

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: 8/13/2024

Start Time: 10:50 AM Total Time: 35 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, Andrew Mancilla, Robert Fantone, Jr.
[x] Retained [ ] Federal Defender [ ] CJA [ ]

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

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

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

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

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

Interpreter(s):
Language:

Pretrial Services:

Court Reporter(s): Lisa Schmid

Probation Dept.:

Other Appearances:

FTR Time(s):
Courtroom Deputy: Eric L. Russo

II. PROCEEDINGS HELD:

- [x] In-Person [x] Arraignment (see pg. 2) [ ] Fatico Hearing (see pg. 3) [x] Motion Hearing (see pg. 3)
[ ] By Telephone [ ] Bond Hearing (see pg. 5) [ ] Initial Appearance (see pg. 2) [ ] Plea Hearing (see pg. 4)
[ ] By Video [ ] Curcio Hearing (see pg. 2) [ ] Jury Deliberations (see pg. 3) [ ] Sentencing/Re-Sentencing (see pg. 4)
[ ] Detention Hearing (see pg. 5) [ ] Jury Selection (see pg. 3) [x] Status/Pre-Trial Conference (see pg. 2)
[ ] Evidentiary Hearing (see pg. 3) [ ] Jury Trial (see pg. 3)

[ ] Other Proceeding:

**III. SUMMARY OF THE PROCEEDINGS:**

- Arraignment held as to the charge(s) outlined in the Second Superseding Indictment (S-2) filed on 5/28/2024.
- This was an initial appearance before this Court by Defendant \_\_\_\_\_.
- Defendant \_\_\_\_\_ waived Indictment.
- Waiver of Indictment executed by Defendant \_\_\_\_\_.
- Defendant 1 waived the public reading of the charging instrument.
- Defendant \_\_\_\_\_ was advised of, and acknowledged, the charges outlined in the charging instrument.
- The Government was advised of, and acknowledged, its obligation under F.R.Cr.P. Rule 5(f) and the Due Process Protections Act.
- A written order will be entered fully describing this obligation and the possible consequences of failing to meet it.
- Defendant 1 entered a plea of NOT GUILTY as to all counts of the charging instrument.
- Defendant \_\_\_\_\_ consented to the exclusion of Speedy Trial time from \_\_\_\_\_ to \_\_\_\_\_ pursuant to Title 18, United States Code, Section 3161.
- Defendant \_\_\_\_\_ did not consent to the exclusion of Speedy Trial time.
- The Court ordered the exclusion of Speedy Trial time from \_\_\_\_\_ to \_\_\_\_\_ pursuant to Title 18, United States Code, Section 3161.
- The Court deemed this case COMPLEX and Speedy Trial time was excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).
- See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- Curcio Hearing held as to Defendant \_\_\_\_\_.
- Attorney \_\_\_\_\_ ( Federal Defender;  CJA) was appointed to represent the defendant for purposes of this hearing.
- 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 requested that current counsel be relieved and:
- that the defendant will retain new counsel.
- The defendant must retain new counsel by \_\_\_\_\_; or within \_\_\_\_\_ of this hearing.
- that the Court appoint new counsel.
- The defendant completed and filed the 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 VI and/or Section VII (*page 7*) for additional details and/or rulings.
- Status Conference/Pre-Trial Conference held as to the charges outlined in the Second Superseding Indictment (S-2) filed on 5/28/2024.
- This was an initial appearance before this Court by Defendant \_\_\_\_\_.
- The parties advised the Court of the status of the case.
- Defendant \_\_\_\_\_ consented to the exclusion of Speedy Trial time from \_\_\_\_\_ to \_\_\_\_\_ pursuant to Title 18, United States Code, Section 3161.
- Defendant \_\_\_\_\_ did not consent to the exclusion of Speedy Trial time.
- The Court ordered the exclusion of Speedy Trial time from \_\_\_\_\_ to \_\_\_\_\_ pursuant to Title 18, United States Code, Section 3161.
- The Court deemed this case COMPLEX and Speedy Trial time was excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).
- The Court deemed this case TRIAL READY.
- The Court set the following pre-trial submission schedule:
- |   |                |
|---|----------------|
| <input type="checkbox"/> All <u>3500 material</u> and <u>404(b) evidence</u> :                | due by: _____. |
| <input type="checkbox"/> <u>Motion(s)</u> in Limine and all supporting papers:                | due by: _____. |
| <input type="checkbox"/> <u>Opposition(s)</u> to Motions in Limine and all supporting papers: | due by: _____. |
| <input type="checkbox"/> <u>Reply(ies)</u> to Motions in Limine and all supporting papers:    | due by: _____. |
| <input type="checkbox"/> Proposed <u>Voir Dire questions</u> and <u>case summary</u> :        | due by: _____. |
| <input type="checkbox"/> Proposed <u>exhibit and witness list</u> :                           | due by: _____. |
| <input type="checkbox"/> Proposed <u>Jury Charge</u> and <u>Verdict Sheet</u> :               | due by: _____. |
- The Court WILL NOT grant any extensions of the deadlines set forth above.
- The parties are directed to submit courtesy copies of their submissions in accordance with the Court's Individual Rules. See Rule IV.
- The parties were directed to file a proposed pre-trial submission schedule on or before \_\_\_\_\_.
- The Court will enter a separate order outlining the pre-trial submission schedule.
- See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

- Evidentiary Hearing/Motion Hearing/Fatico Hearing held.
  - Hearing held regarding defendant's motions for partially anonymous jury and a written questionnaire (see DE 95) \_\_\_\_\_.
  - The parties presented their oral arguments to the Court.
  - Witness(es) were called for the:  Government;  defendant(s).
  - Exhibits were entered into evidence.
  - The following briefing schedule was set:
    - \_\_\_\_\_ shall serve the motion and all supporting papers: due by: \_\_\_\_\_.
    - \_\_\_\_\_ shall serve the opposition to the motion and all supporting papers: due by: \_\_\_\_\_.
    - \_\_\_\_\_ shall serve the cross-motion and all supporting papers: due by: \_\_\_\_\_.
    - \_\_\_\_\_ shall serve the reply and all supporting papers: due by: \_\_\_\_\_.
    - \_\_\_\_\_ shall serve the opposition to the cross motion and all supporting papers: due by: \_\_\_\_\_.
    - \_\_\_\_\_ shall serve the reply to the cross motion and all supporting papers: due by: \_\_\_\_\_.
  - The Court WILL NOT grant any extensions of the deadlines set forth above.
  - The parties are directed to submit courtesy copies of their motion papers in accordance with the Court's Individual Rules. See Rule IV.
  - The parties were directed to file a proposed briefing schedule on or before \_\_\_\_\_.
  - The Court will enter a separate order outlining the briefing schedule.
  - The Court made the following ruling(s):
    - GRANTED as to: defendant's motions for partially anonymous jury \_\_\_\_\_.
    - DENIED as to: defendant's motions for a written questionnaire \_\_\_\_\_.
    - GRANTED, in part, as to: \_\_\_\_\_.
    - Decision RESERVED as to: \_\_\_\_\_.
  - The Court's decision:  was entered on the record;  will be entered under a separate order.
  - See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

- Jury Selection (*Voir Dire*) held.
  - The prospective jurors were sworn and given preliminary instructions by the Court.
  - The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
  - A jury of \_\_\_\_, with \_\_\_\_ alternates, were selected and are satisfactory to all parties.
    - The Court ordered the jury to be:  anonymous;  sequestered;  semi-sequestered.
  - The selected jurors were sworn as trial jurors.
  - See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

- Jury Trial held.
  - A jury of \_\_\_\_, with \_\_\_\_ alternates, were previously selected by \_\_\_\_\_ and are satisfactory to all parties.
  - The selected jurors were sworn as trial jurors.
  - The jurors were given preliminary instructions by the Court.
  - Opening statements were heard from the:  Government;  Defense Counsel.
  - Witness(es) were called for the:  Government;  defendant(s).
  - Exhibit(s) were entered into evidence.
  - The Government rested its case.
  - The defense rested its case.
  - A Charge Conference was held with the Court and counsel.
  - Summations were heard from the:  Government;  Defense Counsel;  Government (*Rebuttal*).
  - The Court charged the jury.
  - See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

- Jury Deliberations held.
  - The U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.
  - Jury Notes were received and marked as Court Exhibits.
  - The Court instructed the jury to continue their deliberations pursuant to *Allen v. United States (Allen Charge)*.
  - The jury rendered the following verdict:
    - \_\_\_\_\_ on Count(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
    - \_\_\_\_\_ on Count(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
    - \_\_\_\_\_ on Count(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
    - \_\_\_\_\_ on Count(s): \_\_\_\_\_ as to Defendant \_\_\_\_\_.
  - The jurors were polled as to their verdict.
  - The Verdict Sheet was received and marked as a Court Exhibit.

*Jury Deliberations continued on next page.*

*Jury Deliberations continued from previous page.*

- The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.
- Jury Notes were received and marked as Court Exhibits.
- The jury rendered their verdict regarding the forfeiture allegation count(s).
- The jurors were polled as to their verdict.
- The Special Verdict Sheet was received and marked as a Court Exhibit.
- The jurors, including alternates, were excused with the thanks of the Court.
- The Conviction Notification Form was executed and sent to the U.S. Probation Department.
- See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- Plea Hearing held as to count(s) \_\_\_\_\_ of the \_\_\_\_\_-count \_\_\_\_\_.
- The defendant was advised of, and acknowledged, the constitutional rights that will be waived when entering a plea of 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 guilty plea and ACCEPTED the defendant's plea of guilty.
- An Order of Forfeiture was executed.
- The Court ordered the U.S. Probation Department to prepare and submit an EXPEDITED Presentence Investigation Report.
- The parties consented to hold the preparation of the Presentence Investigation Report in ABEYANCE.
- 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 VI and/or Section VII (*page 7*) for additional details and/or rulings.
- Sentencing/Re-Sentencing held as to count(s) \_\_\_\_\_ of the \_\_\_\_\_-count \_\_\_\_\_.
- The parties advised the Court that there are no objections or corrections to the Presentence Investigation Report.
- Objections/Corrections to the Presentence Investigation Report were outlined on the record by:  the Government;  Defense Counsel.
- The Court adopted the Presentence Investigation Report without change.
- Changes to the Presentence Investigation Report were outlined on the record by the Court.
- Oral presentations to the Court were made by:  Defense Counsel;  the defendant;  the Government;  the victim(s);  \_\_\_\_\_.
- 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 mandatory and standard conditions of supervision.
- One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
- The defendant shall comply with the special conditions of supervision ordered by the Court.
- 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 mandatory and standard conditions of supervision.
- One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
- The defendant shall comply with the special conditions of supervision ordered by the Court.
- 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 by the Court.
- 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 further motion to the Court.
- All other conditions shall remain in effect as previously ordered and outlined in the judgment dated \_\_\_\_\_.
- The Order of Forfeiture dated \_\_\_\_\_ was adopted as the Final Order of Forfeiture and will be included as part of the judgment.
- A Final Order of Forfeiture was executed and will be included as part of the judgment.
- The defendant's right to appeal the Court's sentence:
- was waived (*pursuant to the Plea/Cooperation Agreement, or as stated on the record*).
- was preserved. The defendant has the right to file an appeal within **fourteen (14) days** of the date that the judgment is **entered, not filed**.
- All open counts in the charging instrument(s) were dismissed on the motion of the United States.
- See Section VI and/or Section VII (*page 7*) 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 \_\_\_\_\_.
    - An Order Setting Conditions of Release and Bond was executed as to Defendant \_\_\_\_\_.
    - The conditions of release were modified as to Defendant \_\_\_\_\_, as stated on the record.
    - 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.
    - An Arrest Warrant was executed as to Defendant \_\_\_\_\_.
    - An Order of Detention was executed as to Defendant \_\_\_\_\_.
    - The conditions of release were modified as to Defendant \_\_\_\_\_, as stated on the record.
    - 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 VI and/or Section VII (*page 7*) for additional details and/or rulings.

**For a defendant currently IN-CUSTODY:**

- Defendant \_\_\_\_\_ remain(s) in custody.
- The following orders 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.
  - The defendant will be under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised 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 ordered surrender date.
  - The U.S. Marshals Voluntary Surrender form was executed.
  - Any motion to extend the surrender date must be made at least a **thirty (30) days** prior to the ordered 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. FURTHER PROCEEDINGS SET:**

- No further proceedings have been set at this time.
- Bond Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Curcio Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Detention Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Evidentiary Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Fatico Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Jury Selection: For Defendant **1** set for **9/9/2024** at **9:30 AM** before **Judge Joanna Seybert** ; **In Courtroom 287** .
- Jury Trial: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Motion Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Plea Hearing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Pre-Trial Conference: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Status Conference: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.
- Sentencing/Re-Sentencing: For Defendant \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_ before \_\_\_\_\_ ; \_\_\_\_\_.  
Filing of Sentencing Memoranda in accordance with the Court’s Individual Rules (see Rule VII(D)(2)):
  - The Government’s sentencing memoranda: due by: \_\_\_\_\_.
  - The defendant’s sentencing memoranda: due by: \_\_\_\_\_.
  - The parties are directed to submit courtesy copies of their submissions in accordance with the Court’s Individual Rules (see Rule IV). If a party chooses to proceed without filing a sentencing memorandum, a letter to the Court advising as such must be filed by the due date set forth above, in lieu of their memorandum.

**PARTIES ARE ON NOTICE:** 1) Once sentencing memoranda are filed, further sentencing submissions **will not be accepted** without prior, written, Court approval; and 2) If the Court does not receive any sentencing related filings by the due date set forth above, it may, sua sponte, adjourn sentencing to a date and time of its convenience.

  - All sentencing memorandums have been filed. Further sentencing submissions **will not be accepted** without prior, written, Court approval.
  - The Government waived the filing of a sentencing memorandum and/or reserved the right to make an oral presentation at sentencing.
  - Defense counsel waived the filing of a sentencing memorandum and/or reserved the right to make an oral presentation at sentencing.

The Court ordered the proceeding(s) above 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**.

The Court ordered the proceeding(s) above to be held by video, via **ZoomGov**. The parties on the case will be sent a separate notice by the Courtroom Deputy with instructions on how to log into the video meeting as the scheduled date approaches.

*Further instructions regarding the proceeding(s) set:*

- The parties were advised to report to Courtroom 1030 at 10:30 AM on the day of jury selection.

**VI. 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 must file a written request to the Court for permission to receive a copy of the transcripts.

The Court made the following rulings:

**VII. ADDITIONAL RULINGS:**

The Court makes the following additional rulings (*not addressed during the proceedings*):