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-against-

18-CR-204(NGG)  
U.S. Courthouse  
Brooklyn, New York  
TRANSCRIPT OF  
STATUS CONFERENCE  
March 18, 2019  
11:00 a.m.

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HONORABLE NICHOLAS G. GARAUFIS, U.S.D.J.

For the Government:

SEAN S. BUCKLEY, ESQ.  
MATTHEW MENCHEL, ESQ.

***(Intervening pages omitted as not relevant)***

1 government's position is that there will be and we believe --

2 THE COURT: Well, I've already -- excuse me, I've  
3 already asked Mr. Agnifilo to advise whether his client would  
4 consent to having the substantive child pornography charges  
5 along with Count Eleven transferred to the Northern District  
6 of New York for its consideration.

7 Didn't I just say that?

8 MS. PENZA: Yes, Your Honor, but the question is  
9 really about the RICO predicates. The government concedes  
10 that if the defendant chooses not to waive venue as to the  
11 substantive child pornography charges, that we will try those  
12 at the defendant's peril in the Northern District of New York  
13 where he will be facing a separate 15-year mandatory minimum  
14 and that is fine and we will do that, but the concern is that  
15 the child pornography is also at the heart of our racketeering  
16 conspiracy.

17 THE COURT: And you believe you can go forward with  
18 that here?

19 MS. PENZA: Absolutely, Your Honor, and we believe  
20 there is no precedent, certainly defendant has cited none in  
21 his initial motion that would allow a severance of that.

22 THE COURT: Do you have a back problem?

23 MR. GERAGOS: No. I'm sorry, I apologize.

24 MS. PENZA: That would be the same -- to suggest  
25 that we would not be able to would defeat the idea of RICO. I

***(Subsequent pages omitted as not relevant)***