

UNITED STATES DISTRICT COURT
Eastern District of New York

UNITED STATES OF AMERICA
- v -
George Anthony Devolder Santos

Presiding Judge: Joanna Seybert, Senior U.S.D.J.
Case No(s): 23-cr-0197-JS-AYS
Date: 10/27/2023
Start Time: 10:39 AM Total Time: 20 mins.

MINUTE ENTRY FOR A CRIMINAL PROCEEDING

SEALED PROCEEDING: [] Yes [x] No

I. APPEARANCES:

Defendant (# 1): George Anthony Devolder Santos
[x] Present [] Not Present [] In Custody [x] On Bond [] Surrendered

Counsel: Joseph Murray and Evan Sugar
[x] Retained [x] Federal Defender [] CJA []

Defendant (#):
[] Present [] Not Present [] In Custody [] On Bond [] Surrendered

Counsel:
[] Retained [] Federal Defender [] CJA []

Defendant (#):
[] Present [] Not Present [] In Custody [] On Bond [] Surrendered

Counsel:
[] Retained [] Federal Defender [] CJA []

Defendant (#):
[] Present [] Not Present [] In Custody [] On Bond [] Surrendered

Counsel:
[] Retained [] Federal Defender [] CJA []

Government: Anthony Bagnoula, Ryan Harris, Jacob Steiner, John Taddei, Laura Zuckerwise

Court Reporter: Mary Ann Steiger

Pretrial/Probation:

FTR Time:

Interpreter: Language:

Courtroom Deputy: Eric L. Russo

[] See Additional Appearances page.

II. PROCEEDINGS HELD:

- [x] In-Person [x] Arraignment [] Evidentiary Hearing [] Plea Hearing
[] By Telephone [x] Bond Hearing [] Fatico Hearing [] Sentencing/Re-Sentencing
[x] Curcio Hearing [] Initial Appearance [] Status/Pre-Trial Conference
[] Detention Hearing [] Motion Hearing

[] Other Proceeding:

III. PROCEEDINGS SUMMARY:

- [x] Arraignment held regarding the charges outlined in the Superseding Indictment filed on 10/10/2023
[] Defendant initial appearance before this Court.
[] Defendant waived Indictment. Waiver(s) executed.
[x] Defendant 1 waived the public reading of the charging instrument.
[x] The Court read the charges outlined in the charging instrument and the defendant(s) acknowledged the charges.
[x] Defendant 1 entered a plea of NOT GUILTY as to all counts of the charging instrument.
[x] The Government was advised and acknowledged its obligation under Rule 5(f) of the F.R.Cr.P. and the Due Process Protections Act. The Court will issue a written order with further details.
[x] Defendant 1 waived Speedy Trial from 10/27/2023 - 12/12/2023. (Excludable Code: XT)
[] Defendant did not waive Speedy Trial.
[] Speedy Trial for Defendant waived from by order of the Court. (Excludable Code:)
[] The Court deems (or previously deemed) this case complex.
[] Speedy Trial for Defendant is waived pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). (Excludable Code: XT)
[] See Section V of this minute entry (page 5) for additional details and/or rulings.

- Curcio Hearing held.
 - The parties presented their oral arguments to the Court.
 - The defendant was informed of the potential dangers arising from any conflicts of interest with current defense counsel.
 - The defendant acknowledged and waived any potential conflicts of interest and wishes to proceed with current defense counsel.
 - The defendant wishes to relieve current defense counsel and:
 - retain new counsel.
 - Defendant must retain new counsel by _____; or within _____ of this hearing.
 - have new counsel appointed by the Court.
 - The defendant completed and filed a CJA 23 Financial Affidavit for the Court's review.
 - The Court's decision was entered on the record; will be entered under a separate order; was reserved.
 - See Section V of this minute entry (page 5) for additional details and/or rulings.

- Status/Pre-Trial Conference held regarding _____
 - This was an initial appearance before this Court by Defendant _____.
 - The parties advised the Court of the status of the case.
 - Defendant _____ waived Speedy Trial from _____. (Excludable Code: _____)
 - Defendant _____ did not waive Speedy Trial.
 - Speedy Trial for Defendant _____ waived from _____ by order of the Court. (Excludable Code: _____)
 - The Court deems (or previously deemed) this case complex.
 - Speedy Trial for Defendant _____ is waived pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). (Excludable Code: XT)
 - The following briefing schedule was set:
 - _____ due by: _____.
 - _____ due by: _____.
 - _____ due by: _____.
 - _____ due by: _____.
 - The parties were directed to file a proposed briefing schedule for this Court's approval on or before _____.
 - The Court deems (or previously deemed) this case trial ready.
 - The Court set the following pre-trial submission schedule:
 - All 3500 material and 404(b) evidence shall be turned over by: _____.
 - Motions in Limine shall be filed by: _____.
 - Oppositions to Motions in Limine due by: _____.
 - Replies to Motions in Limine due by: _____.
 - Proposed Voir Dire questions and case summary due by: _____.
 - Proposed exhibits and witness list due by: _____.
 - Requests to Charge and proposed Verdict Sheets: _____.
 - The Court will enter a separate order outlining the pre-trial submission schedule.
 - The parties are to ensure courtesy copies of their submissions (outlined above) are promptly provided to Chambers. (Note: Attaching the documents to an e-mail does not satisfy this directive.)
 - See Section V of this minute entry (page 5) for additional details and/or rulings.

- Evidentiary/Motion Hearing held regarding _____
 - The parties presented their oral arguments to the Court.
 - Witness(es) were called for the Government; for the defendant(s).
 - Exhibits were entered into evidence.
 - The Court made the following ruling(s): Motion granted; Motion denied; Motion granted, in part, and denied, in part.
 - _____
- The Court's decision was entered on the record; will be entered under a separate order; was reserved.
- See Section V of this minute entry (page 5) for additional details and/or rulings.

- Plea Hearing held as to count(s) _____.
- The defendant was informed of the constitutional rights being waived and any potential consequences of pleading guilty.
 - The defendant withdrew previously entered not guilty plea and entered a plea of GUILTY to the above referenced count(s).
 - Court found that there is a factual basis for the plea and accepted the defendant's plea of guilty.
 - An Order of Forfeiture was executed.
 - The Conviction Notification Form was executed and sent to the U.S. Probation Department.
 - The parties waived the preparation of the Presentence Investigation Report.
 - See Section V of this minute entry (*page 5*) for additional details and/or rulings.
- Fatico Hearing held.
- The parties presented their oral arguments to the Court.
 - Witness(es) were called for the Government; for the defendant(s).
 - Exhibits were entered into evidence.
 - The Court's decision was entered on the record; will be entered under a separate order; was reserved.
 - See Section V of this minute entry (*page 5*) for additional details and/or rulings.
- Sentencing/Re-Sentencing held as to count(s) _____.
- The parties advised the Court that there are no objections to the Presentence Investigation Report.
 - The parties outlined their objections to the Presentence Investigation Report on the record.
 - The Court adopted the Presentence Investigation Report without change.
 - The Court outlined changes to the Presentence Investigation Report on the record.
 - Statements were heard from defense counsel; the defendant; the Government; the victim(s); others.
 - The defendant was sentenced to IMPRISONMENT for a total term of _____.
 - Upon release, the defendant shall be on SUPERVISED RELEASE for a total term of _____.
 - The defendant shall comply with the standard conditions of supervision (to be outlined in the judgment).
 - The defendant shall comply with the special conditions of supervision ordered by the Court (to be outlined in the judgment).
 - The Court did not impose a term of Supervised Release.
 - The defendant was sentenced to PROBATION for a total term of _____.
 - The defendant shall comply with the standard conditions of supervision (to be outlined in the judgment).
 - The defendant shall comply with the special conditions of supervision ordered by the Court (to be outlined in the judgment).
 - The defendant must pay the following criminal monetary penalties:
 - RESTITUTION in the amount of \$ _____.
 - An Order of Restitution was executed.
 - A FINE in the amount of \$ _____.
 - A SPECIAL ASSESSMENT fine in the amount of \$ _____.
 - An AVAA ASSESSMENT fine in the amount of \$ _____.
 - A JVTA ASSESSMENT fine in the amount of \$ _____.
 - The interest requirement on any of the criminal monetary penalties:
 - was ordered on the amounts of more than \$2,500.00.
 - was modified, as stated on the record.
 - was waived/not ordered/not applicable.
 - Restitution was not ordered or not applicable; was paid in full prior to sentencing.
 - A fine and/or other assessment was not ordered or not applicable; was paid in full prior to sentencing.
 - The determination of Restitution and/or a fine was deferred pending further proceedings or by motion to the Court.
 - All other conditions shall remain in effect as previously ordered and outlined in the judgment(s) dated _____.
 - The Order of Forfeiture dated _____ was adopted as the Final Order of Forfeiture.
 - A Final Order of Forfeiture was executed.
 - The defendant's right to appeal the Court's sentence
 - was waived pursuant to the Plea Agreement.
 - was not waived and the defendant can file an appeal within **fourteen (14) days** of the date the judgment is entered.
 - All open counts in the charging instrument(s) were dismissed on the motion of the United States.
 - See Section V of this minute entry (*page 5*) for additional details and/or rulings.

IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

- Bond Hearing/Detention Hearing held.
- Defendant _____ did not present a bond application to the Court.
 - An Order of Detention was executed as to Defendant _____.
 - An Order Scheduling a Detention Hearing was executed as to Defendant _____.
 - The bond application/modification was granted as to Defendant 1.
 - An Order Setting Conditions of Release and Bond was executed as to Defendant _____.
 - The conditions of release were modified as stated on the record as to Defendant _____.
 - An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
 - The bond application/modification was denied as to Defendant _____.
 - An Order of Detention was executed as to Defendant _____.
 - The Government moved for immediate detention of Defendant _____.
 - The motion was granted; denied; granted, in part, and denied, in part.
 - An Arrest Warrant was executed as to Defendant _____.
 - An Order of Detention was executed as to Defendant _____.
 - An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
 - The decision regarding the bond or detention application was reserved.
 - An Order Scheduling a Detention Hearing was executed as to Defendant _____.
 - A temporary Order Setting Conditions of Release and Bond was executed as to Defendant _____.
 - See Section V of this minute entry (*page 5*) for additional details and/or rulings.

For a defendant currently IN-CUSTODY:

- Defendant _____ remain(s) in custody.
- The following order(s) was/were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:
 - A Medical Evaluation Order as to Defendant _____.
 - A Competency Order as to Defendant _____.
 - A Force Order as to Defendant _____.
- The defendant, being sentenced to time served (*time in-custody prior to sentencing/re-sentencing*), shall be released, forthwith.
 - A Time Served Order was executed and submitted to the U.S. Marshals Service.
 - Upon release, the defendant will be under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
 - Upon release, the defendant will not serve a term of Supervised Release.

For a defendant currently AT LIBERTY:

- Defendant 1 remain(s) on bond.
- The defendant, being sentenced to a term of imprisonment, shall be immediately remanded to the custody of the U.S. Marshals Service and/or the Federal Bureau of Prisons.
- The defendant, being sentenced to a term of imprisonment, shall surrender for the service of the sentence before **2:00 PM on** _____ at the institution designated by the Federal Bureau of Prisons. The defendant will remain at liberty and under supervision of the Pretrial Services Department until the surrender date.
 - The U.S. Marshals Voluntary Surrender form was executed.
 - Motions to extend the surrender date must be made at least a **thirty (30) days** prior to the surrender date.
 - The defendant was advised that there will be no extensions of the surrender date.
- The defendant, being sentenced to a term of Probation, will remain at liberty and under supervision of the U.S. Probation Department until the completion of the ordered term of Probation.
- The defendant, being sentenced to time served (*time in-custody prior to being released*), shall remain at liberty and under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
- The defendant, being sentenced to time served (*time in-custody prior to being released as well as time under supervision*), shall be released from all conditions of supervision, forthwith.

V. OTHER RULINGS MADE DURING THE PROCEEDINGS:

The record of this proceeding was deemed sealed. Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government **ONLY**. Any other non-party who wishes to get a copy of the transcripts must file a written request to the Court for consideration.

- The defendant's supervision conditions were modified as outlined in the Government's letter dated 10/26/2023 (see DE 52).

VI. FURTHER PROCEEDINGS SET:

- Bond Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Detention Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Curcio Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Status/Pre-Trial Conf.: **12/12/2023** at **10:30AM** before Judge **Joanna Seybert** (**In Courtroom 1030**), as to Defendant **1**.
- Evidentiary Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Motion Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Jury Selection: **9/9/2024** at **9:30 AM** before Judge **Joanna Seybert** (**Ceremonial Courtroom**), as to Defendant **1**.
- Jury Trial: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Plea Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Fatico Hearing: _____ at _____ before Judge _____ (_____), as to Defendant _____.
- Sentencing/Re-Sentencing: _____ at _____ before Judge _____ (_____), as to Defendant _____.

Parties are directed to file their sentencing memorandums by _____. Once the memorandums are filed, the parties are to ensure courtesy copies of their submissions are promptly provided to Chambers. (**Note:** Attaching the documents to an e-mail does not satisfy this directive.) If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed on said due date, in lieu of the memorandum.

Further instructions regarding the proceeding(s) set:

The Court ordered the proceeding(s) to be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: **877-336-1839, access code 7231185**.

No further proceedings have been set at this time. (**Note:** Further proceedings may have been set previously. Refer to the docket sheet.)