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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. CR 20-155 VAP
)
IMAAD ZUBERI,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT OF VIDEO TELECONFERENCE PROCEEDINGS
CHANGE OF PLEA
TUESDAY, JUNE 30, 2020
9:03 A.M.
LOS ANGELES, CALIFORNIA

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1 TUESDAY, JUNE 30, 2020; 9:03 A.M.

2 LOS ANGELES, CALIFORNIA

3 -oOo-

4 THE COURTROOM DEPUTY: Calling Item No. 1,
5 LA CR 20-00155 VAP, United States of America v. Imaad Zuberi.
6 Counsel, please state your appearances.

7 MR. O'BRIEN: Good morning, Your Honor.
8 Daniel O'Brien appearing on behalf of the United States.

9 THE COURT: Good morning.

10 MR. BROWN: Jeffrey Brown, Dechert, LLP, for
11 Defendant Zuberi.

12 THE COURT: Thank you. Good morning.

13 MR. BROWN: Good morning, Your Honor.

14 THE COURT: And the defendant is present via video
15 teleconference; is that correct?

16 THE DEFENDANT: That's correct.

17 THE COURT: And the defendant has consented to
18 proceeding this morning by way of the videoconference; is that
19 correct?

20 THE DEFENDANT: That is correct.

21 THE COURT: Has the Government complied with the
22 requirements of the Crime Victims' Rights Act as to this
23 proceeding?

24 MR. O'BRIEN: Yes, Your Honor.

25 THE COURT: All right. Mr. -- and excuse me. And

1 the plea is to a single-count Information; is that correct?

2 MR. O'BRIEN: Correct, Your Honor.

3 THE COURT: All right. Mr. Zuberi, you signed a
4 plea agreement that was negotiated on your behalf by your
5 attorney. And you signed that plea agreement; is that correct?

6 THE DEFENDANT: That is correct.

7 THE COURT: So you're here today because you want to
8 withdraw any earlier plea of not guilty in order to enter a
9 plea of guilty to the Information; is that correct?

10 THE DEFENDANT: That is correct.

11 THE COURT: All right. You're charged in the
12 single-count Information with obstruction of justice, in
13 violation of Title 18, United States Code,
14 Section 1512(c)(1)-(2), and 18, United States Code,
15 Section (2).

16 Do you understand what you're charged with in this
17 case?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. I'm going to begin by asking
20 my courtroom deputy clerk to swear you in as a witness. That
21 means your answers to my questions will be given under penalty
22 of perjury. If you testify falsely or answer any of my
23 questions untruthfully, you could later be prosecuted for the
24 separate crime of perjury. Do you understand what that means?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. All right.

2 THE COURTROOM DEPUTY: Is Imaad Zuberi your true and
3 correct name?

4 THE DEFENDANT: Correct.

5 THE COURTROOM DEPUTY: Please raise your right hand.

6 Do you solemnly swear that you will make true
7 answers to the Court's questions regarding your plea, so help
8 you God?

9 THE DEFENDANT: Yes.

10 THE COURT: All right. Mr. Brown, the plea
11 agreement shows it was signed by your client on February 22nd
12 and by you on March 5th. Did he sign the plea agreement in
13 your presence?

14 MR. BROWN: I'm trying to recall. I don't believe
15 that he did.

16 THE COURT: I'm sorry. I was addressing defense
17 counsel.

18 MR. BROWN: That's right. This is Jeff Brown on
19 behalf of Mr. Zuberi.

20 THE COURT: I'm sorry. The screen keeps switching
21 people's locations around.

22 All right. Did you discuss all of the contents of
23 the plea agreement with him before he signed it?

24 MR. BROWN: Yes, on multiple occasions.

25 THE COURT: Does the agreement -- the plea agreement

1 represent the entire disposition of this case so far as you and
2 your client and the U.S. Attorney's Office are concerned?

3 MR. BROWN: It does, Your Honor.

4 THE COURT: Have there been any other promises,
5 guarantees, or representations made either to you or your
6 client other than what's contained in the written plea
7 agreement?

8 MR. BROWN: No, Your Honor.

9 THE COURT: Thank you.

10 And, Mr. Zuberi, was your lawyer with you when you
11 signed the plea agreement?

12 THE DEFENDANT: I do not remember, but I think I
13 signed it and faxed it over or scanned it over.

14 THE COURT: All right. Before you signed it, did
15 you discuss everything in the plea agreement with your lawyer?

16 THE DEFENDANT: Yes, Your Honor, I did.

17 THE COURT: And did you have a chance to ask your
18 lawyer all of your questions about the plea agreement before
19 you signed it?

20 THE DEFENDANT: I believe so, yes.

21 THE COURT: Did your lawyer answer your questions to
22 your satisfaction?

23 THE DEFENDANT: Yes.

24 THE COURT: Does the plea agreement cover everything
25 that you've been told about your case and what's happening in

1 your case?

2 THE DEFENDANT: Yes.

3 THE COURT: Has anyone made you any promises, told
4 you anything, guaranteed you anything about your case other
5 than what's in the written plea agreement?

6 THE DEFENDANT: No.

7 THE COURT: So the plea agreement covers everything?

8 THE DEFENDANT: I believe so, yes.

9 THE COURT: Well, when you say you believe so, is
10 there --

11 THE DEFENDANT: Yes.

12 THE COURT: -- anything that you've been told that's
13 different from what's in the plea agreement?

14 THE DEFENDANT: No.

15 THE COURT: And, Mr. O'Brien, is this the written
16 plea agreement the Government extended to the defendant and his
17 counsel?

18 MR. O'BRIEN: Yes, Your Honor.

19 THE COURT: Apart from what's in the plea agreement,
20 has the Government made any other promises, representations, or
21 guarantees to the defendant or his counsel?

22 MR. O'BRIEN: No, Your Honor.

23 THE COURT: All right. Thank you.

24 Mr. Zuberi, can you tell me how old you are and what
25 your educational background is?

1 THE DEFENDANT: I'm 49. A graduate degree.

2 THE COURT: Are you a citizen of the United States?

3 THE DEFENDANT: Yes.

4 THE COURT: Have you received a copy of the
5 Information, the charges against you in this case?

6 THE DEFENDANT: Yes.

7 THE COURT: Have you thoroughly discussed the charge
8 in the Information and your case in general with your lawyer
9 before appearing here today?

10 THE DEFENDANT: Yes, Your Honor, I have.

11 THE COURT: Do you understand that the offense in
12 the first -- excuse me -- in the Information is a felony?

13 THE DEFENDANT: Yes.

14 THE COURT: If I accept your guilty plea, that means
15 you'll be judged guilty of this felony and that means you will
16 be losing certain civil rights. You will no longer have the
17 right to vote, to sit on a jury, to hold public office, and to
18 own or possess a firearm, a gun, or ammunition of any sort. Do
19 you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Under the laws and the Constitution of
22 the United States, you have a number of rights guaranteed to
23 you in connection with your case.

24 First, you have the right to be represented by a
25 lawyer at all stages of the case. And if you can't afford to

1 hire a lawyer, the Court will appoint one to represent you at
2 no cost to you.

3 You have the right to plead not guilty and to
4 continue pleading not guilty.

5 You have the right to have a speedy and public trial
6 before a jury, at which the Government would have the burden of
7 proving your guilt beyond a reasonable doubt.

8 You have the right to see and hear the evidence
9 presented at trial and the right to confront and cross-examine
10 any witness who appears at trial to testify against you.

11 You have the privilege against self-incrimination.
12 That means you have the right to remain silent, and that means
13 you can't be forced to testify against your self-interest.

14 You have the right to put on a defense, to put on
15 evidence.

16 You have the right to testify at trial if you
17 voluntarily decide to do so.

18 You have the right to use the Court's subpoena power
19 to make other witnesses appear at trial and testify on your
20 behalf.

21 And if you're convicted after trial, you have the
22 right to appeal your conviction and your sentence to a higher
23 court, a Court of Appeals.

24 Do you understand each of those rights?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you have any questions either for me
2 or your lawyer about any of the rights I just described to you?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: The first right I described to you was
5 your right to be represented by a lawyer. You're not giving up
6 that right if you plead guilty. But you're giving up all of
7 the other rights that I described to you. And that includes,
8 to a large extent, giving up your rights to appeal your
9 conviction and your sentence.

10 So in the plea agreement that you signed, in
11 paragraph 16 on page 9, you've agreed that, with the exception
12 of an appeal based on a claim that your guilty plea was
13 involuntary, by pleading guilty, you're waiving and giving up
14 any right to appeal your conviction on this offense in the
15 Information. Do you understand what that means?

16 THE DEFENDANT: Correct. I do.

17 THE COURT: All right. And you're -- as to
18 appealing the sentence, in the following paragraph,
19 paragraph 17, you've agreed to give up your right to appeal the
20 way I calculated your sentence, the length of the sentence, so
21 long as it's no more than the statutory maximum, any fine
22 that's imposed, again, as long as it's within the statutory
23 maximum, and terms of supervised release or probation,
24 including the drug and alcohol testing provision.

25 Do you understand that?

1 THE DEFENDANT: Yes, Your Honor, I do.

2 THE COURT: Any questions about your appeal rights
3 and what you're giving up?

4 THE DEFENDANT: No. I don't have any questions.

5 THE COURT: So keeping in mind all the rights I
6 described to you a moment ago, including your right to a jury
7 trial, do you wish to give up all of those rights by pleading
8 guilty?

9 THE DEFENDANT: Yes.

10 THE COURT: Have you told your lawyer everything
11 about your involvement in this case?

12 THE DEFENDANT: Yes.

13 THE COURT: And has he advised you about the nature
14 of the charge against you and possible defenses that might
15 apply?

16 THE DEFENDANT: Um, yes.

17 THE COURT: Are you on parole or probation with any
18 other court at this time?

19 THE DEFENDANT: Uh, Jeff can -- my lawyer can answer
20 that.

21 MR. BROWN: Your Honor, I can -- I can proffer that
22 the answer is no. He's on pretrial supervision that relates to
23 the case over which you preside that originated from the
24 Central District of California but, otherwise, under no
25 supervision by any court.

1 THE COURT: Thank you.

2 And have you been advised, Mr. Zuberi, of the
3 maximum possible sentence the Court could impose for this
4 offense?

5 THE DEFENDANT: Yes.

6 THE COURT: All right. Mr. O'Brien, would you state
7 that on the record, please?

8 MR. O'BRIEN: Yes, Your Honor.

9 In paragraph, uh, 5 of the plea agreement, the
10 maximum penalty is set forth, which is 20 years' imprisonment,
11 a three-year period of supervised release, a fine of \$250,000
12 or twice the gross gain or gross loss resulting from the
13 offense, whichever is greatest, and a mandatory special
14 assessment of \$100.

15 THE COURT: And would you advise the defendant of
16 the definition of "supervised release," please?

17 MR. O'BRIEN: Yes, which is set forth in paragraph 6
18 of the plea agreement.

19 Supervised release is a period of time following
20 imprisonment during which Defendant will be subject to various
21 restrictions and requirements. The defendant understands that
22 if Defendant violates one or more of the conditions of any
23 supervised release imposed, the defendant may be returned to
24 prison for all or part of the term of supervised release
25 authorized by statute for the offense that resulted in the term

1 of supervised release which could result in defendant serving a
2 total term of imprisonment greater than the statutory maximum
3 stated above.

4 THE COURT: Thank you.

5 Mr. Zuberi, do you understand what the attorney for
6 the Government just stated about the longest possible sentence
7 you could receive?

8 THE DEFENDANT: Yes.

9 THE COURT: As you -- as you heard, in the federal
10 system, we don't have parole. So if you're sentenced to
11 prison, you won't be released early on parole. When you are
12 released, you're released on what we call supervised release
13 and that means that there's certain rules and conditions that
14 apply. If you violate any of those, you could be returned to
15 prison. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Federal judges are required to consider
18 a number of different things in deciding what is a reasonable
19 sentence in any given case. One of the things we consult is
20 the United States Sentencing Guidelines.

21 Have you and your lawyer talked about the Sentencing
22 Guidelines and how they might apply in your case?

23 THE DEFENDANT: Yes.

24 THE COURT: So after today, you'll be interviewed by
25 a probation officer and he or she will prepare a report after

1 doing an investigation of your background and of this offense.

2 You have the right to see that report and to discuss
3 it with your lawyer before you're sentenced.

4 So after the report's been issued, your lawyer and
5 the lawyer for the Government will each file their sentencing
6 briefs with the Court, making their recommendations or
7 arguments as to what your sentence should be. I consider all
8 of those things, that is, both sides' sentencing briefs and the
9 probation office's report, before I make a decision. But you
10 should understand that it's the judge who makes the decision as
11 to your sentence, not the probation officer, not the lawyers.

12 Do you understand that?

13 THE DEFENDANT: Yes. Yes.

14 THE COURT: In most cases --

15 MR. O'BRIEN: Your Honor, could I interject? Daniel
16 O'Brien for the Government.

17 THE COURT: Yes.

18 MR. O'BRIEN: There seems -- with regard to the
19 preparation of the presentence report, given the other matter,
20 the other related case that's pending before the Court, um --
21 and I've discussed this with, um, defense counsel. -- both
22 parties are prepared to waive the preparation of the
23 presentence report.

24 And the reasons are essentially that, um, the
25 allegations that are contained in today's factual basis are set

1 forth in the presentence report that was prepared in the
2 Central District of California matter. Both parties have filed
3 the objection to that report. And so this is something that
4 the probation office and the parties have already responded to.

5 In particular, the allegations in this factual basis
6 are a mere subset of additional allegations that were raised by
7 the Government with respect to obstruction of justice. And so
8 we don't really see the value for an additional presentence
9 report to address the same conduct.

10 THE COURT: All right. Thank you.

11 So, Mr. Zuberi, you've already been interviewed by
12 the probation office for a presentence report; is that right?

13 THE DEFENDANT: That is correct.

14 THE COURT: But that was in connection with the
15 other case, not this case.

16 THE DEFENDANT: Correct.

17 THE COURT: And you do have the right to have a
18 separate presentence report done in this case. Are you willing
19 to waive or give up that right?

20 THE DEFENDANT: Yes.

21 THE COURT: Thank you.

22 All right. The Court, in deciding your sentence, as
23 I said, considers the Sentencing Guidelines. But the Court in
24 most cases has the ability to give a sentence that's either
25 longer than what's called for under the Guidelines or shorter.

1 Do you understand that?

2 THE DEFENDANT: Yes, Your Honor, I do.

3 THE COURT: Has anyone made any threats -- oh, I'm
4 sorry. So if your sentence is different than what you hoped
5 for or expected, you will not have the right to withdraw your
6 plea of guilty. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anyone made any threats against you
9 or anyone in your family or anyone else in order to get you to
10 plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Other than what's in your plea agreement
13 and the statements today during this hearing and the discussion
14 that you had with your lawyer about the Sentencing Guidelines,
15 has anyone promised you exactly what sentence you would receive
16 if you pled guilty?

17 THE DEFENDANT: No.

18 THE COURT: Has anyone promised you anything of any
19 kind in order to get you to plead guilty?

20 THE DEFENDANT: No.

21 THE COURT: Do you feel that you understand
22 everything that we have discussed here today?

23 THE DEFENDANT: I believe I do, yes.

24 THE COURT: Do you feel that you understand what the
25 consequences are to you of pleading guilty in this case?

1 MR. O'BRIEN: I have -- I see the judge has dropped
2 off the communication.

3 THE COURTROOM DEPUTY: Yes.

4 (Pause in the proceedings.)

5 THE COURT: All right. I was asking you,
6 Mr. Zuberi, if you understand the consequences of pleading
7 guilty to this charge.

8 THE DEFENDANT: Yes, I do.

9 THE COURT: Do you feel that you're competent and
10 able to make the decision to plead guilty to this charge?

11 THE DEFENDANT: Yes.

12 THE COURT: Is your decision to plead guilty
13 entirely voluntary on your part?

14 THE DEFENDANT: Yes.

15 THE COURT: You have the right to have the charge
16 read out loud to you again now. Do you wish to have the
17 Information read out loud to you at this time?

18 THE DEFENDANT: Um, I won't be needing that.

19 THE COURT: You've read it before and discussed it
20 thoroughly with your lawyer?

21 THE DEFENDANT: Yes. Yes. Yes.

22 THE COURT: Do you understand exactly what you're
23 charged with in this case?

24 THE DEFENDANT: Obstruction of justice.

25 THE COURT: Yes.

1 So how do you plead to the single-count Information
2 charging you with a violation of Title 18, United States Code,
3 sections 1512(c)(1)-(2) and Section (2), guilty or not guilty?

4 THE DEFENDANT: Guilty.

5 THE COURT: Are you pleading guilty because you did
6 what is charged in the Information?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. I'm going to ask the
9 attorney for the Government to state on the record what the
10 elements are of this offense the Government has to prove beyond
11 a reasonable doubt, enough to satisfy each of these elements.

12 All right. Mr. O'Brien?

13 MR. O'BRIEN: Yes. The elements of the offense are
14 set forth in paragraph 4 of the plea agreement. Um, and they
15 read that the Government must prove:

16 First, the defendant altered, destroyed, mutilated,
17 or concealed a record, document, or other object or attempted
18 to do so with the intent to impair the object's integrity or
19 availability for use in an official proceeding or otherwise
20 obstructed, influenced, or impeded an official proceeding; and

21 Second, that the defendant acted corruptly.

22 THE COURT: All right. Mr. Zuberi, do you
23 understand that those are the elements of the charge against
24 you?

25 THE DEFENDANT: Yes.

1 THE COURT: Next I'm going to ask Mr. O'Brien to
2 state on the record the evidence that they -- or the facts that
3 the Government believes it could prove to satisfy those
4 elements if your case went to trial. The Government has to
5 prove each of the elements beyond a reasonable doubt.

6 After he's done, I'm going to ask you whether or not
7 you agree with the statement of facts. All right?

8 Mr. O'Brien.

9 MR. O'BRIEN: Okay. The factual basis is set forth
10 in paragraph 9 of the plea agreement, and it reads as follows:

11 The defendant admits that in or about November 2016,
12 the defendant asked an individual, referred to as "Donor 1," to
13 make a substantial donation to the 58th Presidential Inaugural
14 Committee, referred to as "PIC." Donor 1 gave the defendant a
15 \$50,000 check, intending it as a donation to the PIC.

16 The defendant subsequently made a \$900,000 donation
17 to the PIC in the name of an entity he controlled but did not
18 inform the PIC that certain of the funds for his donation came
19 from Donor 1.

20 On or about February 5th, 2019, media organizations
21 reported that a federal grand jury in the Southern District of
22 New York was investigating donations to the PIC, including
23 specifically the defendant's donation. And we refer to that as
24 the "SDNY Investigation." Shortly thereafter, the defendant
25 contacted Donor 1 and requested an in-person meeting.

1 On or about February 25th, 2019, the defendant met
2 with Donor 1 at a restaurant in California. At this meeting,
3 the defendant and Donor 1 discussed the SDNY Investigation and
4 the defendant asked Donor 1, in substance, whether he had been
5 contacted by federal investigators.

6 During the meeting, Donor 1 asked the defendant to
7 refund the \$50,000 that Donor 1 had given the defendant as an
8 intended donation to the PIC. The defendant initially refused
9 to do so. However, when Donor 1 reminded the defendant that
10 Donor 1 had written on the check itself "Inauguration 17," the
11 defendant promptly agreed to repay Donor 1.

12 The defendant then wrote a check to Donor 1 for
13 \$50,000, indicating in the memo line that it was a "refund."
14 Although the defendant wrote the check on February 25th, 2019,
15 i.e., the date of the meeting described above, the defendant
16 back-dated the refund check to February 1st, 2019, intending to
17 obstruct justice by making it appear that the defendant had
18 returned Donor 1's money before he learned of the SDNY
19 Investigation into the source of funds for the \$900,000 PIC
20 donation.

21 MR. BROWN: Your Honor, I believe you may be muted.

22 THE COURT: Thank you.

23 Mr. Zuberi, do you agree with that statement of
24 facts?

25 THE DEFENDANT: Yes. Those are replacement checks

1 that --

2 THE COURT: All right. Before you --

3 THE DEFENDANT: -- replacement checks that I had
4 given --

5 THE COURT: Wait. Before you go any further, I want
6 you to talk to your lawyer about what you're about to tell me.

7 THE DEFENDANT: Okay.

8 THE COURT: Mr. Brown, can you privately chat with
9 your client?

10 MR. BROWN: Um, sure. I guess we'll step away and
11 speak by cell phone. Is that the method?

12 THE COURT: That's fine. Sure.

13 MR. BROWN: Okay.

14 (Pause in the proceedings.)

15 MR. BROWN: Thank you, Your Honor, for that
16 opportunity to confer. Mr. Zuberi is ready to answer your
17 question.

18 THE COURT: All right, Mr. Zuberi. Let's see.
19 Where were we?

20 Oh. Do you agree with that statement of facts?

21 THE DEFENDANT: Yes.

22 THE COURT: Is there anything in it that you
23 disagree with or object to?

24 THE DEFENDANT: No.

25 THE COURT: And do you agree that if your case went

1 to trial, the Government could prove those facts beyond a
2 reasonable doubt?

3 THE DEFENDANT: Yes.

4 THE COURT: And, Mr. Brown, do you join in agreeing
5 that the -- the Government has the evidence to prove the facts
6 just stated beyond a reasonable doubt?

7 MR. BROWN: I do, Your Honor.

8 THE COURT: All right. Thank you.

9 Mr. Zuberi, at this time, are you under the care of
10 any doctor or other medical professional for any illness,
11 injury, or condition?

12 THE DEFENDANT: No.

13 THE COURT: Are you taking any medicines regularly?

14 THE DEFENDANT: Um, yes.

15 THE COURT: Can you tell me what medicines you're
16 taking and for what condition or sickness?

17 THE DEFENDANT: For diabetes.

18 THE COURT: All right. And what do you take for the
19 diabetes? Do you take insulin?

20 THE DEFENDANT: I don't take insulin. I have the
21 Type II diabetes. Medications, four medications.

22 THE COURT: And they're all related to the diabetes?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you take any other medications?

25 THE DEFENDANT: Um, sleeping pills but seldom.

1 THE COURT: All right. And are those prescription
2 sleeping pills?

3 THE DEFENDANT: Yes, prescription.

4 THE COURT: What's the name of the -- what's the
5 name of the medication?

6 THE DEFENDANT: Lunesta. Lunesta.

7 THE COURT: Okay. In the last 24 --

8 THE DEFENDANT: I was going to spell it. Sorry,
9 Your Honor.

10 THE COURT: Go ahead.

11 THE DEFENDANT: L-u-n-e-s-t-a.

12 THE COURT: Do the medications that you take for
13 diabetes, does that affect your ability to think clearly?

14 THE DEFENDANT: No, it doesn't.

15 THE COURT: And when's the last time you took
16 Lunesta?

17 THE DEFENDANT: Um, two days ago.

18 THE COURT: All right. In the last 24 hours, have
19 you taken any other medications or had any alcoholic beverages
20 to drink?

21 THE DEFENDANT: No. I've taken Allegra-D for
22 allergies.

23 THE COURT: All right. Are you receiving any
24 psychological or psychiatric care of any kind?

25 THE DEFENDANT: No, I'm not.

1 THE COURT: Do you understand if I accept your
2 guilty plea today, that the only thing left in your case will
3 be sentencing? Do you understand there won't be a trial?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you know of any reason why I should
6 not accept your guilty plea?

7 THE DEFENDANT: I do not.

8 THE COURT: Thank you.

9 And, Mr. Brown, has your client been competent and
10 able to cooperate with you?

11 MR. BROWN: Yes, Your Honor.

12 THE COURT: You discussed the facts of the case in
13 detail with him?

14 MR. BROWN: Yes.

15 THE COURT: Are you satisfied there are no
16 meritorious defenses that might apply?

17 MR. BROWN: Yes.

18 THE COURT: Are you satisfied that your client's
19 constitutional rights have been observed?

20 MR. BROWN: Yes.

21 THE COURT: Have you advised him about the legality
22 or admissibility of any statements, confession, or other
23 evidence in the Government's possession in this case?

24 MR. BROWN: Yes.

25 THE COURT: Is your client pleading guilty because

1 of any illegally obtained evidence in the Government's
2 possession that you're aware of?

3 MR. BROWN: Not that I'm aware of, Your Honor.

4 THE COURT: Are you of the opinion that your client
5 understands the nature of these proceedings and the
6 consequences of his guilty plea?

7 MR. BROWN: I am.

8 THE COURT: Has he told you anything about
9 medications, drugs, or other factors that might affect his
10 actions or judgment in any manner?

11 MR. BROWN: No, Your Honor.

12 THE COURT: Other than the proceedings today and the
13 contents of the plea agreement and a general discussion of the
14 Sentencing Guidelines and the 3553(a) factors, have you
15 conveyed any promise of a particular sentence to your client?

16 MR. BROWN: No, Your Honor.

17 THE COURT: Based on your analysis of the law, after
18 your own investigation of the facts, and after consulting with
19 your client, do you believe it's in his best interest to plead
20 guilty to this charge?

21 MR. BROWN: I do, Your Honor.

22 THE COURT: Thank you.

23 Mr. Zuberi, do you feel that you've had enough time
24 to discuss this case and your decision to plead guilty with
25 your lawyer?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Are you satisfied that your lawyer has
3 fully considered any defenses you may have to the charge
4 against you?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Are you satisfied with the
7 representation you've received and the advice that you've been
8 given?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Please listen carefully.
11 I'm going to make certain findings. If you disagree with
12 anything or if you don't understand something I say, please
13 interrupt me right away.

14 The defendant and his counsel have represented to
15 the Court that they have thoroughly discussed all aspects of
16 the charge and any defenses that might apply; the Court having
17 questioned the defendant and his counsel on the offer of his
18 plea of guilty to the single-count Information, a felony; the
19 Court having observed the defendant while he answered the
20 Court's questions and having observed his demeanor and manner
21 while doing so as well as his intelligence and having observed
22 that the defendant does not appear to be under the influence of
23 any medicine, drug, or other substance or factor that might
24 affect his actions or judgment in any way.

25 Therefore, the Court finds that the defendant's

1 offer of his plea of guilty to the single-count Information has
2 a factual basis, is free of any coercive influence of any kind,
3 is voluntarily made with full knowledge of the charge against
4 him and the consequences of his guilty plea, that no promises
5 of any kind have been made to him by anyone, and no coercion or
6 threats of any kind have been exerted upon him in any manner.

7 So it's ordered that the plea of guilty to the
8 single-count Information shall be accepted and entered today's
9 date.

10 And I understand the sentencing is to take place on
11 the same day as the sentencing set in the other case pending in
12 this district?

13 MR. O'BRIEN: Yes, Your Honor.

14 MR. BROWN: That's correct.

15 MR. O'BRIEN: I'd like to add something to that to
16 inform the Court of the parties' intention.

17 Prior to the sentencing date, the parties are in
18 agreement that we would -- we can do this now -- move the Court
19 to consolidate the two matters for sentencing, in accordance
20 with the Rule 8, the joinder rules. Um, and the reason we're
21 asking for a consolidation is that the conduct in both the
22 New York matter and the California matter overlap.

23 As the Court is aware, prior to the New York charge
24 being brought, the parties in the California matter agreed to
25 litigate at sentencing whether a two-level enhancement for

1 obstruction of justice would apply. And the Government filed
2 sentencing papers in December of last year alleging several
3 acts of obstruction, including the obstruction that forms the
4 basis for the California -- I'm sorry -- the New York
5 Information and plea agreement.

6 Um, the, uh, defense has filed sentencing papers in
7 response to the Government's December 2019 obstruction filing
8 in which they agreed that the two-level enhancement for
9 obstruction should apply based upon the conduct that's set
10 forth in the factual basis to this plea.

11 And so for that reason, given the overlap of the
12 conduct, the parties would like to consolidate the sentencing
13 in the two matters.

14 Um, we have basically taken the view that if this
15 case is consolidated for sentencing, um, that any sentence
16 imposed by the Court as to the New York matter, um, would
17 result in no effect on the overall Sentencing Guideline
18 sentence. Rather, it would be just another contributing factor
19 for the two-level enhancement for obstruction of justice.

20 Um, and so I felt that this is probably the best
21 time to mention it to the Court. Um, I don't think it
22 necessarily impacts the plea, but it would affect, obviously,
23 how we proceed at sentencing.

24 THE COURT: All right. Mr. Brown, do you join in
25 the request for consolidation of the two cases for sentencing

1 purposes?

2 MR. BROWN: I do, Your Honor, largely identically
3 for the reasons that AUSA O'Brien has just elucidated.

4 THE COURT: All right. I will -- and you've
5 discussed this with your client?

6 MR. BROWN: I have, Your Honor. And its advantage
7 is to him.

8 THE COURT: All right. So I will grant the oral
9 motion to consolidate the two matters for sentencing purposes.

10 And the date for sentencing, again, Ms. Chung?

11 THE COURTROOM DEPUTY: August 17th, 2020, at
12 9:00 a.m.

13 THE COURT: Mr. Zuberi, you're ordered to appear in
14 my courtroom at 350 West 1st Street in Los Angeles on that date
15 and time for sentencing. And in the meantime, of course you
16 continue to comply with the conditions of your pretrial
17 release.

18 Anything further?

19 MR. O'BRIEN: Nothing from the Government,
20 Your Honor.

21 MR. BROWN: Nothing from the defense, Your Honor.
22 And also, thank you to everyone for accommodating me virtually
23 today.

24 THE COURT: You're welcome.

25 All right. Thank you.

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MR. BROWN: Thank you.

(Proceedings concluded at 9:41 a.m.)

CERTIFICATE OF OFFICIAL REPORTER

COUNTY OF LOS ANGELES)
)
STATE OF CALIFORNIA)

I, MYRA L. PONCE, FEDERAL OFFICIAL REALTIME COURT
REPORTER, IN AND FOR THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT
TO SECTION 753, TITLE 28, UNITED STATES CODE THAT 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.

DATED THIS 25TH DAY OF AUGUST, 2020.

/S/ MYRA L. PONCE

MYRA L. PONCE, CSR NO. 11544, CRR, RDR
FEDERAL OFFICIAL COURT REPORTER