter, a letter that comes directly from their office, and the return for 2008, and delivered in 2009, was a computer error. It was
their fault. And, once again, an erroneous -- point out again, an erroneous refund is not a criminal, number one. Number two, coupons presented -- coupon, not checks, mind you, as the prosecution kept saying -- but coupons for setoff, settlement, and discharge were perfectly -- perfectly appropriate to set off public exactions when there is no gold and silver under Article 1, Section 10, no public exaction can be paid, under Article 1, Section 10, of the U.S. and California Constitution without gold or silver being in process.

And in regards to the nonnegotiable monetary
instruments, we weren't even going to profit from them. I mean, if they worked and if they paid off a mortgage or a credit card debt or whatever, it would have gone for the people that were submitting the paperwork themselves, not us. You'll notice they were not indicted as co-conspirators in any of this, but, you know, the point was is that it wasn't even -you know, we accepted a fairly -- fairly small amount to do paperwork; it was very copious to present documents we begged to get back in which we said in every single case, If the banks or anybody that we sent these documents to simply send them back a self-addressed stamped envelope that was provided for them to mail it back to us that we -- we would give back any donation that was provided to us, and that never happened. Not a single bank, not a single credit card agency actually returned the instruments and not even the DOJ could find them,
which leaves the mystery: What happened to them? Where did they go, and were they actually monetized by the banks at that time?

So with that said, prayers go up, blessings and miracles go down. I hope you take into account the totality of my life in fighting for freedom and for the Constitution; and I'm just wondering what Ronald Reagan would have told me when he got to be president, what advice he would have given me from there. Probably -- I don't know what he would say.

I'm broken down in this, the horrors of -- my wife is
here with me, and she deserves none of this, and she's done
nothing but love me and obey me and, you know, be there -- a perfect life and a perfect companion, and no one could ask for anybody better to have by their side and -- okay.

Once again, you know, I am a living man; I am not a person; $I$ am not the all-capital letter name in the indictment, and I would very much -- I do not wish intercourse with this court or any of its officers, and I'd very much like to go home now. Thank you.

THE COURT: Thank you, Mr. Morton.

I have some questions for the government. Who speaks for the government?

MS. MAKAREWICZ: I do, Your Honor.

THE COURT: First, with regard to the guideline calculation in your memorandum after the presentence report was
filed, you mentioned that you omitted to include in the information you gave to the probation department the relevant information about two of the counts involving 28 United States Code, Section 514, correct?

MS. MAKAREWICZ: No. It had to do with the
omitted -- I'm sorry. You're correct, Your Honor. It is with respect to the 514, yes.

THE COURT: And so the modification or amendment is
that the base level offense that the presentence report
determined was a level six because it -- the presentence report didn't have the information about the 514 count, correct? And
if it had that information, the base offense level should have been a seven; is that the argument?

MS. MAKAREWICZ: Yes, Your Honor.

THE COURT: And then the loss amount, regardless of whether the base offense level was a six or a seven, it is the same in both calculations, correct?

MS. MAKAREWICZ: Yes.

THE COURT: And that was 18, plus 18?

MS. MAKAREWICZ: Yes.

THE COURT: And then in terms of the loss amount, you mentioned that with regard to the phase of the scheme that involved the use of the bonds for commercial purposes, not with the IRS, that the intended loss should have been the debt that the victims had, not the face amount of the bonds, correct?

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

MS. MAKAREWICZ: Yes.

THE COURT: Irrespective of that position, would the loss calculation change either way? In other words, would it be different in terms of the plus 18 regarding whether the intended loss was the face amount of the bond or the overall debt that the debtor had?

MS. MAKAREWICZ: I think it would be much more, Your

Honor, that --

THE COURT: But the 18 does not include the intended loss of the debt -- the overall debt of the debtor.

MS. MAKAREWICZ: Yes.

THE COURT: It does not?

MS. MAKAREWICZ: I thought it did, Your Honor.

THE COURT: Well, then the question is this: In that
phase of the case -- these are the two matters I need to be addressed -- there is the face amount of the bonds; then there is the overall debt that the victim debtor had.

MS. MAKAREWICZ: Yes.

THE COURT: Your argument is that the overall debt that the debtor had should be the intended loss rather than the face amount of the bond?

MS. MAKAREWICZ: Yes.

THE COURT: Which of those two was used in the calculation?

MS. MAKAREWICZ: The actual amount of debt, not the

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
face value.

THE COURT: And if the face value of the bond had been used, would the the amount of the loss, that is, the plus 18, be effective?

MS. MAKAREWICZ: Yes.

THE COURT: And now in the tax scheme, that is, the OID scheme, the loss calculation is also a plus 18, correct? MS. MAKAREWICZ: Yes.

THE COURT: And so how is it that on the nontax scheme -- the "commercial scheme" I'll refer to it -- that loss is 18 also, isn't it?

MS. MAKAREWICZ: Yes.

THE COURT: So it really doesn't matter whether the face amount of the bonds was used as the intended losses or the overall debt of the debtor in terms of the calculation to get a plus 18 for the loss amount, correct?

MS. MAKAREWICZ: Yes.

THE COURT: I am correct?

MS. MAKAREWICZ: Yes, Your Honor.

THE COURT: Well, I am not including as a loss calculation the overall debt of the debtor. I think the fairer calculation is the face amount of the bond.

DEFENDANT SEAN DAVID MORTON: May I object, Your Honor, because, again, we're talking about imaginary things here. We're talking about supposedly that the bonds were --

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

THE COURT: I'll give you a chance. Make a note of what you object to, Mr. Morton, and I'll give you a full opportunity to respond.

Now, you start with a base offense level of seven and then you add to that the loss calculation, 18; so that gets you to 25, correct?

MS. MAKAREWICZ: Yes.

THE COURT: And then because there were two parallel
schemes, and under the guidelines they weren't utilized
consecutively, that the greater was used, but the guidelines allow a plus two for not double counting the schemes, correct?

MS. MAKAREWICZ: Yes, Your Honor.

THE COURT: So that gets you to 27, correct?

MS. MAKAREWICZ: Yes.

THE COURT: And you have an enhancement for
obstruction.

MS. MAKAREWICZ: Yes.

THE COURT: And that would be two.

MS. MAKAREWICZ: Yes.

THE COURT: And so the total offense level you offer it is 29.

MS. MAKAREWICZ: Thirty.

THE COURT: How did you get to 30?

MS. MAKAREWICZ: We used the 25 for the bond counts; we used the base offense level for the OID scheme as 26 under

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
the --

THE COURT: You're -- start from the root. You start with the offense level, and the base offense level is seven, correct?

MS. MAKAREWICZ: Yes, except we used the tax tables to calculate the OID scheme, and we used the 287 -- the 2B table to calculate the 514 offenses.

THE COURT: Okay, but let's just start with the base offense level seven, correct?

MS. MAKAREWICZ: On the 514, yes, Your Honor.

THE COURT: But that's the offense level because
that's greater than the sixth under the tax offense level, correct?

MS. MAKAREWICZ: Yes, yes, it is, Your Honor.

THE COURT: Okay.

So then starting with the seven, I thought you said a moment ago that the loss calculation for the OID/tax scheme and the loss calculation for the commercial scheme was 18 for both; is that right?

MS. MAKAREWICZ: No. The 18 is for the 514 counts, but for the 287 counts, it's 26 , total 26.

THE COURT: So then you're saying add 26 onto seven?

MS. MAKAREWICZ: No. Twenty-six as a base offense
level.

THE COURT: So for the -- you're saying, then, for

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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    the tax counts --
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                            MS. MAKAREWICZ: Yes.
                            THE COURT: -- the base offense level is 26.
                    MS. MAKAREWICZ: Yes, it is, Your Honor.
                            THE COURT: And there's no additional calculation for
    loss.
    MS. MAKAREWICZ: No. That's it. It's the base
offense level under 2 T4.1 is more than $\$ 9.5$ million, which is a
level 26.
THE COURT: And that's the tax.
MS. MAKAREWICZ: Yes, sir.
THE COURT: And so added to the 26 , would be the two
points for the fact that the two schemes were not double
counted. That makes 28 .
MS. MAKAREWICZ: Yes.
THE COURT: And then the two points for the
obstruction. That's how you get to 30?
MS. MAKAREWICZ: Yes, sir.
THE COURT: And otherwise it would have been 29.
MS. MAKAREWICZ: Yes, sir.
THE COURT: In other words, if the base level offense
had been seven, with the 18 -points added on for loss
calculation and the other adjustments, total would have been
29, right?
MS. MAKAREWICZ: Yes, sir. Yes, Your Honor.

THE COURT: With a criminal history of one and a offense level of 30 , what is the guideline range?

MS. MAKAREWICZ: Ninety-seven to 121.

THE COURT: And with the criminal history of one and
the base offense level of 29 , what is the guideline?

MS. MAKAREWICZ: Eighty-seven to 108.

THE COURT: Okay. Now, I just have a few questions, and, Mr. Morton, you're going to have a chance to respond; so just make a note of what $I$ ask that you think is appropriate for a response.

DEFENDANT SEAN DAVID MORTON: I don't understand a
thing that's going on here, Your Honor.

THE COURT: Well, then, $I$ can't help you in that
regard; I'm just trying to help you organize your thoughts.

So now with regard to Hall and Adams, they were
sentenced by other courts in 2015.

MS. MAKAREWICZ: Yes.

THE COURT: And Hall -- I get them mixed up -- but I
think Hall was sentenced to ten years.

MS. MAKAREWICZ: Ninety-six months.

THE COURT: And Adams to 40 months.

MS. MAKAREWICZ: He pled, yes.

THE COURT: Yeah.

And in terms of Adams and Hall, I remember at the
trial looking at some of the videos.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Who was the originator of the OID scheme? Was it

Adams or Hall, or is there -- were they co-originators?

MS. MAKAREWICZ: They both did it together. The person that you saw in the video, though, was Brandon Adams.

THE COURT: And he's the one that got the 40 months?

MS. MAKAREWICZ: He pled.

THE COURT: Yes.

And Hall was not in the video.

MS. MAKAREWICZ: I don't believe so.

THE COURT: I thought I did see Hall, but -- okay.

In any event, when did the criminal investigation --
I remember at the trial there was some evidence as to when the criminal investigations of Adams and Hall began. What year did they begin?

MS. MAKAREWICZ: One moment, Your Honor.
2013.

THE COURT: And what actions of defendant Sean Morton followed after that date?

MS. MAKAREWICZ: Well, it was the entirety of the bond scheme, Your Honor.

THE COURT: Entirety of the bond scheme commercial side.

MS. MAKAREWICZ: Yes.

THE COURT: But did Hall and Adams -- their teaching was limited to tax or other things?

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

MS. MAKAREWICZ: As far as we know, the tax and the bond schemes.

THE COURT: When you say "bond schemes," do you mean use of the bonds to pay $I R S$ debts or use of the bonds to pay debts other than IRS debts: The credit cards, mortgages, and so forth?

MS. MAKAREWICZ: Correct.

THE COURT: Correct what?

MS. MAKAREWICZ: The latter, Your Honor.

THE COURT: In other words, Hall and Adams advocated using the bonds for those purposes, too.

MS. MAKAREWICZ: Yes.

THE COURT: Following 2013, the evidence to trial
that was Morton used a bond scheme for the commercial purposes.
MS. MAKAREWICZ: Yes.

THE COURT: And during the trial, the IRS sent Morton any number of letters saying that his claims were frivolous, Sean correct?

MS. MAKAREWICZ: Yes.

THE COURT: With regard to -- Mr. Morton, can I ask you this question: Do you have any guess as to how many followers you had on your podcast? Is there any way to determine?

DEFENDANT SEAN DAVID MORTON: No. Is that
information going to be used against me if $I$ tell you?

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

THE COURT: It might.
DEFENDANT SEAN DAVID MORTON: It might be used against me?

THE COURT: Yes, yeah.
You don't have to answer.
DEFENDANT SEAN DAVID MORTON: It's an Internet radio
show; we have no real way of knowing.
THE COURT: Do you have any information in that
regard?
MS. MAKAREWICZ: We do, Your Honor. Twofold: One, Mr. Morton himself has stated that it's the number one radio show on the Internet and two, we --

THE COURT: What does that mean? I don't know what that means.

MS. MAKAREWICZ: That he has a large following himself.

THE COURT: When did he say that?
MS. MAKAREWICZ: Oh, in any number of his colloquies before this court. I recall many times where the defendant has stated that he is --

THE COURT: I seem to recall that too.
What about this YouTube that he made and when he didn't show up for sentencing?

MS. MAKAREWICZ: Yes.
THE COURT: Are there other YouTubes that he made?

MS. MAKAREWICZ: In the interim, not as far as the government is concerned, no. As far as the government knows, the only YouTube broadcast was -- between the time of sentencing and today was that one time.

THE COURT: So other than the fact that Morton has said he had a large following on his podcast --

DEFENDANT SEAN DAVID MORTON: Objection to that
because I didn't make the YouTube; I didn't post the YouTube. I did an interview with a woman, but $I$ didn't post it; I didn't put it up; it was all her.

THE COURT: I see.

MS. MAKAREWICZ: We have bank records --
THE COURT: Okay. But just let me ask you this:
This podcast, or Internet radio show, did those types of shows have any sponsors?

MS. MAKAREWICZ: No.

THE COURT: Is there any income generated from those shows?

MS. MAKAREWICZ: Perhaps it would go to the person who conducted the interview with Mr. Morton, as far as $I$ know.

THE COURT: But you don't have any more information about the radio show.

MS. MAKAREWICZ: We saw how many people were watching it while Mr. Morton was on.

THE COURT: How many?

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

DEFENDANT SEAN DAVID MORTON: Hundreds.

THE COURT: How did you observe that?

MS. MAKAREWICZ: I watched it myself, and you can see as you're watching how many -- the YouTube counts, how many viewers are watching the program, and I saw for myself how many people were currently watching this program with myself.

THE COURT: That was just one day?

MS. MAKAREWICZ: Yes.

THE COURT: You say there were hundreds.

MS. MAKAREWICZ: Yes, Your Honor. We also have bank records which we could provide, but it shows that the same amount of people also pay a monthly subscription to the Morgans to view their podcasts before Mr. Morton -- during his regular programming before and after the trial.

THE COURT: Then what can be gleaned from those records?

MS. MAKAREWICZ: In addition -- I don't have an exact number -- but $I$ know also hundreds of people pay him and his wife $\$ 4.95$ a month to get access to his Internet radio show.

THE COURT: Okay.

Just one moment.

Yes, there was one count as $I$ was reviewing the presentence report that $I$ couldn't clearly recall. It was something in your memorandum about a count dealing with the State Franchise Tax Board.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

How did that become a count in this case?

MS. MAKAREWICZ: We presented the bond. If the court
might recall, $I$ have the original bond delivered to us by the Franchise Tax Board, and we presented that. Mr. Morton also failed to pay his California state tax which stemmed from the false returns that he filed with the IRS, and the state was trying to recoup money from Mr. Morton, and he and Mrs. Morton submitted the bond, which we have the in original form, and we presented on cross-examination that bond to Mr. Morton, and he verified that it was indeed his signature and he had submitted it to the Franchise Tax Board.

THE COURT: But how does this court have criminal
jurisdiction over a claim to the state Franchise Tax Board?

MS. MAKAREWICZ: It's with respect to submitting a
false bond not to the 287 counts, it's just like him submitting a bond to the Contra Costa tax authorities.

THE COURT: You're saying that was part of the scheme
to defraud creditors of the --

MS. MAKAREWICZ: Yes.

THE COURT: -- victims in the bond scheme?

MS. MAKAREWICZ: Correct.

THE COURT: So the Franchise Tax Board was not
charged in a tax sense but as just a victim of a scheme.

MS. MAKAREWICZ: Another creditor, yes.

DEFENDANT SEAN DAVID MORTON: Again, objection, Your

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Honor, because in this case, once again, if the tax return from the IRS was erroneous and a computer error of theirs, then how can the California Franchise Tax Board, which based their supposed tax on erroneous refunds generated by a mistake in the computer according to the Internal Revenue Service, and at the same time, you know, Ms. Makarewicz keeps talking about how these were all fraudulently presented. They weren't. There was full disclosure in every single case where it's like, If this is unacceptable for any reason, please return it. Under California Accord and Satisfaction, under Novation and Accord, under Uniform Commercial Code Rules, and in the case of the California Franchise Tax Board, after the monetary instrument was submitted, not only did nobody return any of these, did nobody object, did nobody respond to our request for a legal letter of advise, but in this case, the California Franchise Tax Board sent back a letter that said, Oh, I'm sorry. It's a mistake. We've mistakenly assessed you. THE COURT: I understand. DEFENDANT SEAN DAVID MORTON: And then suddenly they turn around and said, Oh, well, now it's not a mistake. So, again, what am $I$ supposed to do as a reasonable person when they say, Okay, this is -- here's this fine or fee with no due process. We're just going to impose this on you. Then they turn around and said, No, it's our mistake. We're very sorry. Please use this letter to take off any liens or whatever else,
and them have them turn around and say, Oh, no, we changed our
mind again. It's not a mistake.

THE COURT: Ms. Makarewicz, does that count affect
any of the calculations in and of itself?

MS. MAKAREWICZ: It would because it would affect the
base offense level. It would drop it two points.
If you look at --
THE COURT: It seems unusual to me -- I'm not
prepared to say more than that now to charge someone with
making a false statement to a state agency as contrasted to a
false civilian, false document to a commercial entity. How
would you comment? Are you saying they're both just part of
the same scheme?
MS. MAKAREWICZ: They are but I just did the math
quickly, Your Honor, in taking the bond that Mr. Morton sent to
the California Franchise Tax Board and subtracted it from our
total and, it would not affect. It would still be the seven
plus 18. So you -- if you wish to --
THE COURT: All right. Let me see if I had any other
questions.
Mr. Morton, you wish to respond? If you do, you can
take the lectern.
DEFENDANT SEAN DAVID MORTON: Once again, Your Honor,
they're talking about damages. They're all imaginary. None of
them have it, and, you know, Oh, there's this amount and that
amount. Again, they can't even present the documents other than the California Franchise Tax Board and the state.

THE COURT: Let me ask you this. Answer this question.

DEFENDANT SEAN DAVID MORTON: Yes, sir.

THE COURT: When you say "imaginary," when these bonds were prepared, was it your hope that they would help these people who were in debt, losing their homes and so forth?

MS. MAKAREWICZ: That it would setoff, settle, and discharge a debt that they -- that was created by their signature -- $I$ mean, you know, we're in a bankrupt society. We're not dealing under gold and silver, you know, Article I, Section 10 of any Constitution. At the same time, their signature -- if you have any -- and you understand this because you know how the mortgage system works. When you sign a mortgage document, that signatures allows to them take it to the Federal Reserve window; the Federal Reserve then generates a credit, which is then extended to that person so it's their signature that creates that money into the existence in the first place, as it was my understanding; and so, therefore, by the monetary instrument, we had hoped to help people, setoff, settle, and discharge, you know, crushing debt. However, with the caveat that in every single case, these were sent with a stack of documents that went with it, none of which the prosecution presented, but a stack of documents that went with
it that said, number one, please have your attorneys respond if there's any problem with this; number two, here's a memorandum of understanding; number three, here's a self-addressed stamped envelope that said if you don't like for any reason, please mail it back book to us. And in no case -- well, in every single case we got all these excuses as to how, quote, "the bonds" got lost. We got everything from the dog ate it to the secretary destroyed to, Oh, we put it in a desk, and it got thrown out, to one person that said Bank of America said, Oh, well, we've wiped out this account, but we're going to give you a new number to pay. So none of them were returned, none of them. And by the way, there's no connection between what happened in 2008 with Brandon Adams and what happened, '9, '10, '11, '13, four years later, which, again, they're trying to link all this together because the tax stuff is beyond the statute limitations, which is three years and five years, and they didn't even come talk to us until six years later -- well, just under seven years later.

So by the way, frivolous is not criminal. Somebody sending you something that says this is a frivolous return is not criminal. In every single case when they sent us a frivolous from, we wrote them a letter back saying, Show us how it's frivolous, show us how we've done wrong. And, again, in dealing with these monolithic agencies, nobody wrote us back; nobody responded; nobody told us what to do.

And really at this point, Your Honor, I'm completely
lost here, and I'm beginning to realize that in this
proceeding, because all of my motions are being denied, and I'm
not capable of representing myself, and at this point I'm going
to have to ask -- request -- I put in four calls to different
attorneys, none of whom have showed up today: Jasmin Cader;

James Taylor; John Purdell. Of course, I've been in jail where
I'm having to have other people make calls for me, but I've
asked for representation.

THE COURT: One moment.

Paul.
(Discussion held off the record)

DEFENDANT SEAN DAVID MORTON: Again, I now realize after weighing through all this I'm not capable of representing myself, and I request either a federal defender -- have appointed to review so that $I$ can respond to this, because you've completely lost me. Again, $I$ have no -- I don't understand any of this, you know. How I'm being imprisoned with no injured party, with a complete violation of the Sixth Amendment; violation of the Fourth Amendment rights of everything they did wrong with the warrant, violation of the Fifth Amendment; violation of the Sixth Amendment. And I don't understand. Again, all of this was done with no culpability whatsoever. With all of my clear understanding of the law, the Ninth Circuit court has clearly said that culpability has to --

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
has to play into this somehow. So at that this point, I have to represent -- I have to request counsel because I have no idea what you guys are talking about, $91 s$ and 109 s and how this comes to that and the other thing, and I think $I$ have a right to presentation. So if $I$ could have an extension of this in my case -- and once again, I contacted Jasmin Cader, no response; James Taylor; no response; John Purdell, no response. I
thought one of them might have showed up today, but they're not here.

THE COURT: Okay.

I'm now going to proceed to sentencing.
DEFENDANT SEAN DAVID MORTON: Even though I've
requested counsel, sir?

THE COURT: Too late, Mr. Morton.

DEFENDANT SEAN DAVID MORTON: Too late?
THE COURT: I told you at the outset that you were making among the most foolish decisions you could possibly make by not having a lawyer, and $I$ don't know --

DEFENDANT SEAN DAVID MORTON: I'm requesting it now, sir.

THE COURT: -- how I could have been clearer or more
vigorous in my admonition. You proceeded to be your own lawyer
throughout the trial. You've now argued for an hour and 25 minutes, and now for the first time at sentencing you raise the
thought of perhaps you need a lawyer, and it's just too late.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

DEFENDANT SEAN DAVID MORTON: I'd like to be clear on the record that $I$ did --

THE COURT: You have made it clear.

DEFENDANT SEAN DAVID MORTON: This court is denying me the right to counsel?

THE COURT: Yes, I am, at this point.
Okay. We'll now proceed to sentence.
Pursuant to the Sentencing Reform Act of 1984, it is
the judgment of the court that the defendant, Sean David Morton, is hereby committed on counts one, two, three, six, seven, and nine through 32 of the first superseding indictment to the custody of the Bureau of Prisons to be prisoned for a term of 72 months. This term consists of 72 months on each of counts six, seven, and nine through 32 , and 60 months on each of counts one, two, and three of the first superseding indictment, all to be served concurrently.

Upon release from imprisonment, defendant shall be placed on supervised release for a term of five years. This term consists of five years on each of counts six, seven and nine through 32, and three years on each of counts one, two, and three of the first superseding indictment, all such terms to run currently under the following terms and conditions: One, defendant shall comply with the rules and regulations of the U.S. Probation Office and General Order 05-02; the

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
defendant shall apply all monies received from tax refunds to the outstanding court-ordered financial obligations. In addition, he shall apply all monies received from lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the court-order financial obligations; he shall truthfully and timely file and pay taxes owed for the years of conviction and shall truthfully and timely file and pay taxes during the period of community supervision; he shall not engage as whole or partial owner, employee or otherwise in any business involving the sale of financial instruments or provide debt relief services without the approval of the probation officer prior to engaging in such employment; he shall cooperate in the collection of a DNA sample; the drug testing condition is suspended; he shall pay a special assessment of $\$ 2,900$, which is due immediately; he shall pay restitution in the amount of $\$ 480,000--\$ 480,322.55$ to the IRS at the location set forth in the presentence report.

Restitution shall be due during the period of
imprisonment at a rate of not less than $\$ 25$ per quarter pursuant on the Bureau of Prisons' Inmate Financial

Responsibility Program. If any amount of restitution remains unpaid after release from custody, monthly payments shall be made in an amount equivalent to -- well, it's difficult to assess his financial condition.

Is there any information about what his financial

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
condition is?

MS. MAKAREWICZ: He didn't submit any to the probation report.

THE COURT: Well, I'll have to order that restitution be made in an amount that is no less than ten percent of his monthly earnings as determined by the probation officer.

The justification for the sentence is the court has consulted the guidelines and finds that the defendant is in criminal history category one, that the offense level is 30 , as previously discussed, or 29. In this case, given the sentence, it wouldn't make a difference.

DEFENDANT SEAN DAVID MORTON: What does any of that mean, sir?

THE COURT: And -- just one moment, Mr. Morton -- the court has considered the sentencing factors under Section 3553(a) of the of Title 18. First, the history and characteristics of the defendant. As the defendant has argued, he doesn't have a criminal history, some traffic violations, but nothing of significance. In terms of his history, he has benefited from an education, college graduate, and obviously came from a family of respect and accomplishment.

In terms of the need to impose the sentence, it is needed to reflect the seriousness of the offense. The tax system we engage in is a voluntarily tax system, and the conduct that the defendant has engaged in and has sponsored
could cause, and did cause, a serious disruption of that system. It's needed to promote respect for the law and to provide just punishment for the offense. It's also needed to detour others. While the number may be unknown, it is clear that this defendant has a following, and he is charismatic and not only could he cause disruption on his own account, but he has caused others to engage in fraudulent conduct, and the sentence is needed to deter others from engaging in such conduct. It's also needed to protect the public from further crimes of this defendant because based upon what is known to the court and what he has said, it appears that there's no contrition, and he remarkably would continue to engage in this type of conduct or a similar conduct. In the court's experience, that is that unusual. Even people who are engaged in serious frauds at least acknowledge the fraud and promise to make amends. Nothing of that has occurred here.

In terms of his culpability, the scheme, while outrageous, was also calculated, and there were many warning posts along the way. Given his background and experience, it was for the jury to determine, based upon all the evidence, whether it just was some kind of long-term farce or a calculated scheme to defraud. In my view, there was plenty of evidence for the jury to conclude the matter, and they did. And in terms of his wanting to help others, that may be true, but he also charged them $\$ 2500$ for preparing
absolutely phony documents, and the people he dealt with were desperate. One witness, Melinda Thompson, was that her name? MS. MAKAREWICZ: Linda Lavender.

THE COURT: Linda Lavender, she testified, and she was a real sad sack, and that was the type of person that he took advantage of; and in terms of the IRS, while he now claims that some of these documents were -- could easily be determined not to be real or imaginary, the IRS in its wisdom accepted one of them and gave him a $\$ 480,000$ tax refund, which he spent making movies and other things. So that is the least -- the lowest sentence the court thinks is available to serve the interest of justice. The guidelines were substantially higher; the government asked for a hire sentence, but that's the court's determination.

DEFENDANT SEAN DAVID MORTON: Request?

THE COURT: Yes. Yes, sir.

DEFENDANT SEAN DAVID MORTON: Request a lower based on community service or counseling of kids or working for groups like Better L.A. to be able to use my Ph.D in therapeutic counseling to be able to help others. Is it possible to now get a reduction of the sentence to include any kind of community service and counseling so $I$ could be of benefit to people out there? As I said, I was one of the people that helped start A Better L.A. with Pete Carroll; I did some great good in the Hoover-Adams area, gang members, Crips

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
and bloods. Reduced the murder rate there from 66 to zero, in helping kids and children at risk. So if there is a possibility of a release or probation based on community service or trying to use my talent and skills to help people, again, which is all I've ever wanted do, if that could be taken under consideration.

THE COURT: Well, I have considered that because I
always start with the necessity for jail as a first thought, and in this case, there just isn't available, although I hope that you will consider that type of work when you are released.

We'll now proceed to Melissa Morton.
Are there any remaining counts -- no, was convicted of all the counts. Okay.

MS. MAKAREWICZ: The defendant's right to appeal, Your Honor.

THE COURT: Yes, he has a right to appeal.

Okay. Let's turn to Melissa Morton.

THE CLERK: Yes, Your Honor.

MR. NAVARRO: Your Honor, can we do it from here since she is in a wheelchair?

THE COURT: She can sit there, but I want you to take the lecturn.

He can be here for her sentence

THE MARSHALL: Okay.

THE COURT: This is the time for sentencing of

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Melissa Morton.

Has the defendant read the presentence report?

MR. NAVARRO: She has, Your Honor.

THE COURT: And in terms of the guideline
calculation, how does her calculation differ, if at all, from defendant Sean Morton's? Can the government respond.

MS. MAKAREWICZ: With respect to -- there's three parts. May I take the lectern?

THE COURT: Yes. Let's do that first, Mr. Navarro, and then you ...

MS. MAKAREWICZ: Thank you, Your Honor.

With respect to the OID schemes, the defendant's base
offense level is 14. With respect -- the defendant was also convicted of conspiracy to defraud the government. So her offense level under Section 371 is raised to that of her co-conspirator. That would raise her offense level to a 26.

Regarding the 514 counts, the commercial bonds, Your

Honor, it's the same as defendant Morton, which is a 25.

THE COURT: Is her calculation a 28; is that what it

MS. MAKAREWICZ: Yes, because we did not obviously -enhancement.

THE COURT: That sentencing range is what again?

MS. MAKAREWICZ: Seventy-eight to 97.

THE COURT: Okay.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Mr. Navarro, if you would.

MR. NAVARRO: Yes, Your Honor.

THE COURT: And you wrote a thoughtful memorandum, and you also included letters, all of which I've read, and they paint a pretty clear picture of your client, at least as I read the letters.

MR. NAVARRO: I agree.
THE COURT: And if have you further thoughts and remarks, I'm prepared to hear them.

MR. NAVARRO: Just briefly, Your Honor. I won't go for an hour and a half; I promise.

When you appointed me on April 24 th of this year, the
first thing that $I$ did is I spoke to Mr. Brody; I received his
files, but more than anything $I$ wanted to review the trial
transcripts. I was looking to see if there was anything in the
trial transcripts that could be the basis for a motion for a
new trial. There really wasn't. It was -- it was a bizarre
trial, and you sat through it. It was really a bizarre trial.
My client did not testify. She had counsel present, and I
think Mr. Brody did everything he could to protect her.
THE COURT: I did, too. I thought, in a difficult
situation, Mr. Brody did an admirable job.

MR. NAVARRO: I agree.

So that leaves us now with a defendant who's facing sentencing for really $I$ think -- she's been in love with

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Mr. Morton for many years, since she -- I firmly believe that had she not met him, she wouldn't be here. She would have been in Utah raising a family, but she made choices herself and -THE COURT: That's life. You know, we're the victims of our choices, bad ones and the beneficiaries of the good ones.

MR. NAVARRO: Correct, Your Honor.

And, frankly, to be honest with you, when I -- as I went through the case, I was going to ask the court for a noncustodial sentence initially, but then my client did something that I wasn't surprised: She met up with Mr. Morton to watch the eclipse, and she knew she should have not have done that. But when I -- I wasn't surprised because I think she was going to follow him. That was my sentence. I tried to counsel her the best that I could. We met in my office numerous times. She has been in custody at a local jail with a bunch of other women offenders who are nothing like her, and that's unfortunately what happened with her, Your Honor.

My request to Your Honor is that you impose a sentence which takes into account not only what happened during the trial but everything about my client beforehand, and I think that that's significant. She is someone that was raised in a very simple home in Utah, raised by good parents who are still alive --

THE COURT: So was Mr. Morton. He had a mother who
ran for president of the United States and a father who was the chief communications officer for TRW.

MR. NAVARRO: Even that's -- I'm not surprised, Your

Honor, but Melissa Morton is here before you now, Your Honor, and what I'm asking Your Honor to do is impose a sentence which takes into account not only her conduct, the counts of conviction, but really who she is as a person and who she has been before all of this mess that she got herself into. I do believe that you're not going to see her here, you're not going to see her at any podcasting. There's not going to be any of that from her.

THE COURT: Well, I think that may be true. I'm not so sure about Mr. Morton, but with regard to her, I hope that is true.

But, of course, I can't ignore the fact that she, you know, was an active participant, and she moved the money, the $\$ 480,000$ tax refund. She helped prepare the template for those bonds. I mean, she wasn't just someone who took a piece of paper from one office to the other, but I do hear what you're saying.

MR. NAVARRO: Your Honor, my understanding is, again, having reviewed -- I'm doing a Monday morning quarterback here -- but $I$ know that before the trial, there was a really favorable offer to my client, which wasn't accepted, which is shocking to me that she would not have been pushed to accept
that misdemeanor offer, which $I$ believe was offered by the government.

MS. MAKAREWICZ: Your Honor, that's settlement negotiations that we engaged with counsel.

MR. NAVARRO: Again, Your Honor, I'm only referencing what I -- I wasn't there, I wasn't counsel, but, again -- and I don't want to disparage former counsel, but there was a great opportunity to resolve this case, and it wasn't done. I'm inheriting the case as it it. I would simply ask for Your Honor to take into account who my client has been and who I think she will be. Once she gets out of jail, you're not going to see her here on a violation. She's going to be on the straight and narrow. She has a long history of employment. She has paid her taxes on her own. She has a lot of support from family and friends. When she was incarcerated recently, she was taken from her apartment, and her friends really have come forward.

THE COURT: Well, there are quite a number of nice letters.

MR. NAVARRO: Yes, and they've really come forward in helping her with her cats, with her apartment, with a number of serious issues that she's having to deal with; and I don't think a significant jail sentence is required for her, Your Honor. She has a number of physical problems that she is going to have to deal with whether she is in or out of custody, but I
think you know enough about her to, I think -THE COURT: I do.

MR. NAVARRO: Thank you, Your Honor.
THE COURT: Does Ms. Morton wish to address the court?

MR. NAVARRO: If I could have a second, Your Honor. THE COURT: She can do so from the table if she wishes.

DEFENDANT MELISSA MORTON: Hi, Your Honor. I'm sorry. I'm very nervous, of course.

I just want to reiterate what $I$ wrote in my letter is very heartfelt, and $I$ am taking responsibility for my actions; they were my decisions. Yes, they were affected by other individuals, but $I$ am ultimately responsible for myself. And I do ask for some mercy and some leniency. I do ask for your forgiveness. I, as horrible as this experience has been, it has kicked me in the behind and got me back on my correct paths I need to be on, and I do believe there is a divine path, and I do believe that $i$ do have a bright future case, and as I mentioned in my letter, $I$ am very much looking forward to that, and today is the first day to begin that new future. I don't look at this as an ending, $I$ do look at this as repentance, a forgiveness, and a moving forward, and I very much -- I've also been a lover of laws. I've paid my taxes. I've always had great jobs. I have excellent skills. I would really love to

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
be able to counsel other woman to get out of potentially very destructive relationships and environments and have the courage to do that, which $I$ unfortunately did not do.

THE COURT: But how did you get on this path for so long? In other words, you started this path around 2007; isn't that right?

DEFENDANT MELISSA MORTON: I believe around 2008 when

I started attending expos and just going along with Mr. Morgan. Again, I'm not going to blame him --

THE COURT: But am $I$ correct that along the way, you had jobs?

DEFENDANT MELISSA MORTON: I've always had a job and usually multiple jobs. I particularly worked two or three jobs at a time.

THE COURT: Mr. Morton didn't.

DEFENDANT MELISSA MORTON: That is correct, and I
always filed my taxes, and I actually did file corrections for the years in question as well.

THE COURT: Yes.

DEFENDANT MELISSA MORTON: And I've always tried to do everything that $I$ knew correctly, and this is obviously very distressing and very upsetting. I've hurt many people. I've hurt my family. My father is 86; my mother is 81. I have broken their hearts --

THE COURT: You have a disabled sister, too.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

DEFENDANT MELISSA MORTON: Yes. And, actually, she had some tests last week which unfortunately did not come back very well. So she and I need each other. If there's any kind of mercy or leniency, $I$ really do want to go back to Utah to help my sister. I know you've read her letter. We've talked about going to church together and helping each other and being a support. I can actually stay with my parents and help them as well. And especially with winter coming up in Utah, there is a lot of things to do to prepare for that.

But $I$ do have amazing friends, a lot of them who
actually came all the way from San Diego to support me today, to be here, and I'm just so sorry to everybody. I'm sorry I've broken your hearts. I'm sorry I got away from my path. My decisions. I will take responsibility for it, and $I$ so sorry.

I cannot eternally enough say how truly sorry I am, and absolutely this would have never happened had I not met Mr. Morton, left my home of Utah, which is where I want to go back. Again, I'm very, very sorry.

THE COURT: Let me ask the government to give me their view. Is it you, Ms. Makarewicz?

My impression is that there is some truth to what Ms. Morton has just said. What she did can't be erased and there has to be a consequence, but there is truth to what she said, certainly in the difference between Ms. Morton and Mr. Morton. In other words, she hasn't said -- he said, but
she hasn't said that she was the dutiful wife and just obeyed. I mean, she is a person of education. She doesn't have a college, degree but she has gone to college, and she's skilled in a number of computer applications, and she's had responsible jobs. It's hard for me to understand how she came into this given her background, but then again that's not my job. But she was in this for a number of years. It wasn't just a little while. There were plenty of red flags along the way. And, I mean, the only way you can sort of rationalize it, if you can, is that she came under some sort of svengali-type influence of Mr. Morton. In other words, he charisma and self-assurance, which he has an abundance, just overwhelmed her, and she couldn't think her way out of it. On the other hand, she did maintain jobs throughout this. That always says a lot to me. In terms of looking at who is the real hardened criminal and who isn't, having a job goes a long way. You get up in the morning and you put on your clothes and you do a day's work. That says a lot to me about your makeup, and she did benefit, along with Mr. Morton, from the $\$ 480,000$ refund and some of the other funds.

The need for deterrence is not as great with her because I think the point is made with him. He's the one who's out there. In terms of being a recidivist, I'm not confident about him, but $I$ am confident about her.

So my intention is to show a rather steep difference

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
between the two. I'm not being soft-hearted about it, I'm just looking at the objective facts.

You don't have to speak to that.

MS. MAKAREWICZ: Obviously, to everybody present, there's a marked difference between the two defendants, but the the government brought the case against defendant Melissa Morton for a variety of important reasons: If it wasn't for her, the scheme -- the schemes would never have been perpetrated.

THE COURT: How so?

MS. MAKAREWICZ: She's the one who filed every UCC statement. Every bond was prepared by her; you saw it at trial. She communicated with most of the clients; she mailed every document; she notarized every document. She became a notary to safe on notary fees for this scheme. Mr. Morton may have reached a far audience in gathering all of the people who were desperate, but it was her who made it happen.

THE COURT: But weren't those roles more or less those of a functionary? In other words, were they critical? Could someone else have done them? She did them, and she has to own up to them, but it doesn't seem as though what you're describing was something that he could have gotten someone else to do.

MS. MAKAREWICZ: I suppose, but when everyone takes a look at Mr. Morton's sentence and everyone takes a look at

Mrs. Morton's sentence, or sentence to come, the government's very concerned on perpetuating an idea that if you come along with a fraudster and only do ministerial work and get convicted of the same crimes as the fraudster, that you'll be treated differently. I mean, the government isn't --

THE COURT: But you should be treated differently. I mean, there should be some distinction between someone who is an architect and someone who isn't. The person who helps the scheme ought to be punished, but there ought to be a difference, and if the public doesn't understand that, then the public is just not very sophisticated. I mean, everyone, I think, knows that that sentences are always different even in ordinary fraud schemes.

Well, we're not getting anywhere. You have a point of view, and I certainly respect that, but okay. Thank you, Ms. Makarewicz.

MS. MAKAREWICZ: Thank you, Your Honor.

THE COURT: Any legal cause why sentence should not now be imposed?

MR. NAVARRO: None, Your Honor.

THE COURT: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the court that the defendant, Melissa Morton, is hereby committed on counts one, four, five, eight, 33 through 56 of the first superseding indictment to the custody of the Bureau of Prisons for a term of 24 months.

This term consists of 24 months on each of counts Eight and 33 through 56, and 60 months on each of counts one, four and five of the first superseding indictment, all to be served concurrently.

MR. NAVARRO: Your Honor, I'm sorry. You were reading the sentence, but you referenced a 60-month prison term.

THE COURT: I said, "24 months."

MR. NAVARRO: You just said 60. I want to make sure the record is correct.

THE COURT: I didn't mean to say that. Then I should -- that should be 24 months.

MR. NAVARRO: Thank you, Your Honor.

THE COURT: Thank you for correcting me. That was the recommendation. It's not my sentence.

On each of counts one, four and five of the first superseding indictment, all to be served concurrently. Upon release from imprisonment, defendant shall be placed on supervised release for a term of five years. This term consists of five years on each of counts eight, and 33 through 56, and three years on each of counts one, four and five of the first superseding indictment. All such terms to run currently under the following terms and conditions: One, the defendant comply with the rules and regulations of the U.S. Probation Office and General Order 05-02; she shall apply all monies

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
received from tax refunds to the outstanding court-ordered financial obligation. In addition, she shall apply all monies received from lottery winnings, inheritances, and any anticipated or unexpected financial gains to the court-ordered financial obligation. She shall not engage as owner in whole or in part or as employee in any business involving the selling of financial instruments or providing services without the approval of the probation officer. She shall cooperate in the collection of a DNA sample. She shall pay a special assessment of $\$ 2800$, which is due immediately. She shall make restitution payments to the IRS at the address in the pretrial sentence report in the amount of $\$ 480,322.55$. Those payments shall be made after release from custody in an amount of about -approximately ten percent of her monthly earnings, as directed by the probation officer.

She has a right to appeal the sentence as -- did I
tell Mr. Morton he had a right to appeal the sentence?

MR. NAVARRO: Yes, Your Honor.

MS. MAKAREWICZ: Yes.

THE COURT: She has a right to appeal.

The justification for the sentence is -- it is a substantial deviation from the guidelines, and the court feels that that deviation is appropriate because the defendant did have a limited but important role in this scheme. The court does believe that she has seen the light, and based upon her

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
background, the fact that even during the scheme, she was hard working, unlike her co-defendant, and regularly employed, that she will again become a law-abiding person.

While a two-year sentence is less than what the guideline proposed, it is a significant sentence, especially for someone who has never been incarcerated, and it certainly is a shock, and I think does reflect the seriousness of the offense, and it does promote respect for the law. Just how much of a sentence is needed to promote respect for the law is debatable. The court certainly has considered the guidelines, and the sentence that the court imposed for Mr. Morton was much closer to the guideline range, but in this instance, it appears to the court that this sentence does reflect the seriousness of the crime, and it does punish her. I've considered other sentences available, and, in my view, a jail sentence is required and in my view this is the least punitive sentence the court could impose under all the circumstances.

That's the sentence.

MR. NAVARRO: Thank you, Your Honor.
(Proceedings concluded at 1:04 p.m.)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

C ERTIFICATE

I hereby certify that pursuant to Section 753, Title 18, United States Code, the foregoing is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Date: December 29, 2017
/S / $\qquad$
Deborah K. Gackle CSR No. 7106

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

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| \$25 [1] 51/19 | 2008 [4] 21/13 28/25 | 60-month [1] 67/6 | 10/16 11/24 12/2 <br> 13/16 18/5 32/25 | agree [3] 7/8 57/7 57/23 |
| \$2500 [1] 53/25 | /13 62/7 | 66 [2] 24/14 55/1 | actually [34] $6 / 117 / 1$ | Alexander [2] 28/15 |
| $\$ 2800[1]$ $\$ 4.95$ [1] $42 / 19$ | 2013 [2] 38/16 39/13 | 7 | 7/12 10/21 11/7 14/2 | 28/16 |
| \$470,000 [1] 21/20 | 2015 [1] 37/16 | 702 [2] 13/2 13/21 | 14/14 14/19 14/20 | alias [1] 19/7 |
| \$480,000 [4] 51/16 | 2016 [1] 22/24 | 7106 [1] 70/13 | 14/22 16/21 17/23 | alive [1] 58/24 |
| 54/9 59/17 64/19 | 2017 [3] 1/16 3/1 | 72 [2] 50/14 50/14 | 17/25 18/4 19/5 19/10 | all [84] |
| \$480,322.55 [2] 51/16 | 70/10 | 753 [1] 70/3 | 15 21/17 22/10 12 24/8 25/9 25/13 | all-capital [2] 5/ |
| 68/12 | 213 [1] 1/25 $64 / 467 / 2{ }^{\text {2 }}$ |  | 25/24 25/25 28/17 | allow [1] 34/11 |
| \$57,000 [1] 21/22 | 24 [4] 66/25 67/1 67/8 | 8 | 28/18 28/20 29/24 | lowed [1] 27/14 |
| \$7,000 [1] 21/24 $\$ 880,000[1] ~ 21 / 17 ~$ | $67 / 12$ | 81 [1] 62/23 |  | allowing [1] 27/12 |
| \$880,000 [1] 21/17 | 24th [1] 57/12 | 86 [1] 62/23 | 63/11 | allowing [1] $27 / 12$ <br> allows [1] 46/16 |
| \$9.5 [1] 36/8 <br> $\$ 9.5$ million [1] 36/8 | 25 [4] 34/6 34/24 49/23 56/18 | 8913 [1] 1/25 894-8913 [1] | Adams [14] 24/14 | almost [3] 18/23 |
|  | 26 [8] 34/25 35/21 | 9 | 37/15 37/21 37/24 | along [8] 6/20 |
| '10 [1] 47/13 | 36/12 56/16 | 90012 [3] 1/24 $2 / 9$ | 38/2 38/4 38/13 38/24 | 53/19 62/8 62/10 |
| '11[1] 47/14 | 27 [1] 34/13 | 2/16 | 39/10 47/13 54/25 | 64/19 66/2 |
| '13 [1] 47/14 | 28 [4] 27/22 31/3 | 91s [1] 49/3 | add [2] $34 / 535 / 22$ | already [1] 8/9 |
| '9 [1] 47/13 |  | 97 [1] 56/24 | ded [2] 36/12 36/22 | also [27] 3/14 |
| 1 | $\begin{gathered} 287[3] \\ 43 / 15 \end{gathered}$ | A | addition [3] 42/17 | /11 16/17 20/20 |
| /S [1] 70/12 | 29 [6] 34/21 36/19 | A.M [1] 3/2 | 51/3 68/2 additional [1] 36/5 | $\begin{aligned} & 21 / 821 / 2121 / 2426 / 9 \\ & 33 / 7 \text { 33/11 42/10 } \end{aligned}$ |


| A | $66$ |  | background [4] 24 | benefited [1] 52/20 |
| :---: | :---: | :---: | :---: | :---: |
| also... [10] 42/12 | an | as |  | Bernardino [1] 24/19 |
| 42/18 43/4 53/3 53/9 |  |  |  | best [1] 58/15 |
| 53/18 53/25 56/13 | 29/20 30/14 | 48/5 58/9 60/9 61/15 | bank [5] 21/24 29/2 | better [6] 14/19 24/12 |
|  | anyone [2] |  | 41/12 | 26/18 30/14 54/ |
| although [1] 55/9 | anything [9] 13/3 16/2 | asked [4] 12/4 25/19 | bankrupt [2] 22/3 | 54 |
| always [8] 24/655 | 16/15 17/3 17/5 17/6 | 48/9 54/ |  | een [8] |
| 61/24 62/12 62/17 | $\begin{gathered} 2 \\ \text { an } \end{gathered}$ | asking [3] 59/5 | bankruptcy [2] 22/6 | 41/3 47 |
| 62/20 64/14 66/12 | anywhere [2] 23/6 | assess [1] | banks [6] | beyond [2] 6/10 47/15 |
| 5/19 5/2 | 66/14 | assessed [1] 44/17 | 18/4 19/13 29/19 30/2 | bias [1] 8/11 |
| 12/16 26/24 30/15 | apartment [2] 60/16 | assessment [2] 51/15 | bar [1] 7/22 | biased [1] 8/ |
| 30/15 30/16 33/18 | 60/21 | 68/9 | base [14] 31/ | bizarre [3] 26/4 57/ |
| 33/20 44/21 50/7 | apolog | ASSISTANT [2] | 31/16 34/4 34/25 35/3 |  |
| 61/12 61/14 61/20 | appeal [5] 55/14 55/16 | 3/8 | 35/8 35/23 36/3 36 | Black's [1] |
| 62/10 | 68/16 68/17 68/20 | as | 36/21 37/5 45/6 56/12 | blame [1] 62/ |
| amazing [1] 63/10 |  |  | b | g |
| Ambassador [1] 14/3 |  |  |  | blessings [2] 28/1 |
| amendment [16] 7/10 | 2/1 | 11/9 14/2 14/17 18/5 20/5 20/9 22/12 23/24 | $\begin{aligned} & 15 / 12 \text { 26/9 44/3 53/10 } \\ & 53 / 2054 / 1755 / 3 \end{aligned}$ |  |
| 12/15 12/19 15/5 19/3 | appearing [2] 3/14 $5 / 18$ | 26/8 26/13 28/13 | $\begin{aligned} & 53 / 2054 / 1755 / 3 \\ & 68 / 25 \end{aligned}$ | oard [10] 42/25 43/4 |
| 19/22 20/11 25/7 25/8 | appears [3] 18/18 | 28/22 30/2 37/24 | basically [2] $24 / 2$ | 43/11 43/13 43/22 |
|  | 53/11 69/12 | 37/25 38/12 44/5 45/7 | 25/10 | 44/3 44/12 44/16 |
|  | application [ | /13 48/1 48/4 49/1 | basis [2] 8/16 57/ | 45/16 46/2 |
| America [3] 3/6 | applications [1] 64/4 | 49/16 49/24 50/7 | became [2] 15/22 | boats [1] 7/15 |
| $47 / 9$ | apply [5] 26/7 51/1 | /17 51/19 53/ | 65/14 | bond [22] 16/18 |
|  | 5 | /2 56/5 57/5 58/1 | because [42] 3/19 4/3 | 18/1 32/5 32/21 |
| amongst [1] 14/15 | appointed [2] | 61/2 | 8 9/6 | 3/22 34/24 38 |
| amount [21] 29/17 | 57/12 | 62/14 64/15 65/2 | 10/7 11/6 12/7 13/8 | 38/21 39/2 39/3 |
| $31 / 1531 / 2131 / 25$ | appropriate [5] 4/2 | /12 65/25 65/25 | 5/15 16/11 18/2 | 3/2 43/3 43/8 43 |
| 32/5 32/16 32 | 5/1 29/5 37/9 68/23 | 68/11 69/20 | 18/16 18/25 19/11 | 43/15 43/16 43/20 |
| 32/25 33/3 | approval [2] 51/12 | ate [1] 47 | 19/17 19/23 | 45/15 65/12 |
| 33/16 33/22 42/12 |  | attending [1] 6 | 23/10 25/25 26/1 | bonds [18] 6/7 17/ |
| 45/25 46/1 51/16 | approximately [1] | attorney [5] 2/6 3/9 | 26/10 31/10 33/24 | 17/13 17/16 18/2 18/4 |
| 51/21 51/23 52/5 | 68/14 | 9/4 23/13 26/8 | 34/8 35/11 41/8 44 | 31/23 31/25 32/ |
| 68/12 68/13 | April [3] 8/8 11/6 | attorneys [5] 2/8 7/21 | 45/5 46/14 47/15 48/3 | 33/14 33/25 39/4 39 |
|  | 57/12 | 16/14 47/1 48/6 | 48/16 49/2 53/10 55/7 | 39/11 46/7 47/7 56/17 |
| analogy [1] 17 | architec | audience [1] 65/16 | 56/21 58/13 64/22 | 59/18 |
| ANGEL [1] 2/ | are [26] 6/9 8/16 | audit [1] 11/12 | 8/2 | book [2] 28/9 47/5 |
| ANGELES [5] $1 / 15$ | 9/3 13/19 16/4 16/5 | authorities [1] 43/ | become [2] 43/1 69/3 | born [1] 20/ |
| 1/24 2/9 2/16 3/1 | 24/20 24/20 24/21 | authority [3] 5/17 5/22 | beforehand [1] 58/21 | both [5] 28/20 31/1 |
| answer [2] 40/5 46/3 | 25/14 25/14 32/15 |  | beg [1] 16/1 | 35/18 38/3 45/12 |
| anticipated [2] 51/4 | $\begin{aligned} & 40 / 2542 / 545 / 12 \\ & 45 / 1448 / 349 / 353 / 14 \end{aligned}$ | authorized [1] 7/1 <br> authors [2] 14/23 | $\begin{aligned} & \text { began }[3] 8 / 48 / 48 / 3 \end{aligned}$ | bound [1] 10/5 <br> Brandon [3] 28/14 |
| 68/4 | $55 / 1055 / 1258 / 17$ | authors [2] 14/23 $19 / 24$ | begged [2] 22/21 | Brandon [3] 28/14 $38 / 447 / 13$ |
| any [52] $5 / 247 / 119 / 1$ | 58/23 60/18 66/12 | autograph [2] 14/3 | $\begin{aligned} & \text { begged [2] } 22 / 21 \\ & 29 / 18 \end{aligned}$ | breach [5] 5/13 |
| $11 / 21 \text { 12/11 13/17 }$ | area [1] 54/25 | $14 / 6$ | begging [1] | $8 / 10 \text { 9/24 12/21 }$ |
|  | argued [3] 13/18 | available [3] 54/1 | begin [2] 38/14 61/2 | breadth [1] 27/17 |
| 24/15 24/15 25/16 | 49/23 52/17 | 55/9 69/15 | beginning [1] 48/2 | breaking [1] 21/7 |
| 29/8 29/15 | argument [2] 31/13 | away [1] 63/13 | behalf [2] 25/18 26/3 | briefly [1] 57/10 |
| 30/18 38/11 39/17 | 32/19 | awe [1] 14/25 | hind [1] 61/17 | ight [1] 61/19 |
| 39/21 39/22 40/8 |  | B | [1] 26/17 | bring [2] 22/23 |
| 40/18 41/15 41/17 |  |  | 1] $9 / 109 / 19$ | 1] |
| 41/21 44/9 44/13 |  | $15 / 10 \quad 16 / 2 \quad 16 / 1$ | 0/1 61/18 61/19 62/7 | Brody |
| 44/25 45/4 45/19 | $\begin{aligned} & \text { arrest [3] } / / 14 / / 19 \\ & 25 / 8 \end{aligned}$ | $16 / 16 \quad 17 / 3 \quad 18 / 318 / 20$ | $\begin{aligned} & \text { 60/1 61/18 61/19 62/7 } \\ & 68 / 25 \end{aligned}$ | $26 / 257 / 1357 / 20$ |
| 46/13 46/14 47/2 47/4 | Article [7] 11/17 11/18 | $22 / 122 / 2223$ | belong [1] 5/24 | $57 / 22$ |
| 48/18 51/4 51/10 | $\begin{gathered} \text { Article [/] } 11 / 1 / 11 / 18 \\ 15 / 20 \text { 15/20 29/7 29/8 } \end{gathered}$ | 24/23 29/19 29/21 | elonging [1] 7/15 | oken [4] 21/7 3 |
| 51/21 51/25 52/2 | $\begin{aligned} & \text { 15/20 15/20 29// } 29 / 8 \\ & 46 / 12 \end{aligned}$ | 29/22 29/22 44/16 | eficiaries [1] 58/5 | $62 / 2463 / 13$ |
| 52/12 54/21 55/12 | Articles [2] 14/24 | 47/5 47/22 47/24 | efit [3] 24/5 54/23 | brought [1] 65/6 |
| 59/10 59/10 63/3 | Aricles [2] 14/24 | 61/17 63/2 63/4 63/18 | 64/18 | BROWN [1] 2/6 |


| B | Carter [1] 1 | citizenship [1] 20/7 | commit [1] 5/24 | 11/8 52/15 55/7 69/10 |
| :---: | :---: | :---: | :---: | :---: |
| bunch [1] 58/17 |  |  | cc |  |
| burden [1] 9/7 | 13/4 13/8 13/10 13/21 | claim [15] 5/15 6/12 | common [4] 8/15 8/17 | consists [4] 50/14 |
| Bureau [3] 50/13 | 15/7 17/24 20/8 29/19 | $\begin{aligned} & \text { cla } 9 / 99 / 119 / 16 \\ & 8 / 24 \end{aligned}$ | 10/15 19/18 | $50 / 2067 / 167 / 20$ |
| business [2] 5 | 32/15 43/1 44/1 44/8 | 9/19 9/21 11/3 11/9 | communicated [1] | conspiracy [2] 18, |
| $68 / 6$ | 44/11 44/15 46/23 | 18/7 18/8 19/18 28/23 | 65/1 | 56/ |
| C |  |  |  |  |
|  |  |  |  |  |
| Ca |  |  | C |  |
| calculate [2] 35/6 35/7 calculated [2] 53/18 | $\begin{array}{r} \text { cases [6] } 19 / 122 \\ 20 / 320 / 420 / 828 \end{array}$ | clause [1] | companion [1] 30 | constitute [2] 12/1 |
| 53/22 | c | clear [6] 8 | company [2] 18/19 | 12 |
| calculation [15] 30/25 |  |  |  |  |
| 32/3 32/24 33/7 33/15 | ca |  | compla | [11] |
| 33/21 33/22 34/5 | cause [9] 3/20 4/4 | clearly [2] 42/23 48/25 | complete [2] 20/19 | 11/17 11/18 15/20 |
| 35/17 35/18 36/5 | 5/12 7/11 53/1 53/1 | clerk [1] 3/15 | 48/19 | 15/21 25/6 26/21 |
| 36/23 56/5 56/5 56/19 | 53/6 66/18 | client [6] 57/5 57/ | completely [6] 25/5 | 28/10 29/8 30/6 46/ |
| calculations [2] 31/17 | ca | 58/10 58/21 59/2 | /5 25/20 26/12 48 | constitutional [7] |
| 45/4 | caveat [1] |  | 48/17 | 3/20 9/7 12/12 12/21 |
| CALIFORNIA [31] $1 / 2$ | ceased [1] | clients [2] | comply [2] 50/24 | 1 26/22 27 |
| 1/15 1/24 2/9 2/16 3/1 | ceases [1] | closer [1] |  | nstitutionally |
| $7 / 7 \text { 7/14 7/19 7/22 }$ | CENTRAL [1] | clothes [1 | compound [1] 24/ | /14 18/14 |
| 8/15 8/16 | century [2] | co [4] 29/15 38/ | mputer [9] 11/3 | struct [1] 2 |
| 12/7 15/21 1 | certainly [5] | 16 | 14 | consulted [1] |
| 16/25 17/11 20/15 | 63/24 66/15 69/6 | co-conspirator [1] | 5/12 28/25 44/2 44 | contact [1] 19/8 |
| 27/4 27/6 27/7 29/8 | 6 | 56/16 | $64 / 4$ | ontacted [1] 49/6 |
| 43/5 44/3 44/10 44/12 | certify [1] 70/3 challenge [1] 20/16 | $\begin{aligned} & \text { co-consp } \\ & 29 / 15 \end{aligned}$ | $\begin{aligned} & \text { concerned [2] 41/ } \\ & 66 / 2 \end{aligned}$ | contacting [1] 19/7 contempt [4] 10/22 |
| 44/15 45/16 46/2 | Challenge [1] 20/16 challenged [1] 10/13 | co-defendant [1] 69/2 | 66/2 <br> conclude [1] 53/23 | Contempt [4] 10/22 $10 / 2310 / 2313 / 9$ |
| ca | chance [3] 20/11 34/1 | co-originators [1] | concluded [1] 69/2 | contest [1] 9/15 |
| calls [2] 48/5 48/8 |  | co- | concurrently [3] | continue [1] 53/12 |
| Cambian [1] 23/9 | change [1] 32/3 |  | 50/17 67/4 67/17 condition [3] 51/14 | ontra [2] 18/2 43/16 <br> ontracts [2] $8 / 624 / 1$ |
| came [12] 15/13 16/18 | changed [5] 6/5 6/6 $23 / 25 \text { 26/19 45/1 }$ | 27/9 28/10 28/10 31/4 <br> 44/11 70/4 | condition [3] 51/14 51/24 52/1 | contracts [2] 8/6 24/1 contrasted [1] 45/10 |
| $\begin{aligned} & 16 / 23 \text { 19/6 20/5 20/5 } \\ & 26 / 627 / 2352 / 21 \end{aligned}$ | characteristics | Coehlo | conditions [2] 50/23 | contrition [1] 53/12 |
|  | 52/17 | collection [2] 51/1 | 23 | conversation [1] |
| campaign [2] 14 | ch |  | conduct [7] 10/13 | 22 |
| $\left\lvert\, \begin{gathered} \text { campa } \\ \text { 26/19 } \end{gathered}\right.$ | charged [2] 43/23 | college [3] 52/20 64/3 | 52/25 53/7 53/9 53/13 | convicted [3] 55/12 |
| can [32] 5/1 5/20 5/23 | 53/25 |  | /13 59/6 | 56/14 |
| 6/12 8/24 11/22 12/11 | charges [3] | colloquies [1] 40/1 | nducted [1] 41/20 | conviction [2] 51 |
| $12 / 1112 / 1313 / 17$ | 20/18 20/18 | Columbia [6] 7/23 | Confederation [2] | 59/7 |
| 13/20 13/22 21/3 22/9 | charisma | 10/19 10/20 12/2 | 24 | cooperate [2] 51 |
| 23/24 24/2 25/17 29/7 | charismatic [1] 53/5 | 13/1 20/14 | onference [1] 70/8 | 68 |
| 39/20 42/3 42/15 44/3 | checked [2] 21/11 | come [11] | confident [2] 64/23 | copies [1] 18/1 |
| 45/21 48/16 | 2 | 18/1 19/21 28/1 47/1 | 4/24 | copious [2] 23/7 |
| 55/21 55/23 56/6 61/7 | checks [1] | 60/17 60/20 63/2 66/ | confiscated [1] 21/2 | 29/18 |
| 63/7 64/9 64/9 | chief [1] 59/ | 66/ | conformance [1] 70/7 | copy [1] 9/5 |
| can't [9] 23/6 23 | children [2] 20 | comes [6] 10/21 16/19 | conjectured [1] 10/12 | corporate [2] 3/12 |
| 26/11 26/12 26/12 | Chinese [1] 20 | 24/15 28 | connection [2] 10/ |  |
| 37/13 46/1 59/15 | choice [1] 20/10 | 49/4 | consecutively | corporation [1] 19 |
| 63/22 | choices [2] 58/3 58/5 chose [1] 20/12 | coming [3] 24/20 26/3 | consecutively [1] | $\begin{aligned} & \text { corpus [3] 13/12 } \\ & 13 / 1522 / 18 \end{aligned}$ |
| cannot [1] | Christian [2] 24/7 | mm | nse | correct [24] 31 |
| capable [2] | 27/23 | $45 / 12$ | 63/23 | 31/11 31/17 31/25 |
| $5 / 2130 / 16$ | church [1] 63/6 | commercial [11] 17/1 | consequences [3] | 33/7 33/16 33/18 34/6 |
| card [5] 16/5 17/20 | Circuit [2] 21/9 48/25 | /23 | 27/ | 4/11 34/13 35/4 |
| 17/21 29/13 29/24 | circumstances [1] | 35/ | consider [3] 18/11 | 5/13 39/7 39/8 39/18 |
| cards [1] 39/5 | $69 / 17$ | 39/14 44/11 45/11 | $20 / 2155 / 10$ | 43/21 58/7 61/17 |
| $\begin{aligned} & \text { Carroll [2] 24/12 } \\ & 54 / 24 \end{aligned}$ | $\begin{aligned} & \text { citizen [3] 20/2 20/10 } \\ & 20 / 12 \\ & \text { citizens [1] 20/13 } \end{aligned}$ | $\begin{aligned} & \text { 56/17 } \\ & \text { commission [2] 10/18 } \\ & 12 / 24 \end{aligned}$ | consideration [1] 55/6 considered [6] 4/16 | $\begin{array}{\|l} \text { 62/10 62/16 67/10 } \\ 70 / 5 \\ \text { correcting [1] 67/14 } \end{array}$ |



| D | 19/9 27/13 44/25 | 10/10 17/24 19/12 | 59/15 69/1 | $0]$ |
| :---: | :---: | :---: | :---: | :---: |
| domestic [2] 24/20 |  | 23/13 23/14 23/16 | factors [1] 52/15 facts [2] 8/965/2 | 30/24 46/20 49/24 |
| 27/4 | emergency [4] 6/21 <br> 6/22 6/23 12/10 | $\begin{aligned} & 23 / 1323 / 1423 / 16 \\ & 25 / 1327 / 129 / 19 \\ & 44 / 8 \end{aligned}$ | facts [2] $8 / 965 / 2$ failed [3] $5 / 1122 / 4$ | $\begin{aligned} & 30 / 24 \text { 46/20 49/24 } \\ & 50 / 1250 / 1650 / 22 \end{aligned}$ |
| domicile [1] 8/14 don't [29] 8/21 16/20 | employed [1] 69/2 | 46/23 47/5 47/21 | faled $43 / 5$ | 52/16 55/8 56/9 |
| don't [29] 8/21 16/20 18/15 18/24 18/25 | employee [2] 51/10 | 65/11 65/12 65/14 | failure [1] 8/24 | /21 66/24 |
| 19/1 19/1 19/1 19/2 | 68/6 | 65/1 | fairer [1] 33/21 | 67/16 67/22 |
| 19/14 19/15 21/18 | employment [2] 51/13 | everybody [3] 9/5 | fairly [2] 29/17 29/17 | first-hand [1] 9/1 |
| 25/17 27/16 30/9 | 60/13 | 63/12 65/4 | faith [1] 5/13 | five [10] 18/22 47/1 |
| 37/11 38/9 40/5 40/13 | ending [1] 61/22 | everyone [3] 65/24 | false [7] 9/11 9/19 | 50/19 50/20 66/23 |
| 41/21 42/17 47/4 | enforce [1] 17/13 | 65/25 66/1 | 43/6 43/15 45/10 | 67/16 67/ |
| 48/17 48/22 49/18 | enforcing [1] 16/21 | everything [16] 12/8 | 5/11 | /20 67/21 |
| 60/7 60/22 61/21 65/3 | enfranchised [1] | $13 / 818 / 1319 / 13$ 20/1 21/4 21/11 21/12 | familiar [1] 15/22 | fixed [1] 25/25 |
| donate [1] 15/25 |  | $21 / 421 / 1121 / 12$ $25 / 2125 / 2428 / 847 / 7$ | family [5] 24/13 52/21 | flags [1] $64 / 8$ |
| donation [1] 29/23 | engage [5] 51/952/24 <br> 53/7 53/12 68/5 | 25/21 25/24 28/8 47/7 <br> 48/21 57/20 58/21 | 58/3 60/15 62/23 <br> $\operatorname{far}[10] 11 / 219 / 19$ | Floor [1] 1/24 folks [1] 15/24 |
| ne [15] 12/8 19/25 | engaged [3] 52/25 | 48/21 57/20 58/21 | $\begin{gathered} \text { far [10] } 11 / 219 / 19 \\ 20 / 18 \text { 20/18 } 21 / 639 / 1 \end{gathered}$ | folks [1] 15/24 follow [1] 58/14 |
| //3 21/5 21/13 21/13 | engaged $53 / 14$ 60/4 | evidence [8] 7/11 | 41/1 41/2 41/20 65/16 |  |
| 26/21 26/22 | engaging [2] 51/12 | 12/17 18/5 26/2 38/12 | farce [1] 53/21 | followers [1] 39/22 |
| $\begin{aligned} & 147 / 23 \text { 48/2 } \\ & 360 / 865 / 20 \end{aligned}$ | 53/8 | 39/13 53/20 53/23 | fate [1] 27/16 | following [6] 39/13 |
| double 2 | Englis | ex[6] 3/17 3/18 4/1 | father [3] 28/14 59/1 | 40/15 41/6 50/23 53 |
| $\begin{aligned} & \text { uble } \\ & \hline / / 1 \end{aligned}$ | enhancement [2] | 4/2 9/2 20/22 | 62/ | 67/23 |
| gged [1] 25 | 5 | exact [2] 28/14 42/1 | fault [3] 15/10 17/4 | foolish [1] 49/17 |
| p [1] 45/6 | enough [3] 8/20 61/1 | exaction [2] 15/19 | 29/1 | forced [2] 13/7 23/2 |
| pped [1] |  | 29/7 | favor [1] 14/20 | forefather [1] 19/24 |
| gi [2] 25/2 51/14 | entered [1] 15/4 | exactions [2] 11/1 | favorable [1] 59/24 | foregoing [1] 70/4 |
| due [10] 3/21 4/5 5/15 | entirety [2] 38/19 |  | federal [17] $2 / 142 / 15$ | foreign [3] 20/15 27/3 |
| 6 9/10 9/18 44/22 | entities [1] 15/4 | exactly [1] 10/25 <br> examination [1] 43/9 | $\begin{array}{ll}10 / 16 & 10 / 18 \\ 12 / 2 / 22 \\ 17 / 11 & 17 / 14\end{array}$ | forever [1] $27 / 7$ |
| /15 51/18 68/10 | entitled [1] 70/6 |  | 19/19 20/13 20/16 |  |
| DUls [1] 24/21 | entitled [1] [1] 9/8 | example ing [1] 10/6 | 22/7 22/11 27/4 46/17 | forged [3] 9/119 ${ }^{\text {f/12 }}$ |
| ress [1] 8/19 | entity [2] 3/12 45/11 | excellent [1] 61/25 | 46/17 | forget [1] 14/10 |
| uring [7] 15/18 39/16 | envelope [3] 11/20 | except [1] $35 / 5$ | fee [1] $44 / 22$ | forgiveness [2] 61/16 |
| 13 51/8 51/18 | 29/21 47/4 | excess [1] $4 / 7$ | feel [2] 13/14 25/7 | 61 |
| dutiful [3] 25/17 25/18 | environments [1] | excuses [1] 47/6 | feels [1] 68/22 | form [3] 6/22 18/15 |
| $64 / 1$ | 62/2 | exemplary [2] $21 / 4$ | fees [1] 65/15 | 43/8 |
| duty [6] 5/13 7/6 8/10 | equivalent [1] 51/23 | 27/19 | feet [1] 24/23 | format |
| 8/10 9/24 12/12 | erased [1] 63/22 | exemption [1] 21/17 | felt [3] 14/16 15/24 | former [1] 60/7 |
|  | 11 | [1] $12 / 13$ | 25/ | forth [3] 39/6 46 |
| E | 11/13 15/11 15/12 | 8 | few [2] 14/12 37/7 | 51/17 |
| each [12] 17/14 50/14 | 18/17 29/1 29/2 44/2 | existence [1] 46/19 | fictitious [3] 10/24 | forward [4] 60/17 |
| 50/15 50/20 50/21 |  | expedited [3] 13/ | 15 | 60 |
| 63/3 63/6 67/1 67/2 | error [9] 5/13 11/3 | 13/15 22/18 | Fifth [2] 25/848/22 | 2/5 |
| 6767/20 67/21 |  | experience [3] 53/19 61/16 | [1] | found [3] 13/9 18/1 |
| nings [2] 5 |  | expos [1] 62/8 | 51/8 62/17 | four [7] 11/24 47/14 |
|  | errors [1] 24/2 | extended [1] 46/18 | filed [9] 4/13 5/15 27/1 | 48/5 66/23 67/3 67/ |
| easily [1] 54/7 | especially [3] 7/15 | extension [1] 49/5 | /13 28/17 31/1 43/6 | 67/21 |
| East [2] 2/16 24 |  | extent [1] 13/18 | 51 | Fourth [3] 7/10 25 |
| eclipse [1] 58/12 | even [21] 17/24 18/2 | F |  |  |
| Edition [1] 10/24 | 18/6 18/9 18/21 18/22 | face [15] 15/5 19/3 | $\text { film [2] } 18 / 1921 / 22$ | 42/25 43/4 43/11 |
| education [2] 52/20 64/2 | 19/6 19/7 22/3 22/5 | 22/20 22/21 25/10 | finally [1] 17/7 | 43/13 43/22 44/3 |
|  | 24/18 29/11 29/16 | 25/12 25/13 31/25 | financial [11] 51/2 | 44/12 44/15 45/16 |
| ght [4] 56/24 66/24 | 29/25 46/1 47/17 | 32/16 32/21 33/ | 51/5 51/5 51/11 51/2 | 46/2 |
| 37/2 67/20 | 49/12 53/14 59/3 | 33/2 33/14 33/22 | 51/24 51/25 68/2 68/ | franchisee [2] 3/1 |
| ghty [1] 37/6 | 66/12 69/1 | facetious [1] 12/6 | 68/5 68/7 | 27/1 |
| ghty-seven [1] 37 | event [1] 38/11 | facing [7] 16/3 16/3 | find [2] 23/6 29/25 | frankly [1] 58/8 |
| ther [4] 15/19 20/10 | ever [9] 14/4 14/5 24/3 | 22/21 25/3 25/3 25/11 | finds [1] 52/8 | fraud [3] 12/1 53/15 |
| /3 48/15 | 24/4 25/19 25/19 | 57/24 | fine [4] 5/23 22/2 | 66/13 |
| else [7] 17/20 17/21 | $\begin{aligned} & 26 / 2126 / 2155 / 5 \\ & \text { every [22] } 6 / 18 / 4 \end{aligned}$ | fact [7] 17/12 21/16 <br> 25/23 36/13 41/5 | $\begin{aligned} & 23 / 1544 / 22 \\ & \text { firmly [1] } 58 / 1 \end{aligned}$ | frauds [1] 53/15 fraudster [2] 66/3 |


\{DEFENDANT\}
\{DATE\}

| F | 65/ | 63 | 63 | 18/6 19/15 23/19 33/9 |
| :---: | :---: | :---: | :---: | :---: |
| fraudster... [1] 66/4 | government [18] | happening [1] 8/22 | here's [4] 10/16 44/22 | $34$ |
| fraudulent [1] 53/7 | 14/18 21/18 21/19 | hard [2] 64/5 69 | 47/2 47/3 | $41 / 2341 / 2542 / 242 / 4$ |
| fraudulently [1] 44/7 |  | hard | hereby [3] 50/11 | 42/4 42/5 43 |
| freedom [4] 11/4 15/8 | 26/18 30/21 30/22 | harm [1] 24/10 | 66/23 70/3 | 44/2 44/6 45/11 46/1 |
| 28/23 30/6 | 1/2 41/2 54/13 56 | harmed [9] 10/1 | heroin [3] 24/17 24/20 |  |
| friends [3] 60/15 | 56/14 60/2 63/19 65/6 | 10/21 12/23 15/6 19/5 | 25/2 | 48/18 49/3 49/21 56 |
| 60/16 63/10 | 66/5 | 22/19 22/22 25/13 | herself [2] 58/3 59/8 | 62/4 63/15 64/5 65/10 |
| frivolous [6] 22/2 |  |  | /9 | 69/8 |
| 39/17 47/19 47/20 | grandfather [1] | h | high [1] 24/1 | HUGHES [4] 2/7 3/9 |
| 47/22 47/23 | granted [1] 8/25 | 12/17 13 | high-risk [1] | 9/4 |
| frustrated [1] 1 | g |  |  | drs |
| full [4] 12/1 16/1 34/2 |  | 28/2 | [1] 2/ | /18 |
| full [4] 12/1 16/1 34/2 | 64/21 | 40/11 40/15 40/ | himself [3] 8/13 40/1 | t [4] 24/4 24/10 |
| ry | greater [2] 3 |  |  |  |
| funds [2] 15/25 64/20 | 12 | 52/7 52/15 52/ | hire [1] | band [1] |
| further [4] 13/5 13/7 | greatest [2] | 52/19 52/25 52/25 | his [22] 14/3 | pothetical [1] 10 |
| 53/9 57/8 |  |  |  |  |
| future [2] 61/19 61/21 |  | 59/7 60/10 60/13 | 42/13 42/18 42/19 |  |
| G | grown [1] 14/7 | 60/14 60/14 60/24 | 43/5 43/10 51/2 | 30/18 50 |
| GA | guarantee [1] 1 | 61/16 61/17 63/2 | 51/25 52/5 52/19 53 | I'll |
| 70/13 | guarantees [1] 12/21 | 63/23 64/3 64/12 | 53/17 53/19 53/24 | 14/12 33/10 34/1 34 |
| gains [2] 51/5 68/4 | guess [2] 18/20 39/21 | 65/20 68/16 68/2 | 57/1 | 52/4 |
| gang [1] 54/25 | guideline [6] | 68/25 69/6 69/10 | history [7] 37/1 37/4 | I'm [66] 3/11 3/22 5/18 |
| gathering [1] 6 | 37/2 37/5 56/4 69/5 | hasn't [2] 63/25 64/ | 52/9 52/16 52/18 | 8/1 9/18 10/5 |
| gave [3] 8/6 31/2 54/9 | 69/12 | have [110] | 52/19 60/13 | 8/25 19/20 |
| General [2] 50/25 | guidelines [7] 21/9 | having [6] 23/22 4 | home [6] 10/1 12/20 | 211 |
| 67/25 | 34/9 34/10 52/8 54/12 | 49/18 59/22 60/22 | 18/12 30/18 58/23 | 22/9 23/11 23/12 24 |
| ra | /10 | 64 | 63/17 | 24/10 25/3 25/11 |
| 11/13 41/17 44/ | guise [1] 10/2 | he'll [3] 27/24 27/25 | homes [1] 46/8 | 25/22 26/24 26/25 |
|  | guys [2] 18/23 49/3 | 27/25 | honest [1] 58/8 | 6/25 27/12 27/1 |
| et [22] 9/15 14/11 |  | h | Honor [53] 3/8 2 | 27/19 27/20 27/21 |
| 18/2 18/20 22/5 22/9 |  | 57/9 59/19 | 31/6 31/1 | 27/21 27/22 28/3 28 |
| 22/9 23/17 23/25 | habeas [3] 13 | heard [1] 9/6 | 32/8 32/13 33/19 | 30/7 30/10 31/6 |
| 24/23 28/20 29/19 | 13/15 22/18 | hearing [7] 3/22 | 33/24 34/12 35/10 | 44/16 45/8 48/1 48/2 |
| 33/15 34/23 36/1 | had [41] 9/10 9/18 | 13/5 13/11 13/15 | 35/14 36/4 36/25 | 48/3 48/4 48/8 48/1 |
| 37/18 42/19 54/21 | 14/2 14/13 | 13/22 19/16 | 37 | 18 49/114 |
| 62/1 62/4 64/16 66/3 | 17/23 18/8 19/7 20/4 | hearted [1] 6 | 39/9 40/10 42/10 44/1 | 57/9 59/3 59/5 59/12 |
| gets [3] 34/5 34/ | 20/6 21/10 21/23 | heartfelt [1] 61/12 | 45/15 45/23 48/1 | 59/22 60/5 60/8 61/9 |
| $60 / 11$ | 25/16 27/9 28/7 28/7 | hearts [2] 62/24 63/13 | 55/15 55/18 55/19 | 61/10 62/9 63/12 |
| getting [2] | 28/17 28/17 31/5 | held [2] 48/12 70/6 | 56/3 56/11 56/18 57/2 | 63/12 63/13 63/18 |
| [8] 11/22 | 31/12 31/25 32/6 | help [16] 14/18 16/4 | 57/10 58/7 58/18 | 64/23 65/1 65/1 67/5 |
| 16/1 29/22 34/1 34/2 | 32/17 32/20 33/2 | 24/17 26/18 27/20 | 58/19 59/4 59/4 59/5 | I've [41] 6/6 6/14 6/15 |
| $47 / 1063 / 19$ | 36/22 39/22 41/6 | 27/20 28/20 37/13 | 59/21 60/3 60/5 60/10 | 7/5 12/7 13/3 13/8 |
| n [4] 30/8 | 43/10 45/19 46/21 | 37/14 46/7 46/21 | 60/24 61/3 61/6 61/9 | 14/25 19/23 1 |
| 53/19 64/6 | 57/19 58/2 58/25 | 53/24 54/20 55/4 63/5 | 66/17 66/20 67/5 | 20/12 21/3 21/3 21/6 |
| gives [1] 7/ | 61/24 62/11 62/12 | 63/7 | 67/13 68/18 69/19 | 24/3 24/3 24/4 24/4 |
| gleaned [1] 4 | 63/2 63/16 64/4 | helped [2] 54/24 | HONORABLE [1] 1/5 | 24/6 24/10 24/11 |
| goal [1] | hair [1] 14/10 | 59/17 | Hoover [2] 24/13 | 4/19 24/22 24/25 |
| God [3] 27/24 | half [1] 57/11 | helping [3] 55/2 60/21 | 54/25 | 4/25 26/20 26/21 |
| $27 / 25$ | Hall [10] 37/15 37/18 | 63/6 | Hoover-Adams [1] | 8/7 48/8 49/12 55 |
| God's [2] 1 | 37/19 37/24 38/2 38/8 | helps [1] | 54/25 | 57/4 61/23 61/2 |
| gold [7] 11/16 | 38/10 38/13 38/24 | here [29] 7/21 9/2 | hope [6] 14/16 27/16 | /24 62/12 62/20 |
| 15/16 15/19 29/6 29/9 | 39/10 | 10/1 10/25 17/16 | 30/5 46/7 55/9 59/13 | 2/22 62/22 63/12 |
| 46/12 | hand [3] 9/1 27/15 | 17/25 18/10 20/7 | hoped [1] 46/21 | 69/14 |
| gone [3] 17/6 29/13 | 64/13 | 20/18 21/8 21/18 | horrible [1] 61/16 | idea [2] 49/3 66/2 |
|  | Hanson [1] | 22/19 23/13 25/14 | horrors [1] 30/10 | if [53] 3/15 5/16 6/1 |
|  | happen [1] 65/17 | 27/9 30/11 33/25 | horrors of [1] 30/10 | 7/21 9/20 9/21 9/25 |
| 54/25 58/5 58/23 | happened [8] 23/16 | 37/12 48/2 49/9 53/16 | Hotel [1] 14/3 | //21 14/11 16/2 |
| gotten [3] 17/6 28/17 | 29/23 30/147/13 $47 / 1358 / 1858 / 20$ | 55/19 55/23 58/2 59/4 59/9 59/23 60/12 | hour [2] 49/23 57/11 | 16/15 16/17 17/3 18/4 |


| I | inferior [1] 10/7 | $51$ | $43 / 13$ | Lama [1] 24/9 |
| :---: | :---: | :---: | :---: | :---: |
| if... [36] 25/17 27/23 |  | 11 |  |  |
| 27/24 27/25 29/12 | inform [4] 3/20 4/4 | IRS [33] 6/11 7/13 | 53/23 | arge [2] 40/15 41/6 |
| 29/12 29/19 31/12 | 5/11 12/3 | 7/18 9/14 11/3 11/8 | just [45] | 2] |
| 33/2 36/21 39/25 43/2 | information [11] 11/5 | 11/13 11/14 11/15 | 13/18 13/25 16/3 | late [3] 49/14 49/15 |
| 44/1 44/8 45/7 45/18 | 15/8 28/23 31/2 31/3 | 11/16 15/9 16/21 | 18/11 19/13 20/ | 49/25 |
| 45/19 45/21 46/14 | 31/11 31/12 39 | 18/ | 26/ | later [8] |
| 47/1 47/4 49/5 51/21 | 40/8 41/21 51/25 | 21/20 21/21 21/25 | 28/12 30/7 35/8 37/7 | 21/21 21/25 23/18 |
| 55/2 55/5 56/5 57/1 | informed [7] 4/6 4/8 | 25/24 25/24 28/10 | 37/9 37/14 41/13 42/7 | 47/14 47/17 47/18 |
| 57/8 57/15 61/6 61/7 | 6/15 7/5 12/16 12 | 28/18 28/22 31/24 | 42/21 43/15 43/23 | latter [1] 39/9 |
| 63/3 64/9 65/7 66/2 | 2/18 | 39/4 39/5 39/16 43/6 | 44/23 45/12 45/1 | Lavender [2] 54/3 |
| 66/10 | inheritances [2] 5 | 44/2 51/17 54/6 54/8 | 47/ |  |
| ignore [3] 12/11 12/ | 68/3 | 68/1 | 53/3 53/21 55/9 57/10 | [17] 5/22 |
| 59/15 | inheriting [1] 60/9 | issue [1] | 59/18 61/11 62/8 | 8/17 10/4 10/15 10 |
| ignored [5] | initially [1] 58/10 | issues [2] 6/9 60 | 63/12 63/22 64/1 64/7 | 12/12 19/18 21/7 2 |
| 13/9 23/24 25/6 | injunction [3] 6/23 | it [147] | 64/12 65/1 66/11 67/9 | 21/11 28/9 48/24 53 |
| ignoring [2] 8/9 19/13 | 12/10 28/19 | it's [32] 3/19 5/10 7/6 | 69/8 | 69/3 69/8 69/9 |
| illegal [4] 18/12 25/7 | injured [4] |  | justice [5] 6/25 7/4 | law-abiding [1] |
| 25/7 25/8 |  | 19/16 20/19 | /25 | lawfully [2] 10/10 |
| imaginary [7] 9/13 | injury [5] 8/25 10/11 | 36/7 40/6 40/11 43/14 | $\begin{aligned} & \text { Justific } \\ & 68 / 21 \end{aligned}$ | laws [9] 16/24 16/25 |
| 45/24 46/6 54/8 | 0/13 10/14 | $43 / 1544 / 844 / 16$ $44 / 20 ~ 44 / 24 ~ 45 / 2$ | K | $\begin{array}{ll} 17 / 10 & 17 \\ 11 \end{array}$ |
| immediately [3] 9/2 51/15 68/10 | instance [2] 17/14 | 46/18 47/23 49/25 | keep | 61/24 |
| immigrants [1] 20/5 | 69/12 | 51/23 53/2 53/3 53 | k | lawyer [4] 26/10 49/ |
| impartial [1] 8/ | instrume | 4/5 | Kennedy [2] | 49/25 |
| implacable [2] 25/3 | 9/12 9/20 11/2 | Item [1] 3/5 | kept [4] 21/19 21/20 <br> 26/11 29/4 | lead [1] 21/4 |
|  | instruments [11] 6/9 | itself [1] 45/4 | key [1] 20/4 | 54/10 57/5 69/16 |
| 68/24 | $11 / 20 \quad 11 / 2515 / 14$ | J | d [1] | leaves [3] 18/3 30 |
| impose [6] 5/23 44/23 | $15 / 23 \text { 16/8 16/9 29 }$ 29/25 51/11 68/7 |  | kids [4] 24/12 24/ 54/18 55/2 | lectern [3] 5/2 45/2 |
| $\begin{aligned} & 52 / 2258 / 19 \\ & 69 / 17 \end{aligned}$ | intended [5] 31/24 | jail [6] 48/7 55/8 58/16 | kind [5] 22/20 24/16 | $\begin{aligned} & \text { lectern [3] 5/2 45/2 } \\ & 56 / 8 \end{aligned}$ |
|  | 32/5 32/9 32/20 33/14 | 60/11 60/23 69/15 | 53/21 54/22 63/3 | lecturn [1] 55/ |
| imposed [2] $69 / 11$ | intention [1] 64/25 | JAMES [4] 2/7 3/9 | knew [4] 17/11 17/2 | left [1] 63/17 |
|  | intercourse [5] 13/6 | 48/7 49/7 | 58/12 62/21 | legal [4] 11/22 21/1 |
|  | 13/7 23/22 23/23 | Jasmin [2] 48/6 49/6 | know [56] 11/2 12/16 | 44/14 66/18 |
|  | 30/17 | Jimmy [1] 14/15 | 12/16 16/7 18/6 18/25 | legally [1] 25/21 |
| $\left.\right\|_{48 / 18} ^{\text {Impris }}$ | interest [2] 9/8 54/12 | job [4] 57/22 62/12 | 19/8 19/15 21/4 21/6 | leniency [2] 61/15 |
| imp | interesting [1] 23/2 | 64/6 64/16 | 21/6 21/10 22/4 22/19 | 63/4 |
| 50/18 51/19 6 | interim [1] 41/1 | jobs [6] 61/25 62/ | 9 22/20 23 | Lepkojus [1] 21/22 |
| $\begin{aligned} & x \\ & \text { in } \end{aligned}$ | Internal [9] 11/5 11/9 | 62/13 62/13 64/5 | 23/24 24/6 24/16 | less [5] 14/17 51/19 |
| inalienable [1] | 15/7 21/16 22/4 22/10 | 64/14 | 24/18 24/22 24/25 | 52/5 65/18 69/4 |
| incarcerated [2] 60/15 | 22/14 28/22 44/5 | Joe [1] 17/19 | 25/1 25/2 25/17 25/19 | let [6] 11/1 13/25 |
| $\begin{aligned} & \text { Incar } \\ & \text { a } \end{aligned}$ | Internet [4] 40/6 40/12 | John [3] 14/22 48/7 | 26/1 26/7 26/8 26/9 | 41/13 45/19 46/3 |
| include [3] 31/1 32/9 | 41/14 42/19 | 49/7 | 26/11 27/12 28/5 | 63/19 |
| 54/21 | interview [2] 41/9 | judge [6] 1/5 | 29/16 29/17 30/9 | let's [5] 23/15 23/1 |
|  | 41/20 | 7/17 17/17 23/1 26/16 | 30/12 30/15 39/1 | 35/8 55/17 56/9 |
| ng [1] | into [13] 7/14 7/19 | Judge Wilson [2] | 40/13 41/20 42/18 | letter [22] 5/20 11/5 |
| income [1] 4 | 16/18 21/17 22/17 | 23/1 26/16 | 44/6 45/25 46/1 | 11/7 11/8 11/22 15/9 |
| income [1] 4 | 30/5 46/19 49/1 58/20 | judges [1] 17/15 | 46/12 46/15 46/22 | 6/12 16/13 16/14 |
| ependence | 59/6 59/8 60/10 64/5 | judgment [2] 50/10 | 48/18 49/18 58/4 | 18/16 23/14 28/21 |
| $14 / 23$ | investigating [1] | 66/22 | 59/16 59/23 61/1 63/5 | 28/23 28/24 30/16 |
|  | 16 | judgments [1] 51/4 | knowing [1] 40/7 | 44/15 44/16 44/25 |
| indictment [9] 9/1 | investigation [1] | judicial [6] 13/4 13/10 | known [3] 3/12 21/22 | 47/22 61/11 61/20 |
| $30 / 1650 / 1250 / 17$ | 38/11 | 13/14 13/22 20/21 | 53/10 | 63/5 |
| 50/22 66/24 67/3 | investigations [1] | 70/7 | knows [2] 41/2 66/12 | letters [7] 3/13 23/7 |
| 67/17 67/22 | 38/13 |  | L | 23/8 39/17 57/4 57/6 |
| individual [1] 13/16 individuals [1] 61/14 ineffective [1] 26/7 | involved [2] 28/5 31/23 <br> involving [3] 31/3 | jurisdiction [10] 4/7 5/16 8/24 10/6 12/6 19/20 20/1 20/17 27/4 | L.A [4] 24/12 28/16 54/19 54/24 <br> labeled [1] 8/9 | level [24] 31/9 31/10 31/12 31/16 34/4 $34 / 2034 / 2535 / 335 / 3$ |


\{DEFENDANT\}

|  |  | 27/17 28/23 30/7 30/8 | MONDAY [4] 1/16 3/1 |  |
| :---: | :---: | :---: | :---: | :---: |
| Level...[15] 35/9 35/11$35 / 1235 / 2436 / 336 / 8$$36 / 936 / 2137 / 237 / 5$$45 / 652 / 956 / 1356 / 15$$56 / 16$ |  |  |  |  |
|  |  |  |  |  |
|  | lying [1] 1 | 龶 |  |  |
|  | M | 63/1 |  |  |
|  | mad [1] 18/20 |  |  |  |
| 1 | made [11] 8/19 23/1 40/22 40/25 50/4 | 64/14 64/18 67/14 mean [14] 7/25 10/11 | money [4] 18/20 43/7 | Mr. [32] 30/20 34/2 |
|  |  |  |  | 371831 21 |
|  | $51 / 2352 / 558 / 364 / 22$$65 / 17 \text { 68/13 }$ | $\text { 29/12 } 39 / 340 / 13$ | monies [4] 51/1 51/3 | 41/20 41/24 42/13 43/4 43/7 43/9 45/15 |
|  |  | 46/11 52/13 59/18 64/2 64/9 66/5 66/7 | 67/25 68/2 |  |
| lift [1] 24/11 | 65/17 68/13 <br> Magic [1] 21/24 |  | monolithic [1] 47/24 month [2] 42/19 67/6 monthly [4] 42/12 | 3/4 43/7 43/9 45/15 |
| 1] | mail [2] 29/22 47/5 mailed [1] 65/13 | $66 / 1167 / 11$ |  | 50 57/22 5 |
| 20] |  | 10/8 20/13 20/13 21/8 |  | 9/1 |
|  | mailed [1] $65 / 13$ mailing [1] 25/22 |  |  |  |
|  | maintain [2] 28/6 | 40/14 <br> meet [2] 12/12 14/2 | months [12] 23/17 | 3/25 64/11 64/19 |
| 26/4 30/18 43/15 |  |  | 37/20 37/21 38/5 <br> 50/14 50/14 50/15 66/25 67/1 67/2 67/8 | 5/15 65/25 68/17 |
| 47/4 50/2 | MAKAREWICZ [9] 2/7 |  |  |  |
| 44/8 $47 / 4$ |  | MELISSA [8] 1/9 2/12 55/11 55/17 56/1 59/4 65/6 66/23 |  | Mr. Brody [2] 57/20 57/22 |
|  |  |  | $\begin{aligned} & \text { 66/25 67/1 67/2 67/8 } \\ & 67 / 12 \end{aligned}$ |  |
|  | make [10] 27/14 34/1 |  | Morgan [1] 62/8 | Mr. Morgan [1] 62/8 Mr. Morton [27] 30/20 |
|  | 37/9 41/8 48/8 49/17 <br> 52/11 53/16 67/9 | 65/6 66/23 <br> members [1] 54/25 | Morgans [1] 42/18 |  |
| 38/25 68/2 |  | $\begin{gathered} \text { memorandum [5] } \\ 11 / 2330 / 2542 / 24 \end{gathered}$ | Mormon [1] 25/18 | 34/2 37/8 39/20 40/1 |
|  |  |  | morning [5] 3/8 6/20 6/24 59/22 64/17 | $41 / 2041 / 2442 / 13$$43 / 443 / 743 / 945 / 15$ |
|  | makes [1] 36/14 makeup [1] 64/18 | $\begin{aligned} & 11 / 2330 / 2542 / 24 \\ & 17 / 257 / 3 \end{aligned}$ |  |  |
|  |  | men [3] 14/5 24/20 | mortgage [3] 29/12 | 9/14 |
|  | makeup [1] 64/18 | $\begin{aligned} & 27 / 7 \\ & \text { mentioned [3] 31/1 } \end{aligned}$ | 46/15 46/16 <br> mortgages [2] 16/4 | 5/158/11 58/25 |
| lived [1] 14/5 | $\begin{aligned} & 49 / 1754 / 10 \\ & \operatorname{man}[11] 3 / 133 / 14 \end{aligned}$ |  |  | 6/25 64/11 64/19 |
| 91 | $\begin{aligned} & 3 / 204 / 45 / 1914 / 4 \\ & 14 / 719 / 2026 / 2527 / 5 \end{aligned}$ | mercy [2] 61/15 63/4 | $39 / 5$ | 65/15 68/17 69/11 |
| 5/19 19/20 24/8 |  | mess [1] 59/8 <br> met [6] 12/17 14/4 | MORTON [53] 1/9 1/10 2/12 2/20 2/22 | Mr. Morton's [1] 65/25 |
| 26/25 27/5 30/ |  |  | $3 / 63 / 133 / 224 / 13$ |  |
|  |  | $\begin{aligned} & 58 / 258 / 1158 / 15 \\ & 63 / 16 \end{aligned}$ | $\begin{aligned} & 14 / 2230 / 2034 / 237 / 8 \\ & 38 / 1739 / 1439 / 16 \end{aligned}$ | Mr. Navarro [1] 57/1 Mrs [1] 43/7 |
| location | managed [1] 17/25 <br> many [11] 8/9 39/21 |  |  |  |
|  | $40 / 19$ 41/23 41/25$42 / 442 / 442 / 553 / 18$ | Metal [1] 22/13 <br> Mexico [2] 14/14 <br> 14/20 | $39 / 2040 / 1141 / 5$$41 / 2041 / 2442 / 13$ | Mrs. [2] 23/9 66/1 <br> Mrs. Cambian [1] |
|  |  |  |  |  |
|  | 2/22 |  | 43/4 43/7 43/7 43/9 |  |
|  | $\underset{22 / 24}{\operatorname{March}[3]} 6 / 178 / 7$ | Middle [1] 24/7 <br> might [5] 17/16 40/1 | 45/15 45/21 49/14 50/11 52/14 55/11 | Mrs. Morton's [1] 66/1 |
| 61/22 65/25 65/25 |  |  |  |  |
| looking [5] 37/25 | marked [2] 4/13 65/5 <br> Marshall [1] 12/10 | 40/2 43/3 49/8 <br> mighty [1] 17/24 <br> million [1] 36/8 <br> millions [1] 17/22 | $55 / 1756 / 156 / 1858 / 1$$58 / 1158 / 2559 / 4$$59 / 15$ | Ms [2] 23/9 45/3 Ms. [6] 44/6 61/4 63/20 63/22 63/24 66/16 |
| 1/20 64/15 |  |  |  |  |
|  |  |  | 2/1 |  |
| looks [1] 17/18 |  |  | 63/17 6 /22 63/24 |  |
| [5] 1/15 1/24 2/9 | matter [8] $6 / 88 / 58 / 23$$15 / 217 / 1233 / 13$ |  | $\begin{aligned} & \text { 63/25 64/11 64/19 } \\ & 65 / 765 / 1566 / 23 \end{aligned}$68/17 69/11 | Ms. Makarewicz [3] 44/6 63/20 66/16 Ms. Morton [3] 61/4 |
| 3/1 |  | $\operatorname{mind}_{45 / 2}[3] 28 / 729 / 3$ |  |  |
| losing [1] 46/8 | matters [2] 4/25 32/15 | ministerial [1] 66/3 minutes [5] 6/3 6/5 |  |  |
| s [17] $31 / 1531 / 21$ |  |  | Morton's [3] 56/6 65/25 66/1 |  |
| 迷 $42 / 3$ 32/5 32/10 | Maureen [1] 11/11 maxim [1] 5/22 | 6/6 23/25 49/24 <br> miracle [1] 28/4 <br> miracles [2] 28/1 30/5 |  | 63/22 63/24 <br> much [7] 30/17 30/18 |
| 33/3 33/7 |  |  | most [4] 20/20 25/10 49/17 65/13 | 32/7 61/20 61/23 69/9 69/11 |
| 3/20 | may [8] 3/15 28/15 33/23 53/4 53/24 56/8 59/12 65/15 |  |  |  |
| 18 |  | miracles [2] 28/1 30/5 misdemeanor [1] 60/1 mistake [6] 23/18 44/4 | mother [3] 17/20 58/25 62/23 | multiple [2] 16/24 <br> 62/13 |
|  |  |  |  |  |
|  | maybe [2] 19/9 24/5 me [59] 3/20 4/4 5/11 | $\begin{aligned} & 44 / 17 \text { 44/20 44/24 } \\ & 45 / 2 \end{aligned}$ |  | murder [2] 24/14 55/1 myself [8] 20/1 28/4 42/3 42/5 42/6 48/4 |
| $47 / 48$ |  |  | motion [16] 3/18 3/18 4/2 4/2 6/16 6/17 6/20 8/8 9/2 13/3 13/8 |  |
|  | 9/19 9/23 10/1 10/2 | mistakes [1] 24/24 mixed [1] 37/18 |  |  |
| lot [7] 19/2 |  |  | $\begin{aligned} & \text { 13/21 20/20 20/22 } \\ & 22 / 1857 / 16 \end{aligned}$ | 48/15 61/14 mystery [2] 20/19 30/1 |
| $1464$ | 12/3 13/4 13/7 13/21 |  | tions [6] 13/13 |  |
|  | 13/25 20/19 21/23 23/14 23/19 23/23 26/2 26/2 26/7 26/11 26/13 26/19 27/12 | $\begin{aligned} & 38 / 1542 / 2148 / 10 \\ & 52 / 14 \\ & \text { monastery [1] } 24 / 8 \end{aligned}$ | 27/14 48/3 <br> motto [2] 14/17 26/19 <br> move [9] 5/10 6/4 6/5 |  |
| 25 61/25 |  |  |  | nail [1] 22/5 name [7] 5/2 |


| N |  |  | 0 | page [1] 70/6 |
| :---: | :---: | :---: | :---: | :---: |
| name... [5] 10/24 15/4 |  |  |  |  |
|  | $17 / 15$ 17/16 18/17 $21 / 23$ 24/9 25/16 |  | ordered [3] 51/2 68 | $60$ |
|  | $0 / 12 \text { 52/19 53/ }$ |  |  |  |
|  | $58 / 17$ | - | ordinary [1] 66/13 | paper [3] 17/18 |
|  | [ | officer [7] | organization [1] | 59/19 |
|  | 8/6 8/9 17/4 1 | 52/6 59/2 68 | 22/15 | erwo |
|  |  |  | $14$ |  |
| $\begin{aligned} & \text { NAVARRO [3] } 2 / 15 \\ & 56 / 957 / 1 \end{aligned}$ |  |  |  |  |
|  | fication | Oh [7] 40/18 4 | 21/16 22/24 43/3 43/8 | Ilel |
| necessity [1] 55/8 need [9] 9/6 9/22 | novation [3] 16 | 45/1 | originator [1] 38/1 | n |
|  |  |  |  | parents [2] 58/23 63/7 |
| $\begin{aligned} & \text { 27/20 32/15 49/25 } \\ & 52 / 2261 / 18 ~ 63 / 3 \end{aligned}$ |  |  | $3 \text { 26 }$ |  |
|  | 11/10 16/22 16/23 | 38/1 56/12 | 36/21 36/23 37/16 | 4/15 24/15 43 |
| $\begin{array}{\|l} 64 / 21 \\ \text { needed [7] } 8 / 13 \text { 52/23 } \end{array}$ | 22/17 29/2 29/2 39/17 | OID/tax [1] 35 | 38/25 39/5 39/10 | 45/12 68/6 |
| $\begin{aligned} & \text { 53/2 53/3 53/8 53/9 } \\ & 69 / 9 \end{aligned}$ | 40/11 40/18 42/18 | okay [26] 4/23 | 40/25 41/5 45/19 4 | parte [6] 3/1 |
|  | 47/1 47/2 47/3 47/ | 6/14 9/17 13/20 13/24 | 48/8 49/4 54/10 58/ | 4/2 9/2 20/22 |
| needs [1] 10/10 negotiations [1] 60/4 | 53/4 60/18 60/21 | 17/4 20/9 21/2 23/15 | 59/19 61/13 62/1 62/ | partial [1] 51/9 |
|  | 60/24 64/4 64 | 30/14 35/8 35/15 37 | 63/3 63/6 63/25 64/ | articipant [1] |
| Nepal [1] 24/8 nervous [1] 61/10 | numerous [1] | 38/10 41/13 42/2 | 4/13 64/20 65/19 | icularly [1] |
|  | 0 |  |  |  |
| never [15] 14/10 17/12 <br> 19/7 21/5 21/7 22/22 |  | 56/25 66/15 | 53/8 53/24 54/20 | arty [3] 13/12 13/ |
| 24/3 24/4 24/25 25/1 |  | old [1] 14/ | otherwise [2] 36/19 | 8/19 |
| 25/23 29/23 63/16 | 1] | omitted [2] |  | 's |
| 65/8 69/6 | obeyed [2] 16/11 64/1 | once [27] 3/1 | ought [2] 66/9 66/9 | [4] 61/18 6 |
| new [8] 13/5 14/14 | object [3] 33/ |  | our [14] 7/8 11/1 | 63/13 |
|  |  | 8/3 8/4 8/13 9/5 9/20 | 18/12 | ths [1] 61/17 |
| 47/11 57/17 61/21 | objected [1] 1 | 1/1 12/6 12/15 13/7 | 22/24 23/18 26/3 27/6 | aul [1] 48/11 |
| nice [1] 60/18 <br> nine [3] 50/12 50/15 | objection [2] 41/7 | /13 17/14 19/1 | /14 44/24 45/ | [12] 22/1 39 |
|  |  | 20/16 26/20 28/2 | 58 | 9/4 42/1 |
| $\begin{aligned} & \text { nine [3] } 50 / 1250 / 15 \\ & 50 / 21 \end{aligned}$ | objections [1] | 29/1 30/15 44/1 45/23 | out [20] 5/18 11/1 | 7/11 51/6 51/8 51/ |
| Ninety [2] 37/3 37/20 | objective [1] 65 | 49/6 60/11 | 5/2 21/18 22/3 24 | 1/16 68/9 |
| Ninety-seven [1] 37/3 | obligation [2] | one [54] 10/20 | 25/22 25/24 27/15 | payments [3] 51 |
| Ninety-six [1] 37/20 | 68/5 | 11/10 12/7 12/11 14 | 28/15 28/21 29/1 47/9 | 68/11 68/12 |
| Ninth [2] 21/9 48/25 nobody [6] 44/13 | obligations [2] 5 | 4/4 14/5 14/23 16/2 | 47/10 54/23 60/11 | ple [38] 7/7 |
|  |  | 17/17 18/1 19/6 19/12 | 62/1 64/1 | 11/25 12/7 14/16 |
| 44/14 44/14 47/24 | observ | 19/24 25/13 26/24 | 64/23 | 5/18 16/4 16/10 |
| 47/25 47/25 | obstruction [2] 3 | 27/20 28/ | outrageous [1] 53/1 | 9/14 22/22 24 |
| nonbiased [1] 13/4 nonculpability [1] | 17 | 28/22 29/2 30/13 3 | outset [1] 49/16 | 4/10 24/11 24/20 |
|  | obviously | 37/4 38/5 38/15 40/10 | outstanding [2] 51 | 4/21 26/5 26/6 26/ |
| 21/9 | /11 27/12 52/20 | 40/11 41/4 42/7 42/2 | 68/1 | 24 27/5 27/6 |
|  | 56/21 62/21 65/4 | 42/22 47/1 47/9 48/10 | over [15] 8/9 16/ | 8/20 29/13 41/23 |
| noncustodial [1] $58 / 10$ | occurred [2] 11/7 | 49/8 50/11 50/16 | 16/10 18/10 18/10 | 2/6 42/12 42/18 46 |
| nondomestic [1] | 16 | 50/21 50/24 52/9 | 18/10 19/3 19/4 19/2 | 6/21 48/8 53/14 |
|  | of a [1] | 2/14 54/2 54/8 54/23 | 19/23 19/23 25/12 | 4/23 54/24 55/4 |
| none [8] 10/9 30/11 | off [8] 15/16 16/ | 9/19 64/22 65/1 | 25/12 28/12 43/13 | 62/22 65/16 |
|  | 20 24/20 29/6 | 67/2 67/1 | overall [6] 32/5 32/1 | per [1] 51/19 |
| 45/24 46/24 47/11 | 12 44/25 48/ | 67/2 | /17 32/19 33/15 | rcent [3] 21/ |
| 47/11 48/6 66/20 <br> nonnegotiable [6] 6/2 | offenders [1] 58 | [1] |  | 68/14 |
| $\begin{aligned} & \text { 6/9 11/19 15/13 15/23 } \\ & \text { 29/10 } \end{aligned}$ | offense [32] 10/18 | ones [2] 58/5 58/6 | overwhelmed [ | perfect [2] 30/13 |
|  | 18 12/4 12/17 | only [13] 5/24 10/15 | 6 | 3 |
| nontax [1] 3 | 12/24 12/24 19/2 31/9 | 18/18 18/18 | 0 | fectly [2] 29/5 29/5 |
| North [1] 2/9 not [127] notarized [1] 65/14 notarizing [1] 25/22 notary [3] 25/21 65/15 65/15 |  | 退 |  | ps [2] 41/1 |
|  |  |  |  | 49/25 |
|  | $21$ | opinion [1] 11/ | owner [2] 51/9 68/5 | erpetrated [1] |
|  | $52$ | rtunity [5] 14/2 <br> 3 15/8 34/3 60 | P | $\begin{aligned} & \lg [1] 66 / 2 \\ & 5 / 24 \end{aligned}$ |
|  | 56/15 56/16 69/8 | opposed [1] 10/11 | p.m [1] 69/20 | 0/17 12/23 26/20 |


|  | $\begin{aligned} & \hline \text { powers [1] } 5 / 24 \\ & \text { practice [1] } 7 / 22 \\ & \text { prank [1] 23/4 } \\ & \text { prayer [1] 24/22 } \\ & \text { prayers [3] 27/21 28/1 } \\ & 30 / 4 \end{aligned}$ | produce [1] 18/5 production [2] 18/19 21/23 | $\begin{aligned} & \text { quickly [1] } 45 / 15 \\ & \text { quite [1] } 60 / 18 \\ & \text { quote }[4] 8 / 1510 / 17 \\ & 20 / 247 / 6 \end{aligned}$ |  |
| :---: | :---: | :---: | :---: | :---: |
| 2] |  |  |  |  |
| 30/16 38/4 41/19 |  |  |  |  |
| 44/21 46/18 47/9 54/5 |  |  |  |  |
|  |  | program [3] 42/5 42/6 |  |  |
|  |  |  |  |  |
| rsonal [2] 14 |  |  |  |  |
|  |  | pron |  |  |
| 2] |  |  |  |  |
|  |  |  |  |  |
| ase [2] 31/22 32/15 |  |  |  |  |
|  |  |  |  |  |
| 1] | pr | properly [1] | ] |  |
| 17/18 | 28/11 29/3 43/2 43/4 | property [3] 3/21 4/5 9/23 | 69/12 |  |
|  | pı | 9/23 <br> prop | rate [3] 24/14 51/19 $55 / 1$ |  |
| Pinches [1] 9/3 | PI |  |  |  |
|  |  |  |  |  |
|  | p |  |  |  |
|  |  |  |  |  |
| 18 6/19 |  |  |  |  |
| 8 12/8 18/16 18 |  |  |  |  |
|  |  | provided [2] | Reagan [6] 14/2 14/14 |  |
| $\text { please [10] } 3 / 7 \text { 11/22 }$ | p |  | 7 14/20 26/16 |  |
| 13 16/14 |  |  |  |  |
| 44/9 | pr | [ 2 |  |  |
|  | previously [1] |  | 21/24 40/7 54/5 54/8 |  |
|  | ] |  | 64/15 |  |
| ty [2] |  | 7/20 11/19 15/19 23/1 | realize [2] 48/2 48/13 |  |
|  | prison [ |  |  |  |
| 33/3 33/7 33/16 34/1 | 67/6 | 29/7 53/9 66/10 | 33/13 |  |
|  | prisoned [1] |  | 57/17 57/18 57/25 |  |
|  | Prisons [2] 5 |  | 9/7 59/23 60/16 |  |
| $\begin{aligned} & \text { cast } \mathbf{3} \text {. } \end{aligned}$ |  |  | 60/20 61/25 63/4 |  |
|  |  |  |  |  |
|  |  |  |  |  |
| point [14] |  |  |  |  |
| 21/18 28 | probable [1] | purposes [3] 31/23 |  |  |
| 29/1 29/16 4 | probably [2] <br> probation [9] |  |  |  |
| 48/4 49/1 50/7 64/22 |  |  |  |  |
|  | 5 |  | receive [2] |  |
|  | problem [2] 15 | put [14] 6/17 7/24 9/6 | ceived [5] 51/1 51 |  |
| $22 \text { 45/6 }$ |  | 18/11 19/4 19/4 19/5 | 57/13 68/1 68/3 |  |
|  |  |  |  |  |
| On | proceed [4] 10/10 | 41/10 47/8 48/5 64/17 | recidivist [1] 64/23 |  |
| sibility [2] |  |  | mendation [1] |  |
|  | pI |  | record [28] 4/10 4/11 |  |
| $23 / 1654 / 21$ | 4/3 4/6 12/14 48/3 | q | 4/14 4/16 4/19 5 |  |
| possibly [2] 1 |  |  | 3 |  |
|  | 4/7 5/22 9/2 12/5 |  |  |  |
|  | 20/23 69/20 70/ |  | 1 |  |
|  |  | 9/21 46 | /18 1 |  |
| TASHN | process [10] |  | 21/5 23/1 48/12 50/3 |  |
| tentially [1] $62 / 1$ wer [1] 5/18 | $\begin{aligned} & 28 / 1428 / 17 \text { 29/9 } \\ & 44 / 23 \end{aligned}$ | $\begin{aligned} & \text { 27/11 27/13 30/2 } \\ & 37 / 745 / 20 \end{aligned}$ | $\begin{aligned} & \text { records [3] } 41 / 12 \\ & 42 / 1142 / 16 \end{aligned}$ |  |


| R | 12/ | say [14] 13 | sense [1] |
| :---: | :---: | :---: | :---: |
| requested [2] 28/19 | 19/3 21/3 23/8 26/15 | $40 / 17 \text { 42/9 44/22 45/1 }$ | $11 / 1411 / 1511 / 20$ |
|  | 35/19 36/24 45/19 | 45/9 46/6 63/15 67/11 | 11/21 11/23 18/1 |
| requests [1] 11/24 | 49/4 50/6 55/14 55/16 | saying [13] 5/6 8/8 | 23/14 29/20 39/16 |
| require [3] 5/21 8/4 | 62/6 68/16 68/17 | 11/22 19/16 20/9 29/4 | 44/16 45/15 46/23 |
| $\begin{gathered} \text { requ } \\ 9 / 8 \end{gathered}$ | $68 / 2$ | 35/22 35/25 39/17 | 47/2 |
| $\begin{aligned} & \text { required [2] 60/23 } \\ & 69 / 16 \end{aligned}$ | 25/7 25/8 25/14 26/23 | 59/20 | 5/1 50/8 52/7 52/10 |
| requirements [1] $7 / 10$ | 27/8 48/20 | says [10] 12/17 12/22 | 52/22 53/8 54/11 |
| rescind [2] 8/7 8/8 | ri | 23/18 |  |
| rescinded [5] 6/1 6/4 | role [1] 68/ | 27/23 28/22 47/2 | 58/10 58/14 58/ |
| 6/7 8/4 8/6 | roles [1] 65/18 | 64/14 64 | 59/5 60/23 |
| rescissions [1] 23/25 | roled [1] | scheme [24] | 66/1 66/18 67/6 67/15 |
| Reserve [2] 46/17 | Ronald [3] 14/2 26/16 | 33/6 33/7 33/10 33/10 | 68/11 68/16 68/17 |
| 46/17 | 30/7 | 34/25 35/6 35/17 | $8 / 21$ 69/4 69/5 69 |
| resolve [1] 60/8 | rookie [1] 17/2 | $35 / 18$ 38/1 38/20 | 69/11 69/13 69/15 |
| respect [11] 14/25 | rookie-year [1] 1 | 38/21 39/14 43/1 | 69/16 69/18 |
| 31/7 43/14 52/21 53/2 | root [1] | 43/20 43/23 45/1 | sentenced [2] 37/ |
| 56/7 56/12 56/13 | RPR [1] 1/23 | 53/17 53/22 65/8 | 37/19 |
| 66/15 69/8 69/9 | Rule [1] 8/13 | 65/15 66/9 68/24 69 | sentences [2] 66/12 |
| respond [8] 23/8 34/3 | R | schemes [8] 34/9 |  |
| 37/8 44/14 45/21 47/1 | [8] |  |  |
| 48/16 56/6 | 8/16 21/14 21/15 44/11 50/24 67/24 | 56/12 65/8 66/13 schools [1] 14/15 | 4/20 40/23 41/4 49/11 $49 / 2450 / 952 / 15$ |
| responded [6] 13/3 23/11 23/14 23/14 | run [2] 50/23 67/22 | scope [1] 27/17 | 55/25 56/23 57/25 |
| 23/16 47/25 |  | SE [1] 2/22 | 66/21 |
| response [5] 13/17 |  | sealed [1] 7/9 | SENTENCINGS [1] |
| 37/10 49/6 49/7 49/7 | sa | SEAN [10] 1/9 2/20 | 1/18 |
| responsibility | safe [1] 65/15 | 6 3/11 3/1 | SEPTEMBER [2] 1/16 |
| 14/18 26/18 51/21 | safe [1] 65/15 safety [1] 16/6 | 38/17 39/18 50/10 | 3/1 |
| 61/12 63/14 | $\begin{aligned} & \text { safety [1] } 16 / 6 \\ & \text { said [52] } 6 / 188 / 711 / 9 \end{aligned}$ | 56/6 searc | $\begin{aligned} & \text { serious [3] } 53 / 153 \\ & 60 / 22 \end{aligned}$ |
| responsible [3] 11/12 | 12/10 13/3 13/8 14/6 | second [2] 2/16 61/6 | seriousness [3] 52/23 |
| restitution [5] | 14/8 14/11 14/11 | Secret [1] 16/20 | 69/7 69/13 |
| $\left\lvert\, \begin{array}{r} \text { restitution } \\ 51 / 1851 / 21 \end{array}\right.$ | 16/12 16/13 16/14 | secretary [1] 47/8 | serve [2] 7/8 54/11 |
| 68/10 | 16/17 17/2 17/1 | Section [12] 10/22 | served [3] 50/17 67/4 |
| result [2] | 17/17 17/18 19/3 | 11/17 11/18 15/20 | 67/17 |
|  | 19/16 21/25 22/13 | 15/21 29/7 29/8 31/4 | service [14] 11/5 11/9 |
| $11 / 10 \text { 11/13 11/21 }$ | 22/16 23/4 23/6 23/7 | 46/13 52/15 56/15 | 15/7 16/20 21/16 22/4 |
|  | 23/15 23/25 25/24 | 70/3 | 22/11 22/14 24/16 |
| $\begin{aligned} & 11 \\ & 15 \end{aligned}$ | 26/16 27/9 29/19 30/4 | see [9] 27/25 38/10 | 28/22 44/5 54/18 |
| 21/13 21/16 21/19 | 35/16 41/6 44/16 | 41/11 42/3 45/19 | 54/22 55/4 |
| 21/13 21/16 21/19 | 44/20 44/24 47/1 47/4 | 57/15 59/9 59/10 | services [2] 51/11 |
| 25/23 28/24 44/1 44 | 47/9 47/9 48/25 53/1 | 60/12 | 68/7 |
| 44/13 47/20 | 54/23 63/22 63/24 | seem [3] 22/25 40/21 | session [1] 6/24 |
| returned [5] 16/19 | 63/25 63/25 64/1 67/8 | 65/21 | set [3] 15/23 29/5 |
| $17 / 4 \text { 17/12 29/25 }$ | 67/9 | seems [3] 8/11 25/5 | 51/17 |
| 47/11 | sale [1] 51/10 |  | setoff [5] 15/18 23 |
| returns [2] 28/20 43/6 | same [10] 23/23 26/8 28/14 31/17 42/11 | seen [1] 68/2 | 29/4 46/9 46/21 |
| Revenue [9] 11/5 11/9 $15 / 7$ 21/16 22/4 $22 / 10$ | $44 / 645 / 1346 / 13$ | $\text { self [4] } 11 / 20 \text { 29/21 }$ | 46/9 46/22 |
| 22/14 28/22 44/5 | 56/18 66/4 | 47/3 64/1 | settlement [3] 23/3 |
| review [7] 13/4 13/10 | Sa | self-addressed [3] | 29/4 60/3 |
| 13/14 13/22 20/21 | San [2] 24/1] 63/11 |  | seven [16] 18/23 |
| 48/16 57/14 | San Diego [1] 63/11 | self-assurance [1] | 31/13 31/16 34/4 35/3 |
| reviewed [2] 7/10 | SANDRA [1] 2/ | 64 | /9 35/16 35/22 |
| 59/22 | satisfaction [3] 17/1 |  | 37/3 37/6 |
| reviewing [1] 42/22 | satisfaction [3] 17/1 | $\begin{aligned} & \text { send [6] } 15 / 2516 / 1 \\ & 16 / 1517 / 322 / 22 \end{aligned}$ | $\begin{aligned} & \text { 47/18 50/12 50/15 } \\ & 50 / 20 \end{aligned}$ |
|  |  | $\begin{aligned} & \text { 29/20 } \\ & \text { sending [1] } 47 / 20 \end{aligned}$ | Seventy [1] 56/24 <br> Seventy-eight [1] |

56/24
shall [24] 3/21 4/4 4/8 27/7 50/18 50/24 51/1 51/3 51/6 51/7 51/9 51/13 51/14 51/16 51/18 51/22 67/18 67/25 68/2 68/5 68/8 68/9 68/10 68/12
shape [1] 18/15
she'd [1] 17/21
shock [1] 69/7 shocking [1] 59/25 should [11] 4/2 4/24 31/12 31/24 32/20 58/12 66/6 66/7 66/18 67/12 67/12
show [11] 22/18 24/23
40/7 40/12 40/23
41/14 41/22 42/19
47/22 47/23 64/25
showed [2] 48/6 49/8
shows [4] 24/10 41/14
41/18 42/11
shut [1] 25/10 side [2] 30/14 38/22 sign [1] 46/15
signature [4] 43/10 46/11 46/14 46/19
signatures [1] 46/16 signed [4] 7/16 7/17 9/13 14/22
significance [1] 52/19 significant [3] 58/22 60/23 69/5
silent [1] 23/10 silver [6] 11/17 15/15 15/19 29/6 29/9 46/12
similar [1] 53/13
simple [1] 58/23
simply [5] 22/25 25/21
28/18 29/20 60/9
since [4] 13/2 23/23 55/20 58/1
single [11] 17/24
19/12 23/11 25/13
29/19 29/24 29/24
44/8 46/23 47/6 47/21
sir [16] 4/10 4/15 4/17
5/7 5/8 14/9 18/5
36/11 36/18 36/20
36/25 46/5 49/13
49/20 52/13 54/16
sister [2] 62/25 63/5
sit [3] 25/10 25/14 55/21
situation [1] 57/22 six [9] 23/17 31/10 31/16 35/23 37/20 47/17 50/11 50/15 50/20
sixth [8] 12/15 12/18 15/5 19/3 25/11 35/12

| S | Standard [1] 15/ | 44 | $33$ |  |
| :---: | :---: | :---: | :---: | :---: |
| $22$ | standing [4] 10/9 10/9 | submitted to [1] 18/6 | tank [4] 27/21 27/22 | 16/12 $21 / 1$ |
|  |  | submitting [3] 29/1 | 27/22 27/23 | 23/9 24/23 |
|  | Stanford [1] 2 | 43/14 43/15 | tax [38] 6/9 11/2 11/10 | 24/23 27/15 28/1 |
| slaughterh | start [7] 3/25 | subscription [1 | 11/13 15/9 21/13 | 29/11 29/20 29/18 |
| $20 / 320 / 8$ | 35/2 35/2 35/8 54/2 | 42/12 | 23/17 23/17 33/6 35/5 | 9/25 30/1 37/18 45/1 |
|  | 55/8 | subsequent [1] 11/24 | 35/12 35/17 36/1 | 45/1 45/25 46/16 |
| society [1] 46/11 | started [5] | substantial [2] 9/7 | 36/10 38/25 39/1 | 7/11 47/12 47/2 |
| $\text { soft [1] } 65 / 1$ |  | 68 | 42/25 43/4 43/5 43/ | /8 5 |
| soft-hearted |  |  | 3/2 |  |
| soil [1] 20/7 | 8 |  | 43/23 44/1 44/3 44/4 | 5/20 |
| some [18] 23/2 | 8/15 8/24 15/21 | subtracted | 44/12 44/16 45/16 | selves [1] |
| 27/15 27/16 30 | 17/14 20/12 20 | such [4] 5 | 46/2 47/15 51/1 52/23 | theory [1] 12/12 |
| 37/25 38/12 52/18 |  | 53/8 67/22 | 52/24 54/9 59/17 68/1 |  |
| 53/21 54/7 54/25 | 43/6 43/13 45/10 46/2 <br> stated [3] 15/9 40/11 | suddenly [1] 44/19 sue [3] 10/9 10/23 | taxes [5] 51/6 51/8 $60 / 1461 / 2462 / 17$ | 54/20 therefor [1] 27/5 |
| 61/15 61/15 63/2 | stated [3] 15/9 40/11 40/20 | sue [3] 10/9 10/23 $10 / 23$ | [2] 48/7 49/7 | therefor [1] $27 / 5$ therefore [2] 20/16 |
| 63/21 64/10 64/19 66/7 | statement [2] 45/10 | sum [1] | teach [2] 26/21 26/22 | 46/20 |
|  | 65/12 | superior [1] | teaching [1] 38/24 | these [16] 7/21 16 |
| 19/9 27/9 47/19 | statements | superseding | ed [2] 21/21 21/2 | 7/12 18/22 19/12 |
| som | states [24] | 50/16 50/22 66/2 | teeth [1] 22/7 | /14 29/20 |
| someone [10] 10/2 | 2/6 2/8 2/8 3/5 3/9 7 | 67/3 67/17 67/22 | tell [3] 24/3 39/25 | 4/7 44/13 46/6 |
| 22/19 45/9 58/22 | 7/4 9/14 14/9 15/ | supervised [2] 50 | 68/17 | 46/23 47/6 47/24 5 |
| 59/18 65/20 65/22 | 15/15 15/17 16/17 | 67/19 | telling [2] 26/11 27/18 | they'll [1] 25/23 |
| 66/7 66/8 69/6 | 19/4 20/2 20/11 26/23 | supervision [1] | template [1] 59/1 | they've [1] 60/20 |
| something [6] | 26/24 31/3 59/1 70/4 | support [3] 60/14 63/7 | ten [4] 14/1 37/19 | thing [7] 22/6 23/1 |
| 28/5 42/24 47/20 | 70/8 | 63/11 | 68/14 | 26/12 27/23 37/12 |
| $58 / 1165 / 22$ | statute [3] 6/ | suppose [1] | tenacious [1] 22 | 49/4 57/13 |
| sophisticated | 47/16 | supposed [4] 10/4 | term [10] 50/14 50/14 | things [7] 16/ |
|  | statutes [1] | 22/7 44/4 44/21 | 50/19 50/20 53/21 | 25/22 33/24 38/25 |
|  | stay [1] | supposedly [3] 8/21 | 66/25 67/1 67/7 67/1 | 54/10 63/9 |
| 23/9 23/11 31/6 44/16 | StealCove [1] 22/12 | 15/6 33/25 | 67/19 | think [32] 4/2 |
| 44/24 61/10 63/12 | steep [1] 64/25 | supremacy [1] | terms [16] 31/21 32/4 | 11/11 14/4 15/5 16 |
| 63/12 63/13 63/14 | stemmed [1] 43/5 | Supreme [8] 6/22 7/3 | 37/24 50/22 | /8 16/9 16/9 18/1 |
| 63/15 63/18 67/5 | stenographically [1] | 7/4 12/9 20/3 20/9 | 50/23 52/19 52/22 | 21/7 21/17 26/10 |
|  | 70/5 | 22/12 22/13 | 53/17 53/24 54/6 56/4 | 8/13 32/7 33/21 37/9 |
| sounds [1] | STEPHEN [1] $1 / 5$ | sure [5] 22/9 25/3 | 64/15 64/23 67/22 | 7/19 49/4 57/20 |
|  | Steven [3] 26/1 26/ | 27/15 59/13 67/ | 67/23 | 57/25 58/13 58/22 |
| $8 / 1426 / 2326 /$ | 26/2 | surprised [3] 58/11 | territory [1] 20/14 | 9/12 60/11 60/23 |
|  | still [3] 28/6 45/17 | 58/13 59/3 | testified [1] 54/4 | 1/1 61/1 64/13 64/ |
|  | 58/24 | suspended [1] | testify [2] 22/10 57/19 | 66/12 69/7 |
| 25/9 25/17 65/3 | stock [1] 25/1 | svengali [1] 64/10 | testimony [1] 9/1 | thinks [1] 54/11 |
| speaker [1] 24/1 | stole [1] 21/2 | svengali-type [1] | testing [1] 51/14 | hirty [1] 34/22 |
|  | stop [1] | 6 | tests [1] 63/2 | this [152] |
| speaks [1] 30/21 | stopped [1] 26/13 | SVW [2] 1/8 3/5 | Thank [10] 3/23 30/19 | Thompson [1] 54/2 |
| special [2] | stopping [2] 26/1 | system [5] 25/3 46/15 | /20 56/11 61/3 | those [15] 5/24 25/ |
|  | store [1] 27/16 | 52/24 52/24 53/2 | 66/15 66/17 67/13 | 27/20 27/20 28/4 |
|  | straight [1] 60/13 |  | 67/14 69/19 | 28/20 32/23 39/1 |
|  | strawman [2] 3/12 |  | that's [21] 10/25 15/3 | 41/14 41/17 42/15 |
|  | 5/20 | table [3] 5/2 35/7 61/7 | 16/22 22/19 23/20 | 59/17 65/18 65/1 |
| spent [3] 18/19 24/18 | Street [3] 1/24 2/9 | tables [1] 35/5 | 23/20 23/21 35/11 | 68/12 |
|  | 2 | taken [2] 55/5 60/1 | /12 36/7 36/10 | ough [3] 38/4 49/12 |
|  | studied | takes [4] 58/20 59/6 | 36/17 37/12 54/13 | 65/21 |
| sponsored [1] 5 | studies [1] 24/7 | 65/24 65/25 | 58/4 58/18 58/22 59/3 | thought [13] 14/3 |
| sponsors [1] 41/1 | stuff [3] 19/14 25/1 | taking [3] 27/17 45/15 | 60/3 64/6 69/18 | 18/13 21/11 21/12 |
|  | 47/15 | 61/12 | their [18] 5/22 15/10 | 28/6 28/8 32/13 35/16 |
|  | subject [3] 6/8 8/5 | talent [ | 24/23 24/24 26/22 | 8/10 49/8 49/25 5 |
| $\mathbf{S}$ |  | 4] 5/16 27/2 | 28/24 29/1 | 7/21 |
| 29/21 47/3 | submit [2] 3/15 5 |  | 4 38/24 42/13 | oughtful [1] 57/3 |
| stand [4] 9/15 19/4 | submitted [9] 7/1 | talked [3] 15/17 23/3 | 44/3 46/8 46/10 46/13 | thoughts [2] 37/14 |
| 19/5 22/10 | $\begin{aligned} & 16 / 1216 / 2418 / 618 / 7 \\ & 21 / 1443 / 843 / 10 \end{aligned}$ | 63/5 talking [5] 33/24 | $\begin{aligned} & \text { 46/18 62/24 63/20 } \\ & \text { theirs [1] } 44 / 2 \end{aligned}$ | 57/8 <br> thousands [1] 20/6 |


|  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| $\begin{aligned} & \text { three [14] 6/15 7/1 } \\ & 16 / 716 / 1018 / 2247 / 3 \\ & 47 / 1650 / 1150 / 16 \\ & 50 / 2150 / 2256 / 7 \\ & 62 / 1367 / 21 \end{aligned}$ |  |  |  |  |
|  |  |  |  |  |
|  |  | 8/21 16/20 18/14 |  |  |
|  | $\begin{aligned} & \text { tried [7] 22/3 24/3 } \\ & 24 / 424 / 624 / 1058 / 14 \\ & 62 / 20 \end{aligned}$ | $\begin{aligned} & 8 / 21 \quad 16 / 2018 / 14 \\ & 18 / 15 \quad 18 / 24 \quad 19 / 1 \quad 19 / 1 \end{aligned}$ |  |  |
|  |  |  | V | watch [1] 58 |
| through [16] | truly [1] 63/15 truth [3] 27/19 63/21 | 37/11 44/18 46/14 | vacate [4] 3/19 4/3 9/2 |  |
|  |  | 48/18 48/23 64/5 | VALERIE [3] 2/7 3/9 |  |
|  |  |  |  | way [21] 12/22 15/24 |
| 57/18 58/9 66/24 |  |  | 23/2 value [4] 17/22 17/23 | $\begin{aligned} & 18 / 1522 / 2523 / 11 \\ & 23 / 1625 / 428 / 12 \end{aligned}$ |
|  |  |  |  |  |
| throughout [3] 26/17 49/23 64/14 |  |  |  | 28/15 32/3 39/22 40/7 |
|  | $\text { try [6] } 24 / 224 / 11$ | $\begin{aligned} & 8 / 2011 / 2419 / 22 \\ & 23 / 2146 / 2047 / 3 \\ & 48 / 2459 / 21 \\ & \text { understood [2] } 15 / 16 \end{aligned}$ | Van [2] 20/2 20/8 | 7/12 47/19 53/19 |
| throw [1] 17/21 thrown [1] 47/9 | $\begin{aligned} & 24 / 2324 / 2326 / 21 \\ & 26 / 22 \\ & \text { trying [8] 16/4 27/19 } \end{aligned}$ |  | variety [1] 65/7 various [1] 24/1 venue [1] 9/8 | $\begin{aligned} & \text { 62/10 63/11 64/8 64/9 } \\ & 64 / 1364 / 16 \end{aligned}$ |
|  |  |  |  |  |
| Thurgood [1] 12/10 |  |  |  | $\begin{aligned} & \text { waylaid [1] } 6 / 23 \\ & \text { ways [1] } 24 / 24 \end{aligned}$ |
| time [22] 4/12 4/20 |  | understood [2] 15/16 21/15 | verified [2] 8/25 43/10 verify [1] 5/20 |  |
|  | turn [6] 20/3 2 | unenfranchised [1] 5/19 | versus [2] 3/6 22/12 | We'll [2] 50/8 55/11 <br> we're [16] 10/20 12/25 |
|  |  |  | $29 / 1830 / 1730 / 18$ |  |
|  | 55/ | 68/4 |  | 15/14 16/3 22/1 22/21 |
| 41/4 44/6 46 | Twenty [1] 35/23 <br> Twenty-six [1] 35/23 | unfortunately [3]$58 / 1862 / 363 / 2$ | 44/24 58/23 61/10 | 25/3 33/24 33/25 <br> 44/23 44/24 46/11 |
|  |  |  | $\begin{aligned} & \text { 61/12 61/20 61/23 } \\ & 62 / 162 / 2162 / 2263 / 3 \end{aligned}$ |  |
|  |  | 4 17 |  | $\begin{aligned} & 46 / 1247 / 1058 / 4 \\ & 66 / 14 \end{aligned}$ |
| times [4] 6/15 7/ | two [23] 11/10 | 28/10 44/11 | 63/18 63/18 66/2 <br> 66/11 |  |
|  | 28/15 29/2 31/3 32/1 | UNITED [22] 1/1 1/23 |  | 22/19 24/21 25/13 |
| Title [2] 52/16 70/4 | 32/23 3 | 2/6 2/8 2/8 3/5 3/9 7/3 | viable [1] 16/6 |  |
| Title 18 [1] 70/4 | 34/18 36/12 36/13 | $\begin{aligned} & 7 / 49 / 1314 / 815 / 1 \\ & 15 / 1415 / 1716 / 17 \end{aligned}$ | victim [4] 10/16 12/23 | 4/17 47/10 47/23 |
| today [6] 28/4 4 | $\begin{aligned} & 36 / 1640 / 1245 / 647 / 2 \\ & 50 / 1150 / 1650 / 21 \end{aligned}$ |  | 32/17 43/23 <br> victims [3] 31/25 | 3/5 |
| 48/6 49 | 50/11 50/16 50/21 | $\begin{aligned} & 15 / 1415 / 1716 / 17 \\ & 19 / 420 / 220 / 1031 / 3 \end{aligned}$ | $43 / 2058 / 4$ | website [2] 16/1 |
| together [3] |  | 59/1 70/4 70/8 | video [2] 38/4 38/8 <br> videos [1] 37/25 | week [1] 63/2 |
|  |  |  |  |  |
|  |  |  | W [6] 42/13 53 | weighing [1] 48/14 well [40] $3 / 185 / 35 / 10$ |
|  | 55/10 |  | 3/20 66/15 69/15 |  |
|  |  |  |  | 4/11 14/11 15/21 <br> 7/2 17/8 17/15 17/17 |
|  |  |  | wers [1] 42/5 |  |
|  | $\begin{aligned} & \hline \text { U.S [8] 11/17 15/20 } \\ & 20 / 720 / 1028 / 1029 / 8 \\ & 50 / 2567 / 24 \end{aligned}$ |  | vigorous [1] 49/22 | 17/18 21/25 23/6 23/7 |
|  |  | unusual [2] |  |  |
|  |  | 53/14 | violates [1] $15 / 5$ | /5 32 |
|  |  | upon [9] 8/24 9/7 13/7 | violation [5] 48/19 | 7/13 38/19 44/20 |
|  | U.S.C [4] 10/21 12/2213/2 13/21 | $\begin{aligned} & 23 / 2350 / 18 \quad 53 / 10 \\ & 53 / 2067 / 1768 / 25 \end{aligned}$ | $\begin{aligned} & \text { 48/20 48/21 48/22 } \\ & 60 / 12 \end{aligned}$ | $51 / 2352 / 455 / 759 / 12$ |
|  |  |  |  |  |
|  | UCC [2] 27/8 65/11 ultimately [1] 61/14 | upsetting [1] 62/22 us [24] 7/8 7/19 11/22 | violations [1] 52/18 violence [1] 24/21 violent [1] 25/1 | $\begin{aligned} & \text { 60/18 62/18 63/3 63/8 } \\ & 66 / 14 \end{aligned}$ |
| 36/23 45/17 |  |  |  |  |
| totality [1] 3 | ultimately [1] 61/14 unacceptable [1] 44/9 | 15/24 15/25 18/3 19/7 19/8 22/5 22/6 23/7 |  |  |
|  | unbiased [3] 13/11 |  | Void [15] 3/19 4/3 5/11$7 / 6 \text { 8/23 9/2 10/22 }$ | $\begin{aligned} & 17 / 13 \text { 26/10 28/18 } 46 / 9 \\ & 46 / 24 \text { 58/95 } \end{aligned}$ |
|  | 13/14 20/21 | 28/11 29/14 29/2229/23 43/3 47/5 47/17 |  |  |
|  | u |  | $11 / 1411 / 1512 / 11$ | weren't [4] 29/11 34/9 |
|  |  | 47/21 47/22 47/23 | $\begin{aligned} & 12 / 1312 / 1412 / 19 \\ & 12 / 2120 / 22 \\ & \text { voided [1] } 25 / 24 \\ & \text { voluntarily [1] } 52 / 24 \end{aligned}$ | 44/7 65/18 |
| $7 / 155$ |  | $\begin{aligned} & 47 / 2447 / 2557 / 24 \\ & \text { USA [1] } 1 / 6 \\ & \text { USC [1] } 24 / 14 \\ & \text { use [8] } 9 / 817 / 19 \\ & 31 / 2339 / 439 / 444 / 25 \\ & 54 / 1955 / 4 \end{aligned}$ |  | what [67] 4/23 7/13 <br> 8/20 9/5 10/25 11/23 <br> 12/17 13/18 14/6 <br> 14/10 14/16 16/3 <br> 16/20 17/5 17/15 <br> 17/23 17/23 18/11 <br> 18/25 19/2 19/15 <br> 20/12 20/17 20/21 <br> 21/18 22/19 23/16 <br> 25/7 25/19 26/13 30/1 |
|  | 7/18 7/21 8/15 8/19 |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
| [2] 1 |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  | 28/11 29/6 29/7 3 | 35 | 61/11 63/4 63/17 67/9 |  |
|  | 34/25 35/12 36 |  |  |  |
| 37/25 38/12 39/13 | 44/10 44/11 46/12 | useless [1] 17/18 | anting [1] 53/24 |  |


| W | wife [8] 23/12 25/15 | 58/2 |
| :---: | :---: | :---: |
| what... [36] 30/7 30/8 | 30/10 42/19 64/1 | [1] 23/8 |
| 30/9 34/2 37/2 37/5 | wife's [1] 21/24 | wrong [9] $8 / 21$ 10/2 |
| 37/9 38/13 38/17 39/8 | WILSON [3] 1/5 23/1 | 16/2 16/15 17/3 18/17 |
| $40 / 13$ 40/13 40/22 $42 / 1544 / 2147 / 12$ | 26/16 | 21/5 47/23 48/21 |
| 42/15 44/21 47/12 | window [1] 46/17 | wrote [6] 11/2 11/4 |
| 51/25 52/12 53/10 | winnings [2] 51/4 | 47/22 47/24 57/3 |
| 53/11 56/19 56/23 | 68/3 | 61/11 |
| 58/18 58/20 59/5 | $\mathbf{w i}$ | Y |
| 59/19 60/6 61/11 63/21 63/22 63/23 | wisdom [1] 54/8 | yeah [3] 26/5 37/23 |
| 63/21 63/22 63/23 65/21 69/4 | wish [9] 5/15 9/15 | 40/4 |
| what's [1] 8/22 | 9/25 13/5 23/22 30/17 | year [5] 17/20 24/14 |
| whatsoever [1] 48/24 | 45/18 45/21 61/4 | 38/13 57/12 69/4 |
| wheelchair [1] 55/20 | wishes [1] 61/8 | years [24] 14/1 14/13 |
| where [11] 14/14 | withdraw [1] 6/18 | 16/7 16/10 |
| 17/17 23/20 23/20 | withdrawn [3] 6/15 | 18/22 18/23 26/17 |
| 23/21 24/22 30/1 | 6/17 12/8 | 37/19 47/14 47/16 |
| 40/19 44/8 48/7 63/17 | withdrew [3] 6/19 | 47/16 47/17 47/18 |
| whether [6] 4/9 31/16 | 18/16 18/25 | 50/19 50/20 50/21 |
| 32/4 33/13 53/21 | withheld [1] 9/23 | 51/7 58/1 62/18 64/7 |
| 60/25 | within [5] 7/22 10/18 | 67/19 67/20 67/21 |
| which [67] 4/5 5/23 | 12/24 16/19 25/20 | yet [1] 25/2 |
| 6/17 6/18 6/23 7/6 7/7 | without [8] 3/21 4/5 | yield [1] 7/7 |
| 7/8 7/17 7/18 7/25 | 6/8 9/22 15/19 29/9 | you'll [3] 6/1 29/14 |
| 8/14 8/15 8/18 8/24 | 51/11 68/7 <br> witness [3] 9/1 19/6 | 66/4 <br> you've [5] 17/4 23/24 |
| 9/9 9/12 10/8 10/10 | witness [3] 9/1 19/6 $54 / 2$ | 48/17 49/23 63/5 |
| $13 / 12$ 15/4 15/11 $15 / 23$ 17/2 17/6 18/3 | witnesses [1] 26/3 | young [2] 14/7 24/20 |
| 15/23 17/2 17/6 18/3 20/13 20/13 20/12 | woman [2] 41/9 62/1 | yourself [1] 15/15 |
|  | women [1] 58/17 | YouTube [5] 40/22 |
| 22/23 22/24 25/11 | won [2] 14/19 14/20 | 41/3 41/8 41/8 42/4 |
| 25/20 26/19 26/24 | won't [1] 57/10 | YouTubes [1] 40/25 |
| 27/22 28/6 29/19 30/1 | wondering [1] 30/7 | Z |
| 32/23 36/8 42/11 43/5 | words [7] 32/3 36/21 | zero [2] 24/14 55/1 |
| 43/8 44/3 46/18 46/24 | $39 / 1062 / 563 / 25$ | zero [2] 24/14 55/1 |
| 47/14 47/16 51/15 | 64/11 65/19 |  |
| 54/9 55/5 56/18 57/4 | work [5] 20/5 26/20 |  |
| 58/20 59/5 59/24 | 55/10 64/17 66/3 |  |
| 59/24 60/1 62/3 63/2 | worked [5] 24/5 24/11 |  |
| 63/17 64/12 68/10 | 28/11 29/12 62/13 |  |
| while [6] 41/24 53/4 | working [3] 19/14 |  |
| 53/17 54/6 64/8 69/4 | 54/18 69/2 |  |
| who [36] 10/1 14/22 |  |  |
| 16/4 16/5 17/21 20/5 | world [2] 14/19 26/19 |  |
| 24/20 24/20 24/21 | World [2] 14/19 26/19 |  |
| 25/13 28/16 28/17 | worth [2] 17/22 17/23 |  |
| 30/21 38/1 41/20 46/8 | would [45] 6/3 6/11 |  |
| 53/14 58/17 58/23 | 7/20 7/24 9/25 12/20 |  |
| 58/25 59/1 59/7 59/7 | 15/7 17/22 18/4 22/17 |  |
| 59/18 60/10 60/10 | 25/10 26/8 26/13 |  |
| 63/10 64/15 64/16 | 29/13 29/22 30/7 30/8 |  |
| 65/11 65/16 65/17 | 30/9 30/17 32/2 32/3 |  |
| 66/7 66/8 66/8 69/6 | 32/7 33/3 34/18 36/12 |  |
| who's [2] 57/24 64/22 | 36/19 36/23 41/19 |  |
| whole [3] 22/6 51/9 | $45 / 1745 / 1746 / 746 / 9$ |  |
| /5 | 53/12 56/16 57/1 58/2 |  |
| whom [1] 48/6 | 59/25 60/9 61/25 |  |
| why [1] 66/18 | 63/16 65/8 |  |
| width [1] 27/17 | wouldn't [2] 52/11 |  |

