

1 THE COURT: So we'll go on the record this morning
2 in United States versus Williams, Criminal Action Number
3 3:19-CR-94. We have Ms. Gregory on zoom here for the United
4 States, Ms. Beyl on for the defendant, Ms. Williams, who is
5 also on zoom as well. Obviously as a preliminary matter we --
6 we issued an order on doing this via zoom today based on
7 several issues related to Covid-19 and the current situation
8 and the parties agreement that this was the most effective way
9 to go forward with today's proceeding.

10 I'll also note as a preliminary matter that all the
11 continuances extended in this case were mostly due in part to
12 the general orders issued by the court, 20-02 and 20-11, which
13 continued all in-person proceedings due to Covid-19. And I'll
14 note that the general finding that these continuances were at
15 time excluded under the Speedy Trial Act were in the interest
16 of justice served by the continuance outweighed the best
17 interest of the public and the defendant's right to a more
18 speedy trial.

19 So today we're going to proceed -- it's my
20 understanding, Ms. Beyl, that your client wishes to enter a
21 plea of guilty to counts one, two, and three of the
22 indictment. Is that correct?

23 MS. BEYL: Yes, Your Honor.

24 THE COURT: And that's being made pursuant to a B
25 plea, correct?

1 MS. BEYL: Correct.

2 THE COURT: Okay. And, Ms. Williams, are you able
3 to hear me okay?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. And so is it your intention to
6 plead guilty here today to counts one, two, and three to the
7 indictment?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. So, Ms. Gregory, does this crime
10 have an identifiable victim pursuant to 18 U.S.C. 3771(e)?

11 MS. GREGORY: Yes, Your Honor; it has several. We
12 have been in contact with them. We provided them with call-in
13 information for today.

14 THE COURT: Okay. So they've all had appropriate
15 notice pursuant to 3771(a) and I appreciate that.

16 All right. So, Ms. Williams, before accepting your
17 guilty plea today there's some things I need to determine. I
18 need to make sure that you're competent to make your plea here
19 today, that your plea is being made freely and voluntarily,
20 that you understand the charges against you and the potential
21 penalties for those charges and that there's a factual basis
22 for your plea here today.

23 If at any point in time you don't understand a
24 question that I ask or I ask a really poor question, just ask
25 me to repeat it or rephrase it and I'm happy to do so, however

1 if you answer one of my questions, I'm going to assume that
2 you understand the question and that your answer is
3 responsive. Is that fair?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Okay. So the first right you would have
6 to waive here today, Ms. Williams, is your right to remain
7 silent. Do you understand that you have a constitutional
8 right to remain silent and not incriminate yourself?

9 THE DEFENDANT: Yes, I do understand, Your Honor.

10 THE COURT: Okay. Do you wish to waive that right
11 today in order to answer my questions?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. So I'm going to ask you to
14 raise -- raise your right hand.

15 (Defendant sworn.)

16 THE COURT: Okay. So you've now sworn an oath to
17 answer my questions honestly. Do you understand that your
18 answers to my questions will now be subject to penalties of
19 perjury or making a false statement if you fail to answer
20 truthfully?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. So if at any point today you need
23 to ask Ms. Beyl a question or you need to consult with her,
24 it's a little more complicated than normal, you can't just
25 lean over and ask her a question, but I want to make sure that

1 throughout today's proceeding, any question that you have that
2 you need to speak with your counsel, we can make arrangements
3 for that. Zoom has the capability of putting you in your own
4 separate room if you need to so if at any point today you need
5 to consult with Ms. Beyl please let me know and we will take
6 that time and make sure you understand the process as we go
7 through, okay?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. So first what's your full name
10 ma'am?

11 THE DEFENDANT: Wendy Neisha Williams.

12 THE COURT: Okay. And where were you born?

13 THE DEFENDANT: Jamaica.

14 THE COURT: Okay. And are you a citizen of the
15 United States?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: Okay. What city and state did you most
18 recently reside prior to your arrest?

19 THE DEFENDANT: I would say bra coney, Florida.

20 THE COURT: Okay. And is that where you live now?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Okay. How old are you?

23 THE DEFENDANT: 36 years old.

24 THE COURT: Okay. How far did you get in school.

25 THE DEFENDANT: High school.

1 THE COURT: Okay. Do you have any additional
2 education like vocational training or on-the-job training?

3 THE DEFENDANT: No, Your Honor.

4 THE COURT: Okay. And are you currently employed?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Okay. What was the last type of work
7 you did?

8 THE DEFENDANT: I worked at a hotel as a dishwasher.

9 THE COURT: Okay. All right. Are you under the
10 influence of any alcohol or drugs today?

11 THE DEFENDANT: No, Your Honor.

12 THE COURT: Okay. Do you take any type of
13 prescription medication that might make it difficult for you
14 to understand my questions, think clearly or recall events?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Okay. Are there any prescription
17 medications that you typically take on a regular basis that
18 you didn't take today for some reason?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Okay. Have you ever been treated for
21 addiction to drugs or alcohol?

22 THE DEFENDANT: No, Your Honor.

23 THE COURT: Have you ever been diagnosed with any
24 mental illness or disorder?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Okay. Are you suffering from any
2 physical illness or impairment that might make it difficult
3 for you to understand my questions, think clearly or remember
4 events?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Okay. And do you generally understand
7 what's happening today?

8 THE DEFENDANT: Yes, I do; Your Honor.

9 THE COURT: Okay. And, Ms. Beyl, have you had any
10 problems today or at any other point in time communicating
11 with your client?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Do you believe that your client has
14 understood your legal advice and been able to assist in the
15 preparation of her defense?

16 MS. BEYL: Yes, I do.

17 THE COURT: And do you have any doubt as to her
18 understanding of the charges or her competence to plead guilty
19 here today?

20 MS. BEYL: No, I do not.

21 THE COURT: Okay. So based on your answers, Ms.
22 Williams, and those of Ms. Beyl, I'll find that you're
23 competent to plead guilty here today to the charges in the
24 indictment.

25 So we're going to switch gears just a little bit and

1 I'm going to ask you some questions specifically about your
2 rights. I need to make sure that you understand your
3 constitutional rights and what rights you're waiving here
4 today by pleading guilty.

5 So first we're going to talk about your right to
6 counsel. Do you understand that you have the right to counsel
7 at every phase of the proceeding against you and if you can't
8 afford one, one will be appointed to you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Do you understand that you have
11 the right to plead not guilty and the right to persist in that
12 plea?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you understand that you're under no
15 obligation to plead guilty here today unless you wish to do
16 so?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. Next we're going to talk about
19 your right to a trial by jury. Do you understand that you
20 have the right to a trial by jury and that a plea of guilty
21 constitutes a waiver of that right?

22 THE DEFENDANT: Yes, Your Honor; I do understand.

23 THE COURT: Okay. Do you understand that if there
24 were a trial, you would be presumed innocent and the United
25 States would bear the burden of proving you guilty beyond a

1 reasonable doubt before you could be convicted?

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

3 THE COURT: Okay. Do you understand that if you
4 plead guilty you'll no longer be presumed innocent?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Do you understand that you have the
7 right to a speedy and public trial and that any verdict at
8 that trial would have to be a unanimous decision of a jury
9 composed of 12 people?

10 THE DEFENDANT: Yes, Your Honor; I do.

11 THE COURT: Do you understand that if there were a
12 trial, Ms. Beyl could vigorously represent you, she could
13 cross-examine witnesses offered by the United States, she
14 could object to evidence offered by the United States, she
15 could offer evidence on your behalf, compel the presence of
16 witnesses by court subpoena and generally tell your side of
17 the story to the Court and the jury, but if you plead guilty
18 there will be no opportunity for Ms. Beyl to take those
19 actions on your behalf?

20 THE DEFENDANT: Yes, I do understand.

21 THE COURT: Okay. Do you understand that if there
22 were a trial, you would have the right to testify if you chose
23 to but that no one could force you to testify at that trial?

24 THE DEFENDANT: Yes, I do understand.

25 THE COURT: Okay. Ms. Beyl, has your client

1 previous been convicted of a felony?

2 MS. BEYL: No, Your Honor.

3 THE COURT: Okay. So do you understand, ma'am, that
4 in addition to other possible penalties adjudication of this
5 case and a plea of guilty here may deprive you of other
6 valuable civil rights such as the right to vote, the right to
7 hold public office, the right to serve on a jury and the right
8 to possess any type of firearm?

9 THE DEFENDANT: Yes, Your Honor; I do understand.

10 THE COURT: Okay. And it's my understanding that
11 you are not a citizen of the United States; is that correct?

12 THE DEFENDANT: Yes, Your Honor; that is correct.

13 THE COURT: Okay. So in addition to other possible
14 penalties, if you're not a citizen, a guilty plea here may
15 also subject you to deportation, detention until deportation,
16 exclusion or voluntary departure and/or prevent you from
17 obtaining your United States citizenship. Do you understand
18 that?

19 THE DEFENDANT: Yes, Your Honor; I do understand
20 that.

21 THE COURT: Okay. And have you been able to discuss
22 these possible immigration consequences with Ms. Beyl?

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

24 THE COURT: You feel you've had a sufficient
25 opportunity to talk to her about it.

1 THE DEFENDANT: Yes, I do.

2 THE COURT: Okay. And, Ms. Beyl, have you discussed
3 this issue with your client and believe she understands the
4 immigration consequences that may be -- that may be required
5 here?

6 MS. BEYL: Yes, Your Honor. And I will note for the
7 record she has an immigration attorney and she has also
8 discussed the consequences with her immigration attorney as
9 well.

10 THE COURT: Okay. All right. And this is a case of
11 fraud, correct, Ms. Gregory? And so in addition to other
12 possible penalties here the Court may order you to provide
13 notice of your conviction to other victims of the offense of
14 fraud or deceptive practice. Do you understand that,
15 Ms. Williams?

16 THE DEFENDANT: Could you repeat that for me,
17 please?

18 THE COURT: So any victims were notified about your
19 conviction in this case. Do you understand that?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: Okay. And so, Ms. Williams, have you
22 received a copy of the indictment in this case?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: Okay. And have you had a sufficient
25 opportunity to review that indictment with Ms. Beyl?

1 THE DEFENDANT: Yes, we did review that, Your Honor.

2 THE COURT: Okay. Have you read it all the way
3 through yourself?

4 THE DEFENDANT: Yes, Your Honor; I did.

5 THE COURT: Okay. So I'm now going to ask Ms.
6 Gregory to briefly describe the nature of the charges in the
7 indictment, the potential penalties that may apply, whether
8 forfeiture or restitution are issues in the case, okay?
9 Ms. Gregory?

10 MS. GREGORY: Yes, Your Honor. It is a three-count
11 indictment. Count one alleges mail fraud and aiding abetting
12 mail fraud in violation of 18 U.S.C. Sections two and section
13 1341. Specifically it alleges that in or about and between
14 January 2015 and March 2019 in the Western District of
15 Kentucky, Jefferson County, Kentucky and elsewhere the
16 defendant and her codefendants and others aided and abetted
17 each other with intent to defraud, willfully participated in
18 and with knowledge of its fraudulent nature scheme an artifice
19 to defraud and obtain money by materially false fraudulent
20 pretenses, representations and promises.

21 The nature of this scheme was they contacted elderly
22 victims around the United States and falsely informed the
23 victims that they had won a lottery or sweepstake and they
24 informed the victim that would need to pay taxes or fees in
25 order to claim their prizes. They instructed the victims to

1 send money to pay these fees through direct deposits, wires
2 and mailings. And at times they instructed victims to send
3 things other than money or cash such as clothing or other
4 goods through the mail.

5 In reality there was no lottery or sweepstakes, no
6 actual winnings to be paid to the victims, and the defendants
7 and other participants in the scheme simply took the money and
8 items of value without ever sending or intending to send
9 anything of value in return.

10 It was part of the scheme that the defendants also
11 used money mules and these are certain victims who played a
12 role within the scheme and when a victim's funds were depleted
13 and the victim was unable to pay additional money to pay the
14 taxes or fees, the victim was told he or she could be
15 sponsored in order to continue payments toward prize
16 collection. The victim was told he or she would receive funds
17 or goods from others and would be required to send all those
18 funds.

19 In the course of the scheme for the mail fraud count
20 on or about May 15, 2018, in the Western District of Kentucky
21 for the purpose of the scheme, the defendant and others
22 knowingly caused to be delivered by mail in a private and
23 commercial interstate carrier according to the instruction
24 thereon a package from E.B. sent by UPS from a location in
25 Louisville, Kentucky to the defendant Wendy Williams in an

1 address in Lauderhill, Florida.

2 Counts two and three allege wire fraud and they
3 basically set forth the same scheme again as laid out already.
4 They allege that from January 2015 to March 2019 in the
5 Western District of Kentucky, Jefferson County, Kentucky and
6 elsewhere, the defendant participated and aided and abetted
7 others in the scheme and in the course of the scheme knowingly
8 caused two wire communications to be transmitted in interstate
9 commerce.

10 And count two alleges a wire communication on
11 February 20, 2018, in which E.B. deposited a thousand dollars
12 into Wendy Williams BB&T bank account ending in 2777 causing
13 an interstate wire transaction from Louisville, Kentucky, to
14 outside Kentucky.

15 And count three alleges that on March 19, 2018, E.B.
16 deposited \$1,500 into Wendy Williams BB&T bank account ending
17 in 2777 causing interstate wire transaction from Louisville,
18 Kentucky, to outside Kentucky. And counts two and three are
19 in violation of Title 18 U.S.C. sections 2 and 1343.

20 There is a notice of forfeiture, though, no
21 forfeiture is contemplated by the plea agreement and there
22 restitution is an issue. Counts one through three each carry
23 a maximum penalty of no more than 20 years imprisonment, no
24 more than a \$250,000 fine or both and no more than three years
25 of supervised release. That's for each count.

1 So in total the maximum penalty would be no more
2 than 60 years imprisonment, no more than a \$250,000 fine --
3 sorry, no more than a \$750,000 fine or both, and no more than
4 three years of supervised release.

5 THE COURT: Okay. All right. Ms. Beyl, have the
6 charges and the potential penalties been adequately described
7 by Ms. Gregory?

8 MS. BEYL: Yes, Your Honor.

9 THE COURT: Okay. So, Ms. Williams, do you believe
10 you understand these charges?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Okay. Do you understand that under the
13 offenses for which you're charged, the Court could sentence
14 you to a maximum sentence of 60 years, a total fine of 750
15 thousand, and impose a term of supervised release of three
16 years as well as a special assessment of \$100 per count?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: So supervised release means that a
19 United States probation officer will oversee you after any
20 period of incarceration. During that time you'll be subject
21 to certain rules and conditions while they supervise you.

22 Do you understand that if you violate any of the
23 rules and conditions of supervised release that you could face
24 additional imprisonment?

25 THE DEFENDANT: Yes, Your Honor; I understand.

1 THE COURT: Okay. My screen just jumped around,
2 so -- I think we lost our defendant.

3 MS. BEYL: Yeah. She went off my screen too.

4 THE COURT: And there's a 301 area code on the
5 screen.

6 MS. GREGORY: I think that might be one of my
7 agents.

8 THE COURT: I'm not getting a response.

9 MS. BEYL: It looks like she's coming back.

10 THE DEFENDANT: I'm sorry about that, Your Honor.

11 THE COURT: No, I understand. It wouldn't be the
12 first time that we've --

13 THE DEFENDANT: I was trying to click off the
14 calling in and accidently, Your Honor.

15 THE COURT: No, that's fine. That's fine. Okay.
16 So we were talking about the potential penalties. So just
17 because I don't know exactly where you went off, I'm just
18 going to be sure that you understand that under the offenses
19 for which you're charged, the Court could sentence you to
20 maximum sentence of 60 years, a total fine of \$750,000, impose
21 a term of supervised release of three years and a special
22 assessment of \$100 per count.

23 THE DEFENDANT: Yes, Your Honor; I do understand.

24 THE COURT: Okay. And do you understand that if you
25 violate any of the terms of supervised release that you might

1 face additional imprisonment?

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

3 THE COURT: Okay. And, Ms. Gregory, you indicated
4 restitution is being requested; is that correct?

5 MS. GREGORY: Yes, Your Honor.

6 THE COURT: Okay. So restitution, Ms. Williams, is
7 the return of something that's been taken or stole to its
8 proper owner or is compensation for an injury or loss. Do you
9 understand that restitution is being required in this case?

10 THE DEFENDANT: Yes, Your Honor; I do understand.

11 THE COURT: Okay. Do you also understand that
12 forfeiture is the loss or giving up of a property interest in
13 something is a penalty for wrongdoing. My understanding is
14 that forfeiture is requested in this case, however there's
15 nothing specific that's been put into your plea agreement in
16 that respect. Do you understand that?

17 THE DEFENDANT: Yes, Your Honor; I do understand.

18 THE COURT: Okay. And do you also understand that
19 the Court will order a special assessment of a hundred dollars
20 per count which here for the three-count felony would be \$300.

21 THE DEFENDANT: Yes, Your Honor; I do understand.

22 THE COURT: Okay. And, Ms. Williams, are you
23 presently on probation or parole from a conviction in any
24 other court or jurisdiction?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Okay. And, Ms. Beyl, are you satisfied
2 that your client understands the nature of the charges, the
3 potential penalties and what term of supervised release may be
4 required of her.

5 MS. BEYL: Yes, Your Honor.

6 THE COURT: Okay. So based on your responses,
7 Ms. Williams, and those of your counsel, I'll find that you've
8 had an appropriate opportunity to review that indictment and
9 that you understand the charges against you and the potential
10 penalties for those charges, okay?

11 THE DEFENDANT: Yes, Your Honor; I do.

12 THE COURT: So now there is a written plea agreement
13 in this case and I have pulled that up. Have you --
14 Ms. Williams, do you have a copy of your plea agreement?

15 THE DEFENDANT: I should have it. It's in my email,
16 though.

17 THE COURT: Okay. Have you read it all the way
18 through yourself?

19 THE DEFENDANT: Yes, I did. I did read it through.

20 THE COURT: Okay. And have you had an appropriate
21 opportunity to talk to Ms. Beyl about it and ask her any
22 questions you have?

23 THE DEFENDANT: Yes. We did -- we did go over it.
24 We did go over that.

25 THE COURT: Okay. And did you in fact sign that

1 plea agreement?

2 THE DEFENDANT: Yes, I did.

3 THE COURT: Okay. And, Ms. Beyl, have you discussed
4 the agreement with your client and feel you've had a
5 sufficient time to counsel her in regards to the plea
6 agreement?

7 MS. BEYL: Yes, Judge. We did a zoom conference and
8 went through the entire plea agreement.

9 THE COURT: Okay. Great. So now I'm going to ask
10 Ms. Gregory to briefly outline the essential terms of that
11 plea agreement, okay? Ms. Gregory?

12 MS. GREGORY: Yes, Your Honor. This is a plea
13 pursuant to Rule 11 (c) (1) (b) of the Rules of Criminal
14 Procedure, so while there are certain recommendations
15 contained within the plea agreement and that the United States
16 will adopt, the recommendations are not binding on the Court,
17 so should the Court disagree or not adopt the recommendations
18 the -- the defendant would not be able to withdraw from the
19 plea agreement.

20 In turn for pleading guilty for the three counts in
21 the indictment, the -- and also agreeing to pay restitution in
22 an amount that will be determined, the United States agrees to
23 recommend a sentence of imprisonment at the lowest end of the
24 applicable guideline range, to recommend a reduction of three
25 levels below the otherwise applicable guideline for acceptance

1 of responsibility. The parties have reviewed the -- the
2 sentencing guidelines but they don't -- specific guideline
3 calculations. The defendant has agreed to waive her right to
4 appeal or collaterally attack her sentence or conviction
5 except for claims that are based on ineffective assistance of
6 counsel or prosecutorial misconduct.

7 The defendant specifically waives on appeal or in
8 any collateral attack any argument that the statutes to which
9 the defendant is pleading guilty are unconstitutional or that
10 the admitted conduct does not fall within the scope of the
11 statutes.

12 The defendant also agrees to forfeit and abandon any
13 right to any and all property seized during the course of the
14 investigation and waives any right to seek the return of any
15 property pursuant to Federal Rule of Criminal Procedure, Rule
16 41 or otherwise, and she understands and agrees that items
17 seized during the course of the investigation may be destroyed
18 or otherwise disposed of by the seizing law enforcement
19 agency. Those are the principle terms.

20 THE COURT: Okay. And Ms. Beyl, have those
21 principle terms been adequately described by the prosecutor?

22 MS. BEYL: Yes, Your Honor.

23 THE COURT: Okay. So, Ms. Williams, while all the
24 terms of your plea agreement have are very important, I just
25 want to highlight a few of them with you today and make sure

1 you understand them. Do you understand that under some
2 circumstances, either you or the United States would have the
3 right to appeal your conviction or the sentence that I impose,
4 however according to this plea agreement, you are waiving your
5 right to appeal except in certain circumstances, meaning
6 prosecutorial misconduct or ineffective assistance of counsel.
7 Do you understand that?

8 THE DEFENDANT: Yes, Your Honor; I do.

9 THE COURT: So you understand you're limiting your
10 appeal rights here?

11 THE DEFENDANT: Yes, I do; Your Honor.

12 THE COURT: Okay. And do you also understand that
13 this plea is something called a B plea, that means it's a
14 nonbinding sentencing recommendation, so if I do not accept
15 the agreement and I -- and you receive a sentence that's more
16 severe than you expect, you'll not be bound -- you will be
17 bound -- I'm sorry -- you will be bound by your guilty plea
18 and will not have the right to withdraw it. Do you understand
19 that?

20 THE DEFENDANT: Yes, Your Honor; I do understand.

21 THE COURT: And do you also understand that a
22 mistake in your or your lawyer's calculation of what you think
23 the sentencing guidelines might be will not give you the right
24 to withdraw your plea?

25 THE DEFENDANT: Yes, Your Honor; I do understand.

1 THE COURT: Okay. And, Ms. Beyl, have you discussed
2 how a B plea works with your client and believe she
3 understands it?

4 MS. BEYL: Yes, Your Honor.

5 THE COURT: Okay. So in accordance with the local
6 rules, all written plea agreements contain a sealed
7 supplement. So I believe we have a secondary room for the
8 sealed portion of the record. Is that correct, Andrea?

9 IT: Yes, Your Honor. I'm ready whenever you like.

10 THE COURT: Yes, please. We'll go on the sealed
11 record at this time.

12 (Sealed portion filed separately.)

13 THE COURT: Okay. Wonderful. All right.
14 Ms. Williams, so next I need to ensure that your plea is being
15 made voluntarily, so I need to ask you if anyone had
16 threatened you, threatened anyone close to you or forced you
17 in any way to plead guilty here today.

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Is it your free choice to plead guilty?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: And have any promises been made to you
22 to cause you to plead other than the representations made by
23 the United States in the plea agreement and its sealed
24 supplement?

25 THE DEFENDANT: No, Your Honor.

1 THE COURT: Okay. So based on your responses and
2 those of counsel, I'll find that you understand the plea
3 agreement that you're entering into here today and that your
4 plea is being made voluntarily. The plea agreement and its
5 sealed supplement will be entered into the record at this
6 time.

7 So now, Ms. Williams, I'm just going to talk to you
8 for a moment about some of the factors that are taken into
9 account in your sentencing. While the sentencing guidelines
10 are no longer binding on the Court, they are still a starting
11 point for consideration of your sentence, so it's important
12 that you generally understand how they work.

13 They're comprised of two separate factors: One, the
14 offense level for the crime that's charged and, two, your
15 personal criminal history. Those two factors are put together
16 to determine what's called the guideline range which I
17 consider in your sentencing.

18 I find out about all of those factors and the
19 guideline range from the presentence investigation report that
20 will be prepared by a United States probation officer. Do you
21 understand until that report is prepared, it's impossible to
22 know exactly what your guideline range may be?

23 THE DEFENDANT: Yes, Your Honor; I understand.

24 THE COURT: I also consider any maximum or minimum
25 sentences set by Congress as well as the sentencing factors

1 which include the nature and circumstances of the offense
2 you're charged with, your personal characteristics as an
3 individual and your background, the need for the sentence
4 imposed to reflect the seriousness of the offense, afford
5 adequate deterrence to criminal conduct, and protect the
6 public from future crimes.

7 Have you had an opportunity Ms. Williams to talk to
8 your lawyer about all the different factors that may be
9 considered in your sentencing?

10 THE DEFENDANT: Yes, Your Honor. We did talk about
11 everything.

12 THE COURT: Okay. And do you believe you understand
13 those factors?

14 THE DEFENDANT: Yes, Your Honor; I do.

15 THE COURT: Do you also understand that parole has
16 been abolished in the federal system, and so if you are
17 sentenced to a term of imprisonment you will not be released
18 on parole?

19 THE DEFENDANT: Yes, Your Honor; I do understand.

20 THE COURT: Okay. And, Ms. Beyl, are you satisfied
21 that your client understands the role of the Sentencing
22 Commission Guidelines relevant statutes in determining her
23 sentence?

24 MS. BEYL: Yes, Your Honor.

25 THE COURT: Okay. So Ms. Williams we've now walked

1 through all of the rights that you have to waive in order to
2 plead guilty, we've talked about the potential penalties for
3 the counts that you're pleading guilty to, and we've talked
4 through some of the factors that are considered in your
5 sentencing, so having done those things, do you still wish to
6 proceed with your guilty plea here today?

7 THE DEFENDANT: Yes, Your Honor; I do.

8 THE COURT: Okay. So now we need to establish a
9 factual basis for your plea, so I'm going to ask Ms. Gregory
10 to summarize what evidence the United States would have
11 brought forth at trial on the charges against you. I need you
12 to listen very carefully, Ms. Williams, 'cause I'm going to
13 ask you to confirm that you in fact did all of the things that
14 Ms. Gregory's alleging. Do you understand that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. Ms. Gregory?

17 MS. GREGORY: Yes, Your Honor. If this case had
18 proceeded to trial the United States would have proven beyond
19 a reasonable doubt through testimony of lay witnesses, law
20 enforcement witnesses, bank records, extractions from
21 telephone -- cellular telephones, and other electronic devices
22 and other documentary evidence that on or about and between
23 January 2015 and March 2019 the defendant participated in a
24 scheme that took place in the Western District of Kentucky,
25 Jefferson County, Kentucky and elsewhere, and it was a scheme

1 to defraud elderly victims around the United States.

2 As part of the scheme the defendant and others who
3 had participated in the scheme with the defendant contacted
4 elderly victims and falsely informed them that they had won a
5 lottery or sweepstake. They instructed the elderly victims to
6 send money or other items of value to pay taxes or fees to
7 collect their prizes. They instructed victims to submit the
8 money or other items through direct deposits, wires, or
9 mailings.

10 In reality there was no lottery or sweepstakes and
11 the defendants and others simply took the money and other
12 items of value without ever intending to provide anything in
13 return.

14 On or about February 20, 2018, for the purpose of
15 executing the scheme to defraud, the defendant and others
16 knowingly caused E.B. to deposit \$1,000 into defendant's BB&T
17 ending in 2777 which caused an interstate wire transaction
18 from Louisville, Kentucky, to outside Kentucky.

19 On or about March 19, 2018, for the purpose of
20 executing the scheme to defraud, the defendant and others
21 knowingly caused E.B. to deposit \$1,500 into defendant's BB&T
22 bank account ending in 2777 which caused an interstate wire
23 transaction from Louisville, Kentucky to outside Kentucky.

24 On or about May 15, 2018, for the purpose of
25 executing the scheme to defraud, the defendant and others

1 caused to be delivered by UPS according to direction thereon a
2 package from E.B. from a location in Louisville, Kentucky to
3 the defendant in Lauderhill, Florida. The defendant expressly
4 does not admit that she targeted elderly victims or that she
5 knew that the victims were elderly.

6 THE COURT: Okay. So, Ms. Williams, you've heard
7 what the prosecutor has said. Did you in fact do all the
8 things she has set forth?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Okay. Did you read carefully paragraph
11 three of your plea agreement that set forth the facts of this
12 case?

13 THE DEFENDANT: Yes, Your Honor; I did.

14 THE COURT: Okay. And can you confirm that all of
15 the facts set forth in paragraph three of your plea agreement
16 are true and accurate to the best of your knowledge?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Okay. Did you in fact participate in
19 this scheme to defraud victims between January 2015 and March
20 2019?

21 THE DEFENDANT: Yes, Your Honor; I did.

22 THE COURT: Okay. Did you cause money to be
23 deposited into your bank account via wire transaction?

24 THE DEFENDANT: Yes, Your Honor; I did.

25 THE COURT: Okay. And did you also use UPS to have

1 packages delivered from the location in Louisville, Kentucky
2 to your location in Lauderhill, Florida.

3 THE DEFENDANT: Yes, Your Honor; I did.

4 THE COURT: Okay. Is it your intent to plead guilty
5 to counts one, two, and three of the indictment because you
6 are in fact guilty?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. I'll find that there is a factual
9 basis for the guilty plea here today. And so, Ms. Williams,
10 I'll ask you to tell the Court how you plead with respect to
11 each of the counts against you. In the case of United States
12 versus Williams, [ENTER CASE NUMBER], how do you plead to
13 count one?

14 THE DEFENDANT: Guilty, Your Honor.

15 THE COURT: How do you plead as to count two?

16 THE DEFENDANT: Guilty, Your Honor.

17 THE COURT: And how do you plead as to count three?

18 THE DEFENDANT: Guilty, Your Honor.

19 THE COURT: Okay. Having observed your demeanor
20 here today, Ms. Williams, I'm satisfied with the
21 representations you made and that Ms. Beyl has made and I'll
22 make the finding -- the following findings on the record.

23 It's the finding of the Court that the defendant is
24 fully competent and capable of entering her plea here today.
25 Her plea is knowing and voluntarily made and is supported by

1 an independent basis and fact containing the essential
2 elements of the offenses charged. The plea therefore will be
3 accepted by the Court and the defendant will be adjudged
4 guilty of the offenses charged in counts one, two, and three
5 of the indictment. The plea will be entered into the record
6 at this time.

7 So, counsel, before we address a date for
8 sentencing, are there any other issues with regards to the
9 change of plea that I have failed to cover this morning?

10 MS. GREGORY: Nothing from the United States, Your
11 Honor.

12 MS. BEYL: Nothing for defense.

13 THE COURT: Okay. So, Ms. Morgan, can we get a date
14 for sentencing?

15 THE CLERK: Yes, Your Honor. October 14th. Now,
16 will Ms. Williams be traveling, correct, for the sentencing?

17 THE COURT: Yes.

18 MS. BEYL: Yes. She'll be coming from Florida.

19 THE CLERK: Would she prefer an afternoon one versus
20 a morning?

21 MS. BEYL: Well, she's going to have to drive, so --
22 I don't know. Ms. Williams, is it going to be better for you
23 to come in the morning or in the afternoon?

24 THE DEFENDANT: I think the afternoon will be
25 better.

1 THE COURT: Okay. All right. What about October
2 14th at 1:00 o'clock?

3 THE COURT: Is that convenient, Ms. Gregory?

4 MS. GREGORY: That -- that date works for me. I do
5 anticipate -- potentially depending on how the last remaining
6 defendant who hasn't indicated he wants -- whether he wants to
7 plea yet, potentially moving this date out given the travel
8 issues and the health issues for Ms. Williams's daughter.

9 I wouldn't object if we go ahead and get a date
10 further out if defense would be amenable to that, maybe two
11 months later than October. I think within the next month or
12 so I should know how Mr. Campbell is going to resolve his
13 case.

14 MS. BEYL: I think that makes sense.

15 THE COURT: I'm sorry?

16 MS. BEYL: That makes sense to me. We would be in
17 agreement to passing it out further.

18 THE COURT: Okay. And I think we all might know a
19 little bit more about Covid a little further down the road as
20 well. All right. So, Ms. Morgan, can we maybe get a date --
21 what are you thinking, Ms. Gregory, Decemberish?

22 MS. GREGORY: Yeah, that would be fine.

23 THE COURT: Okay.

24 THE CLERK: What about December 16th at 1:00
25 o'clock?

1 MS. GREGORY: That works for the United States.

2 MS. BEYL: That works for me.

3 Ms. Williams, does that work for you?

4 THE DEFENDANT: Yes, Ms. Beyl, it works.

5 THE COURT: Okay. All right. So December 16th at
6 1:00 o'clock. So, Ms. Williams, as I talked to you a little
7 bit earlier, the United States probation officer assigned to
8 your case is going to contact you and ask questions in order
9 to prepare a presentence investigation report. You're going
10 to be asked information for that and you can choose whether or
11 not to have counsel present when they ask you those questions,
12 and you can talk to Ms. Beyl about that and she'll explain
13 that process to you fully.

14 After that report is prepared by probation, you're
15 going to have an opportunity to read it and review it with
16 your attorney and you'll be able to make any objections you
17 have to that report.

18 You'll also have the opportunity at your sentencing
19 to speak directly to the Court. Some people like to know
20 about that ahead of time. It's completely voluntary, but if
21 you want to be prepared to speak in front of the Court, I
22 understand. That's totally your option, but I like to make
23 you aware of that is available to you.

24 All right. So Ms. Williams has been on bond. And
25 Mr. Christie, I am not aware of any violations to the

1 conditions of her bond; is that correct?

2 PROBATION OFFICER: I believe, Your Honor, actually
3 there is a revocation hearing set for next week in front of
4 Judge Lindsay.

5 THE COURT: Okay. I don't have those documents.
6 Andrea, are they in my --

7 THE CLERK: Well, it's not really before you yet
8 because they've not had their initial appearance.

9 THE COURT: Oh. I was going to say, I have nothing.

10 THE CLERK: Can Mr. Christie kind of articulate what
11 the possible violation is?

12 PROBATION OFFICER: Yes. Well, I know at this
13 point -- correct me if I'm wrong, Ms. Williams, but you're on
14 home incarceration there on pretrial probation supervision?

15 THE DEFENDANT: Yes, sir.

16 PROBATION OFFICER: And I believe if I'm not
17 mistaken looking at the record there was a complaint filed
18 against you for potentially leaving a -- your child unattended
19 in a motor vehicle earlier this year.

20 THE DEFENDANT: Well, there was a -- I had a
21 situation during Corona, but I haven't received anything
22 official about charges or anything like that. They called
23 child services as well. They came and they were -- they
24 closed the case early because they had no concerns. They said
25 it was -- they could see that it was a mistake and I didn't

1 get any follow-up as to if they're charging me with child
2 neglect or anything. No court date.

3 MS. BEYL: If I could jump in here, I have talked to
4 the probation officer in Florida. Even though the allegation
5 in the petition is that was there a warrant issued, there's no
6 record of one being issued. The probation officer can't find
7 it.

8 I did get a record from Florida that indicated it
9 was a misdemeanor charge, which I think is punishable up to
10 maybe 90 days, but there was a CPS investigation that was
11 conducted and I believe that it was unsubstantiated. The
12 basis for this -- and this has already been discussed with
13 Judge Lindsay because after the petition was filed for the
14 bond revocation, we had actually filed a motion to allow
15 Ms. Williams to have a release to go to the DMV to get her
16 Florida driver's license, so this issue has already been
17 preliminary addressed with Judge Lindsay.

18 Basically what happened is during the height of the
19 Corona virus before things were shutting down in Florida,
20 Ms. Williams went into the grocery store and she left her
21 daughter in the car while she ran in because she was concerned
22 of exposing her to the Corona virus and the police officers
23 were called. They responded, but, again, there haven't been
24 any charges that we can find that have been filed in Florida
25 and CPS was involved in the investigation. They came in.

1 They spoke with Ms. Williams, they spoke with the nurses that
2 were helping taking care of her child, and it was an
3 unsubstantiated charge. We are going to be addressing those
4 next week with Judge Lindsay, but that hearing is going to be
5 via video and we're going to, I guess, explore further the
6 issues with that.

7 THE COURT: Yeah. I actually -- I do think I
8 received -- and I apologize. When you said what it was, I did
9 receive a memo -- I did receive the memo on this sometime back
10 or I have heard of this before and what I understood was that
11 CPS closed it very shortly after they looked at it and it was
12 related to Corona virus and trying not to expose the child and
13 various other issues, so I am aware of it.

14 I apologize. But -- yes, I am aware of it. I don't
15 have all the paperwork for it because, Ms. Morgan's right, it
16 would not come to me yet if there were no initial from Judge
17 Lindsay, so I am aware of this. Other than that,
18 Mr. Christies, have there been any other violations that
19 you're aware of?

20 PROBATION OFFICER: No, Your Honor.

21 THE COURT: Okay. Based on what I understand of
22 that violation I'm not -- not particularly concerned about
23 that. All right. So at this point in time, Ms. Gregory, what
24 is the United States position?

25 MS. GREGORY: We are fine with her continuing on

1 home incarceration.

2 THE COURT: Okay. And I do think under the
3 circumstances that is the best situation moving forward. So
4 obviously, Ms. Williams, you understand that it's very
5 important that you remain compliant with the terms of your
6 bond, all right?

7 So you've now pled guilty, so you're now in that
8 next phase of the proceeding, okay? And so being in that next
9 phase of the proceeding it is just as important if not more
10 important that you remain compliant with the terms of your
11 bond.

12 All right. Are there any other term of the bond
13 that we need to add, Mr. Christie, given that she's pled
14 guilty? I assume she has a no firearm on there. I assume --

15 PROBATION OFFICER: Right, Your Honor. I'm not
16 aware of any further conditions that would need to be imposed
17 at this point.

18 THE COURT: Okay. All right. So, Ms. Williams,
19 remain compliant with the terms of your bond. You're going to
20 work with probation to prepare that presentence investigation
21 report and then we will see you here in December, okay?

22 THE DEFENDANT: Okay, judge. Thank you.

23 THE COURT: All right. Anything further from
24 counsel?

25 MS. GREGORY: Nothing from the United States, Your

1 Honor.

2 MS. BEYL: No, Your Honor.

3 THE COURT: All right. Well, thank you all. And
4 I'm glad we were able to get this done even with the technical
5 difficulties, so -- technology is pretty amazing and I hope
6 you all stay healthy and we'll see you all soon, okay?

7 Thanks.

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